**CLAS Council Meeting**

**November 8, 2018**

**MINUTES**

**Attending:**

Michael Abeyta, Masoud Asadi, Stacey Bosick, Jennifer Boylan, Sasha Breger Bush, Larry Erbert, Pam Jansma, Jung Jae Lee, Marjorie Levine-Clark, Joanna Luloff, Jan Mandel, Annika Mosier, Erik Oleson, Sarah Tyson, Bill Wagner, Anna Warrener, Margaret Woodhull

**Guests**: Carolyn Brownawell (Associate Vice Chancellor and Chief Human Resources Officer), Doug Kasyon (HR Director of Employee Relations and Performance), Karey Krohnfeldt (Director of Equity, Office of Equity), Will Dewese (Director of Title IX and Title IX Coordinator), and Karyn Hardy (University Counsel), Nelia Viveiros (Associate Vice Chancellor)

**Recording:** Karen Fennell

**Approval of October Minutes**: Sasha Breger Bush

Minutes were approved.

**Executive Council Member Needed:** Sasha Breger Bush

* We were short one member of the Executive Council, from the Integrated Sciences Division and needed a volunteer from one of the following departments: Anthropology, Geography and Environmental Sciences, Psychology, or Health and Behavioral Sciences.
* Erik Oleson has offered to serve in this capacity.

**Proposal from the Committee on the Status of Women (CSW):** Sarah Tyson, Sasha Breger Bush, Carolyn Brownawell (Associate Vice Chancellor and Chief Human Resources Officer), Doug Kasyon (HR Director of Employee Relations and Performance), Karey Krohnfeldt (Director of Equity, Office of Equity), Will Dewese (Director of Title IX and Title IX Coordinator), and Karyn Hardy (University Counsel), Nelia Viveiros.

* There is a proposal on oversight of and reporting by the Office of Equity and Human Resources.
* It was noticed there was an anecdotal trend of complainants not getting updates on their cases/reports they had made and also of the findings always seeming to be reports of “no findings” in each case.
* When people went looking for more information, they tended to find there wasn’t a clear policy on how offices would get back in touch with complainants. The purpose of this proposal is to move towards creating a policy on how to change and clarify this communication process.
* The Office of Equity (OE) oversees policies and responds to complainants in cases of discrimination and harassment. They provide informal resolutions where possible and initiate investigations where warranted.
* OE will work with complainants to document their concerns and can offer to help them facilitate conversations.
* Last year they had about 365 inquiries for OE services. About 12 of these resulted in informal resolutions.
* The complainant will undergo a formal or informal process based on whether or not there is enough information to pursue a formal investigation and if there is a policy violation involved in the situation.
* OE will work with law enforcement to gather information about an issue if there is a criminal situation involved.
* OE is bounded by the limitations of Title VII and Title IX policies and there are categories OE has to look at that drive the process one way or another.
* A lot of the things come to OE but they cannot act on all of them depending on the categories and if there is a policy violation or not.
* They cannot share the identity of the person making the complaint with the police if the person doesn’t want their identity shared.
* OE will issue formal notices of investigation when those investigations are launched.
* They tend to send notices to the complainant and the respondent in the case, and often the person’s Chair and Dean and the hiring authority.
* There are times where we are taking a formal action and we have a formal resolution letter that is produced after the process with a summary and communication about the findings that is sent to the complainant in each case and sometimes the respondent and the hiring authority if determined to be necessary.
* When something does go to a formal investigation, written notices are issued to both the complainant and respondent. OE will conduct the investigation, issue a written evidence summary to both parties and reach a conclusion as to whether or not a policy violation has been found. This conclusion is communicated to both parties in writing simultaneously. There is an appeal process available as well.
* EEOC can hear further complaints and cases if the parties involved are unsatisfied with the university process.
* Evidence they gather may look different from what a DA’s office might gather. They keep their evidence and if they are subpoenaed, then will turn over that evidence to further investigation.
* Sometimes their office may not follow up with other people who were involved in reporting the issue depending on the nature of the situation.
* There’s a lot of confusion about where people should go in specific situations, depending on who is involved. How OE delivers a resolution and how we should respond to issues isn’t always clear.
* The Office of Equity works closely with HR and Doug Kasyon if someone has complained about discrimination and general unfairness in a case where there isn’t someone from one of the protected classes involved.
* HR deals with a lot of claims that may arise from issues of interpersonal conflict. They operate similarly to OE in looking at whether there is a policy violation involved in the situation. They also talk to the person reporting the issue to ask what kind of outcome they want from the situation. Often the response is the person wants the undesired behavior to stop.
* There is also the FAST Team, which deals specifically with faculty and staff issues, which is the equivalent of the CARE Team but doesn’t deal with students. This is a threat assessment team that looks at issues involving faculty and staff to see if there is a real threat by the person to themselves or others or not. The FAST Team can involve legal, law enforcement and psychological services. They do engage with all parties involved in a situation.
* In terms of how issues are pursued, they are looking at patterns of behavior and/or if weapons or physical threats have been used in a situation.
* The Office of Equity procedures and policies are posted online. Based on what’s been reported or based on what additional information the office may have, the office may act on situations where the parties involved may pose a further threat and they will assess what other offices need to be looped in on the situation.
* There’s a fine line between being impartial and neutral agents, but also having a mandatory reporting element to afford due process between the person reporting and the person being accused. There are issues of campus culture at hand that have to be considered also.
* There are places on campus you can go for truly impartial and confidential advice but we probably need to do a better job of advertising them.
* Personnel in the Office of Equity spend a lot of time talking to people about their concerns and talk to them on more than one occasion. This can include walking people over to other offices that can best help someone in addition to other routes of referral.
* The offices of HR, Equity, CARE Team, Phoenix Center and others are all very interconnected and there’s no wrong place to start when reporting a concern. You can even start with just your own HR person in the college as a central point of initiating a referral. There’s also a new service on campus: the Real Help hotline for staff on campus. CU Denver is a very lean institution in terms of available resources.
* Sometimes people come to the office anonymously and it can be difficult to follow up with them or give them closure on their issues.
* There is a difference between formal and informal resolution. In formal cases the outcomes are communicated in writing to both parties in the case.
* If someone emails the Office of Equity about the status of their concern, they are responded to within 24 hours and OE tries to be as transparent as possible about the situation and where it stands.
* Three years ago OE had about 45 cases that were being handled by 3 FTE. They currently have received about 350 inquiries, spanning about 700 people, but only have about 8 FTE personnel in their office. They have put forward requests to administration each year to address the needs of their office and they have been successful in getting that support but they still need more help. The more work they do to get the word out about their offices and services, the more work comes to their doorstep.
* If the anecdotal issues can be communicated to Nelie she will do what she can to address those concerns. She needs to have a better picture of what the campus concerns are to be able to do something to resolve them and to determine if there are more systemic problems to achieving solutions and enhancing communication.
* If we see a systemic issue in a school, college or department then we try to mitigate those issues with an eye towards communication and resolution.
* The idea of having a mediation center on campus is interesting and some other universities have a position or center like this in addition to the Ombuds office. We have brought in outside mediators in some cases where the school or college has wanted to pay for this process.
* HR does keep records of some issues but a lot of the records are emails and not easily searchable for tracking situations or behaviors.
* The Office of Equity does issue an annual report on the cases they are handling. They also do campus climate surveys and look for trends that need to be addressed.
* We still aren’t as coordinated across all our campus offices as we would like to be. Someone should be able to call any of the campus offices to report a concern and be directed to where they need to be.

Q&A

Q: Do people have to tell you that they want to call the police and who decides what sounds like a crime?

A: Where there’s a clear crime involving both parties then it is reported to the police.

Q: The website can seem very intimidating and it felt like we had to file an official report just to give notification of an incident. I am concerned about students who are coming from backgrounds where the boundaries weren’t very clear and the Office of Equity sounds in some cases very reactionary. Are there more proactive things a student can do? Students who come to you with informal complaints may feel these are actually very formal processes and it’s hard to feel differently based on what they see on the website.

A: Our website is very formal and most people end up calling the office to talk about their issues. An informal categorization doesn’t mean that the issue isn’t important and that we don’t look at concerns of policy violations and pursue some kind of resolution. We don’t want to put someone through a formal investigation if it doesn’t look like there’s a policy violation involved or that there will not be a satisfactory outcome for the person involved. We do talk about the concerns that have been reported and what the complaintant can do to address those concerns, including reporting to HR or referring someone to the Ombuds office.

Q: Who do you call if you have a student on student issue?

A: It could be the CARE Team.

Q: Who do you call if there’s a faculty on student issue?

A: The department Chair.

Q: If there’s an issue with the department Chair who do you go to?

A: The Dean’s office.

Q: How was the faculty advisor, Weldon Lodwick, chosen? This person’s role and position are not well known on the campus.

A: It was by a committee two years ago and names were put forward to the search committee.

Q: What’s the average length of an investigation and what percentage of cases are “no findings”?

A: There isn’t data about the average length of an investigation and in most of the cases the outcome is “no finding.” If they do see that there has been unprofessional or concerning conduct, that issue can still be reported to the Dean or other appropriate person. We try to be thorough so a lot of our cases exceed the 90 day time frame for investigation.

Comments

* It seems like it’s often up to the complainant to decide what they want to have happen for a variety of reasons, especially in sexual assault cases.
* There’s the human side and the bureaucratic side to making a complaint. There are lots of cases in which people don’t know what to do or how to proceed as there are many offices on campus and we don’t know them all or who to contact. The hope would be that the offices themselves will know how to best route concerns between one another. It would be helpful if there were a way to report what’s going on in the process to the person who made the report so they know and can better understand how the processes work.
* The numbers of different offices that handle different types of conflict are very confusing. It can be hard for faculty to know who to refer to and to search for information on the campus website. It would be helpful to have a summarizing document to make available to faculty about what to do and where to go to.
* Anecdotally, there are concerns that students, faculty and staff have brought forward an informal complaint and years later the complainants are not hearing back about the outcomes of their concerns. It feels like there needs to be more communication between the offices involved and the complainants. It creates a climate of frustration and distrust and staff and students have ended up leaving the university.
* It can be hard to get a sense of what’s happening on campus if there are no archived records or data in HR that are being tracked over time.
* All these offices try to handle issues quietly and on a case-by-case basis, but sometimes issues come up in very public ways. It might be helpful for the campus community to know about some of the problems on campus and to rally in a way to shed light on problems and be more transparent with an eye towards making broader campus culture changes.
* One thing that might help faculty and students would be to have information that could go into class syllabi with some central resources students can be referred to.
* There’s no formal mechanism or survey for giving feedback to the Office of Equity and others about peoples’ experience of working with them.

Next steps here would be considering what would go into a letter of support for moving this proposal forward.

**Executive Council:**

The Executive Council will meet briefly following the meeting.