

April 3, 2019

Dear CLAS Council,

Thank you for your open letter sent February 25, 2019, about campus processes and procedures regarding sexual misconduct, discrimination, harassment, and other workplace grievances. We are responding on behalf of the Provost and the Chancellors for CU Denver and CU Anschutz Medical Campus. While your group represents a single college on the Denver campus, leadership recognizes that the issues you raise are important to address for both campuses as many of the offices that respond to discrimination, harassment, or other grievances serve constituents on both.

University leadership shares your goal of creating and furthering a community where all members feel welcome and supported, and where issues are investigated and resolved in a timely manner. The University is committed to addressing the issues you highlighted, including the need for better coordination and communication, recognizing that some improvements will take time to implement. We are grateful for the time you have spent reviewing these issues, and we wanted to provide you a timely response now and begin to identify the path forward.

The Chancellors and Provost have asked us to consider your review and recommendations and create a plan for implementation of some recommendations and conduct additional review of others. A task-focused project team, led by Nelia Viveiros and joined by Carolyn Brownawell, Karyn Hardy and Regina Kilkenny, will identify ways that the University's support operations related to workplace grievances can benefit from greater visibility, access, coordination, transparency, reporting cycles, and resources. Among the considerations will be how a centralized reporting and case management system could be used to better track data, provide transparency, and ensure follow-up and timely responses.

The project team's work will begin on April 8, 2019. As soon as a project charter for the team is developed, it will be shared with everyone addressed on this response. The project team will be meeting with constituent groups (students, staff, and faculty) to better understand the issues your letter raised. We also anticipate additional meetings with the CLAS Committee on the Status of Women, the CLAS Council and both the CU Denver and CU Anschutz Medical Campus Faculty Assemblies. The project team will provide an update on their work to leadership and your council by the beginning of fall semester.

We also want to take this opportunity to provide further information and clarification related to a number of your specific concerns.

### **1. Problematic Diffusion of Responsibility**

You have identified several issues in this area, including that narrowly-focused offices have limited scopes of review and your impression is that their functions and roles are largely unknown by students, staff, and faculty. We do have multiple offices tasked with supporting and helping students, faculty and staff, and providing multiple entry points can be beneficial. At the same time, we concur that there is a lack of clarity about which to contact when and that can lead to confusion and frustration.

By way of background, some of these offices have developed separately and with distinct protocols and processes, in part driven by specific laws and rules. For some offices, their development tracked the regulatory, state and federal environment under which they must report out and operate, while in others, services were developed based on campus need. One of the first tasks of the project team will be to clarify which office does what and identify ways to more clearly communicate that to our community. We already have a number of ideas of how to do this and will be asking for more input and feedback soon.

Also, the Chancellors have prioritized the evaluation of our current structure for support services and we are in the process of identifying expertise to make recommendations for the best structure moving forward.

### **2. Lack of Transparency about Processes and Procedures**

As discussed during our meeting with you on November 8, 2018, certain offices have specific timelines and governing policies for when cases will be resolved. This includes the Office of Equity that has provided you additional information regarding their timelines.

Our understanding is that in the above-referenced meeting, Human Resources and the Office of Equity provided some data related to their average timelines for case closure<sup>1</sup>. Based on your feedback, the information regarding the number of cases reviewed and considered has not been clearly communicated. The project team will explore ways to improve on that, while maintaining privacy for those concerned.

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<sup>1</sup> Please note that there is no externally-imposed mandate for completing an investigation within a certain window of time but that the OE aims to have the majority of its cases (formal and informal) completed within an internally imposed deadline of 90 days. For the academic year (AY) 2017-18 OE handled roughly 381 inquiries/informal resolutions with the majority of those being closed within a 45-day window. About 20 of the 381 cases (or 5%) were completed within 180 days for reasons of complexity and integrity of process.

The Human Resources department works closely with the Office of Equity to ensure appropriate resolution when issues/cases with employees arise. This may include Human Resources assisting with the termination of an employee, discipline, counseling, or other appropriate feedback. Human Resources receives and investigates reports of violations of the University's workplace violence policy as well as the University's code of conduct. Human Resources is currently evaluating a similar computerized system as used by the Office of Equity to provide better data, tracking, and transparency.

You also reference concerns that there is a failure to adequately notify both complainants and respondents about their corresponding rights and protections during an investigation. This information is included in materials provided to parties during investigations by the Office of Equity. We agree that if this information or these processes create feelings of frustration, distrust, and fear, they need to be reviewed and improved upon. The project team will be looking to clarify and strengthen the language used in our communications, and identify additional ways to make it clear that the University values providing clear, consistent, and accurate information about options and procedures.

### **3. No Community Feedback Mechanisms**

Your third point is that there appears to be a lack of feedback mechanisms for the offices that assist and support students and employees. We agree that providing the opportunity for feedback is important and both Human Resources and the Office of Equity are currently identifying ways to incorporate an on-the-spot constituent survey when individuals contact their offices.

### **4. Need to Identify and Address Trends**

Your fourth point suggests that it is difficult to assess broader matters of campus climate and culture surrounding these issues. Our Office of Equity compiles a yearly summary of the cases and outcomes and presents this annually to leadership to identify specific areas that need additional training, follow-up investigation, and general trends and concerns<sup>2</sup>.

We understand that the many ways that resources and data are shared may not be evident. As expressed in our meeting, the Office of Equity wants to meet with your group and other faculty groups to ensure that they receive the same information and can work with you to make positive changes in regard to these matters.

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<sup>2</sup> (a) The Office of Equity releases a [yearly review of the OE case load](#) as an annual report on its affirmative action efforts ([click to access past year AA reports](#)). [The Campus Clery Report](#) provides campus crime policy and statistics on an annual basis and the Ombuds Office releases a yearly review of its work. [Click here to access the 2018 Ombuds report](#).

Finally, we appreciate your specific ideas and suggestions regarding how to move forward in addressing the concerns you've identified. These will be thoughtfully considered by the project team and we anticipate further dialogue about these in subsequent interactions with you and other interested parties.

Again, we extend our thanks to the CLAS Council for bringing these issues and concerns to our attention. As you note, they cannot be addressed by one group or administration alone, and it will take a coordinated effort by everyone in our community to make the desired improvements in our procedures and practices. We look forward to working with you and others to accomplish that.

Yours truly,

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