

SAFETY AND FAIRNESS AT ASU: A STUDY



O. John Kuenhold

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I. Introduction

A. Charge

I was approached at the end of August 2014 by the Chairperson of the Board of Trustees and the President of Adams State University (ASU) with a request to meet and discuss my willingness to conduct a survey and review of campus documents, process and procedure focusing on fairness and safety. President Svaldi and Trustees Arnold Salazar and Tim Walters¹ met with me on August 29, 2014, at the temporary offices of the President. The University had received some negative publicity and they thought it would be prudent to have an outsider examine issues related to safety and fairness on the campus. It is important to note that I was not asked to investigate or respond to any particular criticism and I have not done so, although some of my discussions with individuals on campus have touched on issues that had been in the news.

The President and Trustees initially asked me to review campus documentation and then to meet with them again to discuss what would come next. I agreed to take the first step and review the documentation. I was honored to be asked to assist ASU in what was an obvious effort by ASU leadership to conduct due diligence on issues that touch every person on the campus and beyond.

I did a preliminary review of core campus documentation and procedures and met with them a second time on September 24, 2014. The conversation revolved around the inadequacy of simply reviewing documentation if the core request is to see how fairness and safety are perceived and play out across the campus. They therefore charged me to interview people across campus including staff, students and faculty. I cannot speak for the President or Trustees, but I did not fully understand the scope of this inquiry.

In mid-November 2014, Dr. Svaldi sent a campus-wide email to all employees, faculty and students describing my task and inviting any individual to contact me either through the Office of the President or directly. This resulted in a multitude of emails to me and meetings with numerous individuals wanting to talk about almost every element of campus life.

During the course of this study, I was given free access to everyone on campus. I benefitted from the cooperation and candor of the people I contacted. Some people interviewed were guarded in their conversations, but many others were remarkably frank. There were many conversations where people expressed gratitude to the administration for having someone come out and listen to them. In the end, I hope I was a good listener and that the conversations helped focus on campus issues where the

¹ Tim Walters' term on the Board expired at the end of 2014.

greatest improvements can be made to improve safety and fairness for everyone. I have tried to give voice to the questions about safety and fairness that were raised with me. Some of the comments and complaints were loud and others softly spoken. More than once, I was left trying to infer meaning from a glance or silence. It is important to remember I am one person and I am sure there are aspects of this report which people will think I got wrong and that there are important issues I missed. I am sure there are things I have missed or misunderstood, but I think my general conclusions are accurate including the general safety and efforts to be fair that prevail on the campus.

B. Methodology

In order to prepare this report I have taken the following steps.

1. Review of core documentation at Adams State University including the Faculty Handbook, Student Handbook, Student-Athlete Handbook, the 2014 Community for Inclusive Excellence, Leadership and Opportunity (CIELO) *Campus Climate Survey*, the 2014 ASU crime statistics (*Clery Report*),² the strategic plans and ASU budgets for various years.
2. Review of other campus documents, policies, the ASU website, team handouts, materials for various presentations to students and by students, issues of the *Paw Print*, and review of speakers, presentations, exhibits, plays and conferences on campus.
3. Review of comparable documents from a variety of other universities.
4. Review of statutes, administrative rules, assorted financial statements and grants.
5. Review of other evaluations and recommendations on this campus and on other campuses across the country.
6. Focused interviews with staff, faculty, and students and with various student, faculty and staff organizations concerning their thoughts and concerns related to safety and fairness. I sought to speak with every department chair and with faculty members who either contacted me or with whom I was told I should meet with. Various student groups asked to meet with me and I sought meetings with others who did not ask to be interviewed. Many of the individual students who contacted me were part of one or more student organizations.

² The “Clery Report” is filed annually by the University as required by the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, 20 U.S.C. § 1092 (f). Vice-President of Student Affairs Ken Marquez is responsible for this substantial task.

7. Focused interviews with the Athletic Director, Assistant Athletic Director, Compliance Officer and almost every head coach.

8. Focused interviews and multiple follow-up discussions with Dr. Svaldi.

9. Focused interviews and follow-up discussions with each of the Vice-Presidents and with other key administrative personnel including the Director of Human Resources.

10. Individual interviews included almost every member of the President's cabinet and executive council as well as governance-focused organizations such as CIELO.

11. Focused interviews with important off-campus organizations and law enforcement agencies related to public safety and victim services.

12. Interim oral report to and discussion with, the Board of Trustees.

In total, I interviewed more than ninety individuals, some more than once. I met with a number of groups as well, and continue to receive invitations to talk even as I draft this report.

C. Process

I suspect that some may well have thought that I could/would take a brief snapshot of the campus and complete this report in short order. As an outsider to the campus, it was soon apparent to me that to do justice to the charge, I would need to observe and interact with people over a period of time to understand ASU as a "living" campus. I have spent many hours on campus and I have been in almost every campus building. I have met with a wide variety of people in the course of this review. I have doubled back and spoken two or more times with some of the people I have interviewed. I determined that I should evaluate fairness and safety in context of the Mission Statement and vision of the University. Even the wealthiest of private institutions cannot be all things to all people.

In my conversations with everyone except the administration, I assured individual students, faculty and staff that what I was told would not be individually attributed to them. Unquestionably, that assurance resulted in some very candid thoughts and also allowed for some vulnerable moments. One thing that stood out in almost every conversation was a love for Adams State University and a deep commitment to its chosen mission. No one was content with the status quo. Everyone wants to advance ASU. How to do so and the process to set priorities are subjects concerning which people hold strong views.

The initial focus was on student safety with a particular emphasis on issues related to suicide, depression, sexual assault, stalking and harassment, and domestic

violence. I reasoned that I should start with a determination of whether or not any of these areas were critical safety issues for the students and needed immediate attention. Given the many instances of fairly appalling circumstances reported on other campuses before and during the time I have worked on this report, it made sense to me to place an initial emphasis on these critical areas related to student safety. I thus began with conversations with the Vice-President for Student Affairs (VPSA), Ken Marquez; Gregg Elliott, Director of Counseling and Career Services; Bruce DeTondo, Director of Auxiliary Services, including Housing/Residence Life; Mark Pittman, Assistant Director of Housing/Residence Life; and Larry Mortenson the Athletic Director.

Next came meetings with off-campus officials and groups vital to the question of student safety such as Ashley Riley Lopes and Michele Martinez from Tu Casa, the respected local crisis intervention shelter and advocacy group for victims and survivors of domestic and sexual assault. I also met with the then-Acting Chief of the Adams State Police, Tresa Rupright³; Chief Duane Oakes of the Alamosa Police Department; George Dingfelder, Captain of the Colorado State Patrol; Robert Jackson, Alamosa County Sheriff; District Attorney, David Mahonee; Deputy District Attorney, Crista Newmyer-Olsen; and attorney Alice Price, one of the founders of Center the Restorative Justice.

After the initial focus, I began interviews crisscrossing the campus and began to spend more time exploring fairness and governance as well as safety. I wanted to be sure that as I learned from my interviews I could incorporate new questions and subjects into future interviews. Consequently, I sought to talk to and intersperse meetings with people from each area on campus. Individual interviews with those who requested to speak with me were also interspersed with the cross-campus pattern.

Generally, I began interviews with an explanation of my charge and an open ended question about any matters related to safety or fairness that stood out to the individual interviewed. Sometimes, this elicited a specific issue or set of issues for that person. Often that was not the case, and I walked through specific questions related to these topics. Since I interviewed students, staff, and faculty, the questions did vary by group but always included issues focused on student safety, race, gender, sexual orientation, resource allocation, transparency and governance.

I met with key groups across the campus including the Campus Advocacy Group (formerly the Campus Culture Advisory Group), members of CIELO, AF&F, Faculty Senate, Classified Employee Council, Colorado WINS, PASC representatives, Housing Resident Advisors, Black Student Union (BSU) representatives, Cultural Awareness and Student Achievement (CASA) and Veterans Services.

In order to understand issues related to fairness, I worked to understand the financial relationships, budget process, the priority-setting process and the general governance structure.

³ I have subsequently met with the new Adams State Police Chief, Paul Grohowski.

I tried to put the conversations in context by looking at other sources of information about ASU. The *Self-Study Report of 2006*, the *CIELO 2014 Campus Climate Report*, the various grants received by the University, and the Financial Accountability Plan are examples of the documents I used to frame my analysis of the conversations. I also looked at campus events and presentations over the past few years from plays to student sponsored events to faculty lectures and conferences such as the recent ACE conference.

II. Executive Summary of Findings and Conclusions

The following is a short summary of key conclusions reached over the past five months. The observations and recommendations are set out by area and are not prioritized. The framework for my evaluation of safety and fairness are the ASU Mission and Vision set out in many documents. Obviously, these are just selected points from a lengthy document and others may find observations in the full text and not included here more important to them.

A. General Observations and Mixed Recommendations

1. The leadership from Dr. Svaldi over the last ten years has been outstanding and has maintained a clear focus on fulfilling the ASU Mission, and performing that mission in an equitable and inclusive manner during a time of incredible financial strain.
2. The conversations across the campus strongly supported the positive perceptions of the University by internal audiences reflected in the *Noel-Levitz Enrollment Growth Report* of 2011 and the *2014 Campus Climate Report* prepared by the Community for Inclusive Excellence, Leadership and Opportunity (CIELO). ASU is perceived internally as “a friendly, personalized educational environment,” “an affordable college education,” with “accessible, attentive faculty,” and as a “college of access and diversity,” and “the best place for first generation students.”
3. There is enormous love for ASU from staff, faculty and students and in the San Luis Valley community.
4. The physical campus is very attractive and well equipped and a safe campus both physically and by other measures.
5. ASU is very good at “making the best of things.” There are many dedicated faculty and staff and there are some great examples of how to creatively grow and build in spite of the obstacles ASU faces.

6. Good governance requires strong and consistent communication regarding the decision process and the reasoning for particular decisions. In an organization like ASU, multiple paths to participate and follow decisions are necessary.

7. Adams State University is working hard to fulfill its mission and to be diverse and inclusive and the commitment is demonstrated in actions not just with words.

8. The status of ASU as a Hispanic Serving Institution (HSI) is important to the identity of ASU and to its financial health, but the University has yet to define and enlarge the HSI status into something that makes ASU especially attractive because it is HSI.

9. The multiple grants ASU receives are closely aligned with the ASU Mission to “educate, serve and inspire our diverse populations in the pursuit of their lifelong dreams and ambitions” and the vision “to educate, serve, and inspire our diverse populations in the pursuit of their lifelong dreams and ambitions.”

10. The low retention rate for students in almost every demographic remains a challenge both in terms of fulfilling ASU’s chosen Mission and in terms of the resource and financial strain the low retention rate puts on ASU. It is also a huge strain on students who incur significant debt but leave without a degree.

11. Undergraduate enrollment is fairly stable although there have been small declines the last four years. The changing circumstances in higher education require a continued search for new opportunities to grow and sustain undergraduate enrollment with an increase in retention and graduation as a key way to do better for the students and increase enrollment. It was suggested that there should be a ten year target for incoming freshmen class with specific targeting for residents and non-residents; by ethnicity; local Valley vs. all Colorado; and athletes vs. non-athletes.

12. The changes at ASU from the growth of Extended Studies and graduate programs are accepted as necessary but some are uncomfortable with where the changes are taking the traditional undergraduate university.

13. Campus safety planning and actual physical safety are both outstanding and improving. Affirmative Preventive Education related to suicide, domestic violence, sexual assault, stalking, alcohol and drug abuse is ongoing, evolving and a matter of consistent priority for ASU.

14. ASU offers tremendous opportunity for student involvement and leadership which is producing outstanding young leaders. Equally impressive, the diversity on the campus is reflected in the young leadership emerging at ASU.

15. Fairness is difficult to define but it involves both procedural aspects and more subjective perceptions. ASU does very well in many measures of fairness, but needs to take steps to clarify process, define standards and clarify roles. Both students and faculty are asking for more transparency and for clear explanations regarding the way priorities are set.

16. Significant positive steps occurred while I have prepared this report that address faculty and staff concerns related to salaries and salary inequities.

17. The Student Handbook and Student-Athlete Handbook need to be reviewed and updated including clarity around standards and disciplinary process regarding any allegations of sexual assault. The documents should be available as mobile friendly webpages.

18. The Faculty Handbook should also be reviewed and edited again. The parental leave policy should be incorporated into the handbook rather than stand as a separate document. The review and rewriting could form a basis for serious internal debate and discussion by the faculty about what it means to be a colleague and a professional and that the standards coming out of that discussion regarding professionalism, respect and civility should be incorporated in the handbook.

19. The creation of a Women's Center/Office of Inclusive Excellence in the pending Title V grant application has broad support.

20. The four kinds of work study at ASU are important financially and in other ways to the students. Work study opportunities should be expanded and used as a means to connect students with the community whenever possible.

21. Classified employees have valid concerns regarding the reduction in classified positions in favor of exempt positions and a clear University policy should be articulated regarding this issue.

22. Veterans are a significant and underrepresented population on campus and a demographic group that ASU should recruit actively and welcome.

23. The efforts to boost alumni contributions and participation have improved and are receiving increasing support. Since state funding is not going to fully fund the development on campus that is desired and achievable, alumni should be challenged to do much more for the current students.

24. Absence of both a student health clinic and student health insurance is a huge gap in student services that ought to be addressed.

25. Enrollment-based sports have been a very successful draw for new students who might otherwise not consider ASU, but the numbers recruited for some of these sports are unrealistic and not fair to the student-athletes.

26. Gender issues in the faculty are a significant problem that needs to be confronted and resolved. Women of color have had a particularly difficult time advancing in the profession.

27. Female and minority students are very visibly leaders across the campus. LGBT students and faculty are likewise visible and respected. These realities contribute to making the campus welcoming to a diverse student body.

28. The persistent lack of a single African American professor is difficult to reconcile with the goal of inclusive excellence and efforts to invigorate the recruitment of African American and additional Hispanic faculty should be a faculty priority.

29. A number of Hispanic employees at every level express their sense of being disrespected in significant ways.

30. The art, music and theatre departments are important community ties and an important voice for diversity and inclusive excellence on the campus and between the campus and community. There is anxiety on and off campus over how to adequately replace a key department chair whose retirement creates a special challenge for the university.

B. Key Additional Recommendations

1. Governance of a University this large requires multiple methods of communication regarding decisions that are being considered and implementation of decisions already made. The administration needs to be proactive and utilize existing technology to receive and to distribute information. One way to do this is to increase the administration blogs/webpages that document campus discussions and decisions for easy review. It is useful to systematically incorporate presentations (PowerPoints, YouTube) and documents in a structured format that makes it easy for a viewer to review presentations whenever they want to.

2. Invigorate the documented and intended processes for communication and decision-making to avoid business being done on the basis of personal relations with all the problems that brings.

3. Make transparent disclosure of the reasons for decisions and the priorities set.

4. ASU should make every effort to offer students a health care plan and create an on-campus clinic in conjunction with the ASU Nursing Program and the SLV Regional Medical Center.

5. ASU must enter into a Memorandum of Understanding with the SLV Regional Medical Center and take other required steps to comply with HB 15-1220 *Concerning Response to Sexual Assault on Campuses of Colorado's Institutions of Higher Learning*. (I understand this has now been accomplished.)

6. New means of vetting a creative idea to potential benefactors need to be created. For example, a campus crowdsourcing page on the website could be created to let all alumni and others in the ASU community see new proposals and ideas and inviting support for new initiatives at ASU.

7. ASU needs to develop a campus-wide vision of what HSI means that is inclusive in the sense that almost every student will feel drawn to and a beneficiary of the fact ASU is an HSI institution. A frequently heard suggestion was to tie the status to expanded offerings in Spanish, Southwest and Latin American Studies, semester abroad opportunities and perhaps summer internships with companies doing business in Latin America.

8. The Athletic Director and a campus committee should evaluate each enrollment-based DII sport to determine the optimum number of players on the team given the facilities, budget and coaches with a focus on ensuring the player experience is a good one for the students participating.

9. ASU should explore expanding recruitment of veterans and outdoor adventure enthusiasts as good options for expanding enrollment of full-tuition paying undergraduates. (I understand efforts to target recruitment of veterans is commencing the Fall of 2015.)

10. Improvement and expansion to the Rex Activity Center needs to be a priority as its current condition and size is viewed as a major negative and equity issue for current students and potential students including the veterans and outdoor enthusiasts who are desirable targets for recruitment.

11. ASU should make building a prevention culture a keystone of New Student Orientation and a part of everyday campus life by linking the prevention efforts to the ASU core values, the ASU Affirmation, the ASU Declaration of Tolerance, the national Step UP bystander intervention programs and to the Six Pillars of Character from the Josephson Institute.

12. The core curriculum for New Student Orientation should be systematically re-designed linking to the core values of the institution, and should focus on student safety utilizing a committee including community partners including Tu Casa, the Deputy District Attorney and SLV Behavior Health.

13. The website pages and other materials related to prevention and reporting of sexual assault, harassment, stalking and domestic violence should be re-written in a comprehensive manner to ensure easy access to crisis information and accurate information about options for reporting, counseling, medical care to assist a victim or friend of a victim. Outline clear roadmaps showing the options victims have including clear explanations of the steps, the level of confidentiality, and likely way a given pathway will proceed using infographics and charts to show the flow of information and process.

14. The Sexual Harassment and Violence Policy needs to be clarified prior to the start of the fall semester.

15. The community Sexual Assault Response Team together with others the administration deems appropriate should take a look at my recommendations together with the *Virginia Task Force Report on Sexual Violence* and the Oregon University Report and formulate next steps to improve campus prevention and response at ASU.

16. ASU, with assistance from the community Sexual Assault Response Team should design a sexual assault survey described in the White House Report *Not Alone* using the Oregon model. It would be helpful find funds or other rewards to incentivize large numbers to take the survey. The results can be used to evaluate the current preventive measures and available services for victims.

17. ASU should make bystander intervention a key campus culture feature connected to the core ASU values and the Six Pillars of Character. Build upon the solid success of the “1100 Messages of Hope Wall.” Bystander intervention can prevent problematic situations including alcohol abuse, hazing, depression, sexual assault, discrimination, anger, eating disorders and academic misconduct.

18. Evaluate the cost of a smartphone safety app for reporting any campus crisis.

19. The Disciplinary procedure related to sexual assault allegations should be addressed in conjunction with legal counsel and specifically:

- a. Make sure a victim understands the consequences of choosing a particular path(s) in choosing to file criminal charges or a formal complaint with the university.
- b. Do not discourage or diminish the option of reporting sexual assault to law enforcement. Victims should be encouraged to explore this option.
- c. Revise the disciplinary code process and procedures for sexual assault allegations including the hearing process and rewrite these provisions in a way that complies with the standards of the DOJ Minimum Standards but also affords due process to the accused.

20. ASU should strongly consider specifying a trained outside investigator and outside hearing officer(s) in internal complaints regarding sexual assault rather than attempt to use employees in these roles.

21. Retention should remain a key focus of internal evaluation both for the health of the University and for the well-being of the students. The new tracking software opens up better opportunities to keep students engaged and for advisors to keep apprised of the progress of the students they advise.

22. ASU should reach out to the community to build more community work study jobs and internships as a means to get needy students more money and job experience and to facilitate potential future job placements.

23. A committee led by the VP for Student Affairs should rewrite the Student Handbook and a committee led by the VP for Student Affairs and the Athletic Director should rewrite Student-Athlete Handbooks.

24. There should be a campus dialogue to explore what people want HSI to mean and to define the steps needed to reach that vision. An expanded view of HSI would be another avenue to attract students who want to learn about and embrace culture, language and history.

25. ASU should require implicit bias and cultural sensitivity training for all employees and record and put online the key elements of the training curriculum for reference and for new hires to view as part of their introduction.

26. The faculty should hold a facilitated retreat to discuss collegiality and professionalism using the core ASU values and Six Pillars as foundations. The discussions should then be used by a faculty committee to guide revisions to the Faculty Handbook around these issues.

27. Consistent with the recommendation of the campus-wide compensation committee, the FY 2015-2016 budget sets aside money to bring faculty and staff base salaries to 72.5% of their peer group average and multi-year goal of salaries at 90% of the peer schools' average and address inversion and compression in the faculty, exempt and classified staff. This first step should be continued as a central part of the budget until the long term goal is reached.

28. The structure and standards for the tenure committee need to be clear and selection of the members of the committee should include consideration of demonstrated ability to act without gender or ethnic bias.

29. It would seem consistent with the ASU Mission for ASU to actively recruit more Native Americans. They have other options at lower cost but changing funding options for tribal members may make ASU appealing. The Southern Ute and Ute

Mountain Ute tribes, the Navajo Nation and Pueblo tribes all have historic ties to the valley.

30. African American students on campus expressed that they were generally pretty happy with their ASU experience. ASU should continue recruiting African American students interested in the quality of the education, the diversity of the student body and the rural experience.

31. The Adams State University Police Department (ASUPD) should publicize the availability of rides at night from ASUPD for students who are uncomfortable and use this service as a means of campus outreach.

32. The Athletic Department needs to clarify the protocol when a concussive event occurs at practice or in a game.

33. The Athletic Director needs to take steps to ensure that each head coach and the conditioning and training staff improve communication and that student-athletes are given the guidance in their training to be safe and hopefully improve performance.

III. The ASU Mission and Vision

In order to focus my inquiries around fairness and safety, I looked to the principles Adams State University holds dear as a framework for my work. ASU has a clearly stated mission. As set out in numerous documents and prominently displayed on its website ASU's Mission Statement is:

The University's mission is to educate, serve, and inspire our diverse populations in the pursuit of their lifelong dreams and ambitions. Adams State's vision is to become the University community of choice for diverse and traditionally underrepresented groups and all who value quality education and inclusivity. As one of Colorado's most cost-effective post-secondary institutions, the University maintains its historic commitment to under-served populations, including minorities, first-generation, and low-income students. Adams State is Colorado's first four-year higher education institution to be federally designated a Hispanic Serving Institution (HSI). Since 2000, the University has been awarded a total of \$14.1 million in Title V grants designed to improve capacity and services. Two five-year grants totaling \$6.1 million are currently underway.

The governing body for ASU is the Board of Trustees.⁴ Its bylaws similarly set out the mission and goals of ASU with the addition of specific responsibility to provide teacher education and to promote the culture of the region.

Section 1. Mission and Goals. The University shall be a general Baccalaureate institution with moderately selective admission standards, offering undergraduate liberal

⁴ Since July 1, 2003, Adams State University has been governed by its own Board of Trustees. See, C.R.S. § 23-51-101 *et seq.*

arts and sciences, teacher preparation, and business degree programs, a limited number of graduate level programs, and two-year transfer programs with a community college role and mission. In addition, the University has a significant responsibility to provide access to teacher education in rural Colorado, to serve as a regional education provider, and to offer programs, when feasible, that preserve and promote the unique history and culture of the region. The Board will, from time to time, establish and revise its goals and objectives for carrying out its mission.

The Board of Trustees has adopted a clear anti-discrimination employment policy which concludes with the following resolution:

NOW, THEREFORE, BE IT RESOLVED that we, the Trustees of Adams State College resolve that the hiring of employees shall be done solely on the basis of merit, and we do hereby request the College to vigorously pursue this policy, accepting as employees those who are qualified by virtue of their training, experience, character, and integrity without regard to race, color, creed, national origin, sex, age, veteran status or disability.

Board of Trustees Policy Manual, Section 2.2: Anti-Discrimination Employment Policy

The Trustees' Policy Manual also includes a lengthy declaration of the ASU's commitment to diversity which reads as follows:

Section 2.1: Diversity Policy

RESOLUTION

WHEREAS, diversity is essential to the educational mission of Adams State College in preparing students for successful engagement in the social, political and economic communities in which they live and work,

WHEREAS, the focus of the Colorado Commission on Higher Education for 2006-2007 is access to higher education, especially for under-represented students, and

WHEREAS, the U. S. Department of Education recognizes the unique history and mission of Adams State College in the San Luis Valley and has conferred on Adams State College the designation as a Hispanic Serving Institution, and

WHEREAS, diversity represents the rich breadth of diverse ideas, perspectives and backgrounds, individual and group differences, and sustains open communication and

WHEREAS, the United States Supreme Court in *Grutter v. Bollinger et al.*, (2003) affirmed "a compelling interest in obtaining the educational benefits that flow from a diverse student body", and

WHEREAS, the effective implementation of policies and practices that affirm diversity at ASC depends to a large extent on the systemic structures that reflect understanding and valuing of the educational benefits of diversity in an academic community, and

WHEREAS, the education system has the highest responsibility to teach by precept and example, compliance with the law in spirit and in fact,

NOW, THEREFORE, BE IT RESOLVED that we, the Trustees of Adams State College affirm its commitment to the promotion of diversity in the Adams State College community in that diversity is a key element in the intellectual and interpersonal development of Adams State College students. Diversity enhances academic quality, strengthens communities, fosters and promotes citizenship, and strengthens economic prosperity. The administration at the College is mandated to develop and implement a Diversity Action Plan. This plan and its implementation will be reviewed annually.

Campus Diversity Action Plan

The College Administration shall assume the responsibilities required for the development of a comprehensive action plan for diversity, with extensive input from all constituencies in the campus and local communities, and which is consistent with state and federal statutes, executive orders, rules, and this resolution. Current copies of the diversity action plan, approved by the Board of Trustees, shall be kept on file in the President's office. Quotas, "set asides" and/or discriminatory practices must not be included in or inferred from campus diversity plans. The plan will call for Adams State College to promote diversity on its campus by:

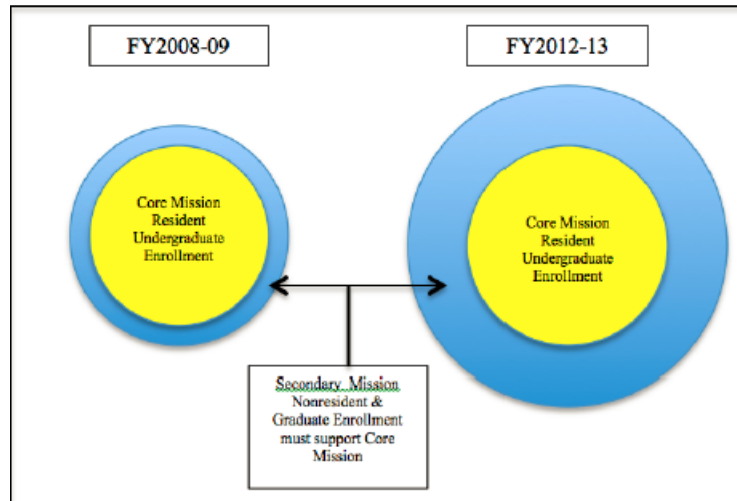
1. Enhancing the diversity of the campus community through the recruitment and retention of historically underrepresented diverse populations.
2. Developing specific policies and practices that provide a safe and supportive campus environment for students, faculty, staff and administrators.
3. Diversifying leadership and management at Adams State College.
4. Monitoring and evaluating the achievement of campus-wide diversity strategies through quantitative and qualitative accountability measures.
5. Working with pre-K through 12th grade schools to impact the academic preparation of historically underrepresented students and to provide effective pathways for those students to move from other educational communities, especially community colleges, to the College.
6. Expanding programs and services designed to enroll, retain and graduate non-traditional and historically underrepresented students while also implementing policies and practices that will ensure the academic success of these students.
7. Aligning human resource programs that include hiring, supervising, developing, evaluating, and rewarding faculty, administrators and staff as they engage in diversity initiatives, and to support research and service projects for historically underrepresented faculty that develop their expertise, teaching skills, and academic leadership.
8. Increasing the percentage of underrepresented tenured and tenure-track faculty and expanding opportunities for professionals at all levels to share their expertise and best practices related to diversity across the campus, including the development of curriculum that is inclusive of diversity in content and/or instructional practices.
9. Ensuring that historically underrepresented students at all levels are prepared to enter the workforce by expanding the number of partnerships with business, industry, government, community and other educational entities.
10. Promoting business, community, and cultural development activities designed to support diverse populations.
11. Providing financial and personnel resources to support implementation of an approved diversity plan.

A. ASU Today

In a very real sense, Adams State University has always embraced its mission. Adams State Normal School was founded in 1921 as a result of the efforts of local legislator and Alamosa Mayor, Billy Adams who saw the future of the San Luis Valley and other rural areas in the West depended upon the development of a good public education system and that required a supply of teachers. A good part of the San Luis Valley had been part of Mexico until 1848. San Luis was founded in 1851 (in accordance with a land grant that preceded the Treaty of Guadalupe Hidalgo) and the other Hispanic plazas soon followed. The population of the San Luis Valley was heavily Hispanic in 1921 as it is today.⁵ The Valley had few college graduates in 1921 so almost every student it recruited was a first generation college student.

The struggle to establish Adams State Normal School required perseverance. Adams State University has grown to a full University since those humble beginnings as a result of others continuing to persevere over the years. Today, in spite of the challenges past and present, ASU has a very attractive, student-friendly campus. ASU has an annual budget approaching \$60 million and over 370 employees. Spring 2015 enrollment is 3,470 including 2,503 undergraduates and 967 graduate students with growth since the appointment of Dr. Svaldi and the adoption of a Strategic Plan that is very impressive. The following graphs from the 2014-15 presentation to the Joint Budget Committee show a growth in enrollment consistent with the core mission and the result of success from efforts to build graduate programs and full-pay undergraduate enrollment for financial security, and to support the core mission to serve the underserved and “educating low-income undergraduate resident students of this region.” This success is not without internal questions from those whose departments are not thriving and more generally concerning how the focus can remain on the mission to serve the underserved as graduate programs and Extended Studies become the essential financial drivers for the University. This is a good question to ask and to answer. It is discussed further below, but there is no inherent conflict between expanding graduate programs and Extended Studies on the one hand and providing an exceptional residential undergraduate program in accordance with the core mission.

⁵ Latter Day Saints and Dutch settlers followed in the late 1870s and 1890s. The railroad arrived in 1878 and Alamosa was founded.



The recent enrollment success is dramatically illustrated in this second graph.

ASU ENROLLMENT COMPARED TO STATEWIDE AVERAGE

	2008-09	2009-10	2010-11	2011-12	2012-13	% Growth at ASU since 2008-09	% Growth Statewide Average since 2008-09
<i>Resident Undergraduate Enrollment</i>	1,383	1,558	1,612	1,630	1,578	14%	12%
<i>Nonresident Undergraduate Enrollment</i>	262	261	282	338	323	23%	18%
<i>Resident Graduate Enrollment</i>	263	298	336	346	325	24%	5%
<i>Nonresident Graduate Enrollment</i>	11	48	90	146	217	1873%	18%
<i>Total Enrollment</i>	1,919	2,165	2,321	2,460	2,442	27%	12%

1. Student Support for Renovations and Growth

A key element in making this possible is the ongoing student support for ASU. In 2008, University leadership realized that state support would not adequately support the Strategic Plan adopted. They realized that renovations and construction needed to make the campus attractive to visit and live on and the technology infrastructure a modern University must have would require a solution not fully funded by the Colorado General Assembly. The University leadership went to the students in March 2008, and obtained overwhelming student support for a student capital fee generating \$1,000,000 annually. This funding source supported the issuance of bonds to finance the renovation of the campus and will continue to maintain it after the debt is paid. This initiative has enabled ASU to complete a five-year \$84 million dollar renovation and new construction project. The renovations are apparent across the campus. The new football stadium and the High Altitude Training Center dome are striking new additions to the campus but they are only a small part of the thoughtful redesign. Elimination of Stadium Drive

through the north campus has created an open space and extends the campus mall north from First Street. Walking around the campus, north and south feel more connected and walking from one end of campus to the other is a pleasure even in the winter. The classrooms and laboratories are now state-of-the-art. Student housing is in good condition and housing occupancy has increased dramatically as has participation in the meal plans offered. There are spaces for students to gather inside and out, with spaces inviting study or reading and spaces inviting conversation and social opportunities. Given the financial difficulties of the past decade, the completion of these construction projects and the growth of student enrollment are remarkable and a good reason for optimism for the future. Adequate and consistent state funding will always be essential to the success of Adams State, but in its absence, ASU has found a way to move forward with its Strategic Plan and strive to meet the core mission. Student support made this possible and the students now have an outstanding physical campus.

2. Expanded NCAA Division II Sports

ASU has a longstanding commitment to both intercollegiate athletics and other outdoor activities. ASU competes in NCAA Division II, Rocky Mountain Athletic Conference. ASU has strategically increased the number of Division II (DII) sports it competes in and one-third of the student body is currently involved in a DII sport. ASU also attracts many students who love the outdoors and the opportunity to participate in adventure sports. There are unlimited outdoor opportunities in the area: cycling, skiing, rafting, fishing, mountaineering, and other activities in the nearby San Juan and Sangre de Cristo ranges of the Rocky Mountains, along with a wide range of intramural sports. Young adults looking for a college today are health conscious and very interested in their own physical fitness even if not involved in competitive sports. The issues related to the expansion of DII sports are discussed below. There are critics who point out that the expansion was intended to help support the University in general and some of the undergraduate academic departments are yet to feel any benefit to them. There are also critics within the athletic teams who feel there is a lack of equity in the distribution of the athletic funds and unfairness to some of the student-athletes.

3. Adams State is Living in an Era of Change in Higher Education

During the tenure of President Svaldi, ASU has weathered a recession after which higher education funding has not recovered, at least not in Colorado. My review of the budgets from 2008 to the present and conversations with those who have struggled to make the budget work for the last decade have left me with a great admiration for the steady leadership Adam State University has enjoyed in these difficult times. ASU has enjoyed a strong Board of Trustees and a Past-President who is incredibly well liked and trusted by every segment of the campus community. Dr. Svaldi is soft-spoken and a good listener. He and his executive team have managed to accomplish a major physical renovation of the campus and sustain enrollment in spite of serious financial pressures. He has kept ASU moving forward in step with its mission.

Just as I began my investigation in September 2014, the University of Denver published a report entitled: *Unsettling Times: Higher Education in an Era of Change*. The document begins with the following statement:

These are unsettling times for colleges and universities. Rising costs, declining affordability, disruptive technologies, for-profit competitors, and other concerns have created a growing sense of unease among academic administrators, trustees, faculty and staff. These concerns are not unfounded. The changes that lie on the educational horizon are likely to be profound.

All of these issues were pointed out to me in my conversations across the campus. From faculty concern over tenure and a commitment to tenure-track employees, to educational innovation and technology-enabled Extended Studies and graduate programs, Adams State University is fully engaged in very significant changes. Dr. Svaldi sought to address these challenges and other known areas of concern by building a financial base for expansion of ASU that recognizes the core mission which is both student oriented and looking to equitably address the needs of the faculty and staff. No one is or should be satisfied with the current state of things, but it is fair to say the steps described above and the current direction in which things are moving are aligned with the ASU's Mission Statement.

4. Anxiety and Concerns

ASU is dependent on its burgeoning Extended Studies and online graduate programs for growth and to support the underlying undergraduate programs which are at the core of its mission. These changes have created a division between creative optimistic departments which are growing and others which are uncertain of the future and find themselves looking across the campus with a bit of envy and trepidation. Faculty members acknowledge that the expansion of graduate programs and Extended Studies has been a stabilizing factor. There is a strong desire to grow, build, or in some cases, rebuild core undergraduate curriculum. There is some anxiety over the decision-making process, where the available limited resources will next be invested, and there are many competing worthy ideas all of which are consistent with ASU's Mission. This is the context in which my discussions on campus occurred.

IV. Governance and Fairness

A. Statutory Framework

A frequent comment to my open-ended questions about fairness on campus was that the individual did not feel he or she had a real opportunity to express his or her views on important campus issues before decisions were made. Some expressed this

wishfully hoping to gain more input in decisions. A few made derisive references to “shared governance.” Others expressed relative satisfaction in the input of various interests on campus.

Since the dissolution of the state college system 2003, Adams State University has been governed by its own Board of Trustees consisting of 9 members appointed by the Governor and non-voting representatives of the faculty and student body. In accordance with the provisions of C.R.S. § 23-51-101 *et seq.*, the Board of Trustees is the governing authority for ASU. In order to carry out its responsibilities, the Board of Trustees establishes policies and delegates substantial authority for operations to the President and his/her administration.

Shared governance in this statutory context means the opportunity to propose ideas and to comment on important issues before the decision is made in a timely manner that allows the proposals and views expressed to be considered and weighed along with other proposals and views. ASU expresses the way this should work pretty clearly in the webpage “Shared Governance at Adams State:” <https://www.adams.edu/shared-governance/>. The President’s cabinet is designated as the primary planning body of ASU. Members of the cabinet are responsible for setting the strategic vision and strategic plan for the University and members are specifically charged with reciprocal communication with the constituents they represent. The membership of the cabinet is found at <http://www.adams.edu/president/newcabinet.php>.

The implementation of the Strategic Plan, budgeting and operational decisions necessarily rests with a smaller group known as the executive council. Participation in the executive council also explicitly carries with it the responsibility to communicate with the member’s constituency both before and after decisions are made. Its current membership is listed at the misnamed webpage http://www.adams.edu/president/cabinet_members.php.

ASU promotes a variety of additional ways for views to reach the administration and Board of Trustees. There is an information technology governance committee with broad representation from across the campus and the academic oversight council consisting of the department chairs. Community for Inclusive Excellence, Leadership, and Opportunity (CIELO) is a campus-wide, open invitation opportunity for any interested stakeholder to further ASU’s Vision and further inclusive excellence.⁶ These groups and the Associated Student and Faculty Senate, (AS&F), the Classified Employee Council (CEC), Professional Administrative Staff Council (PASC), Faculty Senate and other representative bodies are logical vehicles for communication to the President and administration. All of these groups have seats on the cabinet and all have direct communication with the President. Of course, Board of Trustee meetings and Cabinet meetings are open to the public.

⁶ CIELO has a seat on both the Cabinet and the Executive Council.

1. Communication Issues

ASU is large enough that it is unrealistic to believe all faculty members will feel represented by the Faculty Senate or that the members of that body will effectively communicate back to all the faculty all the issues coming up and solicit input from fellow faculty. The same would be true of other organizations. This is not necessarily *wrong*. It is just the reality that these individuals will usually express their individual views as to what they believe is best on a given issue and some will carry out their responsibilities regarding communication to and from their constituents better than others. The administration should not rely on representatives in the communication of important information.

The consequence is that many employees, students and faculty feel as though “they” have no voice in the decisions made. Of course, the majority really are not interested in becoming involved in budget decisions unless it is about funding for something in which they have a special interest.

The ASU website sets out the desired relationship when it says there must be “active cooperation” between the various constituent groups. It goes on to say ASU is deeply committed to “promoting effective shared governance by fostering the open and transparent exchange of information and opinion.” This identifies the responsibility the administration has to create an atmosphere for good communication and for initiating communication around matters under discussion or planning.

There are frustrations from the administration point of view as well. When a lot of planning goes into a public forum on budget decision items in order that everyone can consider and make comments at the same presentation, but only a handful of people come, the presenters are left wondering if it was worth all the work that went into it. It often seems to the administration that people did not read what was communicated before complaining they had not received any information on a topic. These are common problems in large organizations of busy people.

A number of people indicated that they perceived decisions were made by a small cadre of people and that the supposed paths to get favorable action on a proposal were blocked before they reached the decision-makers. In particular, faculty expressed a view that their ideas never get past a negative reaction from a department chair or the Vice President for Academic Affairs (VP for Academic Affairs) unless they go around to President Svaldi directly. Almost everyone expressed the view that while it may not be the right way to accomplish things, the best way to get something done was to schedule a meeting with the President and go around the real and perceived obstacles to getting what they want.

When the best means to achieve something is seen as a visit to the President there is a problem with process for decision-making and over time it undermines the sense of equity or fairness even if in a particular instance the decision is viewed as a

good one. In order to strengthen the formal decision-making process, there needs to be clear leadership from the top and down through the Vice-Presidents to the department heads. I address some of the department leadership issues in another section but real leadership in those positions is important. ASU has great leadership in some departments while other departments are struggling around leadership or have imposed leadership from a separate department because internal issues have left the department without an appropriate chair.

In reality, there is a great deal more transparency and opportunity to stay abreast of what is going on and what decisions must be made today than in the past. With emails, webpages and other media sources including social media, everyone on campus receives lots of information and invitations to participate in campus planning. ASU suffers the same information overload that other public and private institutions suffer. The challenge is to provide information in a variety of ways that both gives notice as an email does, and offers materials and presentations for quick reference, reuse and archival purposes, as on the website and on YouTube. Emails get deleted or buried in the flow of new ones. There is a good deal of effort required to do what is necessary to make information more accessible but there is also the potential to improve both reality and perception regarding a common understanding of shared governance.

2. Financial Planning is Year-Round

It does not take long on campus to see the importance of the VP for Finance & Governmental Relations. Preparation of the budget is a yearlong process. Communicating with and responding to the state legislature is an ongoing conversation. With term limits, every year there are new legislators to meet and educate about ASU. There are always “new” questions raised by the legislature and dealing with them is time-consuming, frustrating and hopefully worthwhile.

If there are new projects or expenditures, they will be in the proposed budget. In August 2014, the VP for Finance & Governmental Relations began a blog on the financial issues and planning processes. He has posted sporadic but informative messages on his blog. I have shared with him that even the most cynical of those I spoke with on campus, expressed appreciation for the blog. It is easy to find and allows a reader to review messages over time to track how an issue has progressed. This is very useful even if not regular. I strongly suggest he continue with regular blogs and perhaps other administration figures such as the Human Resources Director, VP of Academic Affairs and even the President could consider their own blogs or other means of regular communication about the issues on campus. A PowerPoint presentation on a proposed budget can be posted in a blog or a video of a presentation can be uploaded to allow those who are unable to attend a meeting, or those who forgot it or those who just didn't go, to view what was said at a later date when it becomes apparent they should have gone to that meeting, or need to understand better the obstacle to

accomplishing something that matters to them. ASU has a very savvy media group and leveraging the technology already available on campus can really improve the perceptions around transparency.

Recommendations regarding governance

1. Increase the administration blogs/webpages that document campus discussions and decisions for easy review. Systematically incorporate presentations (PowerPoints, YouTube) and documents in a systematic way so a viewer can review presentations when they want to.
2. Invigorate the documented and intended processes for communication and decision-making to avoid business being done on the basis of personal relations with all the problems it brings.
3. Make transparent disclosure of the reasons for decisions and the priorities set.

V. Campus Safety

I examine the issue of campus safety with a firm belief that prevention of crime is always better than the very best of post-crime treatment, counseling, judicial and/or administrative processes.⁷ These post-crime processes are important of course, and are addressed below. In this section I focus on the design and coordination of services to assist and protect students, faculty and staff. There is some overlap with discussions of fairness related to student life, but the emphasis here is on ensuring students are protected and served as they enter and traverse campus life.

A. Crisis Planning

ASU has in place considerable planning for the full range of potential crises that require a planned and swift response. The Adams State University Incident Management Plan establishes an Incident Management Team headed by the VP for Student Affairs. The plan addresses potential natural or man-made catastrophes and epidemics, but it also encompasses core planning for addressing campus safety and training.

⁷ As I finished this report, the State Of Virginia Task Force on Campus Sexual Violence issued its final report. The recommendations from that Task Force are consistent with my recommendations and with the work already done at ASU. <https://www.scribd.com/doc/266946574/Final-Report-from-Virginia-Task-Force-on-Combating-Campus-Sexual-Violence#download>

The ASU Campus Health and Safety Team meets regularly to discuss the full range of health and safety issues on campus. An example of the thoroughness of the team's work is the document Adams State University *Guidelines for Responding to Disturbing Writing and Behavior*. The team has thought through the responses to incidents but it has focused great effort on prevention, an emphasis I agree with as noted above.

B. Day-to-Day Safety Planning

Adams State has taken a pro-active approach to make the campus environment a healthy place for students to grow and explore. From my first interviews with the Housing Director and Assistant Director, the Director of Counseling Services, the VP for Student Affairs, and the Director of Student Life, it was apparent that considerable thought, planning and actions have been and are being spent to protect the safety and well-being of the students. These individuals know each other well and by both necessity and inclination, they collaborate well in trying to address the myriad of issues students face in their time on campus. They are involved in almost every discussion of issues ranging from student safety and emergency planning to student retention and career planning. Given some of the incredibly negative reports in the national press related to campus safety over the last few years (and during the time I worked on this report), I began this process unsure of what I would learn. As reported below, the campus is a physically safe place. It is generally a "safe" place in a larger sense as well due to the commitment to inclusiveness and to a broader sense of well-being. The student body is an ever-changing community. Keeping a campus safe requires a continual process of education, evaluation and re-education. A positive finding is that there is no sense of complacency around any of these issues.

C. The Physical Campus

1. A Physically Safe Place

The campus and surrounding community are perceived as a safe neighborhood. Law enforcement considers it a low crime area. While walking the campus during the day or at night, it certainly seems safe and statistics support that conclusion. No one indicated feeling uncomfortable during the day. A few students said they were sometimes concerned at night while walking back from the library or the gym. The campus police offer rides to students who want an escort, but this service was not well known by the student groups with whom I spoke. Better publicity regarding this service is needed.⁸

A review of incident reports over the years shows that a number of off-campus incidents predictably began at a bar located near the campus. Both Adams State Police

⁸In addition, this is the kind of information that needs to be consolidated with other student information in redesign of web-based materials regarding safety.

(ASUPD) and the City of Alamosa Police (APD) are well aware of this, resulting in an appropriate focus of their attention.

There are several buildings with considerable evening activities including the theatre building and music building, where students and faculty have encountered unauthorized individuals. These buildings do not have keyless entry systems. This would be a step to take in future remodeling. In addition, the ASUPD should have a visible presence in and around these and other heavily-used evening buildings.

2. Lighting & Emergency Phones

Lighting at night is generally quite good along main pathways across the campus. A program of regular maintenance assures the lights stay on. Still, some students thought more lighting along the paths would be good. There are strategically located emergency phones along the main pathways. There is currently no phone at the East Campus. While most students indicated they would look first to their cell phone in an emergency, others would like to see more emergency phones as well.

ASU does not currently have a student smartphone safety application like LiveSafe® which connects to a cloud-based command center. Several people thought it or a similar product would be a good investment and would foster bystander intervention.⁹ As the number of apps created for this purpose proliferate, costs are coming down and licensing one of these is an option that should be further explored.

3. Cameras

There are a handful of cameras monitoring key locations on the campus. These do record, and are hopefully both a deterrent to crime and a tool with which to catch a criminal. Live monitoring of the cameras is not generally occurring and given the resources of the campus police, it is unrealistic to think that constant monitoring is either likely to occur or a good use of staff resources. There is no question that additional cameras across the campus would be a good thing and this should be done systematically as funds for this are available. It would also be useful if the ASUPD could remotely view cameras from a mobile device.

4. Emergency Alert System

Students, staff and faculty can register two email accounts and two phone numbers to receive text and email alerts via the e2Campus® emergency alert system. Emergency alerts are also conveyed via Twitter and Facebook as well as the Adams State Mobile website: <http://m.adams.edu/home/>. The number of students, faculty and staff enrolled is surprisingly low. The University is looking at steps it can take to enroll a higher percentage of people across the campus. The highest enrollment this year

⁹ There are other apps that provide some of the same options like PocketAdvocate® and others that map incidents and facilitate student input like CampusCount®, and still others like Callisto®, an app developed to document incidents, save reports and allows matching between incidents.

occurred around snow days! The relatively low enrollment in this alert system is another indicator that the students, faculty and staff view the campus as a safe place, but given the unpredictability of a serious crisis such as fire or a shooter on campus, it would be better to have nearly unanimous participation. A strong effort to enroll students during New Student Orientation and registration is one strategy to continue pursuing. Faculty and staff should be reminded of the service periodically.

5. Fire Safety

The fire safety procedures are described at length in the *2014 Clery Report*. Most dorms have integrated fire sprinkler and alarm systems as well as fire extinguishers, emergency lighting and exit doors. The residence life staff receives annual training by the Alamosa Fire Department, and fire drills are held once each semester in each residence hall. The entire campus fire system is annually reviewed by an independent fire expert, Simplex-Grinnell. Fire is a continual safety issue on every campus and ASU is diligent in taking recommended precautions to prevent any injury to person.

D. Crime Reported on Campus

In addition to my conversations with the then-Acting Chief and the new Chief of Police, I reviewed September 2014 *Adams State College Campus Safety/Fire Safety Annual Report*,¹⁰ the Clery reports for the previous five years, and the current year's police log. Theft of bicycles and theft in the dormitories, alcohol related disturbances and assaults, possession of marijuana and underage consumption of alcohol top the police contact list for students over the years.

The incidence of reported sexual assaults on the ASU campus is low but steady with three in 2009 and two in 2010, two in 2011, zero in 2012 but rising to four in 2013..¹¹ The 2014 Clery Report is not complete.

There is consensus that sexual assault is underreported on and off campuses everywhere.¹² Over the last five years, ASU has taken many steps to follow the recommendations of the Department of Education (DOE) to inform and protect students. Nationally these steps have led to an increase in reporting of sexual assaults to both universities and to law enforcement. It would not have surprised me to see more reports

¹⁰ This report is filed annually to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act, 20 U.S.C. § 1092 (f).

¹¹ Domestic violence is not a category in the Clery statistics. DV is usually connected to a charge involving assault or harassment. The numbers for simple assault are low. There are DV cases on campus and are currently being tracked and addressed as described elsewhere.

¹² The Rape Abuse and Incest National Network estimates that 68% of sexual assaults are not reported to anyone, citing the Justice Department, National Crime Victimization Survey: 2008-2012.

over the last year not as a sign that more assaults had occurred but as a positive response to the efforts to inform victims and support them to come forward.

My discussions and review of documents from the VP for Student Affairs, Title IX Coordinator and the *2011-2012 Sexual Harassment and Gender Climate Survey among Athletes at ASU*, confirmed that there were additional incidents that did not get formally reported but which occurred on campus. The numbers in this informally reported category were also very low and did not increase over the five year period. The causes of, and problems related to unreported sexual assault are discussed at length below. This knowledge of underreporting of sexual assault does not contradict the general view of the safety of the campus, but it means the reported statistics need to be viewed with an understanding that they are not the whole story.

The ASUPD logs for the past year gives a little more granular look at campus crime. The logs show that the most common crimes on campus this year (and in the past five years) have been bicycle thefts; theft from dorm rooms, cars and locker rooms; underage consumption of alcohol and or marijuana; and hit and run accidents involving parked cars. A significant number of students are transported to detox, some with minor charges and some with no charges. There is one pending sexual assault alleged to have occurred in a dorm involving a non-student; several domestic violence cases, one of which involved stalking; a restraining order violation; an assault and multiple harassment cases also usually involving alcohol. There have also been a significant number of DUIs,¹³ several graffiti cases each semester, and several people sent for mental health evaluations. In cross-checking with student housing, it is evident that some of the harassment incidents involved sexual harassment by one individual on multiple occasions, not all of which rose to the level of calling law enforcement. The counseling services and the staff of housing and residential life are well aware of these statistics and they have a proactive approach to prevention and resolution of the minor incidents using restorative justice practices.

Conspicuously and happily absent are incidents involving heroin, prescription drugs or crack cocaine. Given the serious problems with heroin and prescription drugs in the community at present, this is a very positive thing. I am not suggesting these drugs are not present but it is clear that alcohol is the primary problem substance on campus. All in all, the list of crime reported on campus coincides with the expressed views of all on campus - that they find it a safe place.

Finally, in a non-criminal but important category, during the 2014-2015 school years, student housing experienced ten incidences of suicidal ideations. There was a suicide off campus in the previous year which was alluded to by multiple people. The extensive preventative measures regarding suicide awareness on campus are discussed at length below.

¹³ In addition to the safety and health concerns with DUI charges, the financial consequences for a student who receives a DUI charge are a significant problem for financially strapped students.

E. Law Enforcement

1. Campus Police- Seeking a Culture of Service and Protection

At the time I began this report the Adams State University Police were under the direction of an Interim Chief, Tresa Rupright and there was an active search for a new chief. ASU chose a new chief, Paul Grohowski during the 2014 fall semester. I have spoken with both the interim and new Chief. I have also reviewed the police logs for the last twelve months.

The September 2014 *Clery Report* contains a detailed description of the ASUPD and the department's relationships with other law enforcement agencies. I will only highlight a few important points. The department consists of seven full-time officers. All are POST-certified.¹⁴ While the department gained a chief during this term, it lost one officer who was released. One of the positions is paid for from residence life funds and this officer is dedicated to preventive education in student housing as a housing resource officer. There is also an intern who is working to become a victim's advocate.

Many people across the campus spoke in favor of an on-campus victim's advocate. ASU has intergovernmental agreements for mutual aid with the Alamosa Police Department (APD), the Alamosa Sheriff's Department (ASO), and the Colorado State Patrol (CSP). The ASUPD also has a cooperative agreement with the Alamosa Fire Department and ambulance service. These agencies share a single dispatch center and the same radio frequency. Several people on campus questioned why they should call 911 rather than the ASUPD directly to get emergency assistance. After some discussion of the advantages of a common dispatch and coordination of the law enforcement agencies to address whatever kind of emergency the source of the call was, people realized the current arrangement is the best for campus safety.

Since the University is located within the boundaries of Alamosa, the closest working relationship is with the Alamosa Police Department. Since his arrival, Chief Grohowski has moved swiftly to build closer ties to the APD and its Chief, Duane Oakes. The two departments are now training together monthly, using the same core radio frequency and ASUPD is adopting a similarity of look for its uniforms and vehicles to that of the APD. ASUPD, APD, ASO and CSP joined together to sponsor the very successful Law Enforcement Torch Run last month that had 151 paid runners and began and ended at the campus.

Chief Grohowski also reports he has now finalized a comprehensive set of general guidelines/policies and procedures for the department. He obtained a Colorado POST grant to fund guidelines in addition to training software and mobile data terminals

¹⁴ POST stands for the Colorado Peace Officer Standards and Training Board which documents and manages the training and certification of all active peace officers in Colorado law enforcement agencies.

for the officers to utilize in the field. He has taken strong steps toward building a community-oriented, professional campus police force.

The handling of serious crime and in particular sexual assault, domestic violence and stalking were discussed with various people. The closer coordination and cooperation with the APD by Chief Grohowski is a move directly in line with the thoughts I developed as I spoke to people across the campus. Particularly when the allegation is sexual assault, a joint investigation with the Alamosa Police Department and immediate communication with the District Attorney and Tu Casa benefit both the victim and the University. Across the country there are allegations that universities are covering up sexual assault to protect the reputation of the university. A good way to ensure the investigation cannot be characterized in that way (at least when criminal charges are contemplated) is to bring in the APD. The department has asked for a victim advocate and there is strong support on campus for this request.

During the search for a new chief, people across the campus expressed their views on what they wanted in terms of a campus police force. Some expressed a desire to return to a low-key campus security force rather than a full-blown police department. Others felt officers are usually riding around in their cars and not out on foot on the campus. Concern was also raised about the number of traffic tickets written off campus. A few faculty members expressed the belief that the campus officers were never in their building and made limited effort to know staff and faculty. The *2014 Clery Report* describes the ASU police as embracing a philosophy of community policing but the fairly consistent comments I received and the observations on campus over the last five months, reveal this commitment has been more philosophy than action in the past. The new Chief is enthusiastic about changing this commitment to action including bicycle and foot patrol mixed with personal interactions across campus. This will be well-received when implemented and should help officers when they are required to intervene. Events over the last six months across the country support the belief that careful selection of officers and proper training to deal appropriately with people under difficult circumstances is essential to a community's confidence in law enforcement and more broadly in the rule of law.¹⁵

a. African American Experience and View of ASU Campus Law Enforcement

Generally, students, faculty and staff had a fairly neutral view of law enforcement on campus. This generally included the African Americans on campus. There were several comments about the former Chief which ranged from support to relief he was

¹⁵ In a section below, I describe the power and value of bystander intervention as a prevention tool for students. The same principle should be adapted by police officers to help their fellow officers make better decisions in the heat of the moment. The video of a supervisory police officer in McKinney, Texas screaming profanities, slamming a teenager in a bathing suit to the ground and waving a gun while twelve other officers watched underscores this point. Why did the other officers not intervene to stop their fellow officer from harming innocent teens and destroying his own career?

gone. However, several African Americans on campus expressed the belief they had been watched and made to feel uncomfortable either on the campus or in the community. It should not surprise us that young African American males feel wary of law enforcement wherever they go. There were also several incidents involving professors making statements in class that would be deeply offensive to anyone.¹⁶ It was hard to determine how each of these were addressed. I was able to find documentation that several instructors who students filed complaints against were in fact disciplined including for offensive statements.¹⁷

Two specific automobile stops in prior years, one on and one off campus, were discussed with me at some length. Given the life experience of the drivers, it is understandable that each believed it to be a profile stop. After lengthy discussion with the officer on the first stop, it is unlikely that the officer knew the age, gender or race of the individual stopped. The second stop almost certainly included an element of profiling. A positive aspect of this incident is that since it occurred, the APD police chief and the campus individual have engaged in a healthy and constructive dialogue about the incident with positive feelings on both sides.

A number of people on campus described an incident on campus several years ago in which several African American were handcuffed and arrested outside Plachy Hall. An officer had been called as a result of a call from staff at the student union. The officer confronted and arrested two students. Students and others who observed what happened, expressed concern/outrage over the way the students were approached and treated and most thought the students' race was a significant factor in how they were treated.¹⁸ After investigation, two students were charged with minor offenses. The officer was a temporary officer and he was not hired for a full-time position. The good news is that ASU addressed this incident with a transparent investigation resulting in appropriate actions to address the students' behavior and to address the manner in which the students were approached by the officer. At the same time, it points out the need to address implicit bias at every level of the campus. ASU and Alamosa may not be Ferguson or McKinney, but racial and ethnic issues are everywhere.

In an ironic footnote to the incident, and a reminder of how a story retold over and over can change in both content and meaning, a younger undergraduate cited the incident as an example of favoritism to student-athletes because the charges against the students were dropped. In fact, two of the students were charged and accepted pleas related to the charges. The post-arrest process at ASU in this case was appropriate and fair for both students and administration, and that is a very positive thing.¹⁹ As outlined later, the African American experience at ASU has many positives

¹⁶ What was described were blatantly offensive comments and not "micro-aggressions."

¹⁷ I am describing statements that would be universally viewed as unprofessional, demeaning or outright racial slurs.

¹⁸ This incident was described to me first by the Vice-President for Student Affairs and again by various other student oriented staff, several coaches and by the acting Police Chief among others.

¹⁹ I recommend implicit bias training in another section of this report. The degree to which these incidents (and other incidents involving offense references to African Americans in classrooms) might have been altered by such training is a question we can only answer after such training and seeing over time if behavior is altered.

so the small number of troubling incidents recited to me and the outcomes can be viewed as both positive and cautionary.

2. Surrounding Law Enforcement Agencies

As noted above, I met with the Alamosa Police Chief, the incoming Sheriff and the State Patrol Captain. Each confirmed the general sense that the campus is a safe place. They believe the cooperative agreements between them are generally working. After speaking with all concerned, all parties acknowledged the need to cooperate closely. The close relationship of the new Sheriff Robert Jackson and the new Alamosa Police Chief Duane Oakes is likely to initiate a closer relationship between their agencies and the ASUPD has already sought to be a strong partner with them.

3. District Attorney

Several people on campus expressed negative feelings towards the Office of the District Attorney. In talking about their thoughts, it was clear they were not based on any particular personal experience or anything related to the ASU campus. I met with District Attorney, David Mahonee, and separately with his Chief Deputy, Crista Newmyer-Olsen who leads all sexual assault investigations. Both expressed strong support for preventive education on campus and their desire to ensure appropriate attention to any criminal acts on campus. Crista Newmyer-Olsen volunteered to participate in the review and design of campus programs around sexual assault, domestic violence and stalking issues including design of the New Student Orientation. She already serves on community Sexual Assault Response Team (SART) and is familiar with many of the ongoing campus efforts. Ms. Newmyer-Olsen has a strong record prosecuting sexual assaults including the conviction of a non-student defendant for an off-campus rape of a student several years ago,²⁰ and her lead role in a currently pending criminal case alleging a sexual assault on campus last year.

The DOE demands that universities act to stop sexual assaults on campus has resulted in the increased use of Title IX processes to address sexual assault internally. The reasons for this are discussed below but the availability of a university disciplinary process with a maximum consequence of expulsion is hardly a good substitute for a criminal prosecution from a community perspective. Initiating and participating in a criminal charge of sexual assault is a difficult path for a victim but victims should understand the law enforcement community does support them and Ms. Newmyer-Olsen has an excellent track record prosecuting these cases and doing so in a manner that is respectful and supportive to victims.

4. Twelfth Judicial District Probation Department

The most frequent citation for ASU students is Minor in Possession of Alcohol (MIP). These cases are handled at the Alamosa Municipal Court which is good for the

²⁰ This case was never reported to ASU by anyone and the perpetrator was never a student.

students. Consequently, the State Court Probation Department encounters ASU students only on more serious matters, the most common of which is DUI. There are a few DUIs each month reflecting the fact that alcohol remains the drug of choice for most students on campus and that education related to drug and alcohol use is a constant need. More serious crimes ranging from theft to assault, possession of various drugs, stalking, harassment and sexual assault have placed students on probation over the years. This fall the only students on probation were involved in DUIs and all were doing well as of the time the Chief Probation Officer, Bill Gurule²¹ was interviewed.

F. Prevention of Crime on Campus

1. Prevention Efforts Begin Day One at the New Student Orientation

All incoming students at ASU attend a mandatory New Student Orientation to get them acclimated to the campus. Included in this introduction are presentations related to prevention and education regarding sexual assault, dating violence, domestic violence, and stalking. These presentations have been coordinated by a planning committee with Gregg Elliott as a key person. In scope, the past presentations have covered general topics as recommended in the Office of Violence Against Women document *Minimum Standards for Establishing a Mandatory Prevention and Education Program for all Incoming Students on Campus*²² and are consistent with the recommendation in the just issued *Virginia Task Force Report on Combatting Campus Sexual Violence* cited earlier. Students come to the campus excited to begin an important new chapter in their lives. New Student Orientation has to address important and mundane topics that the students need to know and things they need to do. It is a challenge to bundle all this information into an orientation in a manner that gets the students squared away and ready for classes and student life. New Student Orientation presentations should be recorded at a live presentation and then made available to students on the ASU website at any time.

The student safety segment of the New Student Orientation described to me covers all the appropriate areas, but those involved in these presentations agree there is room to improve the program. It would make sense for the planning committee to do a formal review of the presentation noting where improvement can occur in light of current thinking on best practices regarding sexual assault, domestic violence, stalking and suicide prevention. The committee could then identify the appropriate presenter for each particular segment. The specific presentations should be outlined and scripted carefully. For example Tu Casa could put together a segment on the choices victims need to make, the challenges they face and how overwhelming and confusing it can be, and the Deputy District Attorney could outline the criminal court process if a victim

²¹ Bill is an ASU graduate and the third consecutive Chief Probation Officer who graduated from ASU.

²² <http://www.justice.gov/sites/default/files/ovw/legacy/2008/01/11/campus-minimum-standards-orientation.pdf>

reports the crime to law enforcement. Gregg Elliott could describe the availability of confidential counseling for a victim whether or not the individual chooses to report the assault to anyone.

It was suggested that prevention efforts should be directly linked to the core values and Mission Statement of the University. This makes good sense to me because ASU's core values lead campus members to believe and act in ways that prevents criminal acts and protects victims. The inclusion of a variety of key figures from the President to the VP for Student Affairs to the Assistant District Attorney and community victim services agencies would send a strong message about campus and community expectations and standards for conduct.

It is a reality that many students will not pay close attention during the initial orientation but can go back and review a segment on suicide prevention or domestic violence if and when it becomes personally relevant. The recordings should also be available to be used with a speaker or when a speaker is not available, assuring consistent, comprehensive presentations over time for each succeeding class. The work of this group should be incorporated into necessary revisions of the Student Handbook and Student-Athlete Handbook that I also recommend.

A self-defense class for first-year students has been offered from time to time and may be another concept to offer regularly. A new randomized study at three Canadian universities shows that an enhanced sexual assault resistance program for first-year students in combination with other education and intervention strategies can be effective.²³ This study has just been released but supports the existing steps on the campus as well as the suggestions in this report. It underscores that improving the existing steps to protect students builds upon a lot of good work that has already been put in place.

2. Website Enhancement

The website is the key repository of information about campus safety and because it is mobile-friendly, the likely first choice for searching out emergency information. The relevant webpages across the website should be redesigned to link together and to include comprehensive and consistent information and options. The webpages also need to comply with the new requirements of HB 15-1220 described in the next sub-section. I reviewed websites from many campuses to help me evaluate how to present information best to students. There are some excellent webpages that inform students about the complex choices faced with regard to crimes like sexual assault and stalking. By way of example, I encountered a particularly nice graphic on the Harvard University webpage entitled *Sexual Harassment/Assault Response and*

²³ *Efficacy of a Sexual Assault Resistance Program for University Women*, Charlene Y. Senn, Ph.D., Misha Eliasziw, Ph.D., Paula C. Barata, Ph.D., Wilfreda E. Thurston, Ph.D., Ian R. Newby-Clark, Ph.D., H. Lorraine Radtke, Ph.D., and Karen L. Hobden, Ph.D., June 11, New England Journal of Medicine, 2015
<http://www.nejm.org/doi/full/10.1056/NEJMsa1411131>

Education.²⁴ The SHARE page is particularly good at describing which choices are truly confidential and which are not and providing information and contacts for outside agencies.



3. ASU Sexual Harassment and Violence Policy for Students

Adams State University has adopted a Sexual Harassment and Violence Policy for Students. It is contained in the Student Handbook and a modified version is available across campus on a 4" x 10" bookmark titled "No means No." The policy as set out on the flyer, differs from the one contained in the Student Handbook on the ASU website. The bookmark is titled "No Means No," but includes new language defining a standard of "active consent" which is a stronger standard than the "No means No" standard in the Handbook. The "active consent" language is the legal standard adopted in California referenced in the next paragraph. Neither "No Means No" nor "Active Consent," gives an answer to every question that students will have. Both are good places to start a conversation and pose scenarios. Together they help formulate the kinds of questions that prepare students for circumstances that might happen in their lives. That said, students deserve clarity and the conflict in the online documents and those handed out needs to be corrected. Certainly the standard should be clarified before the New Student Orientation this fall. Although the documentation is not consistent, there were multiple examples of a consistent message concerning the unacceptability of sexual assault, stalking and domestic violence across all areas of the campus over the course of the school year. That message is consistent and persistent.

During the course of this investigation, ASU administrators noted that the California legislation adopted standards which conditions state funding on the adoption of the standard of "active consent" for sexual contact.²⁵ The requirements only became effective January 1, 2015, but the California legislation is at least one reason for the proposed legislation (HB 15-1296) in Colorado to study this issue. ASU watched the progress of proposed HB 15-1296 entitled *Creation of a Task Force to Study Campus Sexual Assault Policies*. This bill died in the House Committee on Public Health & Human Services. It is very likely to be re-introduced next year.

²⁴ http://share.harvard.edu/?utm_source=diversity&utm_medium=banner&utm_campaign=feb_outreach

²⁵ California Codes, Education Code §67386 Adoption of Policy Concerning Sexual Assault, Domestic Violence, Dating Violence, and Stalking

One piece of legislation that has passed this spring is HB 15-1220, entitled *Concerning Response to Sexual Assault on Campuses of Colorado's Institutions of Higher Education*, signed into law May 4, 2015. It requires a state-funded university to have a memorandum of understanding (MOU) with a hospital with a trained Sexual Assault Nurse Examiner (SANE), or a Sexual Assault Forensic Examiner (SAFE), or a medical forensic exam program to ensure ready access to treatment and forensic services for a victim. The Act also requires universities to post detailed information regarding access to treatment and a forensic examination and transportation options on the school website. Finally the Act requires universities to adopt a "plan to ensure that campus health center staff is able to provide appropriate resources and referrals to students regarding medical forensic exams and sexual assault care." ASU does not have a campus health center as noted elsewhere in the report. This Act does not provide funds for one. The Counseling Center certainly is in compliance with this requirement but the website is not. The Act becomes effective 180 days after the Governor signs it so as a practical matter, the MOU should be accomplished and the website worked on this summer.

4. Prevention in General Including Preventing Suicide, Sexual Assault and Domestic Violence

There is no crime with greater long term social costs than sexual assault. ASU has low numbers of reported sexual assaults. This is a good thing but, for a myriad of reasons, sexual assault is the most underreported crime leaving victims alone to struggle with very difficult issues. The context of sexual assault on campuses, the risk factors involved and the dynamics of why it is seldom reported are set out in the National Institute of Justice's report, *The Campus Sexual Assault Study*, published in October 2007.²⁶ This study and others²⁷ show that students are most vulnerable the first two years of college and in particular at the beginning of the school year when many parties are held. Young adults are risk takers. Overconsumption of alcohol is a huge risk factor. Prior victimization is another significant risk factor. ASU is fortunate not to have social organizations which foster a dangerous, alcohol filled environment, but the risks of sexual assault exist on every campus including ASU.

In speaking with Director of Counseling and Career Services, Gregg Elliott; VP for Student Affairs, Ken Marquez; Assistant Athletic Director, Diane Lee; Title IX Coordinator, Joel Korngut and others across the campus, it was apparent that they and others working in this area are well aware of the studies that have been done and the DOE recommendations for prevention as well as disciplinary responses. ASU has a Sexual Assault Response Team (SART) which has existed at least since 2006 and

²⁶ *The Campus Sexual Assault (CSA) Study*, Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., & Martin, S.L. (2007), Washington, DC: National Institute of Justice, U.S. Department of Justice., <https://www.ncjrs.gov/pdffiles1/nij/grants/221153.pdf>

²⁷ See for example: White House Task Force to Protect Students from Sexual Assault, *NOT ALONE*, April 2014; Krebs, C.P., Lindquist, C.H., Warner, T.D., Fisher, B.S., & Martin, S.L. (2007).. Multiple other sources this author reviewed are listed in the Appendix.

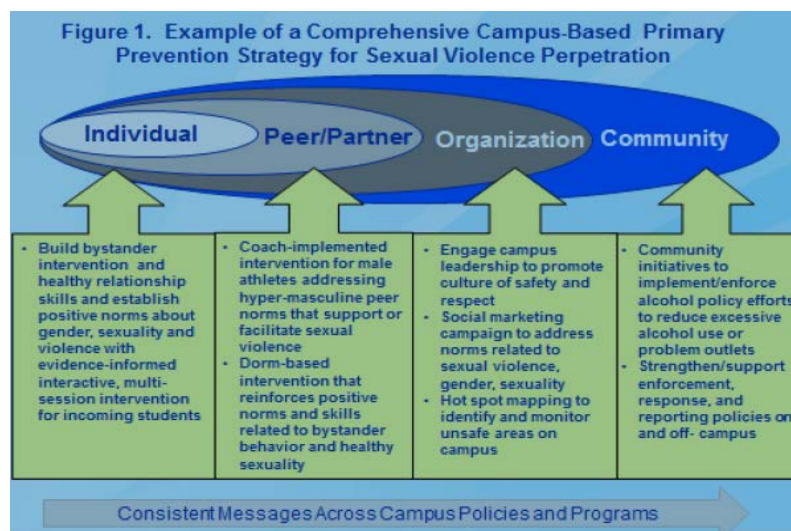
which includes the Assistant District Attorney, Tu Casa, Mental Health (SLV Behavioral Health), Alamosa County Social Services as well as the campus personnel. The team meets quarterly.

There is an active student group called Prevention Awareness Crew (PAC) and a related Suicide Watch Awareness Gang (SWAG). Prevention efforts including these groups are highlighted on the ASU website at: <http://adams.edu/students/ccc/pac.php>

The prevention efforts made on the ASU campus at present are substantial and consistent with published best practices. The low level of crime in general and small numbers of reported sexual assault and domestic violence incidents on campus is not an accident. It reflects the ongoing efforts at building a positive culture.

The strong consistent message regarding suicide prevention with the “1100 Messages of Hope Wall” is an exceptional example of creative and positive approach to creating a community of concern and caring.

Many conversations across the campus included expression of the belief that creating a strong bystander intervention culture would be a good thing. Building a community sense of caring creates an atmosphere where victims of sexual harassment or assault, domestic violence, hazing, bullying or stalking are more likely to seek help, and where bystanders feel comfortable and supported in intervening to prevent bad things. This is a keystone in recommendations in the document *Evidence-based Strategies for the Primary Prevention of Sexual Violence Perpetration*²⁸ prepared in conjunction with the *White House Task Force to Protect Students from Sexual Assault* (2014).²⁹ The diagram below from the document depicts a broad approach to attacking not just sexual violence but other danger points for students through building a caring campus-wide culture.



²⁸ <https://www.notalone.gov/assets/evidence-based-strategies-for-the-prevention-of-sv-perpetration.pdf>

²⁹ See also, Center for Disease Control and Prevention webpage at: <http://www.cdc.gov/ViolencePrevention/sexualviolence/prevention.html>

In order to build consistent messages across the campus, there need to be building blocks that find common acceptance. A weakness not just in what I observed at ASU, but also in the approaches to safety issues across the country, is the failure to link the various initiatives together and to tie them to core character values few would dispute are admirable. I have mentioned earlier that prevention can and should be tied into the core values of the University. The ASU Mission Statement and the accompanying statement that as a community, ASU values:

- opportunity and access for all
- excellence in teaching and learning
- growth through inclusion of diverse cultures and ideas
- a learning and civic community of trust, respect, and civility
- caring and personal relationships
- innovation, integrity, and ethical leadership
- responsible stewardship

It makes sense to tie the various prevention and bystander intervention efforts directly to these core institutional values from day one on campus and on the website and throughout campus documents. I also could not help but think of the work of the Josephson Institute around character building at every age.³⁰ Its Character Counts Campaign is endorsed by many K-12 programs, youth sports organizations and colleges and universities. ASU has a large number of students from New Mexico where Character Counts is endorsed by the state Department of Education and incorporated in to the state core curriculum.³¹ The Character Counts Campaign focuses on the Six Pillars of Character: Trustworthiness, Respect, Responsibility, Fairness, Caring and Citizenship.³² ASU's core values align with the Six Pillars. I cite the Six Pillars and Character Counts because building a campus culture that believes in prevention, empowers bystander intervention and supports victims requires a core set of values to underpin these efforts. Prevention isn't just a matter of a campus group caring about this topic. It is that prevention of sexual harassment and assault, domestic violence, harassment stalking, bullying, etc. is central to the shared core values of any healthy society and to any higher education institution. There are many threads across the campus tying activities to these core ASU values, but there is room to link the various initiatives and the core values together in a cohesive way.

5. ASU Counseling Center at the Center of Prevention and Response

Counseling Services at Adams State University are ranked as outstanding by almost everyone on campus. It is a reputation well-earned. Gregg Elliott is the Director

³⁰ I used the Six Pillars in my judicial work with juvenile delinquents and divorcing families and as a coach over a period of almost thirty years.

³¹ <http://www.ped.state.nm.us/Humanities/CharacterEd/index.html>

³² <https://charactercounts.org/sixpillars.html>

of Counseling Service at ASU. Lis Tomlin joined him this past fall as Assistant Director. Both have a wealth of experience, energy and enthusiasm.

Lis Tomlin came to the campus only this fall and replaced Laurel Carter who had held the Suicide Prevention Specialist/Coordinator position connected to the GLS Suicide Prevention Grant and Continuation Grant³³ Counseling Services received. Lis heads up disability services, and is involved with the state Coalition of Colorado Campus Alcohol and Drug Educators (CADE), from which ASU has received a grant for training motivational interviewing and marijuana prevention. She also has a background in gaming addiction and suicide prevention.

Gregg and Lis have a full-time career coordinator at the career center in the library, a half-time administrative assistant, a half-time extern with a Master's Degree in Counseling, and four half-time graduate assistants paid for by the graduate school.

Gregg Elliott described the mission of the counseling services as including career services, disability services, prevention services as well as traditional counseling. This means that he and his staff are deeply involved in almost all student-oriented planning across the campus. They enjoy strong working relationships with the Housing Staff, with the Director of Student Life, the VP for Student Affairs, the ASUPD and the Athletic Department.

As I spoke to people across the campus, I asked what the person knew about emergency contacts for a suicidal student or to report harassment, domestic violence or sexual assault. Three names were immediately mentioned; Gregg Elliott, VP of Student Affairs, Ken Marquez and Joel Korngut. Gregg was mentioned by name and most people knew him personally. Many gave specific instances in which they had positive experiences dealing with the Gregg and his staff. Occasionally I was told that ASU runs on the basis of personal relationships. In governance discussions, that has a negative side as I described above. When it comes to problem solving with limited funds and urgency to act, the kind of personal presence Counseling Services has is a very good thing.

Gregg and Lis are involved in planning and execution of the New Student Orientation, the contents of the AAA program which seeks to assist students, and guide the continuous education of students regarding suicide prevention, sexual assault awareness, domestic violence, stalking, drug and alcohol issues, etc. They are knowledgeable about all these topics and demonstrated ongoing activities addressing each of these topics on campus during the time this report has been prepared.

An example of their continuing work is their relationship with Suicide Watch Awareness Gang (SWAG) and that group's ongoing activities to publicize suicide awareness and intervention. SWAG initiated the construction in McDaniel Hall during the spring semester of 2014 of the "1100 Messages of Hope Wall," a video SWAG produced entitled "1100 Reasons to Stay Alive and Connected," a flower planting

³³ The Garrett Lee Smith Memorial Suicide Prevention Program Grant comes from the Substance Abuse and Mental Health Services Administration and is funded by the Garrett Lee Smith Memorial Act, 42 USC 201 et seq.

similarly named, and ongoing safe “TALK” trainings. The wall is still going strong showing the ongoing nature of work on these topics. Lis was also a key presenter regarding suicide and depression in April 2015 at the ACE LGBT Conference sponsored by HPPE, CIELO and Kindred Spirits. The Suicide Prevention Grant and Extension both highlight strengthening a culture of “help-seeking and reporting.” In April, they sponsored a showing of the new documentary on campus sexual assault, *Hunting Ground* by Kirby Dick.

6. Student Housing and Residence Life

The on-campus student housing varies in age but all has been remodeled and updated with internet access and key card security access. One of the police officers is assigned to security for student housing. I have been in many of the dorm buildings during the past five months and found them to be attractive student housing bustling with activity.

I met several times with the Bruce DeTondo, Director of Auxiliary Services, Housing and Residence Life and his Assistant Director, Mark Pittman. I reviewed the Resident Housing Manual, and met with Residence Directors and the Resident Assistants (RA) for an evening. A great deal of thought and planning has gone on regarding student life issues in general and the student housing experience. The dorms and apartments are at heart of student life since most students are required to live on campus for their first two years. The housing staff is well-trained and knowledgeable about the full range of issues the students face. Bruce and Mark are very involved in campus safety planning and work closely with the counseling services. For example, Counseling and Housing prepare a joint decision-making curriculum to help the students make better decisions. The Director of Auxiliary Services also serves on the Campus Health and Safety Team with the Director of Counseling Services, the HR Director, , the Assistant VP for Enrollment Management, the Chief of Police and the VP for Student Affairs.

Our conversation ranged across all the risks students face including depression, suicide, dating violence, stalking, sexual assault, alcohol and drugs, theft, and roommate conflict. They do regular safety awareness presentations with the campus police officer assigned as a resource officer for the housing units.

There are thirty-one Resident Assistants who are full-time students. They are an impressive group and were anxious to talk about their experiences and perspectives. I spoke with them as a group and a number of them sought me out to speak privately. Of note, they are a diverse group with good balance in gender, race, ethnicity and sexual orientation. RAs receive sixty hours of training before starting including conflict training and mandated restorative justice training in conjunction with the Center for Restorative Justice.³⁴ They receive ongoing educational programs for them on the full range of

³⁴ One of my first contacts off campus was with Alice Price, one of the founders of the Center for Restorative Programs (CRP) in Alamosa. I knew that she and others at CRP had worked with ASU on a variety of student

student issues. Tu Casa educates the Residence Assistants on domestic violence and sexual assault issues including the resources on and off campus. Gregg Elliott and his staff do the orientation training for the RAs regarding suicide prevention. The SLV Behavioral Health Group provides further training on suicide prevention. RAs were instrumental in the development of SWAG whose activities regarding suicide prevention and prevention of sexual assault are described in the counseling section.

The Housing staff and RAs use an active restorative justice effort in student housing to resolve the low level disputes in a positive teaching moment for all involved. This occurs in matters the police do not respond to, but I also noted in the ASUPD log that there are instances in which police were called and after visiting with staff and the students, no charges were filed because the parties agreed to mediate in their housing unit.

ASU dorms and apartments offer a good value for students and the support they will receive there is excellent. Since most first and second year students are campus residents, campus housing is a critical focal point for efforts to retain each student and a likely spot where RAs and resident directors may spot at-risk individuals.

7. Bystander Intervention

Bystander intervention was discussed with me by a number of people. It is not always possible to see that a friend or acquaintance is about to harm themselves or is at risk of being harmed, but often it is possible. In some highly publicized campus incidents the past few years, bystanders not only did nothing to prevent assaults, they recorded them and posted them online to shame the victim. ASU has encouraged bystander intervention most strongly in connection with suicide prevention but it may well be even more effective with regard to preventing risky behavior resulting in victimization.³⁵

The role of alcohol and binge drinking on college campuses creates multiple risks for students and others. Impaired judgments lead to tragic results from automobile fatalities to sexual assault. Realistically, no campus will completely eliminate circumstances where individuals become intoxicated to the point they are vulnerable. Drugs intentionally taken or unknowingly taken can place an individual at great risk. A culture strongly supportive of third party intervention can offer another layer of protection when someone ends up in a vulnerable position. To encourage and support third party intervention, there needs to be institutional support including teaching students strategies for how to do it safely. ASU should build and expand upon the kind of success experienced with the ASU Hope Wall which brings suicide prevention to the

initiatives. Gregg Elliott, Director of Student Counseling Services is a member of the Board of Directors of CRP as is the Alamosa Sheriff, Robert Jackson and the State Patrol Captain, George Dingfelder.

³⁵ In January 2015 ASU began using an online training called "Get Inclusive" which focuses on bystander intervention, Title IX, VAWA and Campus Save.

minds of students every day. American University has a wonderful webpage³⁶ on the Step UP!³⁷ bystander intervention program to “intervene in problematic situations including alcohol abuse, hazing, depression, sexual assault, discrimination, anger, eating disorders, academic misconduct, and more.” ASU should fully incorporate and link bystander intervention with the ASU values and campus culture discussions.

8. Campus Responses to Incidents: Support for Victims and Options for Victims

How does the campus respond when there is an incidence of violence? One of the reasons sexual assault is underreported is the incredibly negative, doubting response many victims have historically received when they report the crime. Feelings of shame, self-doubt, fear and confusion often contribute to the hesitation to report or even to talk with someone. Where can victims go? Who should they talk to? How will people respond if they come forward? These are questions that were discussed on campus long before I began talking to people across the campus. In fact, Erin Minks, Senator Mark Udall’s local representative, held a forum on this topic at the start of the school year. She wrote the Chairman of the Board of Trustees indicating the forum produced great concern over “unaddressed sexual assaults,” and concerns with “a systematic lack of protocol for students to report incidents” and a “perceived culture of indifference.” I examined these questions with all I spoke to on campus.

a. Victim Choices Explained

There should be and are a number of avenues for victims to choose in seeking help and deciding whether to report to law enforcement and/or the University. Victims of sexual assault are not all the same. To whom they wish to talk and which step or steps they wish to take or not take must be a choice they have control over, and it may not be clear to them in the immediate aftermath what they feel or what they want to do. Obviously, rebuilding webpages at ASU is a critical part of the presentation of information and choices. The Harvard webpages cited earlier are examples of a thoughtful presentation of the important choice between talking to someone confidentially, such as a counselor or therapist, and reporting to the University Title IX staff or the VP for Student Affairs, or law enforcement where the degree of privacy is diminished or non-existent.

An interesting national page under development that focuses on empowering the victim and connecting victims with law enforcement is the *You have Options* website. <http://www.reportingoptions.org/>. A means for victims and others to anonymously report is also desirable. An example of such a page from the University of Oregon is found at: <http://police.uoregon.edu/anonymous-sexual-assault-report>.

Whether or not a victim wishes to initiate a campus investigation or talk to law enforcement, it is very much in every victim’s interest to find a knowledgeable counselor

³⁶ <http://www.american.edu/ocl/stepup/about.cfm>

³⁷ <http://stepupprogram.org/>

or advisor. Presentations, handouts, webpages need to be consistent and clear in differentiating the choices available. Clearly stating who can be contacted in complete confidence is one important step to getting more victims to come forward to at least find personal support as they struggle to make sense of what has happened to them. Everyone who deals with a victim needs to be respectful and sensitive and the organization of response options should be “trauma-informed.” When a report is made to University personnel or law enforcement or medical personnel the support and services

There is another element here that is seldom discussed. Every campus has students who come to college as victims who have never reported. In 2013, students put up a large poster in one of the women's restrooms in McDaniel Hall and people wrote anonymously on it. A striking theme on the poster is the number of students who were sexually assaulted (including victims of incest) prior to coming to ASU. ASU needs to be sensitive to this reality. The campus discussion of sexual assault and prevention should open a door for these victims to talk about what has happened to them could be an important step in their life.

b. Pathways to Formal Complaints and Criminal Actions

Beyond access to a confidential counselor, campus documentation and presentations need to set out in a comprehensive and consistent format the various options and choices victims of harassment, sexual assault or domestic violence have at their disposal. This should be done at the New Student Orientation and other presentations, in the Student Handbook, the Faculty Handbook and on the ASU website so a victim or a friend can easily find an explanation of the available paths and contact options. Ms. Minks described the situation as a “systematic lack of protocols It might be more accurate to say the protocols are incomplete and unexplained.

At present there are parts of the whole picture on the Title IX webpage, in the Student Handbook and on the PAC webpage. The VP of Student Affairs webpage has direct contact information for VPSA Marquez and direct links to (1) the crisis counseling page, (2) two separate links to the PAC sexual assault prevention page, (3) a concern form (which can be anonymous), (4) the Student Handbook regarding Code of Conduct and Title IX, and (5) a way to file a police report, and (6) contact information for the Director and Assistant Director of Counseling.

The revamping of the website and other documentation and presentations from the New Student Orientation to team meetings to campus forums need to outline clear roadmaps showing the options victims have including clear explanations of the steps, the level of confidentiality, and likely way a given pathway will proceed. Infographics and charts are useful to show the flow of information and process.

All the documentation will need to be revised to comply with the previously described HB 15-1220 Concerning *Response to Sexual Assault on Campuses of Colorado's institutions of Higher Learning*. It is a perfect time to review and expand the information to make it comprehensive. This could be done in conjunction with or

separately from the New Student Orientation review suggested above. The SART team and others could review my report, the new statute, the University of Oregon 2014 report *Twenty Students Per Week: Final Report of the University Senate Task Force to Address Sexual Violence and Survivor Support*, and the 2015 *Virginia Task Force Report on Combatting Campus Sexual Violence*. As noted earlier in regard to Act, ASU is already in compliance with most of the requirements.

In spite of the shortcomings in the current webpages and documentation, the choices to which a student could speak to report a crime or to seek more information seemed to be generally understood by students, staff and faculty. Almost every person I spoke with could readily identify by name the counselors at the Counseling Center, both the Title IX Coordinators, the VP of Student Affairs, Campus Police contacts, and most knew Tu Casa offers services to sex assault and domestic violence victims. The core message that there are people to talk to is generally well understood.

c. Empowerment

The Counseling Center coordinates training for student volunteers on how to support victims. It is important for those who want to support victims to understand that victims need to be empowered to make their own choice. Sexual assault survivors often suffer from depression and PTSD and are at risk for drug and alcohol abuse.³⁸ The Counseling Center and its staff understand these things and are well-trained and highly motivated. The Counseling Center provides direct counseling services to victims of crime and they refer and coordinate with Tu Casa and the SLV Behavioral Health Group for additional services as appropriate. Student volunteers in the Prevention Awareness Crew (PAC) receive special training in how to be supportive of victims. When a victim chooses to go first to the VP for Student Affairs or the Title IX Coordinator or the ASUPD, there is immediate cross-referral offered to the counselors and/or Tu Casa. Missing in this picture is a campus health clinic as discussed elsewhere. There is a SANE nurse at the SLV Regional Medical Center across from campus but there is needed (and now legally required) coordination that needs to be firmed up. All in all, however, any victim will have good support if they come forward and regardless of whether they wish to proceed with internal University disciplinary process, report to law enforcement or both or neither. As stated above, in the end empowering the victim to choose what path they want to take is an important step toward their future, even when it can be frustrating.

I was pleased to see that ASU has a strong, sympathetic, respectful approach to supporting victims. I saw examples on some campuses where the victims were described as everything but autonomous adults. The last thing victims need is to be treated as though they will forever be fragile and broken and must be protected from the world. As a judge in a rural area, I have had a unique opportunity to interact with victims of sexual assault, incest and domestic violence over time. Victims who feel empowered and take control of their lives will not let what was done to them define them as a human being. Unfortunately, I have watched some victims allow just that with tragic

³⁸ *Rape and Sexual Assault: A Renewed Call to Action*, White House Council on Women and Girls, 2014.

consequences in their lives. ASU should continue and expand on its current philosophical approach to victim support.

d. Going Home

There is another issue not raised in the fall forum but deserving of reflection. In reviewing known sexual assault cases, victims almost always withdrew from school and went home or enrolled at another university. Even if ASU offers great support and counseling, it is understandable a student may choose to make a new start. It is important to make sure the victim know that if she/he chooses to stay she/he will have support from counseling and the administration. It is also important that the student feels supported in whatever decision she/he makes regarding school, prosecution, counseling etc.

9. Growing Culture of Caring

I do not agree with the suggestion made in the fall that there is a “perceived culture of indifference” regarding sexual assault or domestic violence. There certainly are a few people who have that perception, but every person I spoke with recognized that keeping every student safe was an important priority on campus and in the community. Last fall, Jon Krakauer published *Missoula: Rape and the Justice System in a College Town* depicting a crass picture of a college town where victims are blamed and men not held accountable. The book and subsequent interviews with law enforcement and others revealed shocking disregard for the victims of rape. The Steubenville Ohio High School rape case in which school officials covered up the crime was also in the news this fall when the school officials and students were indicted by a grand jury. No one I spoke with at ASU or in the community remotely suggested a victim should be blamed or that sexual assault is anything less than a very serious crime.³⁹

The ongoing prevention efforts I have described at ASU by the Counseling Service and housing departments are outstanding and these are clearly a priority for both. As recently as April, the Counseling Center hosted a screening on the brand new documentary on campus rape, *Hunting Ground* by Kirby Dick with a follow-up panel including Angela Sillas-Green from Tu Casa, Joel Korngut, Title IX Coordinator, and Dr. Eden Wales-Freedman, Assistant Professor of English.

I have also described existing efforts and recommended steps to build a prevention culture on campus. Efforts at prevention are not limited to one or two presentations or work by only a few individuals or groups. I will cite just two recent examples. Tu Casa also presented a workshop on Sexual Assault on campus on October 2014. Shortly before I began my work on campus, the NCAA released a guide entitled “Addressing Sexual Assault and Interpersonal Violence; Athletics’ Role in Support of Healthy and Safe Campuses.” Associate Athletic Director Diane Lee

³⁹ I do not mean to suggest that in an actual case a victim will not be confronted with questions and looks that make her feel she is being doubted or blamed, even by family and friends, but in the abstract there is no “indifference.”

reviewed key recommendations and documented where ASU stood in a memo. As a follow up, she scheduled an NCAA seminar in January on the subject and shared information with the coaches and student-athletes. These and other ongoing activities across the campus north to south and east to west gave me a consistent message that there really is a culture of caring and concern and that this message is growing. I have described significant measures that should still be taken to strengthen and reinforce the message and culture but it is simply wrong to say there is indifference.

One of the steps ASU can take now to bolster this momentum is to conduct the sexual assault related climate survey described in the White House report *Not Alone* referred to earlier. The University of Oregon conducted this survey in 2014 and their survey instrument, the process and their conclusions are summarized at <http://dynamic.uoregon.edu/jjf/campus/>. Since ASU already has the 2011-12 *Sexual Harassment and Gender Climate among Athletes*⁴⁰ survey, it will be possible to look at answers over time to similar questions. Oregon paid students to participate in order to ensure a robust response.

Another good step will be to take advantage of “trauma informed training” for educators and administrators now under development by the Department of Justice Center for Campus Public Safety⁴¹ and Office on Violence Against Women. The Center also offers specific training in Campus Adjudication and Investigation.

10. Other Victim Services in the Community

In addition to the on-campus resources, there are important resources for victims of crimes in the community. I have mentioned Tu Casa several times in this report. They have a thirty year history of serving victims of domestic violence and sexual assault including counseling, guidance through court proceedings and the opportunity to meet with other victims. They are independent of the University. They are located directly across the street west of Richardson Hall, so they are easily found. They are involved closely with Counseling Services and SART making them ideal partners and offer very special experience and expertise to assist victims. Tu Casa has worked with University partners over the years and in October 2014 presented Sexual Assault 101 at the Student Life Center as mentioned above.

The SLV Regional Medical Center is located directly south of the Nielson Library and it has a SANE nurse and emergency medical services. The SLV Behavioral Health Group and private therapists in Alamosa have provided a variety of counseling and medical services for victims and other ASU students. The Alamosa Sheriff's office has a group of victim advocates as well who are available. The ASUPD has a trained victim advocate who has other responsibilities.

⁴⁰ The ASU *Sexual Harassment and Gender Climate Survey*, produced in 2011-12, was created by the Office of Equal Opportunity in conjunction with the NCAA.

⁴¹ The Center is funded by the Bureau of Justice Assistance which designs and funds many criminal justice projects.

Recommendations regarding prevention

1. Redesign the New Student Orientation with community partners, recording key elements for the web and for reuse. Link the prevention message to the core values in the presentations and in other prevention messages across the campus.
2. Redesign website pages and other materials related to prevention and reporting in a comprehensive manner to ensure easy access to crisis information and accurate information about options for reporting, counseling, medical care to assist a victim or friend of a victim. Outline clear roadmaps showing the options victims have including clear explanations of the steps, the level of confidentiality, and likely way a given pathway will proceed using infographics and charts to show the flow of information and process.
3. Clarify the Sexual Harassment and Violence Policy.
4. Make bystander intervention a key campus culture feature connected to the core ASU values and the Six Pillars of Character. Build upon the solid success of the “1100 Messages of Hope Wall.” Bystander intervention can prevent problematic situations including alcohol abuse, hazing, depression, sexual assault, discrimination, anger, eating disorders and academic misconduct.
5. Evaluate the cost of a smartphone safety app for reporting any campus crisis.
6. Conduct a sexual assault related climate survey described in the White House report *Not Alone*.
7. Enter an MOU with the SLV Regional Medical Center and take other required steps to comply with HB 15-1220

G. Disciplinary Processes and Criminal Charges

Universities are under federal scrutiny to aggressively address sexual assault on campuses and to provide an internal disciplinary process friendly to victims and free of the public scrutiny. No-one can argue against the need for universities to take a strong stand opposing sexual assault, domestic violence, stalking and other crimes which victimize (mostly) women and a need for universities to do more than just take a stand.

1. Ready and Comprehensive Information about Victim Resources

As already noted, the first and best way to do this is with prevention efforts that build a culture which does not support or tolerate these criminal acts. The second step is to do everything possible to provide victims with multiple options for talking with

someone who has experience with these crimes to help the victim sort out their feelings and make the right decision for them in their next step. When there is strong belief that many victims are not talking to anyone except perhaps a friend, we should rightly worry about the long term consequences for the victim.

A good university disciplinary process starts with good information and ready access to knowledgeable people as described in the preceding sections. The current sources of information and options at ASU were previously described and found to need revision, additions and cohesion. The ASU PAC webpage provides direct contact information for the Counseling Director and Assistant Director but also recommends victims contact Tu Casa as a first option. But we know that there need to be multiple ways in which a victim explores his or her options. Best friends, coaches, advisors, favorite professors have been the first contact in a given case. And as already noted, there is good general understanding of who to refer people to, but ASU falls short in its documentation and webpages by not describing a comprehensive road map with all the alternatives and display it in multiple ways. Assuming these areas will be improved, will help ensure people know their options.

2. Disciplinary Roles and Procedures

It is important to separate the different roles people play in addressing an allegation of sexual assault. Above, I described the excellent work the Counseling Center and PAC do in supporting a victim who comes to them. The role law enforcement plays is quite different. Police investigate if a crime was committed and whether or not it should be charged. The District Attorney determines if there is sufficient evidence to file charges and evaluates her/his ability to gain a conviction and whether or not to offer a lesser plea. There are supportive services like a victim advocate but the investigative role requires an independent look at the evidence.

Over the past five months, there have been crises on numerous campuses around the handling of internal university investigation and prosecution of sexual assault allegations. In good part due to the pressure from the Department of Education (DOE) Office of Civil Rights over the last few years, many universities have been stepping up efforts to address sexual assault on campus and assuming the investigative role law enforcement has traditionally played. Universities have struggled at every stage in this process. The investigation, the process for hearing the matter, who acts as hearing officers and charges of secrecy have tainted almost every case reported. No one is happy. If the result of the internal process does not result in expulsion of the accused, the university is accused of sweeping allegations under the rug and further victimizing the victim. On the other hand, universities have been accused of railroading an accused in sham proceedings in order to protect the reputation of the university, often leading to law suits and expensive settlements.

a. The April 4, 2011 “Dear Colleague” letter⁴² from DOE Office of Civil Rights

When the choice is to file a disciplinary complaint the University assumes a new role and must process the complaint with a semi-judicial procedure. It undertakes this responsibility with duties to both the accuser and the accused. The ASU Student Handbook sets out a process for general complaints of misconduct including an appeal process and a description of what constitutes “due process.” A separate section entitled “Process for Sexual Assault Hearings” sets out an entirely different process for an allegation of sexual assault. This special process is not a hearing at all in the common understanding of that term. It is the Title VII and Title IX complaint process cut and pasted into the ASU Student Handbook as a special process for sexual assault allegations.

The addition of a special process for sexual harassment and assault is the result of the April 4, 2011 “Dear Colleague” letter from the Department of Education Office of Civil Rights setting out a standard for investigation and hearing of sexual assault allegations. The letter describes the problem of sexual assault on campus and makes many recommendations with which all would concur. However it then sets out standards for the conduct of the investigation and hearing that conflate Title VII and Title IX practices and adopt the Title VII process and standard of proof (preponderance of the evidence) for Title IX sexual assault investigations and hearings.

The current Student Handbook provisions regarding student discipline including allegations regarding a sexual assault need to be rewritten in a manner that will comply with the “Dear Colleague” letter and the 2008 standards proposed by the DOJ *Minimum Standards of Training for Campus Security Personnel and Campus Disciplinary and Judicial Boards*.⁴³ There are very legitimate concerns regarding some of these recommendations as I note below, but together with the recommendations for the *Mandatory Standards for Establishing a Mandatory Prevention and Education Program for all Incoming Students on Campus*,⁴⁴ and the *Minimum Standards for Creating a Coordinated Community Response to Violence Against Women on Campus*,⁴⁵ the documents do form a sound foundation for reevaluation and reformation of the entire process at ASU.

Many universities including Harvard University declined to adopt the standard of proof and other procedures that create a secretive investigation. The DOE has sued over one hundred universities as a result. ASU is not Harvard and the potential loss of federal funding controlled by the DOE makes a decision to resist the standards a very high risk venture. Even Harvard has capitulated, leading Elizabeth Bartholet, one of its most prominent law professors and an employment law and civil rights expert to comment on the WSJ Law Blog that “I believe ... that Harvard University will be deeply

⁴² <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.pdf>.

⁴³ <http://www.justice.gov/sites/default/files/ovw/legacy/2008/01/11/campus-trainingstandards-le.pdf>

⁴⁴ <http://www.justice.gov/sites/default/files/ovw/legacy/2008/01/11/campus-minimum-standards-orientation.pdf>

⁴⁵ <http://www.justice.gov/sites/default/files/ovw/legacy/2008/01/11/standards-for-ccr.pdf>

shamed at the role it played in simply caving to the government's position.” The core of her critique is that the DOE Office of Civil Rights views as reflected in the 2011 letter and its ruling against Harvard misinterpret the law. She states:

The federal government's decision that Harvard Law School violated Title IX represents nothing more than the government's flawed view of Title IX law. The Department of Education's Office of Civil Rights, which issued the decision, is not the ultimate decision-maker on law. The courts are responsible for interpreting the law. And I trust that the courts will eventually reject the federal government's current views. The courts' decisions to date, including the U.S. Supreme Court, show a much more balanced approach to sexual harassment, one which recognizes the importance of vindicating the rights of those victimized by wrongful sexual misconduct, while at the same time protecting the rights of those wrongfully accused, and protecting the rights of individual autonomy in romantic relationships.⁴⁶

With that national context in mind, ASU should rewrite its disciplinary policy in a way that will be approved by DOE but maximizes the due process provisions for any investigation and hearing.⁴⁷ The 2011 letter requires “adequate, reliable and impartial investigation.” The National Center for Campus Public Safety offers training for Title IX and other campus personnel regarding investigation and adjudication practices. It would be good to take advantage of this training even if the wiser choice is to have an outsider perform some or all of the tasks.

ASU has used an outside investigator for several Title VII/IX investigations. It may well be the best choice to use an outside investigation for any formal sexual assault investigation. An outside hearing officer or panel would also be a good idea. There will be concerns about the expense of doing it this way but a quick look at the ongoing saga at Columbia University where both the alleged victim and the accused have attacked the process utilized there (three person panel of briefly trained employees). Columbia utilized the recommended DOE procedures. The panel found for the accuser and then the appeal process reversed the decision. Both parties are threatening to sue the Columbia University and the cross-recriminations have dominated the Columbia campus for a year. They would not be the first to sue. There are over thirty pending law suits nationally over the degree of due process required in a campus disciplinary hearing. Universities have won some but have lost or settled others, paying substantial sums to accused students. This is a no win scenario for the University and a nightmare for the students.

The University should consult with the Attorney General and with student participation develop a complete disciplinary code process for sexual assault or harassment allegations that balances the competing rights in such a case. The process needs to ensure a fair and equitable process for both parties. The requirements for secrecy will backfire if the parties leave unhappy but a transparent policy will likely bring

⁴⁶ <http://blogs.wsj.com/law/2014/12/31/harvard-law-professor-feds-position-on-sexual-assault-policies-is-madness/>

⁴⁷ ASU has not named a hearing officer for conduct of a hearing if a disciplinary action for sexual assault is brought under its current policy.

scrutiny from the DOE. The DOE recommended hearings are not public in order to protect the privacy of the students. This sounds good until either party is unhappy. Some schools have told students they may not talk about what was said or what happened compounding the problem. A student recently wore a wire for an investigative television program to her hearing.

Anyone following the university cases across the country has to ask how this is better than reporting the matter to law enforcement? It is not that universities should not act on allegations but seeking to be the preferred or first option for students and leading them to believe it will be handled quietly and quickly and justly is contrary to the experience at the universities that have tried this path.

b. Protective Steps During and After a Disciplinary Case

The new ASU policy and procedure should include interim protective steps to keep the parties separated on campus while a case is pending and in most instances afterwards as well. This may also be appropriate in a case where a student does not want to proceed with a disciplinary hearing but simply wishes steps to protect her/him from contact with the other party.

Recommendations regarding Disciplinary Processes

1. Make sure a victim understands the consequences of choosing a particular path(s) in choosing to file criminal charges or a formal complaint with the University.
2. Do not discourage or diminish the option of reporting sexual assault to law enforcement. Victims should be encouraged to explore this option.
3. Revise the disciplinary code process and procedures for sexual assault allegations including the hearing process, and rewrite these provisions in a way that complies with the standards of the DOJ Minimum Standards but also affords due process to the accused.
4. Specify a trained outside investigator and outside hearing officer(s) rather than attempt to use employees in these roles.

H. Health Care or the Absence Thereof

Students frequently expressed frustration at the absence of student health care insurance and the lack of a student health care clinic on campus. I discussed these issues with administrators, the nursing instructors and a hospital administrator. No one disagrees that it would be a good thing to provide both a student health care clinic and affordable health care insurance. In the past there was a low cost health insurance

program and for a time there was a student clinic. Access to birth control information, treatment for STDs and treatment for colds and the flu were commonly discussed issues. The current treatment options for students include the nearby Urgent Care Clinic operated by Valley-Wide Health Systems, Inc. and the emergency room at the SLV Regional Medical Center, directly across the street from the Nielsen Library on the ASU campus. Many students who come from the Front Range have health care insurance through their parents, but the Alamosa treatment options are out of network and thus not generally covered. The Nursing Program at ASU expressed great interest in partnering with SLV Regional Medical Center, Valley-Wide Health Systems or some other provider to create an on-campus health clinic. Such a partnership would benefit the nurses who instruct to keep their own certifications and skills current, and it would offer another placement for the nursing student rotations in their training. The hospital has expressed a willingness to explore these issues with ASU. The need to sit down and enter into an MOU relating to sexual assault issues affords a perfect opportunity to explore these options fully.

The absence of health care carries over to the discussions of “equity” and “fairness” since it represents yet another obstacle and cost for students already facing many financial hurdles. There is broad support for having both an insurance program and a health clinic, but for many on campus it may not be the highest priority. To this author it should be on the list of significant shortcomings in the services for students at present.

The good health news at ASU is that it has avoided wide-spread use of heroin that is plaguing many parts of the state, including Alamosa. Alcohol and marijuana are the drugs of choice. The process for addressing them is described in an earlier section. The Counseling Center, Housing and the VPSA are all watchful and available to intervene to help students who become problem users.

Recommendations regarding Student Health Issues

1. Explore both a campus health clinic and health insurance program.

I. Safety Issues for Athletes

Since 2007, ASU has taken a number of positive steps to protect student – athletes. The Athletic Department adopted a Coaches Code of Conduct, a Student-Athlete Handbook, an anti-hazing policy, a pregnancy policy⁴⁸ and eliminated the use of vans by all teams except golf. There is universal respect for the Athletic Director, Larry Mortensen and his Assistant Athletic Director, Diane Lee. In conversations with both of them it is instantly clear they think about the well-being of the student-athletes all the time and in most instances discussed areas of concern with me before I raised them. The Code of Conduct focuses on the role coaches play as a role model. It prohibits

⁴⁸ ASU *Intercollegiate Athletics Pregnancy Policy*.

“conduct that is verbally or physically threatening or abusive, belligerent or harassing.”⁴⁹ It is also clear that the Athletic Department seeks to align its policies and procedures with the University as a whole including working closely with the VP for Student Affairs, counseling services and student life.

At the beginning of each year the Athletic Director meets with every team to review the Code of Conduct for Student-Athletes and go over policies against hazing, the ban on amorous relations between a coach and student-athlete, and review the different processes if a student-athlete is accused of a crime or simply an internal team discipline issue. Pregnancy is discussed as both a health and safety issue and while the Student-Athlete Handbook is not explicit, ASU has adopted a student-athlete pregnancy policy guaranteeing students on scholarship do not lose their scholarship as a result of pregnancy pursuant to NCAA bylaw 15.3.4.3.

Every coach I met with expressed very clearly their commitment to the fact that the student-athletes are students first. Each of the coaches knew the graduation and retention numbers for the student-athletes they coach. Even the newest coaches were knowledgeable concerning the resources on campus for students from counseling services and the VP for Student Affairs to the Title IX Coordinator and campus police. I discuss the equity issues around athletes in the section of this document related to fairness, but the strongest advocacy around the student-athlete issues came from coaches.

The coaches were fully aligned with the need to protect their players and athletes and to mentor them into healthy adults. They understand that student-athletes are always going to receive a degree of scrutiny and that the opportunity to represent ASU in competition comes with responsibility to do so in a way that reflects well on the University. Most of the coaches had their own team rules and goals. I reviewed these team documents. There were differences reflecting coaching styles, but there were no team-related materials that were contrary to the general values promoted by the institution and no documents that I perceived would be offensive to any individual or to ASU's commitment to diversity or inclusiveness. This does not mean there were no complaints about homophobic comments inside sports teams as discussed in the next section but it does mean there is clear policy and uniform support for all students from the coaches I met with.

ASU has a state-of-the-art weight and training room with professional staff for its DII teams. However, with the increase in DII sports at ASU, the staff is spread thin. The Adams State University Athletic Training Handbook contains policies and procedures for access to the weight room and training staff and addressing protocols regarding issues such as pregnancy and concussion. The Handbook includes a Sexual Harassment Policy. It provides that a certified athletic trainer (CAT) will be present at home and away events in the sports where injuries are most likely to occur.

⁴⁹ The materials I reviewed and conversations suggested two coaches had issues related to this over the last five years and both are no longer employed at ASU. The faculty might consider including this language in the Faculty Handbook given the disputes and allegations of “bullying” conveyed to me.

After meeting with coaches and the Athletic Director, I made a short-list of health and safety concerns expressed for the student-athletes.

1. Discipline and Risk Factors for Student-Athletes

In some conversations, student-athletes were portrayed to me as a group which posed a risk to the safety of others. Some student-athletes have expressed to me and in surveys, the belief they have a target on their back. Unfortunately, incidents across the country have shown examples of unacceptable criminal behavior by some student-athletes often in the context of parties with teammates. In the absence of fraternities and sororities, team parties are looked at as next highest risky place for young women to go. For teams that have strict rules “in-season” but do not set the same standards in the “off-season” regarding alcohol, there are going to be parties. The question is how will people conduct themselves? Coaches are very aware of the risks and are concerned for the well-being of their student-athletes and for the other students with whom their student-athletes socialize. No-one wants to see someone they coach and mentor become a victim or accused of a crime. At the same time, coaches cannot and should not be in every part of student-athletes life. Some wise coaches encouraged their student-athletes to get involved in other activities across the campus. Coaches like to think that participating in athletics will build character that will benefit the student-athlete throughout her/his life.

In that context, I considered the second-hand reports about several incidents involving members of several of the sports teams and reviewed the 2011-2012 *Sexual Harassment and Gender Climate among Athletes* report. I also looked at the materials from the VP for Student Affairs, Title IX Coordinator, ASUPD, Housing and the internal list of the Athletic Department regarding student-athlete discipline. The best documentation was kept by the Athletic Department. It was evident that conduct of student-athletes, coaches and trainers is closely monitored. I am sure protecting ASU’s status in the NCAA is a strong reason for the close monitoring but protecting student-athletes is an equally strong reason.

As I looked at all the documentation, there was no evidence that student-athletes were involved in more incidents than other students. At the same time, student-athletes were involved in several very serious incidents over the last five years. Looking at the incidents and consequences, several points stood out:

1. All incidents involving student-athletes that involved sexual assault, stalking, harassment were reported to the VP for Student Affairs and Title IX Coordinator and resolved in the same process as for any other student.
2. There were several incidents involving coaches violating the Amorous Relations Policy. Those coaches all either left voluntarily or were discharged. Assistant coaches receiving DUI charges were suspended.

3. Instances of coaches being abusive with language or physically to student-athletes were directly addressed and at least one coach lost a job in part for this conduct.
4. Student-athletes were consistently disciplined, including removed from team for being cited for minor in possession, shop-lifting, and harassment.
5. Student-athletes who began to experience mental health issues were appropriately referred to counseling and put on the Students of Concern watch list.
6. No case stood out as representing an example of favoritism to a student-athlete. To the contrary, the punishments were more severe than they would have been for other students.
7. Several instances were cited to me where it was felt a coach sought to bend the academic rules for one of their team. In both instances that were specific enough for me to inquire about, the end result was the Athletic Director and coaches upheld the academic determinations of eligibility.

2. Teams and Bystander Intervention

Many student-athletes hang out with teammates, which is only to be expected. Coaches want to build team bonds. Student-athletes train together and often live together. I previously mentioned the importance of bystander intervention as one tool to prevent sexual assault and other crimes. Teammates are taught to have one another's back. It is important to make sure that does not mean stand by and watch a teammate commit a crime and then lie to help them avoid consequences. It means stepping up to help the person make a better decision and intervening directly or indirectly to the extent necessary to stop an assault and protect the at-risk individual. The bystander intervention training and culture I have advocated for the campus as a whole would serve student-athletes well. Coaches I discussed this idea with were very supportive. The coaches had far more direct knowledge about the personal lives and interactions of the student-athletes than the faculty had about most of the students in their classes. The coaches related firsthand stories of how they have dealt with harassment, stalking and breakups involving their student-athletes. They support anything that will help student-athletes make better decisions and make them better individuals.

3. Student-Athlete Safety in Training and Competition

There are some specific safety concerns regarding student-athletes that were mentioned to me and discussed in literature that need to be monitored including concussive injury, other injuries, weight training, eating disorders, medical care when

sick or injured, hazing and misuse or overuse of pain killers. Competitive athletic events involve physical risks for which the University has responsibilities.

a. Concussion

Concussive head injuries are in the news a great deal as a result of the law suit by former NFL football players suffering long term dementia and related issues due to repeated concussions. College athletes need coaches and trainers fully attuned to the problem of concussions and who absolutely prioritize medical care to ensure any concussive injury is properly treated. This also requires a firm protocol preventing an injured player returning to the field or court. ASU has a post-concussion/mild traumatic brain injury protocol and care for practice and play policy in place. The policy needs clarification that once the determination or suspicion is made a concussive injury has occurred, no student-athlete will be allowed to reenter or continue with a game or practice or competition until the CAT and/or doctor clears the student-athlete to practice and or compete per the protocol. While football has received the press, soccer players, basketball players and lacrosse players are also victims of concussive head injuries at significant rates.

b. Training and Weight Room Access

ASU competes in nineteen NCAA DII sports. One-third of the undergraduates participate in these programs. I describe the limited resources for many of the sports as a fairness and equity issue in another part of this report. There are seven trainers, five of whom are graduate assistants. Student-athletes in the enrollment based sports complained about limited access to the weight room and trainers, as did their coaches. With the number of student-athletes on campus, it is not surprising there are issues in this area. It was put to me as both a safety and equity issue.

c. Hazing

Hazing was not raised as with me as an issue at ASU by anyone. It has not been reported in any of the Clery reports I reviewed, but the internal Athletic Department documentation showed one complaint of what seemed to be internal team hazing, and online Facebook harassment or “bullying” by various members of a team toward one another. There was also a report of animosity between some members of two teams. Each of these incidents resulted in discipline of the students involved.

Coaches I spoke with acknowledged a strong anti-hazing policy at ASU and denied any ongoing hazing in his/her teams. Multiple people told me that when Larry Mortensen became Athletic Director, he made it clear that the University policy against hazing meant what it said. One campus police officer said that hazing was prevalent when the officer started but confirmed the belief that Larry Mortensen had put a stop to it. It is a very good thing to hear that hazing is not tolerated at ASU. It is an example of carrying out the value statement in action. Given the prevalence of hazing at high schools and many universities, it is a message that needs to be clearly stated over and over to new students and new coaches. In 2012, Humboldt State University had a major

hazing investigation into two athletic teams. Hazing on the women's soccer team at the University of New Mexico resulted in two players hospitalized this past fall.⁵⁰ In sum, ASU is doing a good job in preventing hazing and should continue to emphasize this. As noted, an anti-hazing policy aligns with the University core values.

d. Transportation

Travel from Alamosa to competitions across the region and country poses another significant risk. For years, ASU vans could be seen leaving and coming back to town at all hours. Over the years, there were accidents and a lot of close calls. Currently, transportation for all but golf is provided with contract buses avoiding the risks of students and coaches driving unfamiliar vehicles long distances in bad weather. For the rare instance a team uses a van, only trained coaches can drive and there are time limits.

e. Eating Disorders and Depression

Several coaches acknowledged they have had experience with student-athletes with eating disorders or suffering depression (or both). Coaches did not indicate any widespread problem but acknowledged that they need to be watchful for this all too common problem with college students in general. They indicated they referred student-athletes to the counseling service when they encounter this and monitor the student-athletes.

f. Painkillers

The use of large amounts of painkillers including Toradol by professional athletes and DI athletes, including the large Colorado DI schools, has been subject of national attention. ASU recently responded to public information requests with a statement from Diane Lee, Associate Athletic Director that ASU does not administer Toradol or similar painkillers. The abuse of painkillers to gain a competitive edge is contrary to the health and safety of the student-athletes. It is good to see that ASU is not following the lead of the DI schools and professionals and that these procedures coordinate with the new drug testing procedures.

g. Drug Testing and Drug Education

ASU adopted an athletic drug testing protocol for random drug testing based on reasonable suspicion for the coming year. The protocol is detailed including appeal issues. It provides for mandatory drug education to prevent abuse and misuse as well as for the testing and discipline of student-athletes.

⁵⁰ Hazing is not limited to the athletes. Last year alone there was a good deal of publicity around serious hazing in the band program at the Ohio State University.

h. Grade Checks

This is not really a safety issue and it is not worthy of more than a brief comment. The coaches and professors had very mixed views of the way in which grade checks are currently done. Many would like to see it online and standardized. Some professors like the chance to talk with a student. In the long term it should certainly be online, but the suggestions of some that this is a big problem area was not supported by most.

Recommendations regarding sports safety:

1. Clarify the protocol when a concussive event occurs at practice or in a game.
2. The Athletic Director needs to take steps to ensure that each head coach and the conditioning and training staff improve communication and that student-athletes are given the guidance in their training to be safe and hopefully improve performance.

J. Technology Enabled Bullying and Shaming

I was surprised that there was very little mention of cyber-bullying or stalking in my conversations. There was mention of hateful emails but no examples of posting private pictures as a way to shame. The Facebook harassment mentioned earlier was the only time something of this nature was mentioned. I suspect there is more online harassment than was revealed to me, but the fact that it was not brought to me as a serious concern supports my conclusion that the positive prevention work on campus is affecting campus culture in a positive way.

Looking at events across the country there have been many instances of social media abuse and universities are having a difficult time figuring out how to address it. The anonymous app, Yik Yak, is used at ASU. In one ongoing case at University of Mary Washington, Yik Yak threats ranging from harassment to threats to rape specific individuals resulted from a complaint concerning a misogynist chant by a rugby team. One of the individuals being harassed was murdered and whether there is a link or not is still under investigation. This is another area where the University must stay vigilant since it only takes one person to start a chain-reaction of bad things. Earlier I described the nightmare at Columbia University over a university disciplinary hearing. Over the course of the last year both students and their supporters have used Twitter, Facebook, YouTube and good old paper flyers to attack one another with protected free speech but which no-one outside the campus would consider healthy for anyone. ASU should be prepared for the worst but hopefully build the campus culture that just says no to this kind of thing.

K. Safety Conclusions

I have made a number of recommendations some of which require urgent action. Even so, my conclusion is that ASU is a very safe campus. This conclusion specifically

includes being safe for women, students of color and LGBT students.⁵¹ I do not mean that the campus is free of discrimination, but it is a physically safe place for all. Beyond that, I observed people on campus generally feeling comfortable being and expressing themselves; so the campus is safe in the sense that most people feel free to be themselves.

VI. Fairness

What does it mean to try to measure fairness? Do people feel they are treated fairly? Are we talking about objectivity or impartiality? Or are we talking about fair-mindedness? Or rules and procedures that allow opportunity to present one's case to a neutral arbiter? Or do we mean equity in the sense of the legal principle for the use of discretion to soften a harsh result or reach a conclusion perceived to be "fair." Or do we mean equality or social justice? Or do we simply mean an equal opportunity to apply for something or compete? Or does fairness mean to even out the playing field in the sense of distributive justice? There would not be a consensus on campus any more than in our society about this although most people on and off campus would support the notions of procedural fairness, rule of law and the means and opportunity to compete on the basis of merit rather than some other standard.

I examine "fairness" at ASU in a world which cries out that "life is not fair." Most universities see themselves as special places where there is more equity and opportunity than in the world around us, where the free exchange of ideas is encouraged and not punished, and where barriers can be broken down. Of course, the campus does not exist in a vacuum. Most students come to the University focused on getting an education and making a good life for themselves. Students, faculty and staff alike bring to the campus with biases, expectations, and life experiences shaped in part by race, class, gender, ethnicity and sexual orientation. ASU also lives with the outside expectations of legislators, alumni and the community as well as the needs and wants of faculty, staff and students.

At the beginning of this report, I set out the declared Mission Statement of the University. ASU declares and embraces this mission to serve the underserved portions of the population including rural communities, first-generation college students and its role as a pre-eminent Hispanic Serving Institution. In this report, I look at "fairness" in context of that mission. ASU chooses to serve a core target group that faces multiple barriers to individual student success. Barriers are overcome by facing them not by ignoring them. ASU proudly focuses on the personal journeys of its students and proclaims, "Great Stories Begin Here." I spoke with students who will certainly be the

⁵¹ I have not set out a special section in regard to safety for LGBT or students of color because I did not hear a single person talk about a hate crime or hate speech in a context that made people describe the circumstance as unsafe. In the next section on fairness I discuss the climate in more detail including offensive speech and other "micro-aggressions."

subject of one of the alumni vignettes telling their “Great Story!” At the same time, everyone on campus recognizes the high number of students who do not continue. If the goal is to provide what some educators call a transformative path to upward mobility⁵² or social mobility and economic stability, the large numbers who do not continue to graduation is a troubling indicator that ASU falls short of fulfilling its mission. There have been and continue to be many efforts to try and address the reasons why students do not continue. Looking at the obstacles many students face and the efforts to overcome those obstacles is one focus of this section.

ASU also declares diversity and inclusiveness as important values. Consequently, I looked to see if there are resources and support for the diverse interests around the campus and are the efforts by all respected and valued and thus included. I looked to see if all the various subgroups on campus feel they have a place to thrive and grow and even feel appreciated. When there is diversity there will be conflicting beliefs and values, and the free exchange of ideas includes the right to express views that may be hurtful to some. Abortion, same sex marriage, the Israeli-Palestinian conflict, or display of a Confederate flag or Mexican flag all can bring out toxic and divisive confrontation and concerted efforts to stifle or silence those on the other side. Creating an environment where different views can be expressed strongly and passionately but with civility and safety is a challenge all universities face. Ideally, a good liberal arts education opens us up to new insight into oneself and the world around us. Academic freedom and respect for the First Amendment rights of others are important values on campus and in a liberal democracy. With these thoughts in mind I look at some specific aspects, programs and challenges at ASU.

A. Fairness as a Measure of Well-being and Healthy Campus

1. Walking and Talking the Campus

I have already observed that walking the ASU campus is a good experience. People say “hello.” They open doors for one another. They make eye contact. They laugh; there is a sense of well-being. There is visible ethnic and racial diversity and the bits of conversation that you catch as you pass by, reveal the kinds of healthy college life one would expect and want. Talking with students, they are almost all upbeat. This is consistent with the results of the focus groups conducted by Noel-Levitz® as summarized in the *Enrollment Growth Research Report 2011*.

The image and perceptions of Adams State College identified by internal audiences were remarkably consistent. The college was described as friendly, student-oriented, affordable, and accessible, and the home of numerous strong academic programs in areas such as education, business, and nursing.

⁵² For example, see: <http://news.fullerton.edu/2014sp/msclip-tvtransformative-ocr.asp>

The Noel-Levitz® report also reported students did view ASU as diverse and a great place for first generation students. Students like the opportunities for student involvement and leadership and the variety of sports available. These conclusions are consistent with the 2014 CIELO *Campus Climate Report* and with the information provided to me in interviews and by observation. ASU seeks to be a “welcoming learning and social community.”⁵³ From the student point of view, ASU is doing a good deal right in this regard.

The 2014 CIELO *Campus Climate Report (CCCR)* indicated strong student satisfaction and “broad awareness of what is meant by diversity and inclusive excellence.” I agree with the CIELO *Report’s* conclusion that students are more positive than faculty about diversity and inclusiveness. The Millennials are an optimistic generation. That comes with youth. My generation thought racism and poverty would be eradicated in our lifetime.

Walking around the campus I looked at the many posters, signs and fliers to see what the campus activities and life look like and who is advocating or promoting activities or ideas. I was also looking for anything that would be controversial, malicious, hateful or which targeted an individual or group. Over the five months I spent walking around, I never encountered any sign or flier promoting hate. To the contrary, there were a series of events on campus showing strong support for diversity and inclusiveness and offering many opportunities for students to participate and become leaders. On the surface, there is nothing that jumps out at one walking the campus that makes one uncomfortable. To the contrary, the campus is a positive place.

2. Tensions Underneath the Surface

The CIELO *Campus Climate Report* also points out there are groups on campus that feel “less optimistic about the current campus climate and prospects for improvement.” The CCCR specifically identified Hispanic faculty, staff and students as less optimistic. It concluded LGBT faculty, staff and students cited “high levels of gender and sexual orientation discrimination,” and female faculty, staff and students as “more critical of ASU’s campus climate by comparison to male respondents.” Finally the survey cited male faculty, staff and students were “more likely to report discrimination and were acutely aware of ideological, philosophical, and religious repression.”

My interviews and meetings with groups support each of these points to varying degrees. Fairness includes a number of issues brought to my attention that were not within the scope of the CCCR, Noel-Levitz® report or other previous campus surveys. I discuss some issues with focus on students, staff and faculty for their specific views on fairness. Other issues such as being an HSI institution are discussed as a single campus-wide issue. In discussing the concerns raised and my observations, it is important to keep in mind that all but a few of those I interviewed shared a strong affection for ASU. One expression of that love is the desire to improve the institution.

⁵³ Description by Dr. Ed Crowther of a goal of Dr. Svaldi in his January 23, 2013, MLK day presentation entitled, “*Out of the Mountain of Despair, A Stone of Hope.*”

That said, those spoken to hold some different ideas as to what would improve the University and what would harm it. That should not surprise us. A free exchange of ideas and healthy debate is desirable on campus. Unfortunately, I did not really hear many good stories about healthy give and take discussions.

The most surprising and troubling theme was the degree of unhappiness among many (not all) Hispanic employees at every level in the University. While one can say the gender related issues on campus are the subject of a lot of discussion, the undercurrent of unhappiness of a significant core of the campus community is not discussed often and it needs to be explored and addressed as discussed below.

3. The Importance of ASU as a Hispanic Serving Institution

a. Federal Title V Definition

I stated in my introduction that ASU has always been a Hispanic Serving Institution (HSI) since Hispanics have always constituted a large percentage of the rural and first generation population for which ASU was founded to serve. The designation as a “Hispanic Serving Institution” by the U.S. Department of Education adds important financial resources to assist ASU in reaching its declared mission and expressing its stated values. The designation is granted to non-profit colleges and universities where the total Hispanic enrollment constitutes a minimum of 25% of the enrollment at the undergraduate level. 40% of the first-year class in the fall of 2014 was Hispanic and an additional 12% of other races/ethnicities.⁵⁴ (32.5% of the entire student body identifies as Hispanic.)⁵⁵

As an HSI institution, ASU is eligible to apply for and receive special funding under the Higher Education Act of 1965, Title V, Part A.⁵⁶ In the period from 2000 to the present; ASU has received more than \$17.7 million dollars in Title V funding. Meeting the criteria above makes the grant possible, but the grants serve the needs of all low income students on the campus. In talking with people on campus, most understood that the designation brought grant funding to ASU. Some were familiar with one or more of the programs described below. No-one thought being an HSI institution was anything but a good thing, but some wondered if ASU should not make being HSI more than just a designation and source of funding. One person framed this as ASU trying to be Hispanic-serving not just Hispanic enrolled.

b. Title V Grants and Related Grants

As noted, ASU is eligible for and receives substantial federal grants because of its HSI status. The grants are notable both because of the financial benefit to the University, but also because they clearly further ASU’s Mission and are aimed at

⁵⁴ The growth of mixed-race Americans is an important and positive trend that is purposefully ignored in an effort to protect perceived vested interests. ASU has many students with one Hispanic and one white parent and those numbers will increase exponentially in the next generation.

⁵⁵ September 19, 2014 Press Release, <http://www.adams.edu/news/sept1426.php>.

⁵⁶ Higher Education Act of 1965, Title V, 20 U.S.C. § 501 et seq.

helping the low income, Hispanic or otherwise, core of the student body to achieve motivation to graduate. One way ASU continues to try to address its low student retention rate is by reaching out to San Luis Valley secondary schools (and some outside the Valley) to prepare students for college and by providing resources and support for the students on campus. The Title V grants are an important source of funds for these efforts and these funds have also substantially upgraded the campus. With the core mission in mind, I looked at the larger grants ASU currently has and grants ASU has applied for and how these relate to the mission.

In 2010-2015, ASU received a five-year Title V institutional grant which has focused on issues of access, student success and retention. The Student Success Center is a focus of the grant. It supports advising, career services, college readiness, and the Grizzly Testing and Learning Center. The Center includes a computer study area. The grant also supports the Developmental Math Initiative to improve students' performance in mathematics which is a recognized obstacle to retention and graduation for many students. This grant also supports faculty workshops on best practices for instructing the at-risk students ASU embraces in its mission Statement. The grant also supports the Hilos Culturales Summer Institute,⁵⁷ the ASU Equity Retreat, inclusive excellence workshops and new faculty orientation. This grant has funded two technology enhanced classrooms each year in the five year grant. Mike Nicholson is current project director and Andréa Benton-Maestas, is the Title V Grant Activities Director

In 2011, ASU was awarded a \$3.6 million grant to be the central Science, Technology, Engineering, and Mathematics (STEM) resource in southern Colorado, providing improved STEM instruction and outreach. Funds from this grant built the new observatory on campus, renovated the Zacheis Planetarium, and purchased the X-ray Diffractometer and a touch-screen system for the Edward M. Ryan Geological Museum. It is also funding the new greenhouse. The grant is supported by a staff of three led by Project Director Marcella Garcia and project director Cindy Bervig. At ASU, the grant made possible the STEM Center which opened in 2013 in Porter Hall, a place where students can study, find peer led team learning, individual tutoring, receive supplemental instruction and interact with faculty in a less formal setting. The idea is to create a community of people supporting one another as they pursue a degree in STEM. The aim is to help Hispanics and other low-income students to succeed in STEM and with a concrete goal of increasing the number of Hispanic STEM graduates to fifteen or more. Efforts to support STEM students are not limited to the grant activities. For example, the faculty provides lunchtime talks in science and engineering with free pizza. A number of these presentations can be viewed online from the ASU website. These presentations are well-attended.

In 2014, ASU received a five-year grant of \$2,838,865 under the Department of Education's Promoting Post-baccalaureate Opportunities for Hispanic Americans Grant (PPOHA). The grant is intended to help Hispanics and other low-income students to

⁵⁷ Hilos Culturales explores the cultural richness of the San Luis Valley and includes a class and lecture series as well as a summer program. Past lectures are accessible on the ASU website.

achieve a master's degree. These funds support the graduate support center, mentorship, incentive stipends and graduate assistantships. Lillian Gomez is Director of the program and Dr. Melissa Freeman is Activity Director and Director of the GSC. Anna Torello serves as the Project Specialist on this and the institutional grant.

In 2014, ASU also received a five-year HSI grant of \$841,470 in a cooperative project with the University of New Mexico-Taos and New Mexico Highlands University (Title V Cooperative Grant). The project is titled "UNIDOS: Building Pathways to Access and Opportunity for the Upper Rio Grande Region." These three HSI institutions are jointly seeking to increase enrollment and success and increase distance learning opportunities in the region. Lillian Gomez is the ASU Activity Director for the grant.

In 2014, ASU also received a \$210,449 Title II grant from the Colorado Department of Education funded by the Elementary and Secondary Education Act, designed to improve teachers' knowledge of, comfort with, and attitudes towards STEM for K-5 teachers in ten school districts within the San Luis Valley.

ASU also has a \$2.9 million grant through the Public Education & Business Coalition Boettcher Teacher Residency Program. This program supports teachers to obtain a Master's Degree in Education with an alternative teaching license and an endorsement for the culturally and linguistically diverse. ASU graduates make up a large percentage of the teachers in the K-12 systems in the San Luis Valley. It is a painful irony that these past students are sending so many unprepared students back to their alma mater. The Title V outreach programs to stimulate young students for STEM and the residency program try to address the deficiencies everyone recognizes in the K-12 preparation by improving the teaching and engaging the young students.

ASU has two pending Title V Grants. The first is an institutional grant request for \$2.5 million over five years entitled *Conexiones*. It is focused on reducing remediation and improving math success, providing integrated appreciative advising strategies aligned with career pathways, and building student engagement with campus and professional development around inclusion and equity.

The second application entitled *Caminos* is a cooperative grant application with UNM Taos. This grant application extends some of the activities in the existing cooperative grant to support post-secondary education in the Upper Rio Grande region in New Mexico and the San Luis Valley using distance technology innovations including the latest in interactive tools, video, threaded discussions and collaborative tools. The grant will train faculty in the development of online/hybrid instruction techniques, create evidence-based academic support services for the online students, and improvements to the distance-technology infrastructure.

There are other grants closely connected to the Title V initiatives including the College Assistance Migrant Program (CAMP) funded by a Title IV grant. CAMP recruits

first generations college students from migrant families. It is administered by Pete Gomez, an ASU alumnus who was himself in the CAMP program in the 1970s!⁵⁸

ASU also receives TRIO Strengthening Institutions grants under Title IV⁵⁹ student assistance programs focused on low income students and first-generation students. One of the programs is Upward Bound which seeks brings high school and younger students to ASU to familiarize them with the campus life by spending time in the dorms, taking classes and eating in the cafeteria. The TRIO grants also support the Student Support Service (\$255,504/yr. x 5 years, 2010-15), and the Upward Bound Program (\$476,915/year for 5 years, 2013-18). Upward Bound seeks to ensure 114 participating students are college ready with an emphasis on English, mathematics, science, reading and writing. The Student Support Services offer one-on-one support to students as they struggle with the many obstacles to success they face using the SSS Milestones of Success model. Tutoring, counseling, academic advising and life skills workshops are examples of what this grant provides. Morgan Dokson is Director of Student Support Services.

The Department of Defense (DOD) has also contributed to the Title V STEM effort with an overlapping 2014 grant for a robotic lab for undergraduate research and for K-12 programs to inspire interest in STEM. A second DOD grant was just awarded for undergraduate STEM research.

Finally, the National Endowment for the Humanities has awarded ASU a \$10,000 grant, a six-part PBS documentary series on Latino America history to enable ASU to partner with community groups to present programs on social, political and cultural history. Carol Smith, Niesen Library Director is in charge of this grant.

c. A Broader Vision of HSI

Obviously, these grants are vital to the University and directly further ASU's Mission. At the same time, many across the campus struggled to see a broader vision of what it means to be an HSI institution. It opens doors to funding. Is that enough? Some think so. A few puzzled over whether it was favoring one group on campus and did not feel included.

I agree with CIELO and others who think ASU can do better to leverage this status and the history of the University in way which makes ASU unique and attractive to many students. The Strategic Plan embraces promoting and celebrating the history and culture of the San Luis Valley. HSI ought to signify a school whose special ties to the Hispanic history, culture and language of the San Luis Valley and northern New Mexico make ASU a special place for Hispanic students, but also a special, welcoming place for the Anglo, African American, Asian and Native American students who choose ASU. This notion is best embraced on campus by the Cultural Awareness and Student Achievement Center⁶⁰ (CASA) program. It is a small but growing community within the

⁵⁸ It was then called the ALMA program. ASU lost the grant for many years but has now regained it.

⁵⁹ Title IV Part A, Higher Education Act of 1965, 20 U.S.C. §1070a-11, et seq.

⁶⁰ Centro de Conocimiento Cultural para el Éxito Estudiantil.

college community that embraces inclusiveness of all within a traditional Hispanic cultural setting. The CASA Center Coordinator is Oneyda Maestas.

CASA has also given a number of students who live off campus a good campus “home” which better connects them to the student life and activities. Many students from the San Luis Valley cannot afford to live on campus because of finances and/or because they have family responsibilities that require they return home. This group of students is at great risk of being overwhelmed and feeling disconnected. CASA meets a real need for these students. As good as CASA is and as great as it might become, its’ meager financial support⁶¹ is symbolic of the question we started with: What does it mean to be an HSI institution?

While there are many on campus who suggested this broader cultural connotation for HSI, there are some real contradictions on the campus. Where there were three Spanish professors a decade ago, ASU now has only a single Spanish professor. One position was eliminated and one is unfilled following the economic crisis. There are many departments who want to grow now and there will be hard choices regarding priorities. If bolstering offerings supportive of ASU as a HSI leader in terms of culture, history and language, do you start with language or somewhere else?

It was surprising to me that there was not a student outcry and demand for more in terms of Spanish language and student cultural exchanges. I suggest a deeper conversation with students on campus about the relationship between language and culture and whether a language requirement would be a good addition to the graduation requirements at ASU, as there is at most liberal arts institutions. As someone who hired many people over the last forty years, fluency in Spanish is a big plus in the workplace anywhere in the country. It also is the gateway to an expanded connection to Hispanic culture for all students.

Of course, ASU does have some strong cultural threads--hilos as it were—across the campus. El Mariachi Corazon del Valle, Semillas de la Tierra, El Parnaso, The San Luis Valley lifeways series, Hilos Culturales offers luncheons, retreats and faculty lectures which all contribute to the ASU culture in strong and consistent ways. Mariachi Corazon del Valle and El Grupo Folklórico Semillas de la Tierra have enjoyed long community support and many graduates of both still live in the area. They are treasures as are the murals on the stairways in Richardson and the new mural in McDaniel Hall which celebrates the United Farmworkers strike in Center Colorado in 1971.⁶²

⁶¹ CASA is not the only student activity that is meagerly funded, but then almost everything on campus is short on funding.

⁶² The mural was completed in May 2015 by alumnus and local artist, Carlos Martínez and Zeb Palmer.



The recent addition of a Latino Studies Minor is another positive step with its dual focus on the southwest and Latin America. At one time, ASU had a vibrant exchange program with the Universidad Popular Autonoma del Estado de Puebla. ASU offers students the opportunity to spend a semester at other universities in the United States but there are few opportunities to study abroad at ASU. The cost of such semesters abroad is obviously an obstacle, but setting up the framework and exploring money sources to support the program seems like a good step to round out choices for ASU students to enrich their college experience and is certainly aligned with an expanded view of HSI.

Recommendation: There should be a campus dialogue to explore what people want HSI to mean and to define the steps needed to reach that vision. An expanded view of HSI would be another avenue to attract students who want to learn about and embrace culture, language and history.

4. The Allocation of Limited Resources

There are many worthy proposals for the new President and the Board of Trustees to consider in developing ASU's next strategic plan. These choices were put to me in terms of fairness to this or that interest on campus. This goes back to my first question about what is meant by "fairness." In making strategic choices for the University, the focus is usually going to be on the long term interest of the institution not what is fair to a particular interest. There are hard choices to be made. Strategic planning helps an institution steer a consistent course and allows all parts of the campus to make the case for their priorities. A process that is perceived of as fair because it gives due consideration to all competing proposals and ideas makes it easier for everyone to accept (not necessarily agree with) the plan developed. In order to look at the future, I looked at what has been done in the last decade. I looked at the question of investment and resource allocation through the lens of ASU's Mission Statement and the strategic plans adopted in this timeframe.

a. 2008 to the Present

Dr. Svaldi led the creation of the Strategic Plan 2006-2009 and the Strategic Plan 2010-13. Key aspects of these plans include building financial stability, student-centered initiatives to boost and retain student enrollment and success, improvement of the physical campus and promoting and celebrating the history and culture of the San Luis Valley. There has been substantial improvement to the campus as a result of these efforts. The failure to radically impact retention and graduation rates is a large disappointment given how much effort has gone and continues to go into this problem. I have already described many activities consistent with these strategic plans.

There are different perspectives on how equitably the limited new resources have been spent and on particular initiatives including the increase in the number of Division II sports offered. The expansion of graduate programs and the related University status have been largely successful, but not for all elements on campus. Extended Studies has become a large and successful force on the campus. Looking back it is clear that there has been an effort to encourage growth in many areas of the campus and strategic investments that have benefited many students and programs.

b. Budget Planning and Setting Priorities

As I complete this report, two new Title V grants are being submitted and the FY 15-16 budget has been announced. As is always the case, there are compromises and parts of the budget that will disappoint one or another group on campus. I elsewhere encourage stronger process in governance to better ensure everyone feels their voice is heard. During the five months I spent walking the campus I observed the advocacy and negotiations and frustrations and uncertainty felt in many quarters. It was difficult to gauge which of many worthy proposals were likely to actually be funded. The process is not as transparent as one would like or expect. Still, the short-list of priorities that was finally considered was familiar. People had spoken to me about virtually everything on the list. It did not include some things that were put to me as important to them, but the short list is just that, an incomplete list of priorities.

The proposal for a Women's Center has morphed into a proposal in the new Title V grant for an "Office of Inclusive Excellence." The budget includes commitment of real money to begin to address the worst compression issues with staff and to bring all faculty and staff base salaries to at least to 72.5% of the CUPA peer average this year, with the continuing multi-year goal of 90% of peer average. These were major issues people talked to me about and it is good to be able to acknowledge that several of the most spoken about concerns on campus were prioritized. A raise in undergraduate tuition is not what I heard anyone wanted to do, but in the end the Trustees looked at how they could finally address the salary issues on campus instead of just talking about them. People will like or dislike some of the priorities but as flawed a process as I observed, the budget decisions show that the issues were understood and the administration and Trustees took steps that will be generally well-received.

c. Capital Construction

In March 2008, the student body approved a student capital fee to be used to pay off bond financing for capital improvements across the campus and to maintain the improvements after completion. The students overwhelmingly supported this step even though it increased their student fees. Refurbishing the existing dorms and the construction of the new Rex Stadium and Residence Hall were first on the project list and both have been accomplished. Below is a spreadsheet summarizing the building renovations on campus since that historic step and showing the source of funds for each project. Title V and other federal funding described earlier, together with funding from the Historical Society and private donors contributed to these steps.

<i>Building Name</i>	<i>Occupancy Type</i>	<i>Date Built</i>	<i>Funding Source</i>	<i>Comments</i>
<i>Education and Social Sciences</i>	<i>Academic</i>	<i>1967</i>	<i>Bond Proceeds</i>	<i>Complete Remodel to address ADA, life safety issues, mechanical system, technology, program utilization</i>
<i>Leon Memorial</i>	<i>Academic - Music Performance</i>	<i>1968</i>	<i>Bond Proceeds</i>	<i>Replace seating, upgrade sound system and acoustic treatments</i>
<i>Music Education</i>	<i>Academic</i>	<i>1957</i>	<i>Bond Proceeds</i>	<i>Complete Remodel to address ADA, life safety issues, mechanical system, technology, program utilization</i>
<i>Observatory-Planetarium</i>	<i>Laboratory</i>	<i>1964</i>	<i>Federal grant with ASU reserve match (25%)</i>	<i>Replace seating, upgrade 1964 star scope projector</i>
<i>Rex Stadium</i>	<i>Athletics</i>	<i>1949</i>	<i>Bond Proceeds</i>	<i>Upgrade seating capacity, install artificial turf to expand usability</i>
<i>Rex Student Activity Center</i>	<i>Recreation</i>	<i>1939</i>	<i>State Historical Grant w/ ASU reserve match (25%)</i>	<i>Repair original stucco finish</i>
<i>College Center</i>	<i>Assembly</i>	<i>1960</i>	<i>Food Service capital outlay agreement w/ ASU Reserves</i>	<i>upgrade dining facilities</i>
<i>Coronado Hall</i>	<i>Dorms</i>	<i>1968</i>	<i>Bond Proceeds</i>	<i>Complete Remodel to address ADA, life safety issues, mechanical system</i>
<i>Girault Hall</i>	<i>Dorms</i>	<i>1957</i>	<i>Bond Proceeds</i>	<i>Complete Remodel to address ADA, life safety issues, mechanical system</i>
<i>Community Partnership (old art building)</i>	<i>Classroom/Office</i>	<i>1956</i>	<i>Federal grant with ASU reserve match (25%)</i>	<i>Remodel abandoned building within academic quad</i>
<i>Richardson Nursing Simulation Lab</i>	<i>Academic</i>	<i>2009</i>	<i>Federal grant with ASU reserve match (25%)</i>	<i>Build a state of the art simulation lab to augment clinical placement</i>
<i>Residences at Rex, North Campus Green</i>	<i>Apartments</i>	<i>2010</i>	<i>Bond Proceeds</i>	<i>New Apartments and restaurant</i>
<i>Softball Field</i>	<i>Athletics</i>	<i>2010</i>	<i>Bond Proceeds</i>	<i>To address Title IX compliance issue</i>
<i>Baseball Field</i>	<i>Athletics</i>	<i>2012</i>	<i>Bond Proceeds</i>	<i>New sport - 54 rostered athletes</i>
<i>Soccer/Lacrosse Field</i>	<i>Athletics</i>	<i>2012</i>	<i>Bond Proceeds</i>	<i>New sports - 163 rostered athletes</i>
<i>High Altitude Center</i>	<i>Athletics</i>	<i>2013</i>	<i>Bond Proceeds</i>	<i>Primary use - indoor track in place of Plachy Hall track value engineered out the Plachy Hall state capital project</i>

With the added renovation of Richardson Hall in 2014-2015, these changes have vastly improved the campus from north to south with major improvement to the main educational buildings, dorms, athletic facilities and the central plaza. There are certainly many who would have spent less on athletic fields and the stadium in particular. Given the strategic decision to increase sports in order to increase undergraduate enrollment, the construction of the additional fields was a necessity. The stadium was viewed by the Trustees as a signature building on campus.

The outstanding quality of the campus facilities is a huge plus for student recruitment and for student life. The transformation has benefited the working environment of everyone on campus. In addition, the East Campus adds additional space and provides a good home for the growing HPPE program, and \$5.8 million

renovation for that building is in the final planning stages. ASU has also begun a changeover to a VOIP phone system with the new system part of the Richardson renovations in final stages with VOIP included in the East Campus renovations to come as well.

The single loudest complaint about the current facilities revolved around the Rex Student Activity Center located in the original ASU gym.⁶³ It was renovated over a decade ago into a student activity center with a weight room, exercise equipment and places for aerobic exercise classes. The equipment is well-worn and the numbers of students wanting to work out there continues to grow. Students today want to be fit and they are used to having good facilities to do so. AS&F, other students and ASU staff all think improvement to the Rex should be a high priority. I received conflicting stories as to whether the original plans for use of the new student fees included a climbing wall some believe was to go in the old field house since the track team was getting its new High Altitude Center dome. Whatever the original plans, the decision was made to put the climbing wall in the Rex. Money was a key factor. As the many new DII sports were added, the Athletic Department has put the field house to good use. Planned improvements to the Rex were pushed back. The suggestion this was in part due in part to cost overruns on the stadium is disputed.⁶⁴ The climbing wall is a big hit but it further reduced the space in the Rex. The expansion of DII sports as a strategy to increase undergraduate enrollment worked. ASU is also a great place for a multitude of outdoor activities that are not DII sports. Improving and emphasizing the opportunities for outdoor activities and adventure sports in the San Luis Valley could be another successful strategy to attract undergraduate students. Having an outstanding student activity center to work out in is essential to such a strategy. It is also one of the first facilities potential students look at on the campus. Addition to and improvement of the Rex is a good step both for equity to existing students and as a means to recruit. Additional funding for adventure sports and other outdoor oriented activities is also needed.

5. Fairness in the Traditional Context of Favoritism, Discrimination

As one would expect, there were statements made that various groups benefit from favoritism. I expected to hear and did hear some say student-athletes are favored in one way or another. There were specific public suggestions before I began that student-athletes get breaks on parking tickets, housing preferences and even that a few professors go out of their way to help student-athletes. There are also a number of people who feel athletics is favored in budgeting and in access to key donors via the Grizzly Club. I will address these but I want to note that none of these even begin to raise the kind of concern that I would have if I were hearing that LGBT students were being bullied or ostracized or that there is ongoing conflict between Hispanic and Black students or that sexual harassment is rampant on a particular sports team.

⁶³ The Rex was constructed with Works Progress Administration (WPA) funding in 1938-1939.

⁶⁴ I was told that the decision to delay improvement to the Rex was made by the Trustees over the objection of the administration.

a. Traffic Tickets

I obtained a list of traffic ticket appeals to the Campus Parking Appeals Committee including the outcomes of the appeals and a list of instances in which the VPSSA or police adjusted parking tickets. There was no evidence to support any favoritism to anyone in particular in the way parking ticket appeals were handled. The number of adjustments to tickets has decreased over the last few years. Typical examples of why a ticket was ripped up are (1) a car broke down over night in a lot where a car was authorized at night but not in the day. (2) a car got a flat tire and could not be moved resulting in four tickets and student did not have the money to get it fixed. Two of four tickets were cancelled. (3) a family visited the campus with a potential student and they parked in the wrong place. (4) a faculty member forgot his/her parking pass. (5) unloading at the theatre for a production. All appeals by anyone simply claiming they forgot or did not read the signs were denied.

Student-athletes were not any more likely to get relief than anyone else from the Parking Appeal Committee or anyone else. There was simply no evidence of favoritism to anyone in the granting of relief. I was a little taken back that so many people did appeal and that there was a committee to address most of these but after understanding the financial problems of students today, I understand that the ticket can be more than an inconvenience.

b. Athletic Budget Issues

The perception that athletics is favored in the budget is present in many quarters for different reasons. As already noted, students feel the Rex Activity Center facility is not adequate. A few indicated that the denial of general access to the new weight room and even the dome is not "fair." Some faculty members point to the capital expenditures on athletic facilities during almost a decade while pay issues and staff cutbacks for faculty and for staff remain unaddressed. A number of people just think athletics are too influential and take too much of the budget at ASU and in American universities in general.

ASU doubled down on student-athletes as a means to increase and sustain undergraduate enrollment. It is a conscious strategy aimed to stabilize the University and enable the University to address the faculty and staff issues and beyond that, to look at expansion of undergraduate offerings. One can understand the reasoning and still feel this was ill-advised and not fair. Most people acknowledged that the plan to grow athletics by adding enrollment-based DII sports has boosted enrollment and added some needed tuition and room and board revenue from the undergraduate side. Some did wonder whether there were not and are not other ways to do this. If the stabilization and growth of enrollment had translated into new faculty positions this would not be as big a complaint. The view was expressed that now with enrollment stabilized, the delayed faculty and staff issues time has come. To a great degree, the developments

and decisions in the last five months including the new budget show administration and Trustees agree with that assessment.

i. Enrollment-Based Sports

The perception that athletics are better funded than other parts of campus is not uniformly true. A look at the CUPA salary studies show that with the exception of track and field (including cross country), coach salaries are lower in percentage than faculty salaries and the budgets for most of the teams are far below what other schools are providing in general budgets and scholarships. The new enrollment-based sports are operating on shoestring budgets and while there are new fields for them, the practice spaces are not really good for the number of individuals and teams trying to share them. Several coaches worried that the student-athletes were not being treated fairly with such large teams and that they did not feel good recruiting so many student-athletes for their teams.

The strategy to build undergraduate enrollment by offering additional sports to attract students who want athletic competition as part of their college experience has been successful in terms of numbers. Coaches and student-athletes, however, raised many concerns that ASU has too much of a good thing. It is time for the University to do a careful evaluation of the size of each program. Recruiting students in numbers so large that only a small portion will ever get to play is not fair to students. It is one thing at a DI school where the student-athlete gets a large scholarship and free education regardless of whether or not she/he plays. It is not the same when students are getting no financial incentive or the small stipends most of the enrollment-based sports offer. It is time to re-evaluate the cost-benefit to the University and to the student-athletes involved to find the right numbers for each sport.

Student-athletes and other students involved in University organizations have an expectation of reasonable financial support. I have suggested that adventure sports and student organizations like CASA need additional funding. So too, enrollment-based sports deserve a reasonable baseline support. Whether it is housing and food service issues for sports teams required to stay on campus over a holiday, or traveling costs for a club to attend a national conference, ASU students too often find themselves having to fund these things for themselves or club sponsors or coaches are paying.

ii. Some Sports are Favored (and that is ok)

I received comments from some student-athletes and one coach complaining that there are sports that are clearly favored at ASU. My reaction when I saw student comments to this effect was to wonder how they expected anything else. After pondering the comments made to me and in other documents on campus, I concluded that the real complaint was not that there are some better funded sports, but that some of the enrollment-based sports teams feel short-changed. Specific issues range from access to trainers, the weight room, and travel and training budgets. I discussed some of this as a safety issue and it is certainly perceived as an equity issue.

The decision to fund certain sports at a higher level based upon community and alumni interest and success in bringing good publicity to ASU is perfectly rational. Even the priority programs, however, have budgets that make it hard for them to compete. Track and cross country are obviously the most successful at competing on the national stage and they are rewarded for that success in their budgets. I have watched the rise of ASU as a national track and cross country power over the last forty years. It started with programs less well-funded than any of the current enrollment-based sports and that should be an incentive to dream and then to build as track and cross-country have done.

At the end of the day, once a student-athlete is on the campus, the whole campus needs to support that individual and help them graduate and grow. Some of the athletic teams have much higher graduation rates than the student body as a whole. Others are only slightly above the average. None are below it but with the exception of a few teams, there is a lot of room for improvement in graduation rates for most teams as there is for the campus as a whole. Beyond the baseline support for any athletic program offered, there is no appealing argument to allocate additional resources to athletics until the many unmet needs in the academic side of the University are fully addressed.

iii. Lessons from a Team and a Coach

The men's basketball program was a subject numerous people wanted to tell me about. This is a program that has expectations of success and entertainment. In order to do so, coaches have become reliant upon junior college transfers who come to the campus to play ball and complete their degrees. I heard very unflattering things said about some of the past players and the actions of the coach on behalf of some of the players. The former coach was criticized for trying to get his players better housing and not following the rules in doing so as well as trying to interfere with disciplinary actions in the dorms. He has left to work at a DI school, and an Alamosa native has been named the new head coach. He will face the same problems some of which are described here.

While the coach has left, it is useful to look at some of the issues the last few years as they could occur with any team and any coach. RAs described problems with student-athletes in the dorms in past years (not in 2014-15). The problems described by the RAs ranged from small to serious.⁶⁵ The attempts by the coach to intervene to help the student-athletes only made the relationship with the Housing staff worse. The result was the coach sought other housing for his student-athletes this past year which made sense, but highlights the outsider status of some of these particular student-athletes. At the root of the problem is the large number of transfer students. The other sports teams strive to bring the student-athletes in as first-year students. They are part

⁶⁵ There were equally difficult challenges with some members of the Lacrosse team in past years but neither their former coach nor the current coach tried to intervene in the way the former basketball coach did. The new Lacrosse coach has improved team attitude considerably.

of a class and even when they spend much time with teammates and focused on the team, they inherently become connected to the University and other students. The former coach was a passionate advocate for his student-athletes. He expressed frustration at the difficulties his student-athletes face. He asked: "Once the student-athlete enrolls, does the University community not owe that student-athlete the same support and mentoring and wish for success as any other student?" Even if you do not believe the way the teams are recruited is a good one, that issue should be separated from the obligation to support the student-athlete once he/she is here.

Conversations in the community and on campus (not the RA conversations) sometimes labeled all the young men on this team with a broad brush that had racial overtones. Many of the young men who transfer are first-generation college students from low income families and are African Americans. Helping them find a place for their own personal growth and education culminating in graduating is the same goal as for every incoming first-year. The graduation rates shown to me for this team were far better than suggested to me by some people. Athletic Director Larry Mortenson has given a lot of time and thought to the issues of this team and worked hard to help the former coach help his student-athletes to succeed both on the court and in the classroom. The new coach enters the job with a familiarity with ASU, the team and the issues the team and its players have faced. Just as other teams (and departments) have recovered from bad places over the years, this program can do the same with effort and with support.

iv. Grizzly Club

The Grizzly Club calls itself the "team behind our teams." It has been a very successful community tie and source of tremendous support for the athletic programs at ASU for many years. The corporate connections and donor connections it has have been instrumental in getting funding for teams and facilities beyond the budgeted amounts. The finances are now run separately through the Adams State Foundation but Grizzly Club controls its own finances.

Given how many worthy ideas there are at ASU, it is no wonder that some look at the support the Grizzly Club has with a degree of envy. The theatre, arts and music departments all have their own benefactors but it is fair to say the athletic programs have a huge fundraising advantage and continuity over time through the Grizzly Club.

It took years of personal effort and commitment to build some of these relationships for the University and for the athletic department. It is certainly a model to build around for other campus funding purposes but it would be hard to replicate outside athletics and perhaps the arts. The Foundation and the Grizzly Club both see protecting their key donors from daily solicitations as important for good reasons. At the same time there needs to be a better way to take a new idea and find the right funding for it. In thinking about the problem, a crowdsourcing type approach that floats ideas and offers participation broadly to alumni and other ASU supporters makes sense to me. This reaches the known donors without threatening Foundation and Grizzly Club

ties to them but it also reaches out to people who have never given to either the Foundation or the Grizzly Club.

6. Fairness in the Sense of Outreach and Assistance to the Disabled

Disability Services on campus are headed by Lis Tomlin, Assistant Director of Counseling and Coordinator of Disability Services. ASU has a number of students with a wide variety of disabilities. Lis and the counseling staff are there to help students be independent, encourage self-determination and to provide resources and advocacy when necessary. A welcoming, inclusive environment for those with a variety of disabilities is certainly within the mission of the University and required by law.⁶⁶

There are students facing a wide variety of challenges. The challenges may be a learning disability, a physical disability or a mental health issue. Assisting these students involves challenges including getting from one side of campus to the other, peer note-taking, testing center accommodations and required support in doing each.

After talking with Lis and reviewing student contacts with the VPSSA and with Joel Korngut, it appears that ASU is working hard to meet the needs of these students. The complaints that I saw were resolved with successful outcomes. It would be good to try and track student success and identify reoccurring obstacles to success.

7. Veterans' Center and Veterans' Club

There are between 250-275 undergraduate veterans on campus in a given semester. Many other veterans are enrolled through Extended Studies. This is obviously a significant number of students. While ASU has always had large numbers of veterans since WWII, a clear focus on this group has been lacking until recently. In 2010, a group of undergraduate veterans approached President Svaldi and pointed out the large number of veterans at the University and the specific problems and needs they bring. Today, one of those students, Matthew Martinez, has graduated and is serving as the Veterans and Military Affairs Coordinator at the ASU Veterans' Center (temporarily located in McCurry hall while the Richardson Renovations are completed).

The Veterans' Center is only in its second year in its new home. The club has existed for five years. The Center is partly sponsored by the Campus Compact of the Mountain West which is an organization focused on aligning campus and community through service learning and civic engagement. In addition there is a two-year AmeriCorps Vista position that has low pay but offers educational benefits making it ideal for a graduate student who has exhausted his GI Bill.

Issues related to veterans on campus include housing and occasional transportation to the Veterans' Health Clinic in Alamosa or the Veterans' Hospital in Denver. Some veterans suffer from PTSD or other related mental health issues. Most

⁶⁶ Americans with Disabilities Act, 42 USCA §1201 et seq.

veterans come to ASU focused on getting their education as quickly as possible to move on into the workplace. The GI Bill provided tuition plus \$1100 per month but is time limited. No current veterans are engaged in DII sports but most like to stay fit and engaged in outdoor and other athletic endeavors including the leadership programs. Improvements to the REX and additional resources for non-DII athletes are concerns and strong desires for veterans. Veterans are older and like most non-traditional students living in a dormitory with 18 and 19 year olds is not appealing. At the same time, housing focused on veterans might be appealing and cost effective for some of them. The Veterans' Center is exploring veteran specific housing as an option for veterans. Access to the counseling services and the local mental health services are also important.

ASU has many attributes that are attractive to veterans. Small class sizes and the ability to get in the classes to graduate in less than four years are appealing. A rural outdoor-oriented community with opportunities for many outdoor activities is also appealing. Matthew and his staff believe ASU can be successful recruiting more veterans if some resources are put into recruiting during the summer at military bases. This seems like a natural fit with the other efforts to bolster undergraduate enrollment. Veterans bring their GI Bill benefits and offer another form of diversity into the campus mix. It is also worth noting that many of the veterans coming to ASU are female.

Recommendations:

(1) The Veterans' group has already asked the Board of Trustees to consider allowing in-state tuition for any veteran. This strikes me as a great recruiting tool and a win-win for the University and the veterans.

(2) Expand recruiting efforts for veterans especially during the summer months when many are ending their time in the service and are deciding where to pursue their educations.

(3) Consider a dorm floor dedicated to veterans.

8. Compensation and Employment: Classified and Exempt Employee Issues

Employment related issues were raised to me by a number of those with whom I spoke. The members of the Classified Employees Council who met with me, and other employees who sought me out, expressed a variety of concerns. With Cost of Living Adjustment (COLA) wage increases the last several years and the 1% across the board and 1% discretionary merit (pay for performance) pay increases just announced for July 1, 2015,⁶⁷ it will be three years in a row classified employees have received a pay increase.⁶⁸ This is certainly welcome and well-received. There remain other issues that

⁶⁷ <https://www.colorado.gov/pacific/sites/default/files/Instructions%20FY%2015-16%20ATB%20&%20Merit.pdf>

⁶⁸ The changes in compensation plans for classified employees over the last few years is easy to track at the Colorado Division of Human Resources website: <https://www.colorado.gov/pacific/dhr/compensationplans>

the 1% ATB COLA and 1% Pay for Performance (P4P) will not address that were brought up repeatedly by employees individually and by Colorado WINS.

a. Classified and Exempt Jobs

Numerous classified employees expressed the perception that as a classified job becomes vacant it is changed to an exempt position resulting in a decline in the number of classified employees. The IT group was a frequently cited example of this. Several employees suggested that it seemed as though the University is trying to eliminate classified employees. There is considerable confusion around this and the complaints below that additional communication and transparency can help address. Another contributing factor is that a number of the new jobs on the campus have grant funding or cash funding which makes the positions exempt but the job duties may be very comparable to classified positions. Additional effort to clarify the differences between classified and exempt jobs and to apply the differences consistently across the campus would be helpful.

b. Fair Opportunity to Apply for Jobs

A number of employees stated they feel stuck in jobs they may or may not like but which offer no opportunity for advancement. They enjoy working at ASU and consequently, many said they were looking for lateral moves or a move to a different part of campus either for a change or to a place where opportunity to advance was perceived to be better. Classified positions are subject to requirements for specific job posting and a defined process to fill an empty position. Employees said exempt positions are not always advertised and that it seemed that when a new exempt position is created the person getting the job is already selected. For a classified or exempt employee hoping to move laterally or move upward this can be frustrating. The posting of all jobs to get competitive applications would answer at least some of these concerns.

c. Compression, Inversion and Realignment

The successive pay increases are welcome but do not address inversion and compression. Classified employees' base salaries are adjusted on a statewide basis but frustration was expressed around the issue of compression resulting from the years with no COLA and the change from the old state "step" system to the current broadband P4P system. A number of the classified employees seemed unaware that the change to P4P was not just at ASU but applied to state employees in general. An example of the kind of problems that exist described to me was that a new hire custodian started at a pay comparable to a multi-year veteran.⁶⁹ These kind of wage differences are bound to cause problems in morale and a sense that one is not appreciated. As described earlier, the FY 2015-2016 budget contains \$200,000 set aside for salary adjustments for faculty and staff. The effort to hire new classified employees (and new faculty) at equitable base salaries is a good thing. If new employees start at the bottom of a range they too will soon become unhappy and trapped. So it is reasonable to start new classified

⁶⁹ I do not believe the specific example cited to me in a meeting was in fact true but it illustrates the kind of concern raised and to a great extent acknowledged.

employees at a higher rate in the appropriate range but this leaves the task of addressing the older employees now compressed. The \$200,000 will begin the process of addressing this. If and when the pay adjustments are completed, all classified employees will be better off. The fact that the discussion of this issue which I first heard in September has changed to concrete action in order to change the situation is a step forward that certainly will help morale but the amount of money available will not go very far especially if some is used to refill a vacancy. The multi-year commitment on these issues is necessary to resolve this.

Facilities and grounds personnel expressed multiple frustrations including not being respected by the faculty and not being included or offered a chance to contribute ideas in discussions concerning their work. The facilities employees pointed out that the campus has activities every night and that their schedules become very full. Event management is complicated and puts a lot of strain on the facilities staff. The supervisors complained that they are expected to be at many events and they do not get overtime for these evening and weekend activities⁷⁰. One custodian said that people used to try and help clean up and not leave a mess but now that does not happen. A large number of the facility and ground personnel are Hispanic. Several quietly expressed that they feel disrespected as individuals, as Hispanics, and on the basis of their educational levels.

Exempt employees have their own concerns. There are no mandatory evaluations and whether reviews are done depends upon under whom the exempt employee works. Several exempt employees felt stuck in their positions and they were concerned that saying anything could jeopardize their position since they are without the procedural protections of classified employees. They also expressed the same frustration classified employees had that openings were not always advertised.

My former employment with the courts did provide me with a good awareness of these issues. In an expanding economy new hires must be paid more than earlier hires were during depressed times. This creates a problem that occurs over and over. If there is not a periodic and systematic approach to realign salaries equitably this can become a toxic issue in the workplace. Similarly, there needs to be periodic reclassification for the employees whose responsibilities have grown far beyond those in their assigned classification. I spoke about these issues with Tracy Rogers, Director of Human Resources as well as with other administration figures. Ms. Rogers understands the issues and is on the committee working to address them. As already noted, \$200,000 is set aside in the 2015-2016 budget to begin addressing compression and other salary issues for all staff as well as faculty.

A concerted effort to look at salary equity across job classifications has been ongoing since President Svaldi was appointed. Throughout the period of severe financial difficulty, ASU has continued to review CUPA comparisons with various comparison samples for every class of employee targeting those paid less than 75% of the group average. There has been an effort to determine whose salaries need to be

⁷⁰ They do get compensatory time off. In some instances there is supplemental compensation offered.

adjusted first and to figure out a plan to get there. For example a review of the 2013-14 AHES salary comparison using 477 institutions⁷¹ shows almost all ASU administrators, faculty and coaches have salaries ranging from the low 70% to the low 80% as a percentage of the median for the job classification. There were a couple of outliers-one employee at 35% and one professor at 56.5% of the group median. It is reasonable for employees to expect that these issues will be fully addressed in the next couple years and periodically thereafter through proactive actions by Human Resources. The 2015-2016 budget begins an adjustment process that may take years to complete but a process has begun.

d. Office of Human Resources

The Human Resources Office and the Office of Equal Opportunity are two important resources for employees. I will address faculty perspectives below but the staff perspective was fairly negative towards both offices. The role of HR Director is not easy. In fact she bears multiple roles that sometimes seem in conflict. Employees definitely saw HR as an arm of administration. In talking with employees, I sought to differentiate between the role HR plays in making sure employees know their benefits and the procedures to take for common employee issues like pregnancy, changes of family status, and the role HR plays when there is a dispute between an employee and supervisor or a disciplinary action against an employee. A number of employees did not express confidence that the information they were receiving about their benefits was always accurate, and many expressed the feeling that they were treated as though their questions were a bother. Other employees expressed satisfaction with their interactions with one or more of the HR employees. There is room for a lot of improvement in the relationship between HR and classified and exempt employees. I recommend elsewhere that HR initiate implicit bias training across campus and that effort could be coupled with a more general outreach to make employees more comfortable and confident in the advice they receive from HR.

The Human Resources office is small considering how many employees ASU has. HR Director Tracy Rogers is knowledgeable and quickly identified the issues percolating on campus in our conversations. She expressed the desire that their office be viewed as friendly place to learn one's benefits and rights and get accurate information and advice. They need to reach out to employees to make that a reality.

9. The Office of Equal Opportunity

Joel Korngut was the Affirmative Action Officer in 2014-15, (Title IX⁷² Coordinator and Title VII⁷³ Coordinator) which encompasses various forms of employment discrimination as well as gender-based discrimination and harassment. In the fall of

⁷¹ The survey referenced here was among the materials the compensation committee reviewed from www.cupahr.org but the committee ultimately used a more selective and representative peer group for comparison. Therefore, the numbers cited here are not numbers ultimately used by the committee. They are used here simply for general point made.

⁷² Higher Education Act of 1965, Education Amendments of 1972, Title IX, 20 U.S.C. § 901 et seq.

⁷³ Higher Education Act of 1965, Title VII, 20 U.S.C. § 701 et seq.

2014, Erica Romero was named Deputy Title IX Coordinator. I met with both of them several times and spoke to one or the other on other occasions. They provided me with as much information about the general nature of past and pending cases as they could without revealing any confidential information. Mr. Korngut has now retired and an active search for a replacement is ongoing.

Employees expressed mixed views about the Office of Equal Opportunity. Many liked Mr. Korngut personally and found him helpful and knowledgeable. Others expressed a lack of confidence in filing a complaint regarding discrimination or harassment for a variety of reasons including the time the investigations seemed to take and perceived negative outcomes of which they have heard. The addition of Erica Romero as a deputy investigator was a step taken to ensure that if someone felt uncomfortable talking to a man or to Joel Korngut in particular, that person would have a younger female option. The raw number of complaints filed since Erica Romero was added as a deputy did not increase in any way that would validate the suggestion that people were not willing to talk to Joel Korngut, but over time the numbers may change. The fact that Erica Romero is only part-time in the position and has many other responsibilities may play a part. To the extent the concerns are to have a female coordinator available, Erica Romero meets that request. To the extent she works with Joel Korngut, there undoubtedly are some who are not satisfied that her appointment addresses the problem they perceive.

That fact is underscored by a complaint filed that the University chose to have handled by an outside investigator because that complainant was not comfortable with Joel Korngut or Erica Romero. I am familiar enough with the circumstances to say the decision to have an outside investigator was a sound move by the University in that instance. In fact, with the many responsibilities of the Title VII and Title IX Coordinator and the low number of complaints actually filed, utilizing an outside contract investigator may be a viable long-term solution regardless of the internal staff. This should be analyzed after the selection of the new title IX and Title VII coordinator. I repeatedly heard the complaint that at ASU everything is based on who you know. I discussed this in the earlier section on governance. When there are significant numbers of individuals who feel that way, any inside person will be subject to having their determination in an investigation discounted by some on the basis of relationships on the campus. These cases are hard enough and with the intentional lack of transparency (intended to protect privacy), the broader community never knows if a particular determination seems correct or not. Depending on who a person knows and talks to, they may receive totally different points of view and there is no way to fact check.

The Coordinators have plenty of educational work on the campus to keep two people very busy. Title VII and Title IX both contemplate that effort to mediate and resolve disputes is an advantageous approach when feasible. On a campus where students are utilizing restorative justice for their disputes, more emphasis on problem solving is a logical path. This requires the Title VII and IX Coordinators be well-trained and accomplished in this role. If done successfully, it would reduce even further the number of cases requiring formal action.

When a complainant prefers a formal investigation, it makes good sense to utilize a trained outside investigator. There are law firms that specialize in this service. The cost of this is obviously a factor but so too is the level of dissatisfaction an extended internal process takes and the negativity it can create.

The actual number of complaints filed concerning employment discrimination or sexual harassment in the last few years is not large in number. The conversations I had with classified and exempt employees were focused more on job opportunities, compression and complaints of not being treated fairly as summarized above. I would not necessarily expect an employee to talk about being sexually harassed or discriminated against in a group meeting, but many employees sought to talk to me personally and only one individual raised either as a specific issue for them.

10. Faculty Salary Promotion, Recruitment and Retention

a. Salary Equity Issues

Faculty salary levels have been a concern for a long time, probably from the day the school opened. The 1997 Evaluation Report from an evaluation team for the Commission of Institutions of Higher Education⁷⁴ identified key issues for the faculty: low salaries, lack of professional development planning for faculty and staff, a need for a coherent plan to enhance diversity among faculty, and Title IX compliance. Each of these problems persists today in spite of multiple efforts to address them.

The faculty suffered a similar freeze to other employees following the 2008 recession. In addition some positions were eliminated and frozen as vacancies. It is important to note that adjustments recommended in the 2006 CUPA study were implemented in spite of the 2008 recession. The 2014 across-the-board raise and just announced 2.5% salary increase for faculty and exempt staff (starting January 1, 2016) are welcome and deserved. In addition, the recently adopted FY 15-16 budget sets aside \$200,000 to specifically address the worst disparities in salaries in comparison to peers. The campus-wide compensation committee redefined the the CUPA peer group. It commenced the most recent CUPA Salary Survey in 2012 and this process was well along the way when I began my report. A new survey was circulated in February of this year to verify actual current salaries. The faculty committee members who spoke to me indicated a good level of comfort and confidence in the comparison group selected and the goal of getting everyone to 90% of the average for the comparison group over time. The immediate recommendation was to bring the faculty and staff base salaries to a minimum of 72.5% of their peer group average and address inversion and compression in the faculty, exempt and classified staff as appropriate. This effort addresses the same issue for all employee groups. Almost everyone agrees that a reasonable multi-year goal is to raise the base salary for every employee to 90% of the peer average or better. This goal has been stated for twenty years. The hard work of the campus-wide compensation committee has now received positive action from the Board of Trustees and commitment of money to address at least the worst discrepancies in salaries.

⁷⁴ The 1997 Report is cited in the 2006 Self Study Report on the ASU website.

The goal for FY 15-16 described above addresses the worst inequities first. The spreadsheet prepared by the ASU Compensation Committee illustrates the costs to bring salaries up to the CUPA peers.⁷⁵

Adams State University FY15-16						
CUPA Salary Study Summary						
Estimated Costs Associated with bringing Salaries up to CUPA Peers						
Employee Type	100% of CUPA Ave.	90% of CUPA Ave.	80% of CUPA Ave.	75% of CUPA Ave.	72.5% of CUPA Ave.	70% of CUPA Ave.
Faculty	1,296,203	675,351	177,123	44,843	16,165	7,462
Administration*	611,709	344,790	142,858	85,178	69,237	56,856
Pro. Staff	723,074	357,526	128,282	66,858	47,489	30,492
Total Cost	2,630,986	1,377,667	448,263	196,879	132,891	94,810
*Administration = Director and above.						
Note:						
These numbers are estimates. These do not reflect each individual position calculation.						
For example if there are two individuals who both are Assistant Professors in English						
and one is at a salary \$10K above the average and the other is \$10K below the average,						
they would wash in this estimate. The position by position analysis is still underway.						

These financial issues are longstanding. A lot has been said about them over many years and in many reports. The actual commitment of funds to begin the path to 90% and to eliminate any salary disparity that is not justified is sure to be a welcome step. If the commitment of funds for adjustments to bring all to 90% becomes a standard element of future budgets until the 90% is reached, the step taken in the FY 15-16 budget will be a milestone.

b. Global Salary Equity and the Choice to Teach

There were several members of the faculty who complained in broader terms about the low salaries for academic fields today and wondered whether they had erred in choosing to be an academic. There were a few who questioned whether staying at ASU was a good career choice since salaries at ASU will never be at the top of the comparison groups. Neither of these complaints was made expecting that this report or anything the Board of Trustees can do would change these facts. In a period when a number of long serving faculty members have retired and new faces have arrived in a time of financial stress, it is not surprising that some will not find ASU a good fit for them and look to move on.

On the other hand, the vast majority of the faculty made clear they enjoy the teaching atmosphere and the students at ASU very much. Many said they understood salaries here will never be at the top of the profession but being part of ASU and part of its mission to serve the underserved are important to them. Getting to live in the San Luis Valley was also mentioned. All the professionals who live the San Luis Valley make

⁷⁵ ASU Compensation Committee CUPA Salary Summary; Cost to bring Salaries to CUPA Peers 2015.

similar tradeoffs. Lawyers, doctors, accountants, administrators who choose to live in rural areas like the San Luis Valley all make the same choice for mostly the same reasons. All in all, faculty members describe ASU as a personally rewarding place to work and choose to be part of ASU and the San Luis Valley community.

Another theme emerged around the changing nature of a University today. In particular, the push for expanding online classes troubled a number of people. They expressed their discomfort with being asked to teach online classes and that they did not find them rewarding in the same sense that a classroom is. They wistfully wanted the quiet academia of past eras. Teaching extra online classes offers a way to boost salary but it is different and demanding. Below I speak to challenges and opportunities of Extended Studies and other online classes. For those who are uncomfortable or just not really interested in doing it, there was a degree of anxiety over these sea changes in higher education.

On the other hand, others on campus were enthusiastic about teaching online both in undergraduate and graduate programs. There are some fairly entrepreneurial attitudes about the boundless possibilities with graduate programs in particular. The optimists view these new opportunities as a great way to strengthen ASU while preserving the core mission as illustrated in the graphic at the beginning of this report. Some of the opportunities and the challenges are described a bit below.

The increasing use of adjunct professors for Extended Studies and on campus is seen by some as one element in a growing threat to the traditional tenure track model. Nationally the debate includes arguments not voiced to me at ASU but which propose that expanding use of “adjuncts and their lowly status and compensation institutionalize disincentives to quality education, threaten academic freedom and shared governance...,”⁷⁶ in significant ways. This is an issue on campuses across the country. It offers financial flexibility and no long term commitment from the University. For those wanting to pursue a tenure track this trend is unsettling. Several of the adjuncts sought me out to discuss their concerns related to pay, relationship to the University, the faculty, their role (really the absence of a role) in governance and course structure and control. There is a need to think about the long term use of adjuncts and the issues raised about their role. The recent formation of a adjunct faculty organization is a positive step.

The status of librarians and their pay is another issue that concerned a number of people on campus. Librarians hold faculty status at 11 of 14 Colorado public institutions. This affords more than status. It also relates to compensation, tenure eligibility and participation in University governance.⁷⁷ Library Director Carol Smith proposed faculty status for librarians in 2014 and the issue remains a topic of interest on

⁷⁶ *Overuse and Abuse of Adjunct Faculty Members Threaten Core Academic Values*, Richard Moser, The Chronicle of Higher Education, January 13, 2014

⁷⁷ Association of College and Research Libraries Standards for Faculty Status for Academic Librarians, <http://www.ala.org/acrl/standards/standardsfaculty>

the campus as it is on many campuses. I understand this might be one of the subjects if the Faculty Handbook is reviewed as I recommend.

c. Gender Bias and Glass Ceilings

i. Progress and Frustration

There are really two stories to tell with regard to the faculty regarding gender issues. The first story is the continuing progress in gender equity and transformation that is ongoing. One of the advantages of having someone come in from the outside is the ability to see from a distance. I first visited the campus in 1969. ASU has changed a good deal since then and women have been a driving force in the changes to the University. Today women are in important positions on the campus at every level. The Human Resources Director is a woman. The head librarian is a woman. There are seven (of thirteen) female departmental chairs. The recently created position of Assistant Vice President for Academic Affairs is held by Professor Margaret Doell.⁷⁸ There are many ongoing activities on campus focused on women's rights, minorities and diversity in general. Professor Carol Guerrero Murphy serves as Liaison for Diversity and Inclusion and she is a strong and tireless voice in this regard across the campus. And finally, the appointment of Dr. Beverlee McClure as the tenth President of Adams State is an unmistakable message that the march to complete gender equality at Adams State is ongoing.

Many students and faculty members were also excited about the growth of the Women's Study Program and the prospect of an Office of Inclusive Excellence⁷⁹ on the campus. Funding for the Office of Inclusive Excellence is a center-piece in the pending new five-year Title V grant proposal that is very likely to be approved.

The second story is more cautionary. Appointment of the new President and the rise of other women into leadership have not come without struggle against both open and implicit bias. Given the important leadership roles of women described above, I was surprised by the level of frustration and even anger expressed to me by some female faculty and staff. There are many strong female advocates on campus for women's issues as already noted and there are also many male supporters within the faculty. In spite of this, it seems that gender tensions and bias remains a significant issue and one concerning which there is not as much constructive dialogue as I expected to find. In fact, it seemed at times as though people were talking to themselves and really wanted to keep it that way.

⁷⁸ Professor Claire van der Plos replaced Professor Doell as Chair of the Art Department when Professor Doell became Assistant Vice President for Academic Affairs following her return from her prestigious American Council of Education (ACE) fellowship.

⁷⁹ Over the last five months I heard debate over whether to propose a Women's Center or something broader and inclusive but containing the core support elements one associates with a Women's Center. The grant proposal settled on the broader definition.

The legal profession was almost completely a male occupation when I began practicing. There were four women in my law school class. The legal profession continues to struggle with gender bias and with professional workplace structure that disadvantages women with children, but there is a much more constructive dialogue going on in the legal world than I found at ASU.⁸⁰ I have thought about why one profession is doing so much better than another at confronting and discussing gender bias. There are a couple of points that occurred to me. First, the judicial appointment process has enabled women to fill judicial positions at every level in the state. These positions have power and influence and make change easier.⁸¹ Secondly, there is greater mobility in the legal profession. An attorney can open her own office or move to one with better flex hours or maternity policies, partnership policies or simply a more welcome and collegial attitude. Women lawyers have choices and firms that want to recruit the best lawyers are forced to change or lose out. In academia, moves are more difficult and leadership positions have been harder to achieve until recently. Academics can't really change departments to one that is more accommodating or progressive or flexible and moving to a new school is harder than changing law firms. Implicit bias is certainly a factor across the campus (and everywhere else) so training regarding this would provide everyone with a better common vocabulary and understanding may help initiate more constructive conversations.

At the end of the day, change is inevitable. ASU should look to be a leader both to be on the right side of history but also because doing so creates an opportunity to recruit quality women (and people of color and LGBT). ASU cannot pay the highest salaries but it already offers other good reasons to come to ASU described already. If you add a welcoming and equitable working environment for women (and minorities), the opportunity to attract outstanding new faculty will increase. There is a need for leadership that requires resolution of the concrete employment related issues described in this report throughout the University. This includes foundation level "second wave" economic demands for salary equality where disparity exists and for resolution of other issues including tenure. Given the strong women leadership at ASU today, there is every reason to be positive about the present and optimistic about the future for women at ASU.

ii. Tenure Track

Multiple faculty members of both genders and various political views expressed the belief it is harder for a woman to be promoted along the tenure track in some departments and that persistently over time the tenure committee has denied women and granted tenure to men under similar circumstances. The endorsement and championing of a candidate by their department chair was not enough to obtain tenure in some instances. One long time faculty member stated she just gave up because it was so hurtful. Similarly, many faculty members suggested that the path to become a full professor or chair simply takes longer and requires more from women. While writing

⁸⁰ I am a member of the Colorado Chief Justice's Commission on the Legal Profession and issues related to gender are one of the central discussions ongoing over time.

⁸¹ Two of the last three Colorado Chief Justices have been women including current Chief Justice Nancy Rice.

this report I came across a series of articles in the Times Higher Education, a UK publication, describing the problems of women getting post-doctoral work published and the prevalence of sexist peer review as part of the problem.⁸²

I did not review documentation regarding specific tenure recommendations over the past five years. Not every candidate will receive tenure. As several department chairs told me, the best practice is to let faculty members who are not going to make tenure go in the first years. This makes good sense but if the tenure committee is overruling the department chair recommendation, there is a problem in terms of expectations created and questions as to the criteria applied to the application. When you look at the CUPA information it is readily seen that promotion and tenure involve substantial long term financial commitment by the University. Making good choices on promotion and tenure is critical to the economic well-being of the University as well as the academic strength of each department. When I heard no-one express confidence that tenure decisions are made on the basis of clear and fair criteria, there is a problem that needs to be addressed both as an equitable and legal duty to the women applicants and in the best interest of the University.

It is worth noting that Wisconsin,⁸³ once a liberal bastion, is examining the elimination of tenure in higher education. The push is certainly political but the same financial pressures discussed in the Denver University Report and which have driven many decisions at ASU are also at play. This is a time for tenured faculty to lead in positive ways and help bring the faculty together.

Recommendation regarding tenure:

I recommend a hard look at the structure of tenure review and that it be restructured to ensure fair consideration of all applicants based on clear criteria.

iii. All Departments are Not Alike

The atmosphere differed substantially in different buildings and on different floors. I had conversations where gender was not viewed as a major issue in a department and other conversations where it was a primary issue. Clearly the relationships and confidence between colleagues in these departments is very different than the relationships in other departments. In some departments the disputes are deeply personal. In others, gender, ethnicity and political/social world-views all are creating friction.

At the end of the day, the promotion and tenure issue embraced multiple departments and should be viewed as an ongoing campus-wide issue. I recommend comprehensive implicit bias training on campus related to gender, race, and ethnicity. I think good training on implicit bias could be a good opening for a better faculty conversation than exists today. I also recommend that the CUPA-based adjustments to salaries address any gender discrepancies that the data collection revealed. Two faculty

⁸² See timeshighereducation.co.uk April 30, 2015 for one of the articles.

⁸³ *Why Wisconsin Matters to You*, Nicholas Hillman, Inside Higher Education, June 5, 2015

members in the same job and experience level should be paid the same absent a vetted performance based reward. I understand this is agreed to by those making the adjustment decisions. It will be another positive step.

The departments that are struggling need to step back and look at the departments that seem to have found a better path forward. What are they doing differently? In some departments the issues have become so personal that it is impossible to get past the personal animosities. The implicit bias training is not going to get past those personal issues, which is why I also recommend a professional retreat.

d. Minority Faculty Recruitment and Retention

Recruitment and retention of Hispanic and African American professors was a topic of concern to many faculty, administrators, staff and students. It is not a new concern. This was identified as an issue in the 1997 Evaluation Report for the Commission of Institutions of Higher Education and the 2006 Self-Evaluation mentioned earlier. It is still an issue today. ASU has worked hard to recruit minority faculty including efforts to modify the search practices and to include a diversity advocate on each search committee, diversity statements in position descriptions, more targeted advertising and evaluation rubrics that include an assessment of diversity-related activities. These are strong, sincere steps and it is easy to see the progress in the area of women on the faculty. It is hard to see progress in terms of Hispanic or African American faculty.

ASU should be appealing to minority faculty for many of the reasons it is attractive to students. The ASU mission will resonate for many. Teaching small classes with many brown and black faces offers a special opportunity to teach in a University that is racially and ethnically diverse. Demographics tell us this is the future and at ASU it is already here. The setting is breathtaking and campus is gorgeous. As I suggested regarding gender, building a welcoming and inviting atmosphere that minority professors find stimulating and inviting can help ASU become a destination of choice. I see there have been efforts at recruitment but they have not succeeded. If potential recruits have the same conversations with current faculty that I had, those conversations would not make ASU a top choice. I repeat that in my mind, the opportunity to be a very attractive campus for minority professors is there for the taking, but the current faculty needs to have a frank and open internal discussion to get there. As Dr. King said, "The time is always right to do what is right." And the time could not be more right to recruit more African American and Hispanic faculty of both genders.

The need to mentor all new faculties including minority faculty led to the creation of CIELO Connections. In all my discussions with faculty about the internal issues, department heads, role as advisor etc., the mentor program was not mentioned to me. It shows that as much as I may think I learned over the last five months there is much that I did not learn about (and probably much I am showing I got wrong), but the concept of the mentor program is excellent and could be part of the way conversations grow

around all the faculty issued. Mentoring does not come easily to everyone of course, so learning to be a good mentor is another skill for faculty to acquire. It may also be that the formal mentorship program would be better off affiliated with the VP for Academic Affairs indicating it is a matter of importance to the administration.

i. Hispanic Faculty

In 2006, the University proudly asserted good progress with Hispanic recruitment but nearly a decade later, it is difficult to be as optimistic. In fact, the lowest morale in the faculty and staff was clearly among Hispanics. Several of the conversations I had with Hispanic faculty showed the same sense of devaluation described in the *CIELO 2014 Campus Climate Report*. Some felt there was a harder path for them to reach tenure or full professorship much like the complaint from female faculty. Of course, those feelings were not unanimous as I had conversations with other Hispanic professors who expressed much greater personal satisfaction and sense of being equally valued in their department. Both groups still see ASU is an attractive place for Hispanic professionals. There have been fewer difficulties recruiting Hispanic professionals in part because there are so many Hispanic graduates who are from the San Luis Valley and want to stay and work at Adams State. This is a special and valuable link between the Valley communities and the University. Still, the number of Hispanic professors is not close to proportional to the enrollment. An undercurrent of feeling of disrespect was explicitly expressed to me by faculty as it was by some staff. Grounds staff and janitors described some faculty and others who just ignore them. The Hispanic faculty described feeling that other faculty did not think of them as equals and looked down on their backgrounds and degrees. The *CIELO Report* findings suggest there is a definite class and cultural aspect to this. One professor stated that a colleague from out of the Valley makes unthinking statements about the Valley and its culture that were hurtful and showed a callous disrespect for Hispanic culture. Another was told his degree from ASU was less than the degree from the university which the colleague studied!

People will always say and do stupid things but when they do there needs to be appropriate reaction or they will continue to repeat the behavior. Social media has made it possible to see many people at their worst and unmask racism and sexism that otherwise has been discretely tucked away. This is a good thing, but if the goal is to change people's thinking shaming and humiliating people is not necessarily the best way to proceed. Changing behavior and changing the way people think through understanding are both essential to building a healthier culture on campus and beyond.

The implicit bias training I recommended earlier encompasses gender, ethnicity and race since all are problematic for our society as a whole and unsurprisingly for ASU as well. For ASU to become an institution of choice for minority and women faculty requires some soul-searching by all concerned. There can be little argument with the suggestion that for ASU to become a pre-eminent HSI institution, it needs to have a strong Hispanic faculty. Ignoring the turnover and unhappiness of some who are teaching will not make things better.

ii. African American Faculty and Coaches

There are a number of African American coaches, but no African American professors or instructors. This is a difficult issue because everyone agrees it would be very good for a campus that proudly asserts it values diversity and inclusiveness to have more minority faculty. The number of African American students continues to increase and a number of them are choosing Adams State for all the reasons other students choose to come to a university with small classes taught by full professors located in a beautiful place and a chance to be a participant in a variety of student activities. If these qualities are attracting student, they can attract faculty as well. It is true that African American academicians have many offers to choose from and efforts to recruit to ASU have simply been unsuccessful. Coming to a small rural community with few African Americans living in the community will not appeal to everyone. At the same time, the experiences of the African American coaches and the other African Americans living in Alamosa and the Valley have been described in very positive terms; not perfect, not without some negative experiences but in sum, good experiences. Larry Joe Hunt, the women's basketball coach, has been through good and bad experiences since he came to ASU as a student and stayed to coach and teach in Valley schools and at ASU. He would be a valuable recruiting consultant.⁸⁴

There is a great opportunity at ASU for African American professors. Many potential recruits will identify with ASU's Mission. I have suggested above the steps that would make ASU an institution of choice for women and Hispanics and the steps to take regarding African American faculty are really the same but harder, since the next recruit will be the first. Perhaps, that is the way to recruit: Be the first. Make a change. ASU is preparing students for a world of great diversity. Every ASU student will benefit from resolving this missing piece in the faculty.

During the time I have been on campus working on this report an endless series of incidents involving law enforcement and young African American men has led to a growing national discussion of race and hopefully to the rekindling of the civil rights movement. ASU is a much safer and more welcoming place for young African American men and women and for African American faculty than many other communities.

iii. Women of Color

If women have had to struggle for acceptance on the ASU faculty, women of color have had to struggle significantly harder and with less success.⁸⁵ The number of female Hispanic professors who have left under unpleasant circumstances is significant. One professor named six, several of whom had been employed for significant periods of time. I know there is a story for each and there certainly would be a justification put forth concerning the particular circumstances leading to their departure/dismissal that may

⁸⁴ Larry Joe Hunt challenged the faculty on the recruitment question at a meeting of faculty and the athletic department last year. Some faculty were still bristling and felt he was unfair given the efforts to recruit they felt had been made.

⁸⁵ See discussion below on talking about race referencing Kimberlé Crenshaw's work on intersectionality.

(or may not) be valid, but when there are so few women of color and so many of them leave under a cloud, it is reasonable to look to a broader set of circumstances that led to failure. The University needs to look carefully at the climate and take steps to better select and support women of color who are hired. Mandatory training on implicit bias is a good place to start but mentoring and other support from fellow faculty is something every new professor or instructor needs and should receive.

Several women of color on campus separately made a sharp point expressing they did not always feel the support of white female feminists on campus. Two said their worst experiences on campus involved working with white women who claimed to support them. I am sure the women spoken of would be deeply chagrined to know of these feelings. On the other hand, well-intended efforts by white supporters have been subject of bemusement throughout the civil rights movement. It is another illustration of why implicit bias training is a wonderful tool for self-reflection and closer understanding.

ASU spends a lot of time thinking about how to support its undergraduate students who are struggling. The faculty needs to think about how to support one another including those one disagrees with. With the elimination of deans, the role of department chair carries with it many functions a dean used to provide including the role of mentor and support for new faculty. How to best support minority and women and minority women is a conversation the VP for Academic Affairs needs to give great attention to. Having a good support system in place and working will be a strong selling point when recruiting. That said, the first order of business is to look to the well-being of the women of color who are on the faculty so they too do not leave under a cloud. The mentorship program is one possibility but really it requires a broader discussion and determination of steps to improve the climate for women of color. The effort and here needs to be led from the top of the administration.

That there are issues around race and gender at Adams State should not come as a surprise. The good news is that the ASU mission attracts people who want to have diversity and be inclusive. There is certainly a strong desire on many people's part to do better. The fact that people of various viewpoints across the campus saw these issues pretty clearly is a good thing. Just as talking about faculty salaries for years did not resolve the issue, talking about minority recruitment endlessly is not good enough.

iv. LGBT Faculty

A female professor commented that being LGBT is much less problematic as a faculty member than being a woman. I do not know if everyone would agree with that but there are a number of LGBT professors and none of them talked to me about their sexual orientation as a career problem in the way women generally viewed gender as a barrier. That would not have been true not so long ago. If the problems with minority recruitment and retention have been stubbornly resistant to change, the climate at Adams State (and elsewhere) regarding sexual orientation has evolved at a remarkable pace. That does not mean that LGBT faculty, students and staff do not face barriers on

the campus and off, but the changes on and off the campus over the last decade in particular make Adams State a pretty welcoming place for LGBT faculty. In fact, the gay and lesbian faculty and students I spoke with were some of the most upbeat and positive individuals on campus.

The broader Valley community has similarly evolved and with numerous prominent LGBT community leaders and professionals. An LGBT native of Alamosa and former ASU student told me she recommends ASU all the time to friends in Denver. She also pointed out that Alamosa is considered a pretty LGBT-friendly place to live if you are happy with the quiet rural lifestyle. ASU and the Valley are not right for everyone, LGBT or otherwise, but there is reason to promote ASU as indeed inclusive and improvingly so. The ACE conference held in April 2015 was a huge success and highlighted the progress and challenges for LGBT athletes and more generally for LGBT individuals across the county and at ASU. The turnout was impressive and the quality of the various presentations and insight and leadership were exceptional.

Recommendations regarding race, gender, sexual orientation:

1. Implicit bias training⁸⁶ should be required for all employees of the University starting with faculty and administration.
2. Early, clear, candid counsel to tenure-track faculty on what they are doing right and what they should work on together with frank evaluations. It does not benefit a professor or the University to stay years only to be denied tenure.
3. Evaluation of how better to recruit and retain African American and Hispanic faculty with special attention to ensure support for women of color.

11. Faculty Conflict, Professionalism & Civility

Without a doubt, the most difficult conversations on the campus concerned faculty conflicts and anxiety. The faculty is in transition with a series of retirements of longstanding faculty members almost complete. The arrival of the new President, Dr. Beverlee McClure surely will bring additional change. I referenced the difficulties higher education described in the Denver University Report at the start of this report. The changing landscape has affected ASU unequally with some departments thriving and growing and others shrinking. The vast majority of faculty members with whom I spoke expressed great affection for ASU, satisfaction with their role teaching and appreciation for the continuing growth of the University. What I did not expect to have to discuss was disruptive internal faculty drama.

⁸⁶ The Colorado Courts require implicit bias training and cultural sensitivity training for all employees so I have familiarity with these programs. The HR Director and former HR Director (now Chief of Staff) for the Colorado Courts have offered to assist ASU as consultants.

I did not begin my conversations with the faculty believing everyone would be best friends or that everyone works well with others. I worked in a large governmental institution for over thirty years so I expected there would be both open and not-so-open conflicts, and personal issues interfering with the educational goals. This is simply to be expected. What surprised me was how poorly ASU and some faculty members are doing at addressing these conflicts. The conflicts were not being ignored and specific efforts to constructively resolve each of the conflicts were described to me. Some took place while I was conducting interviews. These efforts were ineffective.

The behaviors described to me would be unacceptable in other public or private environments. The conflicts were clearly interfering with the operations of the departments involved and often created problems beyond one department. As an outsider, the dysfunction was shocking and disheartening. A positive was the willingness of most of those involved to talk about it and their recognition that it should stop. A negative was the fact the protagonists could not find a way to do so on their own or with substantial interventions.⁸⁷ The drama between faculty members was such that students and professional staff brought it up as something on the campus that troubles them.

A couple of examples illustrate the problems. One department does not hold staff meetings because members of the department are uncomfortable being in the same room. A professor is not assigned to teach any classes. Some people on campus characterized the treatment of the professor as a public shaming. Faculty were sharply divided on whether or not it was warranted by the events that led to it. In another part of campus, students told me they love their major but were baffled and put off by the way the professors are rude and insult one another.

For purposes of this report, I have considered what steps could be taken that have not been done already to prevent and better intervene in future similar conflicts.⁸⁸ It was suggested to me that a contributor to the problem was the elimination of deans on campus and the assignment of many of the functions of the dean to department heads. This seems to be at least partially true. The VP for Academic Affairs is too removed to see and intervene early. Not every department chair has good people skills nor have they been trained in how to address some of these matters. The Human Resources Department is small, very busy and removed from the academic conflicts.

There are three things that emerged in my discussions. Firstly, since the role of department chair now requires a higher level of personnel management, there should be some management training for department chairs that might help the situation both in terms of skills and in terms of chairs having other chairs with whom to talk. Secondly, the ability to manage people and lead should be more explicitly considered in selection

⁸⁷ In at least two instances, the interventions occurred far down the road and this may be one reason the interventions were unsuccessful.

⁸⁸ It would not be beneficial to anyone for me to detail the disputes or participants. There are ongoing efforts to resolve each of them and there has been more than sufficient shaming and name-calling already.

of a chair. Thirdly, it may be useful to bring someone like Michael Josephson⁸⁹ to speak on ethics and professionalism followed by a retreat for the faculty to reflect on this.

Diversity and Inclusiveness are specifically discussed in another section, but diversity will mean there are going to be different viewpoints. Students watch and listen to how their professors speak about and treat one another. Civility is gone from American politics. It is important to insist on it on the campus.⁹⁰

The Value Statement of ASU states that members of the ASU community value:

- opportunity and access for all
- excellence in teaching and learning
- growth through inclusion of diverse cultures and ideas
- a learning and **civic community of trust, respect, and civility**
- **caring and personal relationships**
- innovation, integrity, and ethical leadership

These align with the Mission and Vision Statements. They also align with the Six Pillars from the Josephson Institute. I highlighted the references to *caring and personal relations and a community of trust, respect and civility* because these need reinforcement. When students are negatively affected and comment, they are seeing a disconnect between the values of the institution and the way it acts.

12. Education and Business Departments

a. Education

ASU was founded in good part to create a pool of teachers for southern Colorado. The Board of Trustees bylaws quoted in full earlier state “the University has a significant responsibility to provide access to teacher education in rural Colorado.” Graduating teachers and providing them with professional development training has been a central role and obligation of ASU since the beginning and has tied the school districts of rural Colorado and ASU together. Valley districts are recruiting teachers from far away states at this moment in part because there are not a sufficient number of new teachers coming out of ASU to fill vacant positions.

Since 2010 the department has been under the extended temporary direction of Dr. Edward Crowther who is the chair of the Department of History, Anthropology, Political Science and Philosophy. This arrangement was crisis driven and by all accounts prevented a catastrophic accreditation problem. Now the Education Department has emerged from the 2010 crisis but numerous people suggested that it was time to stabilize the department with an education professor as chair. It was evident

⁸⁹ <http://josephsoninstitute.org/pdf/MichaelBioPage.pdf>

⁹⁰ I naturally think of the strong disagreements on the United States Supreme Court. Justice Scalia and Justice Ginsburg disagree about almost every important legal principle but they are friends outside their chambers and they act with civility to one another even in the heat of arguments.

that this step will almost certainly require bringing someone in to take this role and there are always risks in doing so as well as the funding for the position. The Trustees and administration have chosen to continue with this arrangement indefinitely in order to focus on other priorities. I understand this choice but many on campus and in the broader valley teacher community are anxious about the long-term plan. The resolution of disruptive faculty conflict is an obstacle to doing all this, but as already noted, the internal conflicts at ASU would not be tolerated elsewhere and should not be at ASU.

b. Business

The Business School was also mentioned to me by a number of people in both flattering and unflattering ways. Several members of the faculty suggested the Department caters to student-athletes. A student suggested that student-athletes were favored in class and given breaks, particularly by one professor. On the other hand, a number of other students expressed very positive feelings about the atmosphere at the Business School. Clearly there is a line between supporting a student and giving them breaks others do not receive. The Department needs to discuss this internally and ensure all students are, and feel they are treated equally in the classroom.

The successful online masters program was praised to me by several individuals on campus and in the community. The various economic development ties between the Business School and local economic development staff also brought thanks and praise to the Department and the valley communities have many graduates of the Business School who strongly support it.

Finally, the Department was cited by a number of campus individuals as a bastion of a “good old boy” mentality with several third-party and one first-party examples given to me. I did speak with several people at the Business School and the Department Chair. The employees I spoke with directly denied this is an accurate depiction of the Department. I note that one of the professors, Liz Thomas-Hensley received a Presidential Teacher Award in 2014. There clearly are a lot of positives including enrollment, graduate programs and peer acknowledgements.

Business is a popular major and a positive attraction in recruiting students. It is also important to economic well-being of valley businesses. I recommend both internal discussions within the Business school around the allegations of perceived preferences and gender issues as well as continuing review of these by the administration. I did not interview or survey all the employees or students and so I look at what I was told and observed and conclude that more thorough review is prudent. Any department receiving the kind of criticisms voiced to me should take a hard look at how people perceive it and why, and act to change things that are causing these perceptions. I do recognize that the Business School proudly presents a world-view that differs substantially from the one presented in other academic areas. That does not alter the need to review these issues closely.

13. Extended Studies and Graduate Programs: On Campus vs Online

The state financial crisis resulted in serious budget problems for the University. The incredibly creative and successful ways in which ASU has not only survived but grown during these difficult financial times needs to be fully appreciated. Numerous faculty members indicated that in the worst of the cutbacks everyone grew together and accepted there were sacrifices to be made. Not all parts of the campus have suffered in the recession. The extended studies programs have grown. Online graduate programs in business and counseling have thrived and brought substantial additional income in to those departments. The growth and financial rewards of successful graduate programs in some departments makes the lack of growth in other departments more obvious.

a. Extended Studies

The evolution of Extended Studies at ASU is apparent as you look at its new home in Richardson with a cube farm that makes you think “wow.” The Extended Studies program at ASU offers a variety of ways to gain undergraduate and graduate credits. It offers undergraduate classes in twenty-three disciplines and a multitude of undergraduate majors and degrees. It offers some classes which do not count for degrees, but most do. There are some print-based correspondence courses. Most classes are open enrollment self-paced online correspondence using Blackboard software or one of ninety-eight online semester-based classes where the instructor sets out the schedule and deadlines for work in the typical school format. These also use Blackboard software. Extended Studies is headed by Walter Roybal, Assistant Vice President for Extended Studies Academics and Judy Phillips, Assistant Vice President for Extended Studies Operations.

This summer the first print-based MBA Extended Studies’ students will graduate. Prisoners in several states have enrolled seeking AA or BA degrees with twelve receiving degrees last year and another thirteen last month. There are students who are on active military duty and some of them are seeking to ultimately get their degree through Extended Studies. I described earlier the large number of veterans on campus and the opportunities to recruit more to the campus. Some soldiers start online while on active duty and then come to campus or start at the campus and finish online.

Another important part of the Extended Studies program involves its contracts with various school districts to provide professional development for educators. ASU partners with a number of professional development programs around the country to provide a wide variety of classes from which to choose. High school students are another group who participate in an early college program online or a dual enrollment program or even a college in high school program that utilizes high school teachers to teach college level credit classes.

b. Online Graduate Programs

As mentioned earlier, the Business School has developed its own print-based master's program in conjunction with Extended Studies. The majority of classes are taught by on-campus business school professors and the courses are tightly controlled for topic and quality by the business school.

The Counseling Department has its own online master's program that has been an incredible success. It is not run through extended studies. It is growing and the faculty and staff in the department are beaming with pride and working together to grow this program. Another example of online success that does not seem likely at first glance is the Master's Degree in Music. The Music Department is growing this program and finding great success.

The Masters in Teacher Education program has thrived with its partnership with the Boetcher Foundation and the Public Education and Business Coalition through a DOE Teacher Quality Partnership grant previously described.

c. Creativity and Challenges

It is interesting to see how technology is transforming education and how creative and innovative some on the campus have been. There are definitely haves and have-nots in this to date. There are certainly some departments who will thrive in the online world and others who struggle. This worries some of those who are not seeing a future for their department online. On the other hand, the degree of creativity that has been shown in a short time cautions us not to draw too many firm conclusions. Where one person sees no way to make Extended Studies work, another finds a way to do so. It is really too early to be certain of anything except Extended Studies and online graduate programs are great growth areas for ASU and ones which are financially beneficial to the institution.

As the graduate programs have grown and become important financially to the University, there have been questions raised concerning how to keep the emphasis on ASU's Mission regarding first generation students. I did not see evidence that this was an issue at an administrative level. Certainly, those running graduate programs will be focused on those programs, but there are certainly many people whose clear focus on the struggle to retain students and help them reach a degree and succeed. The fact that those efforts continue to fall short is not related to Extended Studies or graduate programs. In fact, I heard discussions focused on trying to help those in financial stress stay in ASU by leaving to work but continuing with online classes to either reach graduation or just to keep their degree going until they could return to the campus. I could see the emergence of a hybrid program with one semester on campus and one off working as a viable way to help students keep going. Developing a partnership with businesses to help these students get the best of both the online offerings and campus life might be a strategy to retain students and help them graduate.

In January, Chronicle of Higher Education published an article, *Confessions of a Fixer*,⁹¹ alleging the author had taken ASU Extended Studies classes on behalf of Division I athletes who needed credits to get into universities across the country. This created a firestorm and raised questions about the integrity of the Extended Studies programs, security at the Grizzly Testing Center and more general questions about who controls what classes are offered and who teaches and monitors them. Several faculty members contacted me when this happened and previously unarticulated concerns about Extended Studies classes.

The initial University press release was badly received on campus, but as I was told, it was prudent to say little until all the facts were explored. Ultimately, many of the statements in the article were shown to be untrue or misleading. The class involved was one ASU does not accept for credit, but one which the Colorado Department of Higher Education wanted offered as a two-part class.⁹² Security around online tests is an important issue and with correspondence classes there will always be someone who gets around the security provisions, but ASU had in place the same security that other institutions are using. Best of all, it is clear that no ASU student-athlete or coach was in any way involved.

The discussions that followed the article brought out concerns across campus about how the Extended Studies program is related to the rest of the campus. The relationship between Extended Studies and different departments varied from very little relationship to working well together. There is no debate that Extended Studies will continue to grow and play an important role for the institution. It is time to look at the structure and administration of the programs and determine the best structure for ASU. Large institutions like CSU treat Extended Studies as a separate entity, totally separating it from the campus community. ASU is neither large enough to do that nor did anyone think that would be a good model for ASU. The recent events afford an opportunity to further explore opportunities for ASU in Extended Studies that have not been explored and to set clear standards and governance for the future.

Recommendation:

Evaluate the best structure and administration of the Extended Studies programs and determine the best structure for ASU.

14. Students First

ASU has an active Student Life & Recreation component headed by Aaron Miltenberger, the Director, Jeni Carter, the Assistant Director, and Curt Howell, Associate Director of Recreation and Wellness. Their stated goal is to provide students with programs and services “that positively influence your learning and personal development.” In talking with Aaron, it is instantly clear that he sees himself as an internal institutional voice for students on issues across the campus. While another

⁹¹ <http://chronicle.com/article/Confessions-of-a-Fixer/150891/#>

⁹² The class is a two-semester math class accepted by some schools as college credit for students who are going to be teachers. As noted, ASU only offers it because they were asked to continue doing so.

section of this report is titled “Diversity and Inclusiveness,” no place on campus is structurally tasked with providing this more than Student Life. Aaron and Jeni are involved in planning for almost all student activities, support for the many clubs, SIGs (Student interest groups), and all things student.

a. Student Tuition, Fees and Debt

Students and advocates for students inside and outside the administration and Board of Trustees spoke passionately about the tuition hikes Adams State has enacted over the past few years. The majority of undergraduate students are receiving substantial aid and many are trying to work while in school. At first glance, the tuition hikes seem relatively small and in comparison with other state or private schools, ASU is still a tremendous bargain. However, the ASU mission inevitably means it has students who are financially struggling. Money problems have been identified as a key reason students drop out. This has been recognized for a long time. Previous strategic planning has focused on expense. The current draft of the 2015-2020 Strategic Plan states:

Goal 4: Access & Affordability
Adams State University will develop innovative pricing and aid strategies that will maximize opportunities for our diverse and historically underserved students for all levels and delivery models.

In spite of the acknowledged hardship for students today, the Trustees confirmed another tuition raise of 5.6% for resident undergraduate students for FY 15-16. (room, board and tuition together only rise 4%). The current increase is hard but it and the past increases are in line with a five-year plan ASU prepared in 2010. In 2010 the *Higher Education Flexibility to Improve the Financial Position of State Institutions of Higher Education Bill* passed and was signed into law. (SB. 10-1003).⁹³ The Act amended the tuition setting provisions for state institutions and essentially required ASU to adopt a five-year Financial Accountability Plan (FAP). The Trustees have made hard choices trying to improve ASU for the students and for those who work there. Without the tuition raises and the student fees, ASU would not have been able to take some of the steps forward that are described in this report. With the additional funds from the raises, ASU is edging toward a number of key improvements for students, including budget priorities like the ASU remains very attractive to students with the package for room, board and tuition still well below many other choices and the education and campus considerably more attractive than other schools with similar tuition. ASU does not have a large endowment and scholarships and fellowships are also low. ASU has the best faculty to student ratio in its peer group.⁹⁴ Students came forward with the 2008 vote to increase fees that have transformed the campus. Now they are instrumental to funding the CUPA survey salary adjustments. They are doing their part (and more) to make ASU with far fewer complaints than others.

⁹³ SB 10-03 amended provisions of C.R.S. § 23-5-130.5. Additional amendments were made in SB 14-01.

⁹⁴ Budget Book Data Comparison 2013.

A small positive for students in the new budget is that there will no longer be a course specific fee for non-credit math and English for full-time students.

b. Pell Grants⁹⁵

The cost of attendance at ASU continues to increase as just noted. Given the limited amount of funding from the State of Colorado, the University is increasingly dependent upon tuition, federal grants and gifts. Most ASU students rely heavily on a Pell Grant. While Pell Grants have risen in the past few years, they still cover only part of a student's expenses. That was not always the case. Forty years ago a Pell Grant covered more than 75% of all the costs of attending a public four-year college or University.⁹⁶ The current grants total around 30% of the cost. In addition, students used to be able to use Pell money for summer sessions. This was particularly good for someone trying to get through as quickly as possible to minimize borrowing. The ending of summer Pell money has hurt many ASU students and it handicapped summer enrollment at ASU. There is nothing fair or equitable about the way students today are forced to take on debt that will haunt them for years. It would be nice to think someone in Washington or Denver would lead the charge to bring Pell and other programs back to where they were twenty years ago but that is unlikely.⁹⁷ Other strategies to help students are needed.

c. Work Study⁹⁸

It is hard to accept that it was easier for low-income students to attend ASU forty-years ago than it is today, but that is the reality. The University continues to work to increase other revenue to reduce the reliance on tuition. The availability of work study on campus is an important way students can both make additional money and ideally gain work experience that will be of value. More people wish to participate in work study than there are jobs available. Wages are not less than the federal minimum wage. Jobs can be on campus but at least 7% must be for off-campus community service jobs. ASU offers four kinds of work study with grants in the amount of \$2000. (Some universities offer up to \$6000). There is federally funded work study, state funded work study and two institutional programs. One is considered a resource for students and awarded in the same way as the state and federal funds. The second campus employment is treated like any private employment and is treated as income for the student for tax purposes.

The federal work study grant allocation (FWS) has remained unchanged for a long time. It is \$289,320 and employs around 290 students. The state work study

⁹⁵ Pell grants are entitlement grants not loans and are authorized by the Higher Education Act of 1965, 20 USCA §§1001 et seq.

⁹⁶ "The Real College Barrier for the Working Poor" Sara Goldrick-Rab, *Inside Higher Ed.*, December 10, 2013.

⁹⁷ Critics have pointed out that Pell grants are now available to many more people than originally targeted in the 1965 Act. Broadening the number of people eligible has helped additional students but the most needy have lost tremendously in the process.

⁹⁸ Work Study Program is available through the Higher Education Act of 1965, as amended, Title IV, Part C; 42 U. S. C. 2751-2756b.

allocations have remained fairly stable at approximately \$400,000+ over the past five years and employ around 325 students. The institutional work study allocation has remained at \$60,000 over the past five years and employs approximately 25-30 students annually. The institutional campus employment has a budget somewhere around \$200,000 and employs around 100 individuals.

In working on this report I observed common complaints across the country by student-athletes that they had been promised work study when recruited, but then found they could not get a work study job. ASU coaches all told me they carefully say that a student-athlete is eligible to apply but must compete for the job without special consideration. The importance of accurate representations to all prospective students is obvious.

Several students told me how much they enjoy their jobs. Others bemoaned the fact they had not found one. Maximizing the number of students with work study jobs is important to the students and clearly would help keep students able to stay in school.

ASU told the Joint Budget Committee that it plans to allocate more of the federal work study money and state grant money to help low income students hurt by the rise in fees and tuition. This sounds reasonable but I did not see anyone receiving work study who did not need it. The goal should be a job for every needy student who wants one. Since jobs in non-profits and schools are also eligible, work study offers an opportunity to build the community/ASU ties in support of the ASU Strategic Plan Goal 5: Community Relations, and Goal 2: Student Success. It also aligns with the community-focused recommendations in the CIELO *Campus Climate Report*. Off campus work study may also lead to internships and even permanent jobs. I believe outreach to the community may find willing partners to contribute to ASU by supplementing the work study grants and thus adding to dollars in students pockets.

d. Developmental Classes

Retention issues are discussed below, but many people cited the requirement for the 095 and 099 remedial, math and English non-credit classes as a huge impediment to success. I spoke with students who are doing well in credit classes but have yet to pass the general education math requirement in particular. The decade old study on this issue is discouraging to say the least. Some on the faculty felt this was a huge psychological barrier for students who arrive with a low ACT math score and are required to take the ACCUPLACER math test only to learn they must take developmental math classes that gain them no credit towards a degree. One student described how this is a bad start for a lot of unprepared first-year students. Several people pointed out the high percentage of minority students in these remedial classes. The fact that there are so many students who come to ASU unprepared in math and English is a reality. I would say “shocking,” but this sad state of K-12 preparation of students has gone on too long to be called shocking. It is simply the reality that students who want to attend college are not adequately prepared and that math skills are a huge issue for many students who will do well in many other classes.

The need for the English proficiency was not really debated and student success with developmental English is less a problem academically than in terms of hours spent which made the student fall behind graduation tracking. The 095, 097, 099 developmental math class sequence is another story. The general education graduation requirement is for a 100 level math class. The repeated failure of so many students in the developmental class and the 100 level classes is the source of a lot of soul searching in the math department.⁹⁹

Dr. Nehring described an effort to revamp the developmental math curriculum to offer a non-algebra math class that would still provide the math necessary for business and social sciences. These efforts deserve a lot of support and need to be prioritized as they have a good prospect of significantly helping the retention of students. There are no quick fixes so long as students are unprepared by the secondary schools. For many first-generation and low income students, the last thing they need is to start college with a failure.¹⁰⁰ The proposal from Dr. Nehring to revise the math classes seems like a reasonable step. There are already grant-funded programs bringing some of the highest risk students to campus early. These students would be a prime target for early assistance to master the remedial standard. The grants that bring them refer to work on mathematics. If additional time or a math-based target group is needed, that should be included in a future grant so students can focus on the math skill needed to go right into a 100 level credit class and succeed. This would ease anxiety, boost self-esteem and start the first-year students off on a good footing. A lot of attention is and has been spent by ASU on these issues. I suspect some reading this are saying that this is exactly what they have been trying to do. I recognize that is true but this is a big contributor to retention issues and continued effort is necessary until the problem is overcome.

e. Advisors

I discussed the role of being a student advisor with members of the faculty. ASU relies upon faculty advisors once a student chooses a major. A number of schools now use professional advising staff for students. The role of advisor is an important one and in which not all professors excel and one for which they receive little training. It is not evaluated and plays no part in a professor's path to tenure.

There are really two aspects to it. Providing accurate degree tracking information is the first aspect. Failing to take a required class offered only once a year can mean a student has to stay another semester. Arguably full-time advisors are better at this. However, the acquisition Ellucian Degree Works¹⁰¹ application approved for FY 15-16, will provide a tool for student and advisor to monitor degree progress and requirements. It lets the student and advisor see clearly where the student is on their degree plan. It

⁹⁹ Math 104 requires an ACT score of 19 or higher or an ACCUPLACER Score of 85 or completion of Math 099. See Mathematics Placement Policy <https://www.adams.edu/academics/math/placement.php>

¹⁰⁰ I heard stories of students who failed the remedial course at ASU only to take a transferable 100 level course at Trinidad and transfer the credits to ASU.

¹⁰¹ ASU already used Ellucian's Banner Enterprise Resource Planner.

shows what a transfer or change of major will mean. Once trained,¹⁰² faculty should be pleased to have help in making sure class planning and degree planning advice is accurate. It should also free time for professors to interact with the students they advise and know them better. The opportunity to get to know professors personally is repeatedly mentioned by current students and graduates as one of the best and most influential aspect of an ASU education. The role of advisor may not aid the path to tenure but when a professor retires, he/she is more likely to remember the students taught than the class taught. Strengthening the advisor and mentor role is rewarding for student and the professor. A conversation with a good advisor may make the difference between staying in school and dropping out. Consider the students struggling with developmental classes in math and English. The right advisor/mentor may be the difference between staying the course and dropping out.

f. Retention

Student retention at ASU has been a discouraging problem for many years. It was cited in the 1997 Evaluation Report and 2006 Self-Study mentioned earlier. Advocates pointed out students have to borrow substantial sums of money even if they receive Pell Grants and scholarships in order to survive while in school. Dropping out twenty years ago did not leave a student hugely in debt and without a degree. Everyone I spoke to on campus is aware of this issue. Many people have worked to try and increase retention over many years. ASU currently gives this issue high priority and has spent a good deal of time trying to analyze how to attain better retention of students. The PowerPoint presented to the Trustees in December 2014 summarized the data and laid out strategies to try and improve. Tracking individual student progress and giving the student the ability to do the same is good. The Ellucian software acquisition is one of the strategies laid out in the presentation.

ASU tried to increase the minimum hours to fifteen per semester for FY 2015-2016, but reversed course before the end of the 2015 spring semester. I heard the complaints about this from a variety of students. Students who work, or have families or are in a DII sport each have good reasons for wanting to take fewer hours. The core reasoning behind promoting the increase is beneficial to both students and the University. The comparison of student debt incurred over a four year versus a five year path to graduation reduces the debt load for the student substantially as illustrated in the ASU Financial Action Plan.¹⁰³ With the new degree planning software and good counseling, hopefully students will see the benefit of taking more hours when they can.

Looking at all the grants and the heavy focus on trying to help the students succeed in school and reach a degree, it is sobering to see how little real progress has occurred. There are wonderful individual success stories and small percentage gains, but everyone wants to do better. I wish I could say that in my review I have found some great insight to how to do better. I did not. I did hear from students the great importance to some of a mentor. Several graduates made a point of talking about a professor or

¹⁰² The technical training sessions on the software should be combined with a discuss the role of advisor and how to be better at it.

¹⁰³ See Tables 14 and 15, FAP 2012-16.

coach who kept them focused and got them interested in graduate school or made them believe in themselves or taught them to keep trying even when things are not going your way. The Title V grants describe the many challenges the ASU students face and ASU has strategies trying to address all of them. If I try to say what will make the biggest difference, I would say a good mentor and good work study job/internship would be the most likely ways to help more students to stay and complete their degrees. While always trying to find a broad institutional change that will make a huge difference for many, it is still the personal interactions and attention that help one student at a time that make the difference for many.

g. Underfunded Activities

I have already observed that almost every activity on campus has a good case that it is underfunded. That said, there are student activities and groups that are essentially self-funding because of the lack of institutional support and do not have the kind of access to funding the athletic programs receive via the Grizzly Club. Several groups described trying to get funding to attend national conferences and ultimately Dr. Svaldi found them the funding, but one student said it seems like they have to beg every year. She asked why funding for known expenses couldn't be covered every year. There are trips for students to conferences of organizations like HACU and US Hispanic Leadership Institute that have obvious ties (and potential funding) to the HSI status. For example, funding CASA adequately to grow its membership and activities would support a richer and inclusive understanding of HSI. The diversity and inclusiveness at CASA is real in a world that talks a lot about these ideas with little to show for the talk. It seems like a good strategy to build an organization that is a real-life model of inclusive excellence.

The second example I want to cite is the ALP Apprenticeship program that provides outstanding leadership opportunities tied to outdoor adventure and to stewardship of the land. This is a program that could attract students from across the country. The new climbing wall is a plus at the Rex but as discussed under facilities, recruitment of students interested in staying fit and being outdoors requires better facilities. This is a matter of meeting the fair expectations of the students here and as an amenity, to attract fit and outdoor active recruits. Further renovation and expansion of the Rex and new equipment for it was the single loudest complaint about the campus facilities. It should be a priority.

Over times the many clubs on campus will be more or less active depending on the students involved at any given time. Politics, environmental issues, social issues can take front and center and engage large numbers one year and small numbers the next. Student Life needs to be able to adjust to help the groups that are active and involved as the year progresses. A shared pot for this purpose would help fund the group trip to a conference that had not been foreseen or to help meet an unforeseen expense due to growth of a club or other activity. AS&F has a shared fund of this kind but groups struggling with funding never talked about this fund and described other

ways they sought to acquire needed funds. This may be a communication issue or a matter of fund shortages.

15. Diversity and Inclusiveness

a. ASU has a Consistent Message and Activities that Demonstrate Diversity

ASU proudly declares its Mission is “to educate, serve, and inspire our diverse populations in the pursuit of their lifelong dreams and ambitions.” Its Vision is “To become the University community of choice for diverse and historically underserved groups and all who value quality education and inclusivity.” In its *Campus Climate Survey*, CIELO defined both diversity and inclusive excellence as follows:

Diversity - The belief that healthy communities embrace a multiplicity of cultural and social differences and respect the variety of human attributes manifested in individuals.

Inclusive Excellence - Recognition that ASU's success depends on valuing, engaging, and including the rich diversity of students, faculty, and staff.¹⁰⁴

These are useful definitions clearly in sync with the mission and values of the University. ASU has always had many first generation students, many low income students and a large Hispanic population. Approximately 32.6 % of the undergraduates are Hispanic. Another 12% identify as mixed or other ethnicity/race (and looking at millennial couples today, that percentage will skyrocket in the next generation.) This includes a significant number of African Americans and individuals who identify as mixed race, and small numbers who identify as Asian Americans, Hawaiian and Native American. ASU has a relatively ethnically/racially diverse student body.

Of course, that is only one way of measuring diversity. As this report illustrates, ASU has a large number of veterans. Gender is another obvious way to divide the campus. There are significant numbers who identify as LGBT. Two students identified as transgender this past year. There are many older non-traditional students. There are students who live at home and commute. Others lump and identify student-athletes as a group although they would self-identify by their team. Graduate students are another identifiable group. The Extended Studies students are another group to consider and several of them expressed the desire to be more a part the campus even if remotely. Artists, filmmakers, musicians, actors, and geeks are active identifiable groups. Religion on a public campus is correctly a matter of personal choice, but ASU by the selection of the communities it serves includes significant numbers of Roman Catholics and Latter Day Saints. Both communities have long connection to the University. While Millennials

¹⁰⁴ As I have thought about this definition over the last five months, I wonder if it is too narrow. I think it perhaps should include the content of courses as well. For example, in a class on early Kant, including a reading from a well-respected peer of his who he cited like Emilie Du Châtelet, represents inclusive excellence to me.

are less religious than previous, it is important to acknowledge many students come to campus with strong beliefs that are important to them.

The Center for Student Inclusivity states it wants “to promote the diverse cultural experiences of each member of the Adams State community.” It goes to say it supports “the intellectual, social and cultural development of students by offering opportunities for open dialogue concerning race, class, ethnicity, gender, nationality, sexual orientation and disabilities in a safe and supportive environment.” The depressingly repeated headlines describing race-based violence from Trayvon Martin to the Charleston shooting at Emmanuel AME cry out for such open dialogue. There are many activities on campus that demonstrate commitment to diverse values and some are described below. On the other hand, dialogue on hard issues was hard to find. Our country is fond of talking about talking about race without talking about race. If it were easier to have this conversation, it would have occurred. On campus I did hear references to intersectionality theory¹⁰⁵ and “white privilege.” The latter expression sometimes comes across as either an accusation or confession rather than a descriptor of place. In thinking about how to help the Center and others to initiate an *inclusive* conversation about race, class and gender I thought of Claude Steele who would make a great speaker and whose book *Whistling Vivaldi* approaches these issues in a way that is easy for everyone to understand and invites personal stories like those Steele tells. Over time the conversation hopefully can broaden to Kimberlé Crenshaw, Michael Omi and other writers on critical race theory, but outside a classroom the conversation has to begin on a more personal level or the conversation will always be among a small likeminded group. An “open dialogue” requires space to tolerate and respect disagreement. People very rarely change their mind about important things in a meeting or discussion, but people do think about and change their positions over time.

There are many examples of actions across the campus that are inclusive in every sense and which successfully broaden the perspectives of students, faculty and community. A review of documents, seminars, theatre productions, speakers and other activities across campus and over the course of years shows consistent actions over time across campus promoting diversity and inclusiveness and challenging all to think about values. This is an area where Adams State University can be proud of a consistent message among students, in student activities and in faculty activities. It is true that many of the same people are involved in activities and drive the creation of some of them, but the number and variety of people should not be underestimated. There have been challenging speakers every year. There are faculty-led activities and student-led activities that highlight diversity and inclusion or both. Historically, the theatre department has produced challenging plays addressing multiple social issues for at least the past forty-five years I have lived in Alamosa. The recent production of *Pain, Love and Self-Medication* illustrates the kind of timely, poignant productions the campus and the community have come to expect. In 2014, the New Student

¹⁰⁵ For example, the CIELO Campus Culture Report mentions this concept popularized by Kimberlé Crenshaw, well-known African American feminist, law professor and civil rights expert. In addition to her own writings, she is editor of the important anthology, *Critical Race Theory*, 1996, The New Press.

Orientation began with a dynamic presentation that embraced diversity presented by Dr. Mario Rivas and Tom Brown.

The faculty lecture series, the science lunch lectures, the Lifeways lectures and other speakers like, Efran Efrati and Maya Wind (Israeli settlements in the West Bank), Tina Meier (cyberbullying), Justin Tade (Silvery minnow in the San Luis Valley), Pat Griffin (*LGBT Inclusion in Athletics: Successes and Ongoing Challenges*) illustrate the diversity of the offerings. Women's Day activities, Model UN, Martin Luther King Day activities, Cesar Chavez Week, and the ACE Conference to name a few, were all engaging and stimulating.

The ASU 2020 draft Strategic Plan Sub-Goal 5-4 relates to the deepening campus connection to the surrounding community. When you drop by the nursing home and see CAMP director and ASU graduate Pete Gomez singing corridos for the seniors, or attend a funeral and listen to graduate Freddy Jacquez playing at the funeral mass, or attend a wedding and follow alumni Herman and Patricia Martínez ¹⁰⁶ as they lead the Marcha, you see the fruit of cultural connections between ASU and the Valley community begun when each of them were students in the 1960s. Those working on these issues today can be encouraged by witnessing the fruit of similar efforts for the last forty years.

Most employees, faculty, students and administrators shared a commitment to the University's Mission and Vision. Different individuals view how they contribute to ASU's Mission differently. Some embrace it passionately and are strong advocates for one or more or many aspects of diversity. Others are satisfied to do their job at the campus and feel that is their way of contributing.

An interesting comparison on the CIELO *Campus Climate Report* was a chart indicating 95% of the people responding in all three groups (faculty, student, and staff) said they were either accepting or an advocate for diverse perspective. 4% said they tolerated diverse perspectives and <1 % (probably one person) said he/she denied diverse perspectives. At the same time, the very same responders saw the campus community as much less welcoming to diverse perspective with the students more positive and the faculty the least positive. Since there was good faculty participation, these results are a bit inconsistent with one another but consistent with conversations. We tend to see ourselves in a better light than we see others. The truth is probably somewhere in between.

b. Perceptions

For all the good examples of diversity and inclusiveness above, there is more to do to improve diversity and inclusiveness. The CIELO *Campus Climate Report* found there are "low levels of satisfaction with existing campus climate at ASU for persons of specific racial, ethnic, social class, gender and sexual backgrounds." I have already

¹⁰⁶ Herman and Patricia Martínez are staff for the Hilos Culturales 2015 summer institute and have long times to ASU and the cultural arts at ASU.

discussed this in the context of the employment issues. I do think “low levels of satisfaction” overstates the feelings of those I spoke with but my interviews supported the finding in the CCCR that staff at the University is less satisfied with efforts to promote inclusive excellence in the workplace. It is clear that more attention should be paid to staff attitudes as described in the earlier section. The Climate Survey suggests class as well as race/ethnicity or other status is important to this dissatisfaction. The janitorial staff complaints were harsh regarding the way some of the faculty treat them. Education and class identification are certainly part of this picture but there is no excuse for what used to be called good manners.

The fact that some (not all or even most) Hispanic staff and faculty do not feel fully respected, equally valued or listened to goes to heart of the University. These feelings were recognizably strong for natives of the San Luis Valley. I concluded that some of these feelings came with them to the campus and some of them grew out of their experiences on campus. Several members of the faculty gave very specific examples of their ideas not being respected or considered, of being excluded from discussions, or put down in ways that seemed tied to their ethnicity. As suggested earlier, there needs to be real discussion and reflection within the faculty around these issues. Neither these questions nor the gender issues described will go away.

When you consider the numbers of Hispanic students over many years and the significant number of Hispanic faculty and staff, the undercurrent of unhappiness is particularly disheartening. The Title V-funded Hilos Culturales faculty retreats held each summer are a great example of a concrete and consistent effort over time to address cultural sensitivity and build cultural connection between the faculty and the San Luis Valley. Everyone who has participated expressed they were very happy with having done so. It is a great program, but it leaves work to be done. My recommendation for mandatory training in recognizing unconscious bias is one step to try and improve on these issues. An interesting starting point for a discussion of the feelings of the Hispanic staff and faculty might be Professor Saenz’s faculty lecture, “The Black Legend and Hispanic History.”

c. Women

I have already described the gender issues at ASU in the context of the faculty. Staff comments were much more focused on job inequities as already described, than on gender bias although some certainly felt it. Women students who sought to talk to me or who were in the groups like the RAs were strong, clear thinking, optimistic and pretty pragmatic. They had clear ideas on what would make ASU better. It is a great time to be a woman at ASU, as a student, employee or faculty. There is a new woman President. Women’s Studies are growing. Student-athletes have an array of sports. Safety for the women on campus is a priority. The complaint that old white men rule Richardson was not entirely true six months ago, but the arrival of Dr. McClure and the new role for Assistant VPAA, Margaret Doell changes the conversation.

Of course, a new President and Vice-President do not instantly resolve the tenure track and promotion issues for faculty or bring pay parity to staff. They do not

address why Georgia O'Keeffe and Frida Kahlo are the only women painters of whom most of us can think. An interesting illustration of less understood aspects of historical gender bias is presented in the very interesting faculty lecture *Invisible Sexism: Eradicating What We Don't See* presented by Dr. Stephanie Hilwig which directly addresses the unseen.¹⁰⁷ Still, it is a great time to be a woman at ASU.

d. LGBT

I described the community and campus environment for LGBT in the faculty discussion. I think the conversations at the ACE conference were excellent in terms of the continuing challenges faced by LGBT in the country and on campus are. The optimism and enthusiasm as well as the obvious campus leadership around LGBT issues, leads me to conclude ASU is a pretty welcoming place for LGBT.

I pointed out earlier in the report that I did not encounter anything on campus in terms of writing or advocacy that was hostile to LGBT. I did see in the review of the materials that there were complaints about anti-gay slurs on several sports teams and squads. All the coaches were supportive of LGBT student-athletes. It was apparent that there are many openly gay women student-athletes but not so many openly gay male student-athletes. Coaches of the all-male sports were quick to say they watch for boorish and offensive statements but it is highly likely that locker rooms, playing fields and dorm rooms have a fair amount of the kind of vulgar anti-gay talk that comes from young men insecure in their own sexuality. Addressing this requires persistence and sometimes courage.

e. African American Students

The African Americans on campus were discussed some in the safety section of this report and in the faculty section. In meeting with leadership of the Black Student Union it was clear that the students were pretty happy with the campus environment. They were clear that this does not mean they are not sometimes lonely or miss a broader African American culture that they may have grown up in. In employment on campus they sometimes feel a bit isolated and left out of things. At the same time, several described the many good experiences they have had with small classes and caring professors, getting to know a lot of Hispanic and White students, and the opportunity to be seen as an individual and given some opportunity to be a leader. If the University can recruit a few African American professors the environment will be even better. Forty years ago, the assumption was any African American on campus was there to play a sport. Now is it fair to say that many are at ASU because it is a great small university that gives them opportunity to get a good education, blossom and lead.

f. Native Americans Students

I conclude with the observation that there are very few Native Americans on campus. There have been times in the past when that was not so. Those that are on

¹⁰⁷ An article illustrating Dr. Hilwig's point is *Reviving the Female Canon*, theatlantic.com, May 13, 2015.

campus expressed more alienation than any other group identified. They definitely did not feel included except at CASA and several described comments by professors that were insensitive at best. It would be good to have a larger number of Native Americans on campus and looking to the changes in special funding for Native Americans now occurring, may give more students an incentive to come to ASU. CASA is probably the best place to build stronger support for Native Americans on campus. The things told to me were the kinds of behavior a cultural sensitivity training addresses. In spite of the negatives, the students I spoke with were generally comfortable with the community and the campus and the strong Hispanic population was a plus as is the small town. It would enrich the campus to welcome more Navajo, Ute and students from the pueblos.

VII. Conclusion

At the outset of this report, I indicated that I would use the Mission and Vision as a framework for evaluating fairness and safety. The process has been challenging but also invigorating. I am definitely an optimist so I look at the positive steps to improve ASU that have occurred, but I think I am also a realist and a pragmatist. ASU is not an island and it chooses to serve a student body that comes with substantial barriers to success. Faculty, staff and students, alike bring to campus their own problems and biases. ASU is not perfect but it is a place that welcomes and values diversity and where people with many backgrounds and interests can feel valued and included.

While I have made numerous suggestions regarding safety and the handling of disciplinary matters in particular, the overall picture is hopefully clear that ASU has a safe campus and a healthy, ongoing process to improve campus culture around prevention. The ASU staff that works with the students directly on these matters is outstanding and committed to making ASU safer and more inviting for all. If I make one recommendation that stands out in terms of a change it would be to strongly link the safety and prevention effort to the ASU core values and Character Counts.

Evaluating fairness is a more difficult task but by framing the inquiry in terms of the Mission, Vision and Strategic Plan I sought to evaluate in terms of the principles and goals the University has set for itself. Because the goals are lofty and the obstacles are substantial, there are many student related areas where ASU can feel good about the effort and intentions and not so good about the end-result retention problems and debt load for the students. As I have suggested, utilizing extended studies and other efforts to stay connected, reconnect and re-enroll those who leave may be a successful long term strategy.

If I had done the report a year ago, it would have been much more difficult to be positive about the salary related issues. An improved economy and a successful enrollment plan has enabled the first step to resolve this longstanding problem. It is important that funds be used to achieve the 90% goal every year to maintain the good will and energy that flows from that.

There is great need and wonderful opportunity to define ASU as a HSI institution in a manner that makes ASU extra-attractive for all students and in which the students and staff can feel part of something that is unique and enriching.

There are so many positives about the faculty and the staff at ASU. From groundskeepers to VPs there is an enthusiasm for the Mission and their jobs. The faculty dysfunctions I describe unfairly diminish the great teaching also described to me, but these issues cry out for leadership to say enough.

Finally, my recommendation for implicit bias training will require a lot of effort and time but I strongly recommend this take place. In my own experience, I have seen even badly done cultural competency programs lead to positive day-to-day change. Every person on campus needs to feel valued and respected if the goal of inclusive excellence is to be fulfilled.

ASU should be proud but not satisfied with its current “place” as it enters a new era with new leadership and worthy ambitions. ASU continues to pursue a very worthy mission and deserves support from those within and without the institution.

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