To: Karey Krohnfeldt, Will Dewese, Nelie Viveros, Carolyn Brownawell, Doug Kayson, and Karyn Hardy

Cc: Pam Jansma (Dean of the College of Liberal Arts and Sciences at CU Denver), the CU Denver Faculty Assembly, Rod Nairn (CU Denver Provost), and Dorothy Horrell (CU Denver Chancellor)

From: The College of Liberal Arts and Sciences Council

Date: February 6, 2019

Re: Campus processes and procedures regarding sexual misconduct, discrimination, harassment, and other workplace grievances

We, the members of the CLAS Council, composed this open letter to all members of our campus community in order to relate our findings about campus processes and procedures regarding sexual misconduct complaints and workplace grievances, broadly construed. At our meeting on November 8, 2018, the Council considered a proposal from the Committee on the Status of Women (CSW) that suggested the need for greater oversight of and reporting by the CU Denver Office of Equity (OE) and the CU Denver Office of Human Resources (HR). The proposal was brought to the Council by members of the CSW, many of whom are very concerned about reports of a number of cases in which complaints were filed with these offices but complainants were not notified of the outcome. According to these reports, some complainants have been waiting for years for resolution of their sexual misconduct and workplace harassment cases. Further, members of the committee have heard accounts of staff members choosing to leave the institution, rather than attempt to report, indicating a troubling climate of demoralization. The proposal is included as an Appendix at the end of this letter. Present for the meeting and contributing to the conversation were several guests: Carolyn Brownawell (Vice Chancellor for Human Resources), Doug Kayson (Director of Human Resources), Nelia Viveiros (Associate Vice Chancellor for Academic Operations), Karey Krohnfeldt (Director of Equity), Will Dewese (Title IX Coordinator), and Karyn Hardy (University Counsel).

The conversation was wide-ranging and revealed a variety of policies, procedures, customs, and practices on the CU Denver campus that are of concern to the Council. Our findings and concerns include the following points:

1. **Problematic Diffusion of Responsibility**

There are many people and offices on campus that help students, staff, faculty, and/or administrators ensure their health and safety, and help protect their rights under federal law, Colorado state law, and University policy. While it is certainly to our community’s benefit that such resources exist, we are deeply concerned that people’s needs are falling through the cracks because it is not clear who to contact in any given situation. There are too many offices performing too many specific functions, with too little community knowledge about who to contact in which types of circumstances.

1. **Lack of Transparency about Processes and Procedures**

Many of these offices take a long time to notify claimants about progress on and/or resolution of their cases. There do not seem to be clear rules about making progress updates to claimants, clear timelines for case resolution, or clear guidelines for who can expect to be notified regarding case progress updates or resolutions. For example, while OE governing policies indicate that cases will be resolved in 90 days, this timeline is not typically adhered to (in large part owing to large caseloads being shouldered by too few staff members). It was further unclear whether a timeline, as well as clear expectations for who is notified and when, exists at all for OE’s management of “informal” complaints (which constitutes roughly 90% of their caseload).

Further, while hiring authorities and supervisors are sometimes notified about case resolution by OE, they are not always, and the reasons for these discrepancies seem to be related to a lack of clear procedures when reported issues do not rise to the level of policy violations, but still indicate problems in need of address.

Meanwhile, representatives at our meeting from HR indicated that they do not collect or analyze data on the numbers of cases they handle that are unresolved, or on the average time to case resolution. To the Council, this lack of data collection indicates a serious and potentially consequential lack of attention to these issues.

Moreover, the evidence we have weighed in composing this letter indicates significant and frequent misunderstandings on the part of *both* accuser and accused about their rights and protections under university policy, and state and federal law. For example, the right of the accuser to call the police if they feel their rights have been violated or that their safety is in jeopardy, and the right of the accused to due process protections, are sometimes inadequately conveyed and emphasized to the relevant parties.

We are concerned that these oversights and ambiguities create a climate of frustration, distrust, and fear in our community. Many Council members have had first-hand experiences with these offices, and with claimants, that underscore this point.

1. **No Community Feedback Mechanisms**

Neither HR nor OE have community feedback mechanisms built into their processes. There is no pathway available for members of our community who work with these offices to offer their thoughts and suggestions about the services provided. There is thus no opportunity for HR or OE to modify their practices and policies so that they might better serve our community.

1. **Need to Identify and Address Trends**

Owing to the scattering of these offices and people across different, narrowly-defined domains, and the failure of some offices (like HR) to collect and report aggregate data, it is difficult, if not impossible, to discern broader matters of campus climate and culture that surround issues like sexual misconduct and workplace harassment.

We are led to ask, for example: Are there specific groups on campus that are being targeted with certain kinds of threats? Are there certain colleges or departments that have done a great job in facilitating a safe and respectful work place? How many instances of workplace harassment go unresolved for staff members relative to faculty or administrators?

These kinds of questions cannot be answered given the current system in which aggregate, community-wide analysis and reporting is inadequate, and in which these offices do not coordinate their data collection, analyses and responses.

We extend our sincere thanks to the employees of the Office of Equity and Human Resources who meet with CLAS Dean Pam Jansma each month. In this spirit of cooperation, **the Council would like to continue working with all parties involved to reform existing policies, procedures, practices, and customs so as to make positive changes for our community around these matters**. To this end, we offer here for broader discussion the following ideas and resolutions that may help push this conversation forward:

1. **Information campaign**

Wide dissemination of office names, office services, and contact information for all offices involved in protecting the health, safety and rights of members of our community. This should be done in a way that is direct, clear, and accessible to all members of our community (students, faculty, staff, and administrators). While many of the offices responsible for the protection of the rights, health and safety of members of our campus community do indeed list the services they provide on their respective webpages in some way or another (OE’s website is very helpful and, if it were easier to find, might be a model for other offices to follow), the websites are often difficult to locate, sometimes organized such that navigation is difficult, and are not typically comprehensive. We think it would be worthwhile to consider a consolidated site, designed with ease of location and navigation in mind, which helps to direct members of the community to the right people and offices.

1. **Greater transparency about processes and procedure**

Establishment of clear timelines for case resolution, and notifying parties involved when and why there are departures from it, and when they can expect a future update/resolution.

Establishment and dissemination of clear policies for who will be notified about case updates and resolutions.

Establishment and dissemination of the rights and protections afforded to accuser and accused by university policy, and by federal and state law.

1. **Resources**

More funding and more staff in the Office of Equity and the CARE Team. The Office of Equity has seen their caseload increase more than six-fold over the past several years. Staffing has not kept pace with the increase in caseload, meaning that OE staff shoulder a very heavy burden that undermines prompt case resolution. The CARE Team has experienced similar difficulties. Adequate funding and staffing for these critical people and offices is essential.

1. **Implement Exit Surveys**

Establishment of community feedback and/or assessment mechanisms for specific offices (like OE and HR), and for personnel in those offices. We highly recommend that all such offices design and implement and analyze exit surveys for the parties that they serve, report the findings of these surveys to the community, and revise policies and procedures (and/or re-train personnel) where appropriate in light of this feedback.

1. **Transparency through Reporting**

Regular reporting to the campus community in general (in public, online fora) by each office on their caseload, times to resolution, and outstanding complaints, as suggested in the CSW proposal. In reference to our discussion above (point 4) about the need to identify and address trends in campus violence and harassment, we recommend reporting that speaks to trends in types of incidents, incident locations, and aggregated, demographic information about the people involved in the incidents reported. The CATS program at the University of Kentucky, designed to gather and analyze information about student knowledge, feelings, opinions and experiences about campus safety, could be a useful model of how community data collection and analysis could combine with reporting from campus offices like OE and HR to ensure that policy evolves to meet community needs.

1. **Coordination of Reporting**

Regular reporting by each office on aggregate statistics that allow us to more clearly paint an empirical picture of the campus climate and culture surrounding sexual misconduct, workplace harassment, and other matters pertaining to the rights, health, and safety of our community members. This aggregate data collection and analysis needs to be coordinated across offices and integrated into a single report. We think there are personnel on campus that would be excellent for this. For example, CU Denver apparently has a “faculty advisor” who no one seems to know exists and no one has worked with (the Council was concerned that such positions exist, ostensibly to help resolve some the issues noted in this letter, but that, in reality, appear to serve no clear purpose). This employment line could be repurposed to address the items set out here (the search for this position was, according to our data, narrow, opaque and poorly publicized; we hope that, if and when this line is repurposed, the search is more transparent and inclusive, and the new employee receives the training appropriate and necessary to the position).

1. **Establish a conflict mediation center**

Our discussion identified a variety of employment related issues that pertain to health and safety of campus community members that would not necessarily be “covered” by any of these people or offices. Colleagues sometimes disagree and mistreat one another; faculty sometimes offend students; administrators sometimes fail to meet the expectations of their supervisees; etc. etc. Complaints of this nature, ones that fail to meet the burden of a legal or policy violation, are nonetheless important to address in order to ensure a safe, respectful and peaceful workplace and educational environment. As it stands, complainants with such issues are often turned away from HR and OE (and like offices), perhaps with a referral to the Obudsman’s Office (which is not very visible to many parties on campus, offers no real resolution to such disputes, and is somewhat shrouded in mystery).

We think it would be an excellent idea to establish a conflict mediation center on campus charged with providing a neutral and well-managed forum for the peaceful resolution of disputes between members of our campus community.

1. **Co-location of services**

Given the scattered nature of the offices and people responsible for ensuring our health and safety, and protecting our rights, we suggest that the University co-locate these services in a single space that is visible and accessible to all, such that students, staff, faculty and administration can quickly and efficiently navigate the suites of services offered when they need assistance.

1. **Coordinated care center**

In the medium-term, we highly recommend consolidating all of these offices and personnel into a single facility. This would be a “one stop shop” for anyone on campus who requires any assistance of any kind with health, safety, or protecting their rights. Much like an emergency room in a hospital, this facility would intake all complaints and problems, and then “triage” complaints, sending them to the right people in the right place at the right time. It is critical that the first point of contact for community members coming to this center is trained in victim services, crisis management, and counseling. This kind of holistic care center would ensure: that no one falls through the cracks (e.g. because of co-location, and centralized referral, management, resolution, and follow-up of cases/complaints); that policies and procedures are systematized, made uniform where appropriate, and disseminated widely (including information about the rights and protections for accuser and accused); and, it would vastly simplify the coordination, aggregation and analysis of data on campus climate and culture. Further, considerable efficiencies might result from the consolidation and centralization process, as redundant functions and duplicative roles are reduced, freeing up personnel and time to more efficiently and effectively manage cases, and analyze, report, and take action on matters of campus climate and culture. Already, there is support for this idea from a number of the guests at our meeting.

**Many thanks to our guests who attended the November meeting, and for the opportunity to respond, and offer comments and recommendations. A copy of this letter will be made public on the CLAS Council website, following Council approval.**

**Your response, for which we are very grateful and hope to read soon, will also be posted to the Council website, following Council approval.**

Approved unanimously for distribution and posting by CLAS Council on February 14, 2019.