

## Office of Equity Annual Report Fiscal Year (FY): July 1, 2022-June 30, 2023

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### OVERVIEW

The Office of Equity (“OE”) was created to administer the University of Colorado Denver | Anschutz Medical Campus’s (“CU Denver | CU Anschutz”) Nondiscrimination Policy (“Nondiscrimination Policy”) and the University of Colorado’s Sexual Misconduct, Intimate Partner Violence, and Stalking Policy (“Sexual Misconduct Policy”) by addressing all complaints 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 Nondiscrimination and Sexual Misconduct Policies, the OE also enforces the University of Colorado’s Conflict of Interest in Cases of Amorous Relationships Policy (“Amorous Relationships Policy”).

### MISSION

The OE is committed to fostering an inclusive environment for all members of the CU Denver | CU Anschutz community. Utilizing a comprehensive, integrated approach, their team facilitates equal access to education and employment by engaging in transparent case resolutions, conducting impartial investigations, offering support and safety measures, and providing prevention education.

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.

#### **The OE fulfills this mission by:**

- Providing 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 related retaliation—currently serving over 22,000 students and more than 17,000 faculty and staff;
- Consulting, training, and providing prevention resources to the University community regarding discrimination, harassment, sexual misconduct, retaliation, and bystander intervention;
- Receiving, evaluating, and responding to all reported concerns of alleged violation(s) of the policies under the OE’s purview;
- Coordinating the provision of supportive and safety measures as needed;
- Investigating complaints of alleged violation(s) of policies under the OE’s purview, as appropriate;

- Providing oversight of various physical locations on both campuses including lactation rooms, ADA accessible areas, and gender-inclusive restrooms;
  - Anschutz Medical Campus: [CU Anschutz Map](#)
  - University of Colorado Denver: [CU Denver Map](#)
- Maintaining accurate files and data to respond to media inquiries, as well as legal and CORA document requests; and
- Conducting ongoing evaluation regarding the efficacy, accuracy, and legal sufficiency of relevant policies and procedures.

### ***Inclusive Campus Culture***

The OE is committed to fostering an inclusive environment for all members of the CU Denver | CU Anschutz community.

#### OE Training Offerings

The OE offers a wide range of educational support to both campuses related to compliance and equitable campus conduct. Training can be customized upon request. If the OE is unable to provide training, their team can direct folks to the appropriate office to provide educational resources. Visit the [OE's Training Catalog](#) to review descriptions for the following trainings:

#### **Instructor-Led (offered by request)**

- Equity 101: What We Do
- No Longer on Standby: Ethical Bystander Intervention

#### **Online Courses (Skillsoft & Canvas)**

- Respect Expected
- Prevention Together
- CU: Discrimination and Sexual Misconduct—CU Denver and CU Anschutz

#### **Self-Guided Learning**

In addition to online and instructor-led trainings, the OE offers (and continually updates) [five learning guides](#) designed to further personal education for students, staff, faculty, community members, facilitators, and other academic audiences, on the following topics:

- Diversity, Equity, Inclusion, & Access 101
- Ethical Bystander Intervention
- Gender Visibility
- Intersectionality
- Relationship Violence

Because the learning guides are designed to start the conversation/one's educational pursuit, the OE lists offices/centers, additional resources, facilitated training opportunities, and learning tools connected to each topic.

#### 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, OE staff members attended the following trainings:

- Office of the Colorado Attorney General's Office and Conducting Fair and Thorough Trauma-Informed Investigations
- Association of Workplace Investigators: Workplace Investigations 2023
- Grand River Solutions: Conducting Fair and Thorough Trauma-Informed Investigations 2023
- Grand River Solutions: From One Title IX Coordinator to Another: A Practical Approach 2023
- Grand River Solutions: Being an Effective Title IX Advisor: From Investigation to Hearing 2023
- Grand River Solutions: A Deep Dive into SB 493, Education Code 66281.8 and the Overlap with Title IX
- Grand River Solutions: Bias and Title IX Training
- ATIXA: Violence Risk Assessment Training
- NABITA: SIVRA-35 2023
- NABITA: Behavioral Intervention Team Standards and Best Practices 2023

#### 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

## SHORT AND LONG-TERM GOALS

The OE is committed to assisting in the creation of an environment where students can obtain their education and faculty/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 Policies.
- Increase the office's visibility across the CU Denver | CU Anschutz campuses, locally in the community/state, and nationally with other institutions/national organizations.
- Identify and improve office efficiencies (intake, investigation, and post-investigation efforts).

- Increase outreach and training efforts, as well as refine training programs and educational 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, harassment, and sexual misconduct files.
- Refine University policies and procedures (within the OE's purview).
- Further develop collaborative relationships with other administrative offices, including CU System partners/colleagues, faculty/staff/student committees, and local agency councils.
- Address gaps within resolution processes and increase resources available to involved parties participating in their office's processes.
- Leverage University provided technology to continue seamlessly providing resources to campus virtually/in hybrid formats.

## ACCOMPLISHMENTS

### ***Staffing***

During FY 2022-2023, there were significant positional and departmental changes in the OE that required their team to hire new staff and restructure current professional staff responsibilities to fill critical vacancies in the areas of administration and investigations.

- In September 2022, the Assistant Vice Chancellor and Title IX Coordinator began her role, taking on the responsibility of managing the Anschutz Medical Campus and University of Colorado Denver's OE team while overseeing all Title IX investigations.
- In March 2023, the OE hired one part-time student worker to facilitate any changes or updates to the OE website and help with other administrative tasks.
- In April 2023, the OE hired an additional temporary Civil Rights investigator to aid with the increase in cases and formal investigations.

### ***New and Ongoing Initiatives***

#### Lactation Spaces

The OE 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. During FY 2022-2023, the OE provided oversight for the current inventory of 50 lactation spaces across both 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 space access and usage. The OE is proud to support over 200 registered lactation space users and 411 campus visitors with their lactation needs while on-campus.

#### Quiet Spaces

Due to an increase in requests for space, the OE started providing information on quiet spaces so that students may have a safe and comfortable place to rest, practice meditation, say prayers, and more.

- **CU Denver:** Tivoli Building in rooms 348 and 349. Before use, please contact AHEC Access Control at 303-556-4296 or email [accesscontrol@ahec.edu](mailto:accesscontrol@ahec.edu) and request access to Tivoli Reflection Rooms 348 and 349. They will add access privileges to your campus ID card. Additional information and expectations can be found at: <https://www.ahec.edu/services-departments/tivoli/reflection-rooms>.
- **CU Anschutz:** Education 2 South (Ed2S) Building on the 2nd floor. The room number is L28-2205A, located at the end of a hallway with AMC locker nooks.

### FaST Team

The OE continues to contribute to the work of the Faculty and Staff Threat Assessment and Response (FaST) Team which serves both CU Denver | CU Anschutz. 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 in response, and who should respond. The FaST Team works to identify appropriate resources to help manage concerning situations, conducts on-going review of concerning situations, and follows-up on cases/with involved parties until concerns are resolved. The FaST Team meets monthly, but the team will convene more frequently if/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 the concerns reported often involve elements related to the policies administered by the OE.

## ***Training, Prevention, and Outreach***

### Staffing

From August 2022 through June 2023, the office had one dedicated full-time staff member (Prevention, Education, and Training Coordinator) to achieve this goal on both the CU Denver and CU Anschutz campuses. At the beginning of July 2023, the prevention and education team grew to two professional staff members with the addition of a new Prevention, Education, and Outreach Coordinator, specifically for the CU Anschutz campus. The original Prevention, Education, and Training Coordinator was promoted to a senior level position and was focused on primarily serving the CU Denver campus. Having one person per campus devoted to prevention and education projects will allow the OE to 1) tailor content material for each respective campus that addresses the unique needs of each campus population and 2) develop more meaningful and intentional campus partnerships because of the additional time each staff member will have to allot to their respective campus.

### Training & Prevention

On both campuses, the Prevention, Education, and Training/Outreach Coordinators focus on maintaining current and relevant training materials. Presentations, resources, and educational materials are strategically designed and customized to respond to community needs and outreach requests. During FY 2022-2023, the Prevention, Education, and Training/Outreach

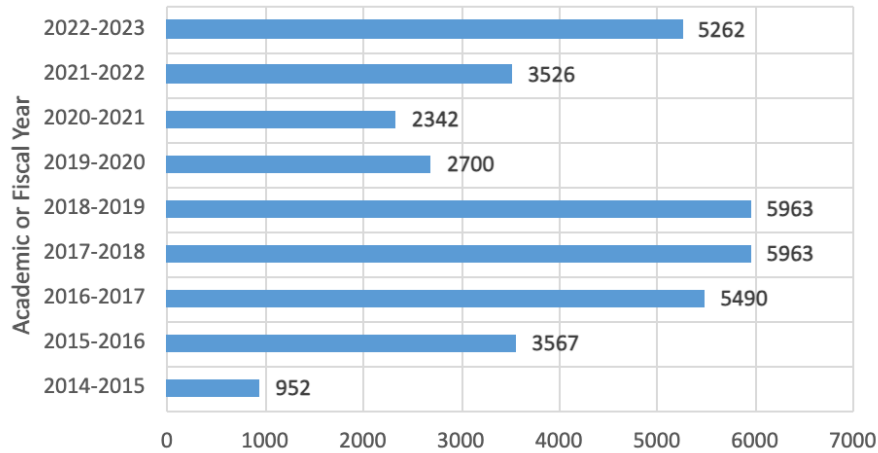
Coordinators continued developing campus-wide partnerships to 1) ensure that equity is at the forefront of what we do as a community, 2) determine focus areas for educational outreach, and 3) design and implement targeted training in support of OE informal resolutions.

Statistical Data

In FY 2022-2023...

- The OE facilitated **58** trainings.
- The OE trained **5,262** individuals (comprised mostly of staff, faculty, and students).

Number of Trainees Since 2014



**STATISTICAL DATA: REPORTS TO THE OE**

As outlined above, the OE addresses all instances of protected characteristic discrimination and harassment, any form of prohibited sexual misconduct, and any related retaliation complaints against students, faculty, and staff as outlined in the University's Nondiscrimination and Sexual Misconduct Policies.

The University's Nondiscrimination Policy prohibits discrimination, harassment, and/or related retaliation based on 16 protected characteristics which include: race, color, national origin, sex, age, disability, pregnancy, creed, religion, sexual orientation, veteran status, gender identity, gender expression, political philosophy, political affiliation, or marital status.

The Sexual Misconduct Policy prohibits sexual misconduct and/or related retaliation including sexual assault (rape, incest, statutory rape, fondling), dating violence, domestic violence, sexual harassment, sexual exploitation, and stalking. In October 2018, revisions were made to this Policy to include the following additional violations: failure to report, providing false/misleading information, interference with reporting, and failure to comply with orders and sanctions.

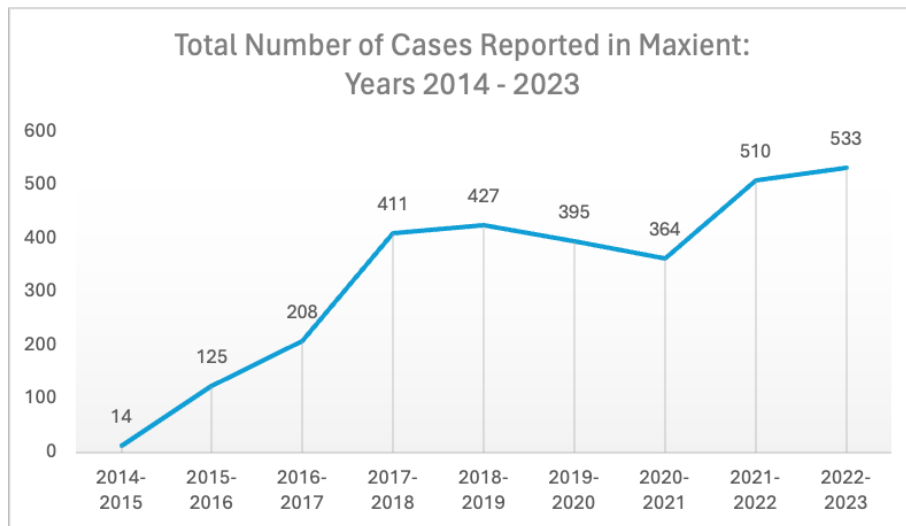
The OE is a neutral, fact-finding office responsible for addressing and investigating alleged misconduct pursuant to the University's Nondiscrimination and Sexual Misconduct Policies and the OE's Resolution Procedures. The OE reviews each report objectively to effectively address and resolve the matter, which may include a responsibility determination as to whether

a violation of University or campus policy occurred based on a preponderance of evidence standard.

The following information summarizes data from all concerns reported to the OE related to sexual misconduct, protected characteristic discrimination and/or harassment, and related retaliation during FY 2022-2023. Data is representative of reported concerns on both campuses 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.

**Reports in Fiscal Year 2022-2023**

For FY 2022-2023, the OE received **533** reports. This figure has **increased by 4.5%** from last year (AY 2021-2022) and **increased by 46%** from two years ago (AY 2020-2021).



<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>	395 Reports
<b>Academic Year 2020-2021</b>	364 Reports
<b>Academic Year 2021-2022</b>	510 Reports
<b>Fiscal Year 2022-2023</b>	533 Reports

- **Number of Concerns Reported by Policy/Concern**
  - **251:** Nondiscrimination Policy
  - **206:** Sexual Misconduct Policy
    - Note: Reports may be classified as discrimination and sexual misconduct. For example, allegations of discrimination-sex and sexual misconduct-hostile environment.*
  - **10:** Amorous Relationships Policy

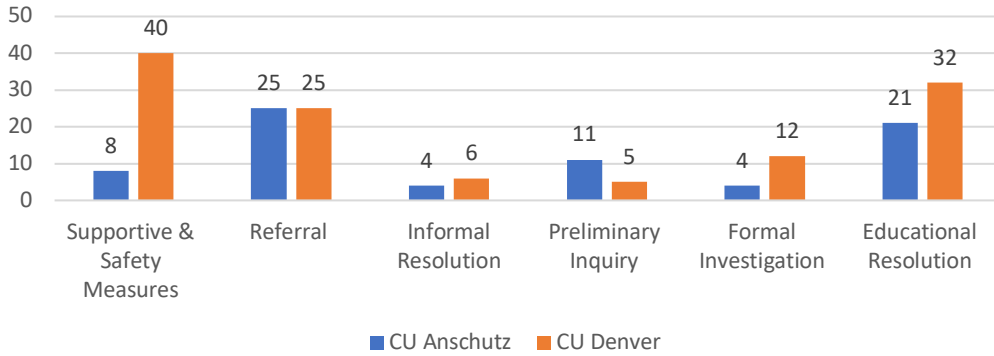
- **29: Pregnancy and Parenting**
- **3: Adaptable Resolutions**
- **34: OE FYI (Unrelated to OE Policies/Referrals)**
- **Number of Concerns and the OE's Response**
  - **263 No Action Cases:** Number of reported concerns where there was *no basis to proceed*. These reported concerns *do not* generally result in an educational 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.
    - The reported concern was provided for informational purposes only and would not otherwise rise to the level of a potential policy violation (*request no action*).
    - The complainant declined to participate in any process offered by their office (*no action requested*), including formal investigation (and when declination of a formal investigation was permissible as outlined in the Sexual Misconduct Policy).
    - The complainant did not respond to OE outreach attempts made to fully understand their concern (*no response to outreach*).
  - **50 Referral Cases:** Number of reported concerns where information reported was not related to/did not fall under the OE's jurisdiction. These reported concerns were referred to the appropriate University department/office for resolution/support.
  - **58 Supportive and Safety Measures/Informal Resolutions Cases:** Number of reported concerns where the OE responded with measures designed to ensure the safety of all involved parties/university community and address the well-being/continued access to university educational/employment opportunities.
  - **16 Preliminary Inquiry Cases:** Number of reported concerns that required an initial assessment to determine whether or not the concern would rise to the level of a policy violation and be considered eligible for formal investigation. All cases were determined *not eligible* for formal investigation.
  - **16 Formal Investigation Cases and 53 Educational Resolution Cases:** See below sections for details regarding these two resolution options.

Number of Reports Based on Case Type/Policy			
Case Type	Total	CU Anschutz	CU Denver
Sexual Misconduct	206	48	158
Nondiscrimination	251	114	137
Pregnancy Accommodation	29	11	18
OE FYI ( <i>issues unrelated to OE policies</i> )	34	11	23
Amorous Relationships	10	8	2
Adaptable Resolution	3	0	3

**NOTE:** Reports may be classified as discrimination *and* sexual misconduct. For example, allegations of discrimination-sex and sexual misconduct-hostile environment.



### FY 2022-2023 Number of Cases by Resolution Type and Campus Affiliation



Number of Nondiscrimination Cases Based on Reported Protected Characteristic			
Basis	Total	CU Anschutz	CU Denver
Race	89	31	58
Sex	43	23	20
Disability	52	29	23
National Origin	26	12	14
Religion	16	7	9
Age	10	8	2
Discrimination Retaliation	5	2	3
Pregnancy	14	11	3
Sexual Orientation	9	5	4
Color	3	1	2
Veteran Status	2	1	1
Gender Identity	20	7	13
Political Philosophy	2	1	1
Political Affiliation	2	1	1
Creed	2	1	1
Gender Expression	6	2	4
Not Specified/Not Related	13	5	8

**NOTE:** Reports made to the OE can involve allegations of discrimination or harassment 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/harassment *and* sexual misconduct. Each year the OE also receives several reports that do not contain sufficient information to understand whether there is discrimination or harassment based on a protected characteristic *and/or* receives several reports that are outside the OE's jurisdiction/are unrelated to policies administered by the OE ("Not Specified/Not Related").

Number of Sexual Misconduct Cases Based on Type of Sexual Misconduct			
Type of Misconduct	Total	CU Anschutz	CU Denver
Rape	40	5	35
Fondling	18	6	12
Statutory Rape	3	0	3
Incest	0	0	0
Title IX Quid Pro Quo	3	2	1
Sexual Harassment Quid Pro Quo	0	0	0
Title IX Hostile Environment	45	19	26
Hostile Environment	42	16	26
Sexual Exploitation	7	0	7
Dating Violence	23	1	22
Domestic Violence	25	3	22
Title IX Stalking	16	3	13
Stalking	14	2	12
Sexual Misconduct Retaliation	0	0	0
Reporting False or Misleading Information	1	0	1
Not Specified/Not Related	3	1	2

**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. Each year the OE also receives several reports that do not contain sufficient information to understand whether there is sexual misconduct *and/or* receives several reports that are outside the OE's jurisdiction/are unrelated to policies administered by the OE ("Not Specified/Not Related").

## EDUCATIONAL RESOLUTION PROCESS

As outlined in the Nondiscrimination and Sexual Misconduct Policies, the OE may determine that the most prompt and effective way to address a concern is through the educational resolution process.

The primary focus during an educational resolution remains the welfare of the complainant and the safety of the campus community. Educational 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 an 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 educational resolution is voluntary by complainants and respondents; however, 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 regardless of involved party participation.

The OE managed **53** educational resolutions in FY 2022-2023. These include matters raising concerns of either discrimination or harassment based on a protected characteristic, sexual misconduct, or related retaliation.

## FORMAL INVESTIGATIONS

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

The OE may decline to pursue a formal investigation if (1) a complainant has requested that a formal investigation not be pursued, and (2) the OE has determined that the complainant's request can be honored consistent with the University's obligation to provide a safe and nondiscriminatory environment.

During FY 2022-2023, the OE managed **16** formal investigations.

- **11 cases:** Sexual Misconduct Formal Investigations
  - **6** found **Responsible** for violating University policy
    - Sanctions Issued:
      - **1**-University Expulsion
      - **1**-Interim University Suspension, Disciplinary Holds/Educational Sanctions (required to meet with OE TIX Coordinator and required to complete OE online training), and Disciplinary Probation
      - **1**-University Suspension and Campus Exclusion, Disciplinary Holds/Educational Sanctions (required to undergo Sexual Behavior Assessment, Treatment, and Evaluation and required to meet with OE TIX Coordinator), and No Contact Orders
      - **1**- University Suspension, Exclusion from University Housing, Disciplinary Holds/Educational Sanctions (required to meet with OE TIX Coordinator and required to complete OE online training), and No Contact Orders
      - **1**-University Suspension, Disciplinary Holds/Educational Sanctions (required to undergo Sexual Behavior Assessment, Treatment, and Evaluation and required to meet with OE TIX Coordinator), and Program Eligibility Conditions (ineligible for programs working with minors/ineligible for admittance to specific department)

- **1**-Not Eligible for Rehire (only sanction in place because respondent resigned from the University before sanctioning determination was made by Disciplinary Authority)
  - **4** found **Not Responsible** for violating University policy
  - **1** without a responsibility determination due to circumstances outside of the University's control, i.e., criminal charges issued to respondent prior to conclusion of OE/University investigation
- **5 cases:** Discrimination Formal Investigations
  - **1** found **Responsible** for violating University policy
    - Sanctions Issued:
      - **1**-University Probation, Exclusion from University Housing, Disciplinary Holds/Educational Sanctions (required to develop educational plan addressing behaviors and meet with OE TIX Coordinator for approval/implementation), and No Contact Orders
  - **4** found **Not Responsible** for violating University policy

### **Formal Investigation Sanctions Summary**

- The *Student Sanctioning Board* determines sanctions for *student respondents* and the *Department/Hiring Authority* determines sanctions for *faculty/staff respondents*.
- Sanctions are determined based on the following factors:
  - Severity and/or pervasiveness of conduct and whether it escalated during the incident;
  - The impact of separating a student from their education;
  - Whether the complainant was incapacitated at the time of the conduct;
  - Relationship between the parties, including degree of control of one party over another;
  - Whether there was force/violence, weapons, or threats of force/violence;
  - Any prior history of related criminal, conduct, or policy violations, including but not limited to the University Code of Conduct and any active disciplinary sanctions in place at time of the conduct;
  - Impact of incident on complainants;
  - Acceptance of responsibility by respondent; and
  - On-going safety risk to complainant or community.