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# Why Reporting Matters: Understanding the Obligation to Report

Academic Leaders Retreat August 14, 2017  
Valerie Simons, Executive Director/Title IX Coordinator  
Office of Institutional Equity and Compliance (OIEC)

# Agenda

- Introduction:
  - Valerie Simons: Who is she?
  - Reporting Made Easy – Two Steps and Done
- Overview of OIEC
- University Policy
- Obligation to Report
- More Case Studies and Discussion
- Q&A

# Valerie Simons.....

- Who is she?
- Why is she here?
- What does she want you to remember?

# Reporting Made Easy – Two Questions

- 1) Do the allegations involve a member of our community?
- 2) Do the allegations involve (potentially, maybe, possibly) either the Sexual Misconduct Policy or Discrimination and Harassment Policy (or related retaliation for either policy)?

If yes on both, report! If you are not sure, report!

# Policies Addressed by OIEC

- Sexual Misconduct Policy
- Protected Class Discrimination and Harassment Policy
- Amorous Relationships Policy

# Role of OIEC

- Investigation
  - Trauma informed team approach
  - Neutral fact finders
- Remedial and Interim Measures
  - Independent of investigation
  - Immediate and long-term measures to ensure safety and success
- Education and Prevention
  - Required policy training for faculty, staff and students
  - Bystander intervention and skill building education

# Discrimination and Harassment Policy: Recognizing “Protected Classes”

Race

Color

National Origin

Sex

Sexual Orientation

Gender

Gender Identity

Gender Expression

Age

Pregnancy

Disability

Religion

Creed

Veteran Status

Political Affiliation/Philosophy



# 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 hire 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

# What is Quid Pro Quo Harassment?

- “This for that”
- When a person in authority (administrator, dean, chair, professor, advisor, manager, supervisor, coach, etc.) asks for sexual favors from a subordinate as a condition of education or employment
  - Promotion, salary increase, tenure, grant money, lab space, grade, evaluation, etc.
  - One incident *is* sufficient to be considered a policy violation

# What is covered in the Sexual Misconduct Policy?

- Non-consensual sexual contact
- Non-consensual sexual penetration
- Sexual Exploitation
- Sexual Harassment
- Intimate Partner Abuse (Dating or Domestic Violence)
- Stalking

# Conflict of Interest – Amorous Relationships

- Pertains to mutual and consensual relationships where one individual has **evaluative authority** over the other person in a romantic and/or sexual relationship
  - Must be disclosed to supervisor and OIEC
  - Evaluative authority has to be removed
  - 7 year timeframe



# What is Retaliation? As related to either Sexual Misconduct Policy or Discrimination and Harassment Policy

Means any adverse action threatened or taken against a person because the person has filed, supported, or provided information in connection with a complaint of prohibited conduct, including but not limited to, direct and indirect intimidation, threats, and harassment.

An “adverse action” is one that would dissuade a reasonable person from reporting an allegation of misconduct or participating in an investigation of misconduct.

# Obligation to Report

- Any responsible employee who witnesses or receives a written or oral complaint of discrimination, harassment, sexual misconduct, or related retaliation, must promptly report it to OIEC
- A responsible employee is any employee who has the authority to hire, fire, promote, discipline, grade, formally advise or direct faculty, staff, or students

# Who is a “responsible employee”?

- Faculty and Instructors
- Athletic Trainers and Coaches
- Managers and Supervisors
- Graduate TA's
- Resident Advisors (RA's)
- Academic Advisors

# What Happens When Someone Reports?

- OIEC will outreach to the Complainant
  - Offer confidential resources
  - Provide information about our process
- Complainant has the choice to proceed or not (with exceptions)
- Consider “override” factors
- Formal and informal resolution process

# Goals of Reporting

- Ensure that the person subjected to the behavior is safe and receives support and resources
- Understand the nature and scope of the concerns
- Ensure health and safety of the campus community
- Make options available for addressing concerns and remedying the impact
- Identify trends and get behaviors to stop
- Not necessarily an “investigative response.” Less than 10% of OIEC matters go to a formal investigation.



# Case Studies

## Obligation to Report

# Report to OIEC?

Sam believes that he has been the victim of retaliation in his department at CU Boulder. Sam tells Lucy, a colleague at another university. Lucy then tells her friend, who is the Director of another department/unit at CU Boulder. Lucy tells the Director what Sam told her because she is worried about Sam.

Answer the two questions . . .

# Report to OIEC?

Dara is a student athlete who was sexually assaulted by someone while at home on summer break in California three years ago. In the midst of a conversation about her summer activities that year to an academic advisor, she disclosed the prior assault. She said she already told the police and it was “handled.”

Answer the two questions . . .

# What to Report

- Any incident that alleges sexual misconduct, protected class discrimination/harassment or related retaliation.
- Even when the individual disclosing wishes to maintain privacy
- Even when a responsible employee does not oversee the individual who is adversely affected
- Even if off campus
- Even if it was a number of years ago
- Remember the difference between “reporting” and “jurisdiction” for OIEC to move forward

# How Do I Make a Report to OIEC?

Phone: 303-492-2127

Email: [cureport@Colorado.edu](mailto:cureport@Colorado.edu)

Web-Based Reporting Form:  
[www.colorado.edu/institutionalequity](http://www.colorado.edu/institutionalequity) (“Report an Incident” tab)



# Campus Resources

Accessing Support

# Campus Support Resources

## **Confidential Resources:**

- Office of Victim Assistance (OVA)
- Counseling and Psychiatric Services (CAPS)
- Ombuds
- Faculty Ombuds
- Faculty and Staff Assistance Program (FSAP)

## **Non-Confidential Resources:**

- Title IX Coordinator
- Office of the ADA Coordinator
- Faculty Relations
- Employee Relations
- Disability Services
- Office of Student Conduct and Conflict Resolution & Students of Concern Team
- Behavioral Intervention Team
- CU Police Department

# Office of Institutional Equity and Compliance

Website: [www.colorado.edu/institutionalequity](http://www.colorado.edu/institutionalequity)

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# Questions?