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 complaints 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 safety of their communities 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 June 1, 2021. During this time, the OE did not schedule in-person appointments, or in-person training, and staff were not available on-campus. However, staff were available via phone, email, and video conference. Effective June 1, 2021, CU Denver’s return-to-campus initiatives required OE staff to adopt a hybrid staffing schedule. This provided downtown campus constituents the option of scheduling in-person appointments and training as requested. CU Anschutz’s return-to-campus initiatives are currently scheduled to commence September 1, 2021. At that time, OE staff will be offering in-person appointments and training as requested. While COVID-19 has 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 more than 30,000 students and more than 17,000 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 complaints 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.

Alignment with CU Denver 2030 Strategic Plan
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 preventative training initiatives.

OE Training Offerings
Each year, the OE offers a wide range of educational support to dual-campus constituents related to compliance, equitable campus conduct, diversity, and inclusion. The following lists all training topics OE staff conducted this AY:

- Active Bystander Training
- Allyship
- Bias and Discrimination
- Compliance and Policy
- Gender Visibility
- Identity, Power, and Privilege
- Intersectionality
- Microaggressions
DEI Trainings & Departmental Transitions

In June of 2020 (the previous AY), CU Anschutz named Regina Richards the Associate Vice Chancellor of Diversity, Equity, and Community Engagement. In March of 2021, CU Denver named Antonio Farias as the Vice Chancellor for Diversity, Equity, Inclusion. In an effort to better serve campus-specific needs, these two appointments led to the creation of two, independently operating, DEI offices for each campus. Due to the departmental separation of the previously dual-campus-serving DEI office, as well as other specific positional changes in the OE, the OE began referring the majority of DEI specific training requests to the appropriate DEI office, dependent upon campus affiliation, effective May 2021.

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. Unfortunately, due to COVID-19, there were limited opportunities for OE staff to attend conferences and/or training. The following are the opportunities that were available to OE staff in AY2020-2021:

Office of the Attorney General’s Title IX Regulation Compliance Webinar, Office of Civil Rights’ Title IX Regulation Compliance Webinar, CU Boulder’s Hearing Officer Title IX Training, NASPA Informal Resolution Certificate Program, CU Denver | CU Anschutz Equity Certificate Program (Four Modules), US Department of Health and Human Services Training (Religious Freedom in the Age of COVID-19 and Beyond), CU Denver Ombuds Office Training (Who’s Your Ally/How to be a SJ Warrior and Ally), CU Denver Social Justice Teach-Ins, Cozen O’Connor’s Institutional Response Group Training on Title IX Hearings, Mamava’s What Breastfeeding Employees Need Training, CU System’s Social Justice Summit (Revolutionizing Systems for Equity: If not now, when?), and the National Industry Liaison Group 2021 National Conference (Strike a Chord for Equity and Compliance).

OE Campus Involvement

During the 2020-2021 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)
- National Association of Student Personnel Administrators (NASPA)
- Phoenix Center at Auraria | Anschutz Outreach and Education Committee
- Sexual Assault Interagency Council (SAIC)
- Special Admissions Committee
- Office of Diversity and Inclusion, Staff Inclusive Excellence Committee
- Title IX Working Group

SHORT AND LONG-TERM GOALS

The OE 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. To do so, the OE has outlined the following goals:
• Ensure University compliance with the Nondiscrimination and Sexual Misconduct, Intimate Partner Violence, and Stalking 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.
• Leverage University provided technology to continue seamlessly providing resources to campus virtually.

ADMINISTRATIVE CHANGES & DEPARTMENT ACCOMPLISHMENTS

Staffing

During the 2020-2021 academic year, there were significant positional/departmental changes in the OE that required us to hire new staff and restructure current professional staff responsibilities in an effort to fill critical vacancies in the areas of administration and investigations.

• In May of 2020, our Deputy Title IX Coordinator for Prevention, Training, and Outreach accepted a temporary, promotional appointment to serve as the Interim Vice Chancellor for Programming and Training (in addition to their current job responsibilities in the OE) for the Office for Diversity, Equity.
• In December 2020, we hired an Administrative Assistant to support the office with case management, data analysis and assessment, general office administration/campus outreach initiatives, and other duties as assigned.
• In January 2021, the previous dual-campus Title IX Coordinator transitioned into a newly developed role, Director of Adaptable Resolution. This position was created to support the development of a restorative justice program for the university.
  • Effective March 5, 2021, the Director of OE was appointed as our new dual-campus Title IX Coordinator.
• In May 2021, our Deputy Title IX Coordinator for Prevention, Training, and Outreach left the university. Until the OE can fill the position, our current Business Services Coordinator (BSC) has taken on all positional responsibilities in addition to their role as the office’s BSC.

• On July 1, 2021, Provost Roderick Nairn, PhD, transitioned to a new role as Executive Vice Chancellor for Academic and Student Affairs at CU Anschutz. The OE staff also transitioned into Anschutz employees while still serving both campuses.

**New and Ongoing Initiatives**

**New Title IX Regulations**

On May 6, 2020, new Title IX regulations, herein after will be referred as the 2020 Title IX regulations, were announced by the U.S. Department of Education and Office for Civil Rights. The 2020 Title IX regulations required revisions to the University of Colorado’s Sexual Misconduct, Intimate Partner Abuse, and Stalking Policy (APS 5014) as well as revisions to our campus Sexual Misconduct Procedures by August 14, 2020. From May 6, 2020, through August 14, 2020, the OE (in collaboration with all four CU campuses), updated all policy, procedural, and training documentation/content to follow 2020 regulation requirements. Although the 2020 Title IX regulations have required our office to make some significant changes, we will continue to respond to reported incidents of sexual misconduct and provide supportive measures and engage in an investigation process, where appropriate.

The following were major, notable changes to the Sexual Misconduct Policy and Procedures:

• **APS 5014 Policy Title**
  ▪ APS 5014, previously known as the Sexual Misconduct, Intimate Partner *Abuse*, and Stalking Policy, was changed to the Sexual Misconduct, Intimate Partner *Violence*, and Stalking Policy (changed Intimate Partner *Abuse* to Intimate Partner *Violence*).

• **Forms of Prohibited Sexual Misconduct and Evaluating Policy Violations**
  ▪ **Prohibited Sexual Misconduct:** In the previous Sexual Misconduct Policy, there were six forms of prohibited sexual misconduct. The new Sexual Misconduct Policy has ten forms of prohibited sexual misconduct. Specific definitions were created for Title IX-specific concerns/complaints i.e., Title IX Stalking vs. Stalking. Other definitions were revised to mirror Clery/VAWA/other Title IX-specific language.
  ▪ **Evaluating Policy Violations:** For a policy violation to occur, the unwelcome sexual misconduct is evaluated based on whether or not the misconduct is severe, pervasive, and/or objectively offensive.
    • When evaluating misconduct in the previous Sexual Misconduct Policy, complainants were only required to prove one of these elements, whereas now, for certain forms of sexual misconduct, complainants are required to prove all three elements i.e., Title IX Hostile Environment.
      o With the 2020 Title IX regulations, for a policy violation of Sexual Misconduct not falling under Title IX to occur, the unwelcome sexual misconduct needs to be severe, pervasive, OR objectively offensive.
        For a Title IX policy violation to occur, the unwelcome sexual misconduct needs to be severe, pervasive, AND objectively offensive.

• **Separation Between Title IX and Non-Title IX Sexual Misconduct**
  ▪ There is a narrow scope of what concerns fall within the new Title IX regulation’s definition of sexual misconduct. In response to those limitations, the University...
created two types of Sexual Misconduct: Title IX Sexual Misconduct and Non-Title IX Sexual Misconduct (Sexual Misconduct); each type has their own specific processes and procedures; however, some aspects of process do mirror one another i.e., both include live hearings. Including two types of sexual misconduct gives jurisdiction for the university to respond to any form of misconduct that would fall outside of the definition of a Title IX matter.

- Jurisdictional Differences
  - **Title IX Sexual Misconduct**—Applies to conduct that occurs in an education program or activity against a person in the United States where the complainant is attempting to or is actively participating in university programs or activities.
  - **Sexual Misconduct**—Applies to conduct that does not otherwise meet the jurisdictional standard or definition of Title IX Sexual Misconduct.
  - Both types of misconduct can include off-campus, electronic, and online conduct.

- Formal Complaint
  - The new Title IX regulations now require a formal complaint to initiate the Title IX grievance process. A formal complaint is a document filed by a complainant or signed by the Title IX Coordinator or designee alleging Sexual Misconduct against a respondent and requesting that the university investigate the allegation of Sexual Misconduct. A formal complaint may be filed with the Title IX Coordinator or designee in-person, by mail, or by electronic mail. If the complainant files the formal complaint, the document must contain the complainant’s physical or digital signature, or otherwise indicate that the complainant is the person filing the formal complaint.

- Educational Resolution and Formal Resolution (Formal Investigation) Process
  - The OE’s “informal resolution process” is now referred to as the “educational resolution process.”
  - The formal resolution process (formal investigation) now includes live hearings with cross-examination. This applies to both Title IX and Sexual Misconduct investigations, however, certain procedures that are required in Title IX investigation hearings are not required in Sexual Misconduct cases, i.e., in a Sexual Misconduct case, there is no requirement for someone to show up to the hearing or submit to live cross-examination in order for their statement to be considered by the hearing officer.
  - There are new roles involved in the formal resolution process.
    - Examples include:
      - **Hearing Officer**—An individual who oversees live hearing and makes final determination of investigation outcome.
      - **Advisor**—Individual who represents either the complainant(s) or respondent(s) in the case during the live hearing.

Regardless of the mandated policy revisions, the OE’s long-standing commitment to safety, inclusion, and equitable processes on our dual campuses remained unchanged.

**Lactation Spaces**

**General Summary:** The OE provides administrative oversight of over 30 lactations spaces across our campuses. The Auraria Campus offers 16 lactation spaces, 7 of which are overseen by CU Denver. The Anschutz Medical Campus currently has 21 lactation rooms on campus. (AMC offers multi-user and lactation lounges which increases the lactation space count.) The Office of Equity focuses on four main areas to assist with lactation needs: access process, collaboration coordination, assisting visitors, and addressing concerns.
• **Access Process:** A centralized request form was established to streamline granting lactation access to users. It has been published on the OE’s website and is titled the “Pregnancy and Parenting Form”. This academic year we recorded 59 new lactation access requests, 49 of which were received through the form. The OE is proud to support over 300 registered lactation space users on both campuses.

• **Collaboration Coordination:** The Office of Equity has 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, and the Office of Information Technology/EMS, among others. The OE presented two trainings for the Women in STEM group related to pregnancy and lactation. In collaboration with other offices, opportunities for new spaces have been identified on both campuses. A new lactation lounge was created in the Education Quad at CU Anschutz and a new lactation room in the CU Denver Building is currently under construction.

• **Assisting Visitors:** The OE accommodated 13 campus visitors in 2020.

• **Addressing Concerns:** The OE has established a [lactation comment card](#) on their website that is publicly available for users to provide feedback about the lactation spaces. The OE is listed as the point of contact on the lists of lactation spaces and various campus maps. We are proud to serve as the main point of contact for all lactation related inquiries.

• **Policy updates:** CU Denver | Anschutz Medical Campus published two documents related to pregnant and parenting campus community members. The first is the Guidelines for Children in Workplace and/or Classroom and the second is a campus wide Lactation Policy.

**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 as, in many cases reported to the team involve elements related to the Nondiscrimination and Sexual Misconduct policies.

**Affirmative Action Planning**

During AY 2020-2021, we continued to expand our affirmative action efforts. We added additional content to our [Affirmative Action Resource Toolkit](#), and we tried to alert as many campus constituents as possible of the existence of the toolkit. The Office of Federal Contract Compliance Programs completed its audit of the 2017-2018 CU Anschutz Affirmative Action Plan and found the university to be in compliance with all applicable regulations. The OE continued to develop the Search Advocate Program and now has two cohorts of fully trained employees on the Denver and Anschutz campuses, with a third cohort to be trained during the Fall 2021 semester. The work on building out the program is ongoing, and the university hopes to launch a pilot program soon.

**Website**
The new Title IX regulations required substantial changes to OE training content (both online and instructor-led) at the end of the last fiscal year (AY2019-2020). Over the summer of 2020, OE staff updated their website content to reflect current university policy and procedures. On August 18, 2020, content will be published and made available to the campus community.

**Sexual Misconduct Survey and Campus Assessment**
The Office of Equity continued to assess the results of the 2016 Sexual Misconduct survey (the first-ever sexual misconduct survey for CU Denver and CU Anschutz) and plans to administer another campus assessment survey soon, potentially expanding the scope of work to include global considerations, statistics and relevant findings.

**CU South Denver Campus Plan to Sell and Campus Closure**
On September 14, 2020, Chancellor Michelle Marks announced to the University community that the CU System/Board of Regents made the decision to close the CU South Denver campus and put the property up for sale. The CU South Denver campus will continue to teach the already scheduled on-campus and remote classes through August 2021. The OE will continue to serve the CU South Denver Campus upon its closure.

**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 to serve both campuses as the Deputy Title IX Prevention, Training and Outreach Coordinator. The Deputy Title IX Prevention, Training and Outreach Coordinator focuses on maintaining current and relevant training materials and educating the campus community on compliance, bystander intervention, equitable campus conduct, and various DEI topics. 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. As mentioned previously, the individual serving in this role left the university in May of 2021. Until the position is filled, the current Business Services Coordinator (BSC) has taken on all positional responsibilities in addition to their role as the office’s BSC.

**COVID-19 & Virtual Trainings**
Due to COVID-19, the OE transitioned from working on-campus to working remotely effective on March 16, 2020 and continued through June 1, 2021. During this time, the OE did not facilitate in-person training. However, the OE was able to create virtual options for all requested training. Effective June 1, 2021, CU Denver’s return-to-campus initiatives required OE staff to adopt a hybrid staffing schedule. This provided downtown campus constituents the option of scheduling in-person training as requested, with the requirement that all attendees must wear masks regardless of vaccination status. CU Anschutz’s return-to-campus initiatives are currently scheduled to commence September 1, 2021. At that time, OE staff offered in-person training as requested. While COVID-19
changed the OE’s physical working environment, the staff’s effort to educate and prevent discrimination, sexual misconduct, and retaliation on the dual-campuses remained unchanged.

**New Title IX Regulations & Required Discrimination and Sexual Misconduct Trainings**

All staff and faculty are required to complete our CU Discrimination and Sexual Misconduct Training. This training, offered via Skillsoft or via a two-hour, instructor-led 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. The new Title IX regulations required substantial changes to our training content (both online and instructor-led) at the end of last year (AY2019-2020). From May 6, 2020, through August 10, 2021, OE staff completed an instructional design review of our online Skillsoft course with the university learning and development team. During that time, OE staff also updated our instructor-led course content, mirroring the edits made to our Skillsoft course. Finalized content for our online and instructor-led training will be published and made available to the campus community on August 18, 2020. Additionally on this date, all employee compliance records will reset; this means unless an employee completed the CU Discrimination and Sexual Misconduct Training on or after August 18, 2020, that employee must retake the training to be in-compliance with university policy.

**Statistical Data**

- Compared to the previous academic year, there was a slight decrease in the number of trainings the OE offered in AY 2020-2021 due to multiple factors: 1) the continued, consequential effect on campus operations due to COVID-19; 2) positional transitions within the OE with limited resources to back-fill responsibilities; and 3) separation of the DEI offices to be campus-specific, which required a reevaluation of the OE’s role in providing DEI-related training.
- In AY 2020-2021, the OE ...
  - Facilitated a total of 34 trainings
  - Trained a total of 2,044 individuals, comprised of students, faculty, and staff (including student staff)
    - Of those trained:
      - 91.2% were faculty and staff (including student staff)
      - 8.8% were students
POLICIES AND PROCEDURES

As outlined above, the OE addresses all sexual misconduct, protected characteristic discrimination and harassment, and related retaliation complaints against students, faculty and staff as set forth in the University’s Nondiscrimination Policy and Sexual Misconduct Policy. Please note, the information presented in this report reflects policy and procedural changes based on the new Title IX regulations.

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, Intimate Partner Violence, and Stalking Policy (previously known as the Sexual Misconduct, Intimate Partner Abuse, and Stalking Policy) prohibits sexual misconduct and/or related retaliation including sexual assault (rape, fondling, statutory rape, incest), dating violence, domestic violence, sexual exploitation, Title IX stalking, stalking, Title IX quid pro quo sexual harassment, quid pro quo sexual harassment, Title IX hostile environment, hostile environment. 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 complaint 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.

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, 2020, through July 31, 2021. The following data is representative of those complaints received at each the CU Denver and CU Anschutz campuses, and includes data involving complaints filed by students, faculty, staff and other third parties, against respondents who include students, faculty and/or staff. It includes complaints made by affiliates and non-affiliated individuals with the University, as well as complainants and respondents who were not identified.

TYPES OF RESOLUTION AND SUPPORT

- **Accommodations**: The University is required to provide reasonable accommodations for students, staff, and faculty related to disability, pregnancy, and religion/creed. Accommodation is determined on a case-by-case basis, but can include schedule modifications, workspace modifications, etc. Other offices assist with providing accommodation in the University. Accommodation Resources | Office of Equity; CU Denver Disability Resources & Services; Anschutz Office of Disability, Access, & Inclusion

- **Adaptable Conflict Resolution**: This resolution type (created in January 2021), includes mediation, shuttle diplomacy, restorative justice, etc. This resolution type is intended to de-escalate the conflict situation, increase effective communication, and find a resolution that is mutually agreeable to the involved parties and relevant stakeholders by leveraging a variety of conflict resolution tools and skills. Note, for cases of Title IX Sexual Misconduct, these types of remedies are classified as Informal Resolution.

- **Educational Resolution**: This resolution type is used for both Sexual Misconduct and Discrimination cases. This form of resolution does not involve a written report or a determination as to whether the policy has been violated. It can include targeted or broad-based educational programming or training and/or a Policy Education Meeting with the respondent to (1) discuss the behavior as alleged and provide an opportunity to respond; (2) review prohibited conduct under University policy; (3) identify and discuss appropriate future conduct and behavior as well as how to avoid behavior that could be interpreted as retaliatory; (4) inform the complainant of the respondent’s responses if appropriate; and (5) notify Student Conduct and Community Standards or the respondent’s appointing or disciplinary authority of the allegations and responses if necessary, who will determine whether any other disciplinary action is appropriate. Please note, issuing a No Contact Order includes components of an educational resolution whereby the respondent is made aware of the concerns and a boundary is being communicated with them.

- **Formal Investigation**: This resolution type includes a formal investigative process in instances when the allegation(s), if true, would be prohibited under the applicable policy. The formal investigation process includes specific procedures in order to protect due process rights and
may result in disciplinary action if the alleged behavior is found to be a violation of university policy.

- **Informal Resolution**: Under the 2020 Title IX regulations, “Informal Resolution” has a very specific meaning and is not what the OE has typically and historically meant by “Informal Resolution.” This type of resolution specifically requires both parties to engage with one another to resolve the issue through mediation, conflict resolution, restorative justice, and/or arbitration, so long as both parties give voluntary, informed written consent to attempt Informal Resolution. *Note, this resolution type only applies to cases of Title IX Sexual Misconduct.*

- **No Action**: In certain instances, the OE is not able to take any action. This resolution type occurs when (1) the reporting party does not respond to outreach; (2) the reporting party requests that the OE takes no action; (3) the reported concern does not fall under the OE's jurisdiction; or (4) the reported concern is unrelated to one of the policies the OE administers. These resolution types are classified into the following categories: *insufficient information, no basis to proceed, no jurisdiction to proceed, no response to outreach, and reporting party requests no action.*

- **Pending**: This resolution type indicates that a case is open and active at the time the data was published.

- **Referral**: This resolution type is for reported concerns that (1) may not fall under the OE’s jurisdiction; (2) may be unrelated to one of the policies the OE administers; and/or (3) may require additional support from other on-campus resources. A referral allows the parties involved to work with the appropriate resource that can address all concerns of misconduct. Please note, this is not to be confused with a general reference to other resources on campus; this is used when the OE is aware/requesting a different office take the lead on the resolution of the case or initiate additional resolution process.

- **Remedial and Supportive Measures**: This resolution type includes measures designed to address the well-being and continued access to educational opportunities or employment and ensure the safety of the parties and/or campus community. Supportive measures can include academic advocacy, resource information, letters of support, etc. Please note, there may be cases in which the reporting party does not wish to take further action, the respondent is not affiliated with the university, or the concern falls outside of the OE’s jurisdiction, etc. In these cases, supportive measures may only be offered to the reporting party.

**EDUCATIONAL 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 educational resolution process.
The educational process provides a remedies-based approach specific to the circumstances of the incident but does not make a determination as to whether a policy has been violated. The process does not involve a written report. This approach allows the university to tailor responses to the unique facts and circumstances of an incident, particularly in cases where there is not a broader threat to individual or campus safety. In these cases, the OE may do one or more of the following when appropriate:

- Determine supportive measures available to the complainant that do not punish or penalize the person accused of the misconduct.
- Provide a remedies-based resolution tailored to the circumstances that helps prevent the behavior from continuing and does not punish or penalize the person accused of the misconduct.
- Provide targeted and/or broad-based educational programs or training.

Participation in an educational 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 OE deciding to proceed with a formal investigation.

FORMAL RESOLUTION PROCESS

The Office of Equity may resolve a reported complaint of alleged discrimination and/or harassment under either the Nondiscrimination Policy or the Sexual Misconduct Policy through a formal resolution process (formal investigation) in instances when the allegation(s), if true, would be prohibited under the applicable policy. The Office of Equity is committed to providing a prompt, fair and impartial resolution of all complaints referred to formal resolution/investigation.

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.
STATISTICAL DATA

For AY 2020-2021, the OE received a total of 364 complaints. This figure has decreased 7.85% from AY 2019-2020, decreased 14.75% from AY 2018-2019, and decreased 11.44% from AY 2016-2017. The slight decrease in the number of reports we received in comparison to previous academic years is primarily due to COVID-19. However, even with a decrease in the number of reports this AY, our office continues to engage with a significant number of community members, on both campuses, who need our resources.

167 of these complaints were raised under the Nondiscrimination Policy, 127 were under the Sexual Misconduct Policy.

There were 59 complaints which did not fall under either policy and, as such, were either referred to other university offices and/or external resources.
### Pregnancy Accommodation

<table>
<thead>
<tr>
<th>Type</th>
<th>Total</th>
<th>CU Anschutz</th>
<th>CU Denver</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>OE FYI (issues unrelated to OE policies)</td>
<td>48</td>
<td>20</td>
<td>28</td>
<td>0</td>
</tr>
<tr>
<td>Amorous Relationships</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

### Nondiscrimination Case Types

<table>
<thead>
<tr>
<th>Basis</th>
<th>Total</th>
<th>CU Anschutz</th>
<th>CU Denver</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Race</td>
<td>60</td>
<td>17</td>
<td>43</td>
<td>0</td>
</tr>
<tr>
<td>Sex</td>
<td>35</td>
<td>12</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>Disability</td>
<td>30</td>
<td>8</td>
<td>22</td>
<td>1</td>
</tr>
<tr>
<td>National Origin</td>
<td>18</td>
<td>7</td>
<td>11</td>
<td>0</td>
</tr>
<tr>
<td>Religion</td>
<td>8</td>
<td>3</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Age</td>
<td>9</td>
<td>5</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Discrimination Retaliation</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Pregnancy</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Sexual Orientation</td>
<td>9</td>
<td>2</td>
<td>6</td>
<td>0</td>
</tr>
<tr>
<td>Color</td>
<td>22</td>
<td>7</td>
<td>15</td>
<td>0</td>
</tr>
<tr>
<td>Veteran Status</td>
<td>2</td>
<td>2</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gender Identity</td>
<td>12</td>
<td>3</td>
<td>9</td>
<td>0</td>
</tr>
<tr>
<td>Political Philosophy</td>
<td>7</td>
<td>3</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Political Affiliation</td>
<td>8</td>
<td>4</td>
<td>4</td>
<td>0</td>
</tr>
<tr>
<td>Creed</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Gender Expression</td>
<td>6</td>
<td>1</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>Not Specified</td>
<td>18</td>
<td>10</td>
<td>8</td>
<td>0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>250</td>
<td>89</td>
<td>160</td>
<td>1</td>
</tr>
</tbody>
</table>

**NOTE:** Reports made to the OE can involve allegations of discrimination based on multiple protected characteristics. For example, a complainant 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. “Not specified” is also used to classify cases that are pending, where the OE is still gathering information to understand whether there is discrimination based on a protected characteristic. 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.

### Sexual Misconduct Case Types

<table>
<thead>
<tr>
<th>Type</th>
<th>Total</th>
<th>CU Anschutz</th>
<th>CU Denver</th>
<th>Other</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sexual Assault- <em>Rape</em></td>
<td>25</td>
<td>2</td>
<td>23</td>
<td>0</td>
</tr>
<tr>
<td>Sexual Assault- <em>Fondling</em></td>
<td>14</td>
<td>4</td>
<td>10</td>
<td>0</td>
</tr>
</tbody>
</table>
Sexual Assault - Statutory Rape | 5 | 0 | 5 | 0
Sexual Assault - Incest | 0 | 0 | 0 | 0
Title IX Sexual Harassment Quid Pro Quo | 0 | 0 | 0 | 0
Sexual Harassment Quid Pro Quo | 3 | 1 | 2 | 0
Title IX Hostile Environment | 8 | 3 | 5 | 0
Hostile Environment | 22 | 8 | 12 | 2
Sexual Exploitation | 2 | 0 | 2 | 0
Dating Violence | 19 | 5 | 14 | 0
Domestic Violence | 28 | 4 | 24 | 0
Title IX Stalking | 3 | 1 | 2 | 0
Stalking | 14 | 7 | 7 | 0
Sexual Misconduct Retaliation | 0 | 0 | 0 | 0
Not Specified | 1 | 1 | 0 | 0
**Total** | 144 | 36 | 106 | 2

**NOTE:** Reports made to the OE can involve allegations of sexual misconduct based on multiple types of sexual misconduct. For example, a complainant 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. “Not specified” is also used to classify cases that are pending; the OE is still gathering information to understand whether there is discrimination based on a protected characteristic. 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.

In total, the OE managed 10 accommodations, 56 educational resolutions, 8 formal resolutions (investigations), 12 informal resolutions, 47 referrals, and 27 remedial and supportive measures. At the end of this AY, there were 87 cases still pending. Of those pending cases, 1 case was a formal investigation.

Finally, there were 204 reported concerns classified as no action. These reported concerns will not generally result in an informal/educational 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 complainant or respondent such that it would enable the office to appropriately address the concern as reported.
- **No response to outreach:** Attempts to contact the complainant to fully understand the nature of the complaint 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).1

Nonetheless, reports made to the OE are documented and remain on file within the office.

---

1 University of Colorado Sexual Misconduct Policy Section V, C., 4. 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.
NOTE: “Other” includes reports or incidents which did not occur on, or were otherwise unrelated to, either the CU Denver or CU Anschutz campuses.
NOTE: This graph shows the campus affiliations for the involved parties in those complaints made to the OE this academic year (complainant and responding parties; some cases have more than one involved complainant 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.

### 2020-2021 FORMAL INVESTIGATIONS CLASSIFIED BY CASE TYPE, CAMPUS AFFILIATION, AND INVESTIGATION OUTCOME

<table>
<thead>
<tr>
<th>Nondiscrimination Policy</th>
<th>Total</th>
<th>Responsible</th>
<th>Not Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>CU Anschutz</td>
<td>2</td>
<td></td>
<td>2</td>
</tr>
<tr>
<td>CU Denver</td>
<td>5</td>
<td></td>
<td>5</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Sexual Misconduct Policy</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>CU Denver</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CU Anschutz</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Retaliation</th>
<th></th>
<th>Responsible</th>
<th>Not Responsible</th>
</tr>
</thead>
<tbody>
<tr>
<td>CU Denver</td>
<td>0</td>
<td></td>
<td></td>
</tr>
<tr>
<td>CU Anschutz</td>
<td>0</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>