



# 2018-19 ANNUAL REPORT

## Office of Institutional Equity and Compliance

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University of Colorado **Boulder**

# LETTER FROM OIEC

## Associate Vice Chancellor

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Five years ago, the university created the Office of Institutional Equity and Compliance. Its mission remains the same: to comprehensively address and prevent protected-class discrimination and harassment and sexual misconduct for all students, faculty, and staff on this campus. Through a variety of campus collaborations, we have made progress together over the years to foster a safe and inclusive environment. Such progress, captured in the “Five Year Milestones” section of this report, would not have been possible without your support. In particular, prioritizing staff and other resources dedicated to facilitating support services for impacted parties, increasing reporting, and providing assessment, training, translation services, and accommodations to ensure an accessible campus for all.

Thank you for partnering with us on these efforts and the individual steps you have taken to move us toward a more welcoming campus with the goal of providing everyone a collective sense of belonging.

Looking into the future, we acknowledge the hard work ahead. Despite real progress, many still do not feel welcome or have a sense of belonging. We are also not immune as a community from sexual assault, intimate partner abuse, or extreme acts of intolerance such as racism or religious bigotry that can fundamentally deny a person’s ability to go to school or work. We can and must do better.

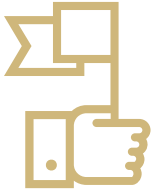
With you alongside us, however, we recommit to addressing these issues head on. We will continue to listen to you, review and improve our practices on a regular basis, and ensure our policies and procedures are achieving our mission. We will continue to assess our climate and build skills that provide the foundation for real change.

We will work with you to create the community to which we aspire.

**Valerie Simons**

Associate Vice Chancellor and Title IX Coordinator  
Office of Institutional Equity and Compliance





## SHAPE TOMORROW'S LEADERS

Emphasize fair and equitable practices in enforcing CU Boulder policy and ensure accessibility across campus.

### Education and Prevention

OIEC continues to be a leader in campus education and prevention. During the 2018-19 academic year, OIEC provided **in-person training** to 17,353 students, faculty, staff, and community members on topics that included policy compliance, bystander intervention, mitigating unconscious bias, and improving workplace culture. OIEC trained an additional 19,170 students, faculty, and staff on policy via online training modules. This year, OIEC expanded **online training** to include all graduate students, created a new course in Canvas for all MBA students in the Leeds School of Business, and worked with the Law School to ensure 100% completion rate for first-year law students.

In order to ensure employees stay current in their understanding of university policies, CU Boulder now requires employees to refresh their discrimination, harassment, and sexual misconduct training compliance **every three years rather than every five years**. In conjunction with this shortened training cycle, OIEC has taken steps to improve the accuracy of online compliance tracking by creating training compliance liaisons for all divisions and colleges. OIEC has also begun providing quarterly reports to these liaisons to assist them in monitoring and tracking compliance in their respective areas. OIEC has similarly focused on increasing awareness of accessibility and ADA compliance among campus supervisors by launching an online employee-training module to ensure the availability of an on-demand training program in this area as well as in-person presentations based on specific data and trends noted by the Case Resolutions and/or ADA units. Because employees raise accommodation needs to supervisors first, educating supervisors about disabilities, accommodations, and the proper referrals ensures more equitable treatment for all employees.

### Case Resolutions and ADA Compliance

In addition to education and prevention efforts, key to OIEC's mission is the implementation and enforcement of fair and equitable case resolution procedures and the fostering of campus accessibility. October 1, 2018, marked the implementation of a **revised Sexual Misconduct, Intimate Partner Abuse and Stalking Administrative Policy Statement**, along with revised campus Resolution Procedures. These revisions include more clarity and transparency around OIEC's jurisdictional analyses. The policy revisions also better enumerate the due process elements available in formal adjudications, provide for a sanctioning board made up of trained members from the campus community, and create a standardized appeals process ensuring a thorough review and equity to both parties.

For the first time ever, OIEC drafted and implemented **stand-alone ADA Compliance Procedures** to educate the entire campus on compliance obligations and help to ensure campuswide commitment to developing and maintaining an accessible campus. The Compliance Procedures include information about workplace accommodations, pregnancy-related accommodation requests, the interactive process, and appeals. It is now used and referenced by many other departments, including the Office of Disability Services and Office of Occupancy Management. Adherence to its process ensures the campus

**"[The OIEC session] was informative [and] educational. [The] reviews from students regarding your [session] were exemplary. In baseball jargon you hit a grand slam. The University of Colorado Boulder is fortunate to have you."**

— CU Academic/Career Advisor

**"I want to thank you all so much for your amazing presentation this morning – the content was extremely beneficial as we're excited to stay in touch often as we build a community of access, support and awareness."**

— College of Engineering & Applied Science

**"I've been through a lot of this kind of training.... Yours was the first to actually provide industry study results and practical methods for dealing with the problems. And you did it in a way that was completely engaging.... Well done!"**

— LASP Employee



employs a consistent approach when providing accommodations to our students, employees, and members of the public.

## Reporting

During the 2018-19 school year, OIEC continued to see a rise in the reporting of sexual misconduct, intimate partner abuse, stalking, and protected-class discrimination and harassment. OIEC received 1,453 reports over the past year, including matters resulting in both formal and informal resolutions and offers for supportive measures. This marks a 12% increase from the number of reports during the previous year and a 72% increase from the 2016-17 academic year. **This increase supports OIEC's continued efforts to develop cross-departmental partnerships, enhance the trust of the campus community, and lead the way as campus subject matter experts.** In the fall of 2015, OIEC created a Remedial and Protective Measures (RPM) unit, separate from the Case Resolutions unit. Since that time, RPM staff have focused on providing support to parties, connecting them with resources, and assessing individual and campus safety needs. RPM reached out to 535 individuals this year, which is a 12% increase from the previous year and a 137% increase from the 2016-17 academic year.

Likewise, OIEC has seen a significant increase in ADA cases. During the 2018-19 school year, 433 new ADA matters were referred to OIEC, a 67% increase from the number of ADA cases referred during the 2017-2018 year. In addition to the 433 ADA matters, the ADA unit captioned 64 events and secured 260 American Sign Language (ASL) interpreters for campus events this year, thus increasing accessibility at 324 campus events.

**“Relatively few [OIEC equivalent offices around the country] think to produce something that is value-based and goal oriented.... Your [annual] report sets a beautiful example.”**

— Title IX Coordinator from Peer Institution





## INNOVATE

Conduct research and assessment to develop and expand nationally recognized and evidence-based best practices across units, innovate and serve as thought leaders on campus, and provide support and guidance as subject matter experts.

OIEC continues to study, develop, and build upon national research in the fields of prevention and education, case resolutions, support measures, campus accessibility, and assessment.

### New Initiatives

OIEC tackled several new initiatives this year in collaboration with campus partners in response to new legislation and campus trends. Following state legislation that passed in the spring of 2018 aimed at increasing student access to higher education, OIEC worked in collaboration with Admissions and the Office of Student Conduct and Conflict Resolution, to create a **pilot process in line with the new legislative limitations on the university's inquiry into disciplinary and criminal history of applicants**. This newly designed pilot process has gone into effect for the 2019-2020 academic year and is the result of a campuswide effort to collectively determine how to effectively balance student access to higher education along with campus safety. OIEC is now co-chairing the newly formulated Conduct Review Committee developed for this purpose.

In response to an increase of reports of lower-level harassment incidents at football games, the Campus Climate Response Team, chaired by OIEC, initiated an innovative campaign and action plan for addressing such incidents at games. **OIEC, in collaboration with Athletics and Strategic Relations and Communications, produced a video now shown at all home football games emphasizing expectations for fan behavior, as well as providing fans with instructions on how to text concerns to CU security from the stadium in real time so that harassing or disruptive behavior can be reported and swiftly addressed.**

As part of OIEC's ongoing efforts to transform the campus's approach to accessibility, OIEC drafted the campus's first Service Animals in Labs Guidelines. This document resulted from the collaborative efforts of a cross-campus working group seeking to address and balance safety considerations with access to laboratories for service animal users. In addition, OIEC worked to increase the online presence of disability-related resources, resulting in the creation of a **new Athletics ADA webpage** and the very first central CU campus disability webpage. By giving students, employees, and visitors a centralized place to find accessibility information for everything (from housing to parking, technology, and accommodations), we streamlined the user experience and removed barriers for people.

### Assessment & Research

OIEC partnered with CIRES to offer multiple presentations of the 2017 Campus and Workplace Culture (CWC) survey findings along with innovative recommendations for improving institute culture. CIRES has implemented many of OIEC's data-informed recommendations for addressing concerns identified in the survey. This includes the development of a comprehensive CIRES-specific onboarding program (to complement the CU HR program), the development and launch of a professional staff mentor program, workshops on navigating conflict and skills for intervening as bystanders, and annual policy compliance training for all supervisors.

**"I marveled at how you managed to present so many data so clearly, told stories about our challenges, and managed to keep us all upbeat. I appreciated the focus on moving forward and the non-dramatic, straightforward presentation of our results."**

— CIRES Communications Director



As part of developing and refining an expanded universitywide Campus and Workplace Culture Survey (CWC), OIEC worked with the Anthropology Department to pilot the faculty, staff, and graduate student versions of the survey instrument. Survey response rates were 90% for faculty and 71% for graduate students, which allowed OIEC to construct an accurate picture of departmental culture, make recommendations for supporting unit strengths, and target areas of concern. This partnership also provided the opportunity to develop the analysis plan in preparation for the Arts and Sciences social science ARPAC self-study and in preparation for the launch of the all-campus CWC Survey planned for 2020.

OIEC has also spent considerable time investigating the relationship between our students' **sense of social belonging and the risk of experiencing sexual assault** in the first semester at CU. Working with the 2015 First-Year Experience Survey (FYES) data collected by Student Affairs, OIEC matched the FYES belonging-related responses from female participants with the first-year sexual assault prevalence data collected as part of the 2015 OIEC Sexual Misconduct Survey. OIEC has been collaborating with Residential Academic Program directors to implement and strengthen practices that foster and support students' sense of belonging as soon as they arrive on campus.

In addition, in 2018, the College of Engineering and Applied Science (CEAS) undertook a series of programming innovations and enhancements of existing programs to help incoming students living in residence halls quickly establish a sense of belonging and connection to their new community. OIEC collected data on 2018 incoming first-year CEAS students and will continue to collaborate with CEAS in the coming year to further assess the impact of this ongoing program.

**"I am really excited that we will have the opportunity to lead the campus in working for positive change in this area! [T]here is no way this would be possible without you and all of the energy you've put into this."** — Anthropology Faculty Member





## POSITIVELY IMPACT HUMANITY

Collaborate with on and off campus stakeholders to maximize prevention efforts and ensure a continuum of support and response that fosters a safe and non-discriminatory environment.

Over the past year, OIEC revised its processes to better include appointing authorities, supervisors, and chairs in addressing ongoing harassment and microaggressions within their respective units and to ensure they are included as part of the decision-making process. As a result, OIEC processes are better integrated with other existing mechanisms for addressing employee conduct and problems, and departments report that they feel more supported in their efforts to improve departmental culture. OIEC also now meets with appointing authorities and supervisors on a biannual basis to gather qualitative feedback about OIEC's integration efforts, including how we are doing in terms of transparency, communication, responsiveness, and execution. Discussions with campus partners as well as feedback from constituents reflect that OIEC staff continue to prioritize fair and equitable practices without sacrificing support and care.

**“... [OIEC] proved to me that these types of processes can work and can be supportive.... Because of [OIEC's] work I do see a path forward and I am grateful for that.” — CU Employee**

**“This has been an emotionally draining time for multiple people, I'm sure. Yet your professionalism, consideration, and general care have smoothed rough edges. It matters and you should know that.” — CU Employee**

Additionally, for the first time this year, OIEC surveyed individuals who did not wish to participate in a case resolution process, but who still received outreach for support measures. **Of those who responded to the survey, more than 75% reported that they “agree” or “strongly agree” that they were treated with respect, that OIEC gave them a better understanding of the resources and supports available to them, and that it's important for CU to have an office like OIEC.**

OIEC continues to work diligently to ensure that every aspect of campus is accessible for students and employees. OIEC partnered with Admissions in providing advice on **inclusive communication** and event practices for new and prospective students and their families. We also collaborated with the commencement committee to ensure an **accessible graduation**. By distributing accessibility guidelines to each department well in advance of commencement, OIEC ensured that each department hosting a graduation ceremony would be aware of their responsibilities and could be proactive about increasing the inclusivity of their respective commencement events. OIEC also convened a committee to audit the accessibility of campus undergraduate and graduate housing. These efforts culminated in the creation of a document containing housing accessibility recommendations that will be included in the upcoming Housing Master Plan.

OIEC's impact has extended beyond campus. This year OIEC collaborated with the **Epilepsy Foundation**, and this effort helped us to better understand how to provide effective workplace accommodations for people with epilepsy, to enable our employees to continue working safely for CU. OIEC also expanded its **“Don't Ignore It”** campaign and website with RTD bus advertisements during the fall semester along with continuing to partner with Boulder alcohol establishments and retailers to provide “Don't Ignore It” materials.

**“I really appreciate all your help, as I feel like you're truly the only one who cares and understands my stresses here at the campus.” — CU Student**

**“Thank you for helping us to make sure that our events are accessible for guests with different abilities. We have since received positive feedback for our accommodations!” — Office of Admissions**

**“Thanks for all the work that you do with this [Don't Ignore It] program. I think it is one of the most important social awareness programs I have seen in our community in some time!” — Boulder Business Owner**



## FIVE-YEAR MILESTONES

Accomplishments over the first five years of OIEC.

### Education, Prevention, and Assessment

- 59,536 members of our campus trained in person since 2015 along with mandatory online training requirements for all students, faculty and staff (more people than would fit in Folsom Field)
- Comprehensive survey about sexual misconduct distributed to entire student population with a 42% response rate; survey data analyzed and used to inform prevention and education initiatives
- Campuswide “Don’t Ignore It” campaign to provide options for reporting and learn skills to help others
- Tailored assessments and response tools for departments and units, including CIRES, LASP, CEAS, and Anthropology and the Academic Review and Planning process (A&S Social Sciences)
- Individualized educational and prevention efforts for CU specific cases and trends

### ADA

- 433 case referrals to ADA in the 2018-19 academic year (884% increase since 2014-15)
- Full captioning for all sporting events held at CU Events Center and Folsom Field, with captioning also provided in Glenn Miller Ballroom, Fiske Planetarium, Macky Auditorium, Mary Rippon Outdoor Theater, and at outdoor graduations, for a total of 64 events captioned this year

### Case Resolutions

- One set of policies and procedures since 2015, reviewed annually and translated into multiple languages, providing transparency on all aspects of OIEC’s case resolutions for all students, faculty, and staff
- Implementation of online reporting system “CUReport,” including anonymous reporting
- 1,453 matters reported for case resolution in the 2018-19 academic year (212% increase since 2014-15)
- Published annual statistics for students and employees for all sexual misconduct and protected class discrimination and harassment complaints
- Instituted Memorandums of Understandings (MOUs) with CU Police and Boulder Police to ensure coordination with investigations

### Remedial and Protective Measures

- New unit of Remedial and Protective Measures since 2015 with staff and resources dedicated to providing parties with support services and ensuring continuing access to school and work
- Rapid Response Team since 2014-15 academic year to ensure coordinated response between on and off campus first responders to incidents of sexual misconduct and protected-class discrimination and harassment
- Campus Climate Response Team since 2016 to address and respond to campus impact (students, faculty, and staff) of protected-class harassment
- 535 cases referred to unit for outreach and evaluation during the 2018-19 academic year (12% increase from prior year and 137% from 2016-17)





## NEW INITIATIVES

Where are we headed next?

### Education, Prevention, and Assessment

- Collaborate with faculty and administrators to apply for the partnership track of the National Science Foundation (NSF) ADVANCE grant for Organizational Change for Gender Equity in STEM Academic Professions. The goal of this project is to develop a facilitator-training program and civility workshop curriculum for leading academic units in improving their departmental culture with separate tracks for faculty and graduate students. This grant would fund training and support for faculty workshop facilitators who would serve as campus resources for addressing and supporting a culture of civility. It would also support research on two CU campuses for program evaluation to determine the program's effectiveness.
- Conduct the **Campus and Workplace Culture (CWC) Survey** for all students (graduate and undergraduate), staff, and faculty on the CU Boulder campus in 2020. In order to achieve a high participation rate and more fully understand the experiences of CU Boulder staff who do not speak English as a primary language, OIEC is also planning to administer the survey in Spanish, Mandarin, and Nepali.

### Case Resolutions

- Track how often parties are using the range of procedures embedded into the formal adjudication process. The percentage of parties who use these features is a leading indicator as to whether the multiple layers of procedures OIEC has added to the adjudication process over the past several years contribute to parties' participation and engagement in the overall process. Our overarching goal is to be a national leader in creating a transparent, equitable, and thorough investigative process, and this measure of party engagement is a key indicator of how we are doing in this regard.
- Continue to monitor developing case law, legislation and proposed regulations from the **U.S. Department of Education's Office for Civil Rights** to determine whether policies and adjudication procedures need to be revised and updated. This effort will require collaboration with various partner offices and the campus community.
- Continue to educate campus constituents on the non-investigative resolution and support roles played by OIEC. Ensure the campus's understanding of OIEC's role in resolving cases at the lowest possible level and **bridging the gap between intention and impact**.

## Remedial and Protective Measures

- Continue last year's efforts of assessing effectiveness of outreach and support by resurveying students and staff.
- Improve our database and case-tracking system, which will allow OIEC to better evaluate the remedial and protective measures put in place. Analyze this data and evaluate trends to improve support services for students, staff, and faculty.
- Measure respondents' rates of re-offense, retention, and academic success.

## ADA

- Revise the ADA website to make it more user-friendly while also ensuring that resources are accessible via the university's commonly visited and heavily trafficked webpages, such as those for sports, theatre, and employee services. The objective of this redesign is to not only increase traffic to the ADA site to increase awareness of resources, but to better educate individuals with access needs on the interactive process.
- Launch a new "Supervisor Feedback Pilot Program." The focus of this initiative is to collect data from supervisors regarding the effectiveness of various types of ADA accommodations in the workplace. The ADA unit will assess the feedback with the goals of: 1) offering more effective accommodations to employees to keep them in the workplace and 2) ensuring supervisors are supported by the ADA unit in the event an accommodation is proving ineffective or is negatively impacting the workplace.
- Finalize the reassignment process and procedure guidelines. This new procedural document is intended for internal use by CU Boulder's Human Resources office and by departments with an open position that is being considered for the reassignment process. The guidelines will set forth the stages and approach of the ADA reassignment position assessment and will convey how the Talent Acquisition Department conducts its position comparisons.

