

Office of Equity Annual Report Academic Year (AY): August 1, 2021-July 31, 2022

OVERVIEW

The Office of Equity (OE) was created to administer the University'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.

MISSION

The Office of Equity's stated mission is 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 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 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 more than 18,000 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 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 Office of Equity is committed to fostering an inclusive environment for all members of the CU Denver and CU Anschutz community. Utilizing a comprehensive, integrated approach, we facilitate equal access to education and employment by engaging in transparent case resolutions, conducting impartial investigations, offering support and safety measures, and providing prevention education.

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 training on a topic that is not on this list, our office can develop 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 compliance, equitable campus conduct, diversity, and inclusion. This year, a few people were able to attend 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

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. 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 2021-2022 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 November 2021, the Director and Title IX coordinator left the University.
 - Effective November 2021, the Director of Adaptable Resolutions was appointed in the role of Director of Office of Equity and the Title IX Coordinator for the University.
- In November 2021, an Administrative Assistant was hired as the full-time Office Coordinator for the Office of Equity taking on the responsibilities of managing the fiscal budget, monitoring the Office of Equity's inbox and phone, and the offices' supply needs.
- In November 2021, the Business Service Coordinator transitioned into a new role as the Prevention, Education & Training Coordinator for the Office of Equity.
- In December 2021, a Civil Rights Investigator left the University. The OE initiated a search for a new Civil Rights Investigator.
- Effective January 2022, the Office of Equity staff members were classified as Anschutz employees and follow the Anschutz holiday calendar. The Office of Equity continues to serve both the Downtown Denver campus and the Anschutz Medical campus.

New and Ongoing Initiatives

- Executive Order

On January 20, 2021, Joe Biden signed the Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. This Executive Order clarified that lesbian, gay, bisexual, transgender, queer, and other sexual orientations and gender identities are covered by Title IX and Title VII.

Case Law Update

On July 28, 2021, a Massachusetts court issued *Victim Rights Law Center et al. v. Cardona*, No. 1:20-cv-11104 (D. Mass. July 28, 2021), that found 34 C.F.R. § 106.45(b)(6)(i) (live hearing requirement for the Title IX grievance process at postsecondary institutions only) to be arbitrary and capricious in violation of Section 706(2)(A) of the Administrative Procedure Act. On August 24, 2021, the Department of Education released a letter stating that they would cease enforcement of the Title IX regulatory provision prohibiting decision-makers' reliance on statements not subject to cross-examination at a live hearing.

Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Update

On September 2, 2021, the CU system updated the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy to address changes in the 2020 Title IX Regulations and case laws.

Title IX Regulations

On June 23, 2022, the Department of Education released their proposed changes to the Title IX regulations. There was a 60-day public comment period, after which the Department of Education will update the regulations.

Lactation Spaces

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, the Office of Information Technology/EMS, and the Women and Gender Center. As of AY 2021-2022, the OE provided oversight for the current inventory of 39 lactations spaces across our campuses. The OE worked to identify the need for more spaces, collaborated with other departments to build out and equip lactation spaces, maintained the existing spaces, and monitored their access and usage. The OE is proud to support 101 campus visitors with their lactation needs while on-campus.

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

During AY 2021-2022, we continued to expand our affirmative action efforts. Our 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. We also developed a [tool](#) to help us track our outreach efforts. Toward the end of the academic year, we began working with our colleagues across the CU System on developing a search advocate training program, which we anticipate continuing to cultivate during the 2021-2022 academic year. We also continued to work extensively with the Office of Federal Compliance Programs to provide information pursuant to an ongoing audit of our 2017-2018 CU Anschutz Affirmative Action Plan.

Website

In September 2018, we began transitioning the OE website, originally hosted through WordPress, to the new University-approved website platform, Sitefinity. Our new [website](#) was 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. Our goal throughout this transition process was to consolidate information previously on our website to make it more user-friendly and accessible. On our new site, in addition to the restructured design of policy and procedural information, we 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 our office looks like.

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 soon, 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.

CU South Denver Campus

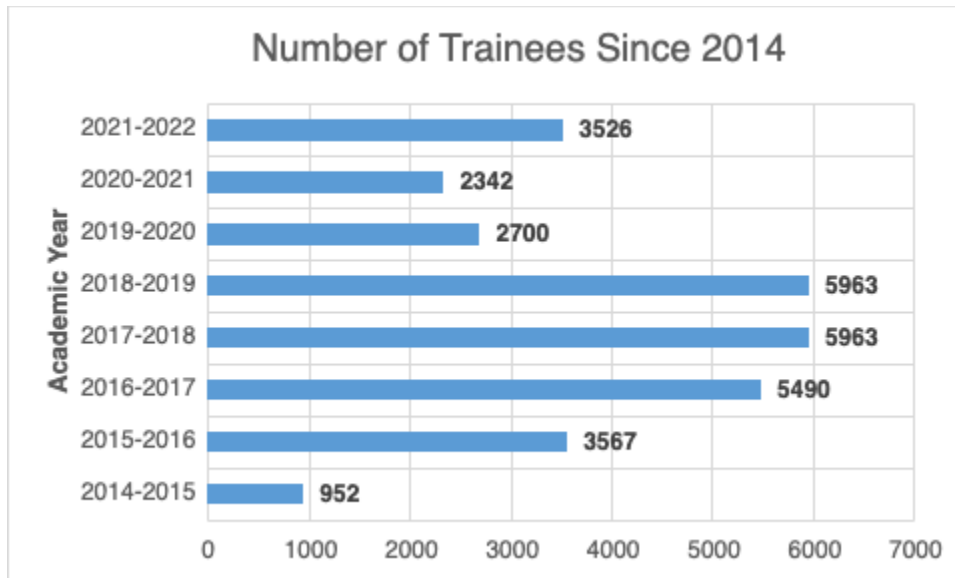
As of September 14, 2020, Michelle Marks announced that the CU South Denver location will close. Thus, the Office of Equity will no longer manage the South Denver campus.

Training, Prevention & Outreach

The Office of Equity seeks to regularly provide training, prevention and outreach efforts in various ways. To achieve this, the office has dedicated a full-time staff member, the Prevention, Education, and Training Coordinator to achieve this goal on both the CU Denver and CU Anschutz campuses. The Prevention, Education, and Training Coordinator 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 Prevention, Education, and Training Coordinator 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.

Statistical Data

- There was a slight *increase* in the number of trainings the OE offered in AY 2021-2022 as University operations began to transition back to in-person operations (still offered virtual/hybrid options)
- A total of 41 trainings were facilitated by Office of Equity in AY 2021-2022
- A total of 3,526 individuals, comprised mostly of students, faculty, and staff, were trained



STATISTICAL DATA

As outlined above, the Office of Equity 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.

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 Policy & Procedures. We review the facts of each reported complaint objectively to effectively address and resolve the matter, including determining whether a violation of university or campus policy occurred based on a preponderance of evidence standard.

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, 2019, through July 31, 2020. The

following data is representative of those reports 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 reports made by affiliates and non-affiliated individuals with the University, as well as complainants and respondents who were not identified.

UPDATE ALL DATA BELOW ONCE PULL MAXIENT REPORTS

For AY 2020-2021, the Office of Equity received 510 reports. This figure has increased by 40% from AY 2019-2020 and 29% from AY 2018-2019. The increase in reports is due to a higher student population and the return to in-person classes.

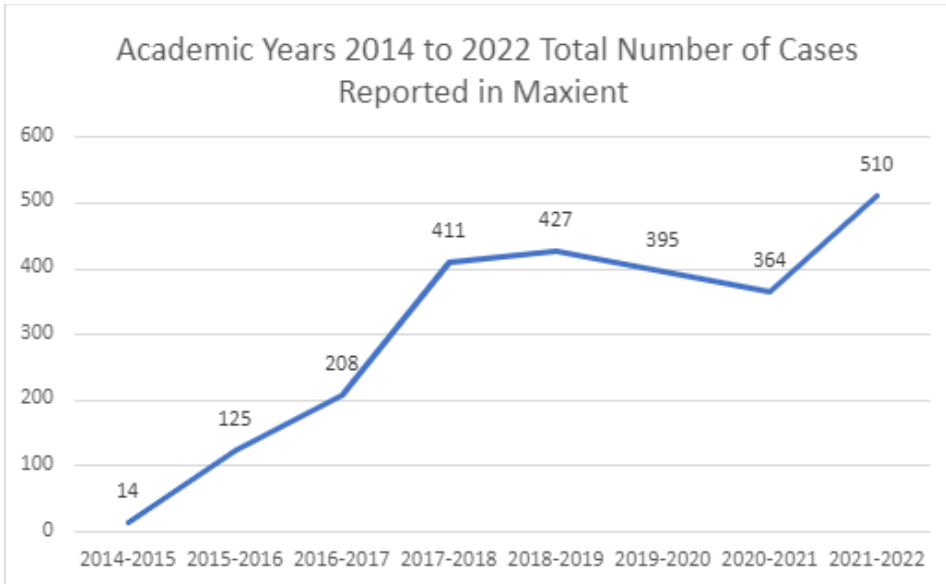
212 of these reports were raised under the Nondiscrimination Policy, 232 were under the Sexual Misconduct Policy.

There were 66 reports which did not fall under either policy and, as such, were either referred to other university offices and/or external resources. (Everything else)

Finally, there were 30 reported concerns for which there was no basis to proceed. 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:

- 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.
- Attempts to contact the complainant to fully understand the complaint were unsuccessful. There were 12 such cases this AY.
- The reported concern was provided for informational purposes only and would not otherwise rise to the level of a potential policy violation.
- Complainant declined to participate in any process offered by our office, including formal investigation (and when declination of a formal investigation was permissible)¹

¹ 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.



Academic Year 2014-2015	14 Reports
Academic Year 2015-2016	125 Reports
Academic Year 2016-2017	208 Reports
Academic Year 2017-2018	411 Reports
Academic Year 2018-2019	427 Reports
Academic Year 2019-2020	393 Reports
Academic Year 2020-2021	364 Reports
Academic Year 2021-2022	510 Reports

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.

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The primary focus during an educational 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 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 17 educational resolutions in AY 2021-2022. These include matters raising concerns of either discrimination or harassment based on a protected characteristic(s), sexual misconduct, or related retaliation.

	Total	CU Anschutz	CU Denver	Other
Sexual Misconduct	232	27	205	0
Nondiscrimination	212	60	151	1
Pregnancy Accommodation	22	14	8	0
OE FYI (issues unrelated to OE policies)	44	20	24	0
Amorous Relationships	0	0	0	0

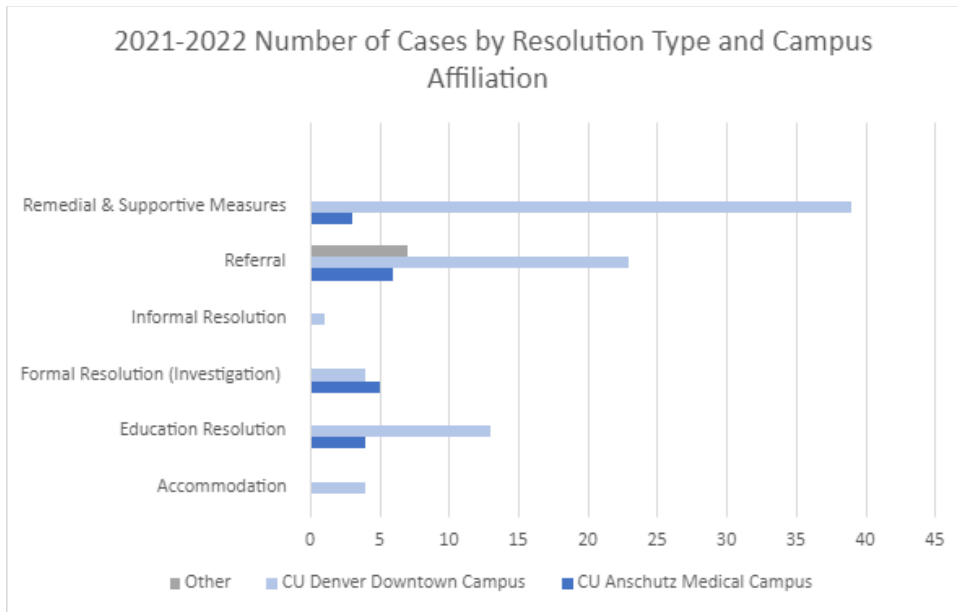
Nondiscrimination Case Types				
Basis	Total	CU Anschutz	CU Denver	Other
Race	29	11	18	0
Sex	26	14	12	0
Disability	25	8	17	0
National Origin	4	1	3	0
Religion	8	1	7	0
Age	4	1	3	0
Discrimination Retaliation	3	1	2	0
Pregnancy	7	0	7	0
Sexual Orientation	6	4	2	0
Color	0	0	0	0

Veteran Status	1	1	0	0
Gender Identity	1	0	1	0
Political Philosophy	1	1	0	0
Political Affiliation	1	1	0	0
Creed	1	0	1	0
Gender Expression	1	0	1	0
Not Specified	1	0	0	1

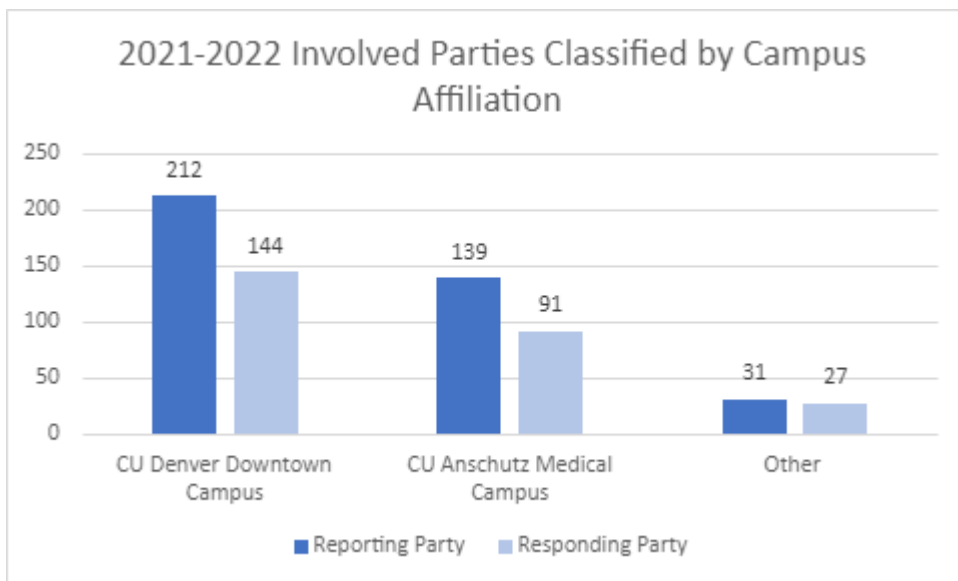
NOTE: Reports made to the OE can involve allegations of discrimination based on multiple protected characteristics. For example, a reporting party can allege discrimination based on race and national origin. Reports can also include allegations of discrimination and sexual misconduct. Additionally, each 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.

Sexual Misconduct Case Types				
Type	Total	CU Anschutz	CU Denver	Other
Sexual Assault-Rape	30	2	28	0
Sexual Assault-Fondling	7	1	6	0
Sexual Assault-Statutory Rape	1	0	1	0
Sexual Assault-Incest	0	0	0	0
Title IX Sexual Harassment Quid Pro Quo	1	0	1	0
Sexual Harassment Quid Pro Quo	0	0	0	0
Title IX Hostile Environment	23	5	16	2
Hostile Environment	20	7	12	1
Sexual Exploitation	2	0	2	0
Dating Violence	21	1	20	0
Domestic Violence	31	3	28	0
Title IX Stalking	5	0	5	0
Stalking	11	1	10	0
Sexual Misconduct Retaliation	2	2	0	0
Not Specified	3	0	0	3

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.



NOTE: “Other” includes reports or incidents which did not occur on, or were otherwise unrelated to, either the CU Denver or CU Anschutz campuses. *In accordance to new Title IX regulations, educational resolution was adopted into the procedures



NOTE: This graph shows the campus affiliations for the involved parties in those complaints 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 complaint 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 Office of Equity is committed to providing a prompt, fair and impartial resolution of all reports referred to for formal investigation. In total, the OE handled 10 formal investigations during the 2021-2022 AY.