Reframing and Revising the Discrimination and Harassment Policy and Procedures

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Policies Addressed by OIEC

• Sexual Misconduct Policy
• Protected Class Discrimination and Harassment Policy
• Conflict of Interest in Amorous Relationships Policy
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What is Discrimination?

Occurs when an individual suffers an adverse consequence on the basis of a protected class.

Examples can include:

- Denial of admission to an academic program
- Not being funded for a project
- Not being hired or promoted for a job
What is Harassment?

Verbal, written, or physical conduct related to one’s protected class that:

• Unreasonably interferes with work or academic performance or,
• Creates an intimidating or hostile work, learning, or living environment
• Typically, one incident is *not* sufficient to be a policy violation
Key Features

• Mirrors changes to APS 5014 (Sexual Misconduct, Intimate Partner Abuse and Stalking Policy) ensuring consistency;

• Includes definitions and procedures previously included only in OIEC’s resolution procedures;

• Clarifies OIEC’s jurisdiction to address concerns; and

• Clarifies mandatory reporting obligation for responsible employees;
Impetus for Revision

• Ensuring uniformity and consistency of campus of policy with System APS

• Creating greater transparency about prohibited conduct, jurisdiction, and the reporting obligation

• Clarifying caretaking roles of OIEC and providing more “why” language behind policy provisions
Aligns Adjudication Procedures with SM APS (Section I)

- Due Process
  - Notice
  - Right to advisors
  - Access to information
  - Right to respond to a Written Evidence Summary
  - Right to submit questions to be asked of others
  - Preponderance of evidence standard

- Internal review before findings are issued

- Post-decision appeal process for students and employees
Greater Transparency Around OIEC’s Jurisdiction (Section H)

(1) Policy applies to all protected class discrimination and harassment on campus

(2) Also applies to conduct off campus where:

• It is in the context of an employment or education program OR

• If both the Complainant and Respondent are students or employees of the university OR

• The university has significant control over the Respondent and exacerbating factors are present. (e.g. violence, pattern, minor, weapons, ongoing threats).
Reframing the Obligation to Report: Focus on Caretaking and Safety  (Section E)

• Clarifies purpose of reporting obligation

• Obligation to report exists regardless of whether the individual subjected to or who committed misconduct is currently enrolled or employed at the university

• Clarifies that the reporting obligation is ongoing
Why Reporting is Required

Reporting to OIEC is fundamental to the university’s ability to provide a campus environment that allows equal access to educational and employment opportunities

• Transparency and documentation of policy-related concerns
• Identification of trends and patterns in order to reduce problems and improve campus culture
What Must Be Reported to OIEC

• Any incident that alleges unwelcome or offensive behavior related to the policies addressed by OIEC
• Regardless of when or where the incident occurred as long as it involves a member of the university community
Why Reporting is Important

• Offer support and resources
• Understand the nature and scope of the concerns
• Implement safety and protective measures
• Consider options for addressing the behavior
• Identify trends and patterns of problems
What Has Not Changed?

• Purpose of Policy Has Not Changed

• No Material Changes To:
  • Designation and responsibilities of OIEC;
  • Standard of proof or investigative procedures;
  • Substantive definitions of prohibited conduct;
  • How OIEC handles complaints involving more than one campus; and
  • Options for reporting and assistance
Questions?
Case Studies

Policy and Reporting
Case Study

A student tells you that they have a disability accommodation allowing them extra time on exams. The student says that when they turned in their exam their professor commented to the student that they may want to reconsider their major given their struggles.
Case Study

You recently hired a new manager in your unit and you supervise her and her staff. She tells you that something “concerning” happened during a recent staff meeting. She explains that while discussing new construction on campus, a female-identifying staff member indicated that she feels uncomfortable by CU’s move towards multi-gender restrooms and that she does not feel “safe” when men and women have access to the same bathroom space. The manager tells you that a heated debate quickly “spiraled out of control” including one staff member calling another staff member a “right wing bigot” and another individual referring to transgender individuals as a “gender bending idiots.” The manager is asking for your advice on next steps.
How to Report to OIEC

Phone: 303-492-2127

Email: cureport@colorado.edu

Web-Based Reporting Form: www.colorado.edu/oiec

(“Report an Incident” tab - anonymous reporting is an option for individual complainants, not responsible employees)
Confidential Campus Resources

- Office of Victim Assistance (OVA) - C4C
- Counseling and Psychiatric Services (CAPS)
- Ombuds
- Faculty Ombuds
- Faculty and Staff Assistance Program (FSAP)
- Student Legal Services (SLS)
- Medical providers
Thank you!
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