

**INVESTIGATOR FINDINGS AND OBSERVATIONS
REVIEW OF SCHOOL OF THEATRE ARTS AND DANCE ENVIRONMENT
UNIVERSITY OF NORTHERN COLORADO**

To: Kay Norton
President
University of Northern Colorado

Subject: Review of the School of Theatre Arts and Dance Environment

Conducted by: Karin Ranta-Curran
Mountain States Employers Council, Inc.

Date of Report: October 28, 2009

Investigation Active: July 15 to October 28, 2009

Procedure: On July 7, 2009, at the request of the University of Northern Colorado (“UNC”), I undertook a workplace investigation of Raymond “Vance” Fulkerson, a tenured UNC professor. Along with Mr. Chris Chrisbens of Mountain States Employers Council, I explained the investigation process to UNC and clarified the investigator’s role and the necessary expectations in this process as communicated to all participants and referenced below.

Due to the complexity of the issues raised by Professor Fulkerson’s arrest and subsequent events, it was determined that the investigation should be expanded beyond an examination of the conduct forming the basis of the criminal charges against Professor Fulkerson to determine potential employee misconduct, to include a general review of the current nature of the environment within the School of Theatre Arts and Dance (“TAD”) and a review of how UNC handled past complaints against Professor Fulkerson to identify areas for possible improvement. This report details the findings of the review of TAD environment and the complaint process.¹

¹ The examination of criminal charges was completed on September 21, 2009.

Background and Summary of Issues

Raymond “Vance” Fulkerson was a tenured professor of Theatre Arts with the School of Theatre Arts and Dance at UNC. He was employed by UNC as an instructor or as a professor from 1989 to 2009.² He earned tenure in 1993. His area of expertise is musical theatre. On July 1, 2009, a criminal complaint was filed with the Greeley Police Department (“GPD”) by a 21 year old male against Professor Fulkerson. The complainant was a former UNC student who had been living at Professor Fulkerson’s home since June 27, 2009 during the Little Theatre of the Rockies’ *Forever Plaid* production. The complainant suspected that Professor Fulkerson had a hidden camera located in a bathroom located in his home. Professor Fulkerson was arrested on July 2, 2009 and his arrest attracted significant media attention.³

In media reports about Professor Fulkerson’s arrest, several individuals claimed that they had had negative interactions with Professor Fulkerson, including claiming that Professor Fulkerson made overt sexual comments in their presence, that he propositioned male students, and that he had committed sexual assaults against students. Several media reports claimed that although UNC received complaints about Professor Fulkerson, UNC failed to address the complaints. In response to the media reports, UNC conducted a media outreach campaign that requested information from the public about Professor Fulkerson. There were a variety of methods by which information could be communicated to UNC, including the ability to contact me directly.

UNC received twenty contacts with regard to the media reports. Of these contacts, eight pertained specifically to Professor Fulkerson’s alleged misconduct. The other twelve dealt with TAD as a whole, ranging from allegations of favoritism in admissions and casting to inappropriate behavior by other faculty members. I attempted to speak directly with each individual who contacted UNC and conducted fourteen interviews. The remaining six contacts did not respond to my request for their participation. Also, I attempted to contact all individuals identified in media reports.

The contacts collected as a part of the media outreach served as the basis for this review. The complaints were summarized into seven topics. I had discussions with current and former TAD faculty, staff and complainants. All current faculty and staff members of TAD were interviewed. It is important to note that I requested an interview with Professor Fulkerson through his legal counsel; however, he declined to participate due to the ongoing criminal investigation.

² Professor Fulkerson resigned from UNC on September 24, 2009.

³ On July 1, 2009, the GPD obtained a search warrant and searched Professor Fulkerson’s house. The GPD arrested Professor Fulkerson on July 2, 2009. He was charged with one count of unlawful sexual contact, one count of sexual exploitation of a child and one count of possession of marijuana. On September 11, 2009, the charges against Professor Fulkerson were amended to include additional counts of sexual exploitation of a child and unlawful sexual contact.

Investigator Findings

This section identifies each of the issues addressed. Investigator findings and commentary follows to develop specific areas of concern, address credibility assessments, or provide other subjective comment.

Issue 1: It has been alleged that Professor Fulkerson was charging UNC students for voice lessons, that he was videotaping voice lesson students in his bathroom and that he possessed child pornography. Can you tell me what, if anything, you know about these alleged activities?

Findings and Observations:

The purpose of asking faculty and staff about Professor Fulkerson's alleged activities was to determine whether any faculty members may have been aware of Professor Fulkerson's alleged activities.

No faculty members report being aware that Professor Fulkerson may have videotaped his male voice lesson students while they were using the bathroom at his home as alleged. No faculty members report being aware that Professor Fulkerson may have been in possession of child pornography as alleged. All faculty and staff members I interviewed appeared to be genuinely repulsed by the kind of conduct alleged.

Several faculty members report knowing that Professor Fulkerson was conducting private voice lessons in his home. The same faculty members state that they were aware that Professor Fulkerson gave private voice lesson to students enrolled at UNC. These faculty members report that they became aware of this either directly from Professor Fulkerson himself or through UNC students who were taking lessons from him. None of the faculty members who knew about the private voice lessons knew how much Professor Fulkerson charged the students.

The propriety of Professor Fulkerson offering private voice lessons to UNC students and others appears to be a point of confusion among faculty members. Several faculty members stated that they believed UNC policy prohibited such activities, whereas others thought the practice was acceptable.

TAD documentation pertaining to this issue adds to the confusion. In 1998, then-Dean Howard Skinner sent a letter to faculty prohibiting them from offering private lessons and several faculty members report that a subsequent interim dean sent a similar letter sometime in 2004.⁴

⁴ No faculty members could locate a letter from the interim dean regarding this issue. However, I spoke with the interim dean, who is no longer employed at UNC. He recalls sending a letter to faculty members that prohibited them from charging UNC students for private lessons.

The issue was studied by a task force regarding outside employment. It is unclear when this task force met and made these conclusions. Several faculty members also report that as recently as 2008, the Director of TAD and the Dean of the College of Visual Arts informed faculty members that they had to disclose any outside employment and have those outside employment activities approved.

Regardless of UNC's policies with regard to this issue, it appears that several faculty members were aware of Professor Fulkerson's private teaching activities. Although a significant amount of time and energy has been devoted to studying the propriety of faculty offering private lessons, the confusion about what UNC policy regarding this issue remains.

The allegation that Professor Fulkerson used private voice lessons in his home to videotape male voice lesson students while they were using the bathroom in his home clearly illustrates that the practice of faculty offering private voice lessons could lead to abuse if it is not closely monitored by UNC officials.

Issue 2:

At any point [during your tenure at UNC], have you ever been aware of alcohol being provided to underage students at UNC sponsored events?

Findings and Observations:

The purpose of this question was to determine the accuracy of media reports that alcohol was commonly given to students by faculty members during UNC events. No faculty members were aware of underage students being provided alcohol at UNC sponsored events. There were reports of students who were over the age of 21 purchasing alcohol at UNC events and also that students over the age of 21 brought alcohol to events where faculty and staff members were present, such as cast or graduation parties.

There were reports that Professor Fulkerson had given underage high school and college students alcohol at functions associated with conferences and other events. There were also allegations that Professor Fulkerson had used alcohol to take advantage of students in various situations. These reports were not corroborated.

However, what is clear from my interviews is that several faculty members of the TAD faculty perceive a distinction between the relationships they have with their students as compared to faculty-student relations in other academic programs at UNC. Certain faculty members are of the opinion that as a result of the time and contact they have with theatre and dance students and the emotional/psychological nature of creative processes students are required to use, the relationships are deeper

and stronger. Several faculty members reported that the teacher-student relationship becomes blurred at times given these conditions and that socializing with students often occurs. A common example of social interaction between faculty and students are informal gathering on Friday afternoons at a restaurant in Greeley. Several faculty members stated that they will often go to the restaurant on Fridays and that students will often be present and join the faculty members in a social setting.

Through the information I have gathered in this review, I understand that the student-teacher relationship may be different between TAD faculty and students as compared to other academic departments at UNC. However, I am not persuaded that the unique nature of these relationships requires or explains increased socialization between faculty and students. Arguably, the uniqueness of these relationships may require the faculty to be more respectful and vigilant in terms of preserving the student-faculty relationship in light of these different circumstances.

Several faculty members described the efforts they made to ensure the student-teacher relationship remained appropriate, which included not attending social events where students would be present, leaving cast parties early, and conducting student meetings in their UNC office. It is clear that appropriate lines can be drawn between faculty and students even with the different complexion those relationships have within TAD. A review of this issue appears to be needed within TAD faculty in order to clarify what the boundaries are and how faculty members can maintain them.

Issue 3: At any point [during your tenure at UNC], have you ever been ever aware of faculty using illicit drugs at private parties where students were present? At UNC sponsored events?

Findings and Observations:

The purpose of this question was to determine the accuracy of media reports that illicit drugs were used by faculty members during private events while UNC students were present. Two faculty members report seeing illicit drug use by faculty members at private parties where students were present. Both identified marijuana as the substance being used at these events. One faculty member claimed that the incident they observed took place in the early 1990s. The other report was more recent, within the past few years. No one reported knowing of any drug use at UNC sponsored events.

As with the claims of alcohol use, I have the same concerns about levels of socialization between faculty and students. Some faculty members appear to use the unusual status of the TAD faculty-student relationship as

a justification for frequent socializing with students. For the reasons outlined in the previous section I am not persuaded that the nature of these relationships explains or requires increased social interaction between faculty and students.

Issue 4: At any point [during your tenure at UNC], have you ever been aware of faculty sexually harassing students or making sexually inappropriate comments or innuendo?

Findings and Observations:

The purpose of this question was to determine the accuracy of media reports that students were being sexually harassed by TAD faculty members. Several faculty members reported that in their opinion, Professor Fulkerson had made sexual comments/innuendos on a regular basis. These faculty members reported that Professor Fulkerson made such comments and it was their opinion that students and faculty members dismissed his actions as “just being Vance [Fulkerson].”

Several faculty members reported an incident involving auditions for a TAD production in which female students were going to be asked to undress as a part of the audition.⁵ However, there were complaints from faculty and students about the auditions and the director did not hold any auditions where nudity was required.

No other incidents of possible sexual harassment were reported to me by faculty members.

Issue 5: At any point [during your tenure at UNC], have you ever been aware of faculty engaging in sexual relationships with students?

Findings and Observations:

The purpose of this question was to determine the accuracy of media reports that sexual relationships between TAD faculty and students were common. Several faculty members reported rumors regarding an alleged sexual relationship between a TAD professor and a student in the early 1990s. I spoke with the student at length. The matter was investigated and action taken.

Several faculty members reported hearing of an incident involving a TAD professor who allegedly had a sexual relationship with a student in the late 1990s. I spoke with the student at length. The student left UNC because of the relationship. The matter was investigated and the professor resigned.

⁵ There were also some complaints that the production itself did not require nudity.

Other faculty members reported being aware of a relationship between a former student and faculty member, but that they could not identify whether the relationship began before or after the student graduated.

Given the information outlined above, this investigator does not find that sexual relationships between TAD faculty and students are pervasive.

Issue 6: At any point [during your tenure at UNC], have you ever been aware of allegations of favoritism being shown by faculty members?

Findings and Observations:

The purpose of this question was to address media reports and reports by former students that favoritism was rampant within TAD. Allegations of favoritism centered primarily on concerns about casting decisions by faculty. There were no allegations of favoritism in grading.

I consider the allegations pertaining to favoritism to be unfounded. The TAD program is quite competitive and it is apparent that the faculty members may have subjective preferences in making casting decisions. No faculty members could report any casting decisions made by fellow faculty members that they felt were outrageous or unwarranted. All of the faculty members stated that they viewed their colleagues as having preferences for students based on their talent level or willingness to have their performance directed.

However, there appears to be a philosophical difference between faculty members regarding casting decisions. Several faculty members report that they make casting decisions based on talent and ability to fulfill the physical requirements of the part, including appearance. Other faculty members report that they believe the goal should be to equalize performance opportunities, especially for junior and senior-level students. I cannot determine whether these philosophical differences translate into confusion among students regarding casting decisions. However, it may be helpful for TAD faculty to discuss casting philosophies with one another and students.

Issue 7: How were complaints against Professor Fulkerson handled?
In media reports regarding Professor Fulkerson's arrest, several individuals claimed that they had had negative interactions with Professor Fulkerson, including claiming that Professor Fulkerson made overt sexual comments in their presence, that he propositioned male students, and that he had made sexual advances towards students. Several media reports claimed that although UNC had received complaints about Professor Fulkerson, UNC failed to address the complaints it received.

Again, it is important to note that I requested an interview with Professor Fulkerson through his legal counsel; however, he declined to participate due to the ongoing criminal investigation.

**Findings and
Observations:**

Without revealing confidential personnel and student information, I can provide the following assessment. Regarding a 1992 complaint of misconduct, the matter was reported by fellow students who had general complaints about Professor Fulkerson. The Acting Dean of Students encouraged input from the student identified by the original complainants. He investigated the complaints, interviewing all complainants, 6 additional students and 3 faculty members. In my experience as an investigator, it appears that the Acting Dean's investigation was thorough and as comprehensive as the circumstances allowed. The Acting Dean made recommendations to the Dean of the College of Performing Arts and the Dean took action. However, there is no record of any communications with the complainants regarding the investigation or its outcome. One of the complaining students confirmed that he had not received any information from UNC about his complaint after he had provided the letter to the Acting Dean.

Regarding complaints of inappropriate language and jokes in 1994, the Dean of Students investigated the complaints by interviewing the complainants and Professor Fulkerson. The Dean took action, but as with the 1992 complaints, there is no record of any communications with complainants regarding the investigation or its outcome.

Regarding complaints of inappropriate comments of a sexual nature made during a senior practicum class in 2003, the Human Resources Director investigated complaints by interviewing the complainant, several students in the class and Professor Fulkerson. The Director took action and informed the complainant that action had been taken without providing specific details of the personnel actions.

A significant part of any investigation is follow-up with the complainant(s) and it appears that in the two earlier cases, there were no communications with the complainants after the investigations were complete. While the Human Resources Director followed-up with the complainant, it appears that past practices in TAD did not involve this step. This is a significant omission from the investigation process. As a result, twenty year old issues have again become matters of controversy due to Professor Fulkerson's arrest. UNC should make clear in policy that there will be communication with complainants informing them of the conduct of an investigation and whether action is taken.

Summary of Findings

1. This investigator finds that several TAD faculty members were aware that Professor Fulkerson was conducting private voice lessons in his home to UNC students and was charging the students for those lessons. This investigator finds no information suggesting that any faculty members were aware of the alleged potential of activities regarding videotaping voice lesson student in the bathroom in his private home. This investigator finds no information suggesting that any faculty members were aware of the alleged possession of child pornography.
2. This investigator finds that alcohol has been purchased or brought by of-age UNC students at UNC sponsored events. This investigator finds no information suggesting that underage students were provided with alcohol by faculty members. It is also clear that there are informal events where students and faculty members regularly socialize together.
3. This investigator finds information suggesting that a few TAD faculty members over the past twenty years have used marijuana at private parties where students were present. This investigator finds no information suggesting that TAD faculty have used illicit drugs at UNC sponsored events where students were present.
4. This investigator finds it more likely than not that Professor Fulkerson made various sexually inappropriate comments and innuendos to students. However, this investigator finds no information suggesting that other faculty members made sexually inappropriate comments or innuendo.
5. This investigator finds that there have been isolated incidents of faculty-student relationships, but there is no information suggesting that faculty regularly engage in sexual relationships with students.
6. This investigator finds that there is no information suggesting that favoritism has been shown by faculty members.
7. This investigator finds that UNC, through its Human Resources Director and former TAD leadership investigated and acted upon past complaints against Professor Fulkerson. However, it appears that TAD did not have a policy or practice of communicating with the complainants informing them of the conduct of an investigation and whether action was taken.

Conclusion

The purpose of this review was to determine whether the atmosphere within the School of Theatre Arts and Dance was appropriate and professional and whether complaints against

Professor Fulkerson were investigated and acted upon. Overall, I found the faculty and staff to be professional and genuinely concerned about the students and the school's reputation. However, there appears to be significant confusion among some faculty members with regard to UNC policies pertaining to faculty providing private instruction for students. There also appears to be a tendency among a few faculty members to view the unique and close nature of the TAD faculty-student relationship as a reason or justification for blurring student-faculty boundaries. It is this investigator's opinion that addressing expectations in these two areas would help modify the atmosphere so that inappropriate faculty conduct would be more likely to be identified as such by fellow faculty members and brought to the attention of UNC authorities. Further, it appears that earlier complaints about Professor Fulkerson were investigated and addressed by TAD leadership and that several of the TAD deans were not hesitant to take action. However, past failures of TAD former leadership to follow up with the complainants has led to the perception by complainants, and in turn the public, that UNC and TAD leadership failed to address the complaints. It is this investigator's opinion that addressing this short-coming in the complaint process, for example, by coordinating complaints through the Human Resources Director or through University-wide policy, will correct this misimpression, and more importantly create an atmosphere that will encourage complainants to come forward because they will know that their complaints are being addressed.

Analysis

Decision-makers for the University of Northern Colorado are responsible for assessing whether the facts of this matter support the allegations, findings and conclusions presented here or otherwise establish unacceptable conduct. This investigation report is intended to be the tool for making that analysis by identifying the relevant allegations and addressing sources of supporting and refuting information. This investigator's commentary is also shared, but it is important to understand that another person, such as an administrator, judge or a juror, might reach different conclusions based on the same or additional information.

END REPORT

Respectfully submitted,

MOUNTAIN STATES EMPLOYERS COUNCIL, INC.

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