

# Office of Institutional Equity and Compliance



October 28, 2018

# Letter from the Associate Vice Chancellor



As the Office of Institutional Equity and Compliance issues its first annual report, I find myself asking: What has improved for our community? What has not?

Four years ago, the university embarked on a mission to create a national model in the prevention of and response to sexual misconduct, and protected-class discrimination and harassment. By some measures, our community has rallied around this mission, and we have experienced concrete results:

- Vastly expanding the scope and depth of our education, prevention, and assessment efforts for students, faculty, and staff at CU Boulder and the System Office
- Ensuring the availability of university staff to provide a continuum of support for impacted parties, including during evenings and weekends
- Providing greater service for those requiring disability- and/or pregnancy-related accommodations to sustain an accessible environment
- Building and maintaining renewed trust and confidence in the university's response efforts as evidenced by a tremendous increase in reporting for typically underreported incidences of sexual misconduct, and protected-class discrimination and harassment (161 percent for students and 286 percent for employees over the last four years)

How has this been possible? Your commitment and partnership. Success in these areas has depended on your collaboration and a shared vision to make this campus a safer and more welcoming place. Together, we have:

- Institutionalized the Rapid Response Team, Campus Climate Response Team, DA/Athletics Task Force, and memorandum of understanding with local law enforcement, working alongside a wide variety of offices, including Student Affairs, Human Resources, Athletics, CU and Boulder police departments, District Attorney's Office, University Counsel, and Strategic Relations and Communications
- Collaborated with Athletics to ensure annual, in-person training for each employee and student athlete, and to provide captioning for events at Folsom Field and the CU Events Center
- Worked with ODECE to foster inclusive excellence, including presenting workshops at the Diversity Summits and being a member of the Diversity and Inclusion Academic Excellence Authoring Committee
- Partnered with CIRES, LASP, and CEAS for individualized assessment and response tools to address workplace culture

However, despite great progress on many of these fronts, our collective vision of a more welcoming environment is not realized for many, and our struggle for a sense of community and belonging continues. To create true behavior change, each one of us has to be part of the solution. Think about your daily actions. Think about what you say and how you say it. Think about ways in which you, too, can call out inappropriate words or actions in a way that can help people do better. Support people in a meaningful and sustained way. Be the community to which we all aspire.

**We will be alongside you each step of the way.**

**Valerie Simons**

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



Institutional Equity and Compliance  
UNIVERSITY OF COLORADO BOULDER

# Overview

The Office of Institutional Equity and Compliance (OIEC) was created in August 2014 to integrate resolutions of all complaints of sexual misconduct, and protected-class discrimination and harassment into one office, whether against a student, employee, or third-party. In addition, we developed an ADA Compliance unit to ensure campus access, provide employment accommodations, and work collaboratively with Disability Services. OIEC uses a comprehensive and integrated structure with dedicated staff in four units for case resolutions, support measures, education, and ADA accommodations. OIEC's mission is to create and foster a safe, inclusive, and accessible environment, and to be a national leader in the prevention of and response to sexual misconduct, and protected-class discrimination and harassment.

OIEC implements and enforces the University of Colorado Sexual Misconduct, Intimate Partner Abuse and Stalking Policy; the University of Colorado Boulder Discrimination and Harassment Policy; and the University of Colorado Policy on Conflict of Interest in Cases of Amorous Relationships.

OIEC is committed to preventing discrimination or harassment based on race, color, national origin, pregnancy, sex, age, disability, creed, religion, sexual orientation, gender identity, gender expression, veteran status, political affiliation, or political philosophy. OIEC is also committed to preventing and addressing any form of related retaliation as prohibited by university policies, and state and federal laws.

## Strategic Imperatives



### Shape Tomorrow's Leaders

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



### 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 in the field of sexual misconduct, and protected-class discrimination and harassment prevention and response
- Provide support and guidance as subject matter experts



### 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

2017–18

# ACCOMPLISHMENTS



## Goal:

### To innovate and serve as thought leaders on campus and in the field of sexual misconduct, and protected-class discrimination and harassment prevention and response.

In fall 2017, the Education and Assessment unit officially launched the “Don’t Ignore It” campaign and website to help campus members learn more about support services, reporting options, and skills for effectively addressing harassment, discriminatory actions, unwanted sexual behavior, abuse in a relationship, stalking, and concerns about someone’s well-being. We distributed more than 5,000 resource cards and advertised on the Buff Bus and via digital signage in the residence halls. The campaign had wide recognition among first-year students (82 percent reported recognizing the campaign and its goals).

Bystander skills training is considered a best practice for building capacity to intervene in situations involving sexual misconduct. To the best of our knowledge, only one other campus in the country requires an in-person, skills-based effective bystander training for all incoming students. Unlike all other bystander programs that focus on reducing sexual violence, our program is designed to address a broader range of issues including identity-based harassment and discrimination, and alcohol toxicity. We trained more than 6,500 first-year and transfer students during Welcome Week and the first week of classes in 2017. Since the program began in 2009, we have annually assessed the bystander intervention training program to ensure ongoing effectiveness, and we modify the content based on evaluation results, student and staff feedback, current events, and the needs of the campus community.

Several universities have reached out to our staff to consult about our policy trainings and bystander intervention programs, and we have shared research, references, and presentation materials to help them develop and improve their educational efforts. This includes Harvard School of Business, Penn State, Indiana University, Regis University, Colorado State University, Colorado School of Mines, and the University of Vermont. The “Don’t Ignore It” campaign and our required bystander training for incoming students were both featured as innovative practices in the AAU Campus Activities Report for Combating Sexual Assault and Misconduct.

Unlike most college and university equity offices in the country, OIEC has a separate unit to address remedial and protective measures. The Remedial and Protective Measures (RPM) unit was involved in about one-third of the cases of sexual misconduct, and protected-class discrimination and harassment reported to the office. The role of the RPM unit is three-fold:

- To implement protective measures to keep the campus safe, including no-contact orders, exclusions, and administrative leave



- To work with students, staff, and faculty on support measures they may need to continue to be successful at CU in school or work, such as employment modifications, transportation changes, and residential relocations
- To coordinate the university’s response to protected-class harassment incidents where the individual(s) alleged to have committed the misconduct cannot be identified.

In the past, equity officers provided this support. The RPM unit was created in fall 2015 so that equity officers could emphasize their role as neutral fact-finders, and RPM staff could lead on providing support to parties and connecting them with resources. Since collaboration is essential to meet these needs, RPM works diligently to maintain positive and trusting relationships with offices across campus. Offices with which we work closely include Office of Victim Assistance (OVA), Counseling and Psychiatric Services (CAPS), student respondent confidential case manager, Admissions, Advising, University of Colorado Police Department (CUPD), Student Support and Case Management (SSCM), Student Conduct and Conflict Resolution (SCCR), Office of Student Conduct and Conflict Resolution (OSCCR), Faculty Staff Assistance Program (FSAP), Registrar, Parking Services, and academic departments.

The unit is also unique in that it is staffed on nights and weekends to provide the campus with a quick and effective response, tailored to the specific needs of the case. During 2017–18, RPM assisted with 43 formal cases, 74 cases that were addressed through informal resolution, and 360 cases that could not be addressed via the formal or informal processes. Demand for these services has increased dramatically: RPM’s caseload of 477 cases this year was an increase of 98 percent from the 2016–17 period. To meet this need, RPM created a new associate director position.

The RPM unit connects OIEC to other equity offices on a state and national level. We receive calls every month from other universities inquiring about our structure, how we do our jobs, and how we navigate and support cases.

**“Thank you again. It feels good to work for a campus that doesn’t make me feel like I’m alone in dealing with such matters.”**

—Student

## Goal:

### To emphasize fair and equitable practices in enforcing CU Boulder policy and ensure accessibility across campus

In the most serious cases requiring formal adjudication by OIEC, the Case Resolutions unit uses an adjudication model that emphasizes equity, fairness, and due process for both parties. Key features include: allowing the parties to review the entirety of the evidence gathered during the investigation; ensuring the parties are informed of the information equity officers are relying upon to make factual findings; allowing each party to cross-examine the other via the use of written questions; and using a review board to ensure a thorough and unbiased investigation.

With respect to sanctioning students, to ensure a consistent process and response, Remedial and Protective Measures created and expanded templates for the sanctioning evaluation notes and the student respondent sanction letter. For students accused of a policy violation who are involved in a formal adjudication, RPM also developed a guidance document that shows them how to obtain tuition and fee refunds if applicable, and how to navigate housing/dining charges and refunds.

Beginning in 2017, OIEC collaborated with Counseling and Psychiatric Services (CAPS) to offer confidential services for students who are being formally investigated for a violation of the sexual misconduct policy. At the start of an investigation, a student respondent is referred to the CAPS confidential case manager, who can help them navigate the investigative process, address issues in a confidential setting, and connect them to resources to support their health, wellness, and academic success.

To ensure and improve access and provide accommodations, ADA Compliance and Athletics worked together to increase accessibility by ensuring that its main stadium boards were capable of live captioning during sporting



events. Athletics now provides captioning at Folsom Field and the CU Events Center for events that include the BolderBOULDER, Commencement, high school graduations, and sporting events such as football, basketball, and volleyball games.

The ADA Compliance unit also assisted in bringing CU NightRide (a student-fee-funded program that provides free and safe transportation to any active CU Boulder student, faculty, or staff) into compliance with Title II of the Americans with Disabilities Act. Working with the program's representatives, we determined that equal access to the CU NightRide program could be accomplished by retrofitting one of its Dodge Caravans to be wheelchair accessible. This retrofitting is scheduled to be completed for the 2018–19 year.

The ADA Compliance unit worked closely with campus partners on Commencement to ensure that accessibility was a continued focus by: providing a large-print Commencement brochure for use by people with visual impairments; drafting an informative event accessibility page for the main Commencement informational webpage; ensuring that Commencement was captioned in real time on the stadium board at Folsom Field; captioning departmental ceremonies (when requested by an attendee) in real time; conducting walk-throughs of departmental ceremony locations in advance and assessing the layout of tented locations, parking lots, and ADA restroom access; and creating a departmental guide on ensuring an accessible graduation.

**“Thank you so much for taking the creation of this ADA Graduation Ceremony Guide on. . . . I think we could totally send to the departments! Great idea.”**

—Events & Outreach, Office of the Chancellor

## Goal:

### To be subject matter experts

There has been a continued rise in reporting of sexual misconduct, and protected-class discrimination and harassment by the campus community. The Case Resolutions team conducted more than 1,300 complaint resolutions this year. This number has almost tripled in the past three years, up from 466 cases during the 2014–15 year. This indicates continued trust by the CU Boulder community to resolve concerns at all levels of severity and to connect parties with other appropriate campus resources and support.

The Case Resolutions unit's memorandum of understanding, or MOU, with law enforcement has been viewed by peer institutions as a model for an effective and collaborative approach. OIEC has presented to national professional organizations including NASPA (January 2017) and ATIXA (September 2017) on this innovative approach. In May 2018, the chief of police for the University of Colorado Denver and Anschutz Medical Campus requested permission to replicate the Boulder campus MOU on the Denver and Anschutz campuses.

Education and Assessment provided training for university students, staff, and faculty on policies and on recognizing, responding to, and reporting policy violations; bystander intervention strategies; and practices for reducing implicit bias and improving campus culture. These trainings are tailored for the specific goals and needs of each audience. During 2017–18, Education and Assessment facilitated 108 student sessions, 133 staff and faculty sessions, and 15 sessions for non-CU affiliates. In total, 15,320 people attended in-person educational sessions, and 18,323 completed online training.

The College of Engineering and CIRES invited the director of Prevention and Education to facilitate multiple policy and bystander skills training sessions for all staff and faculty.

**“I just wanted to say thanks for such an open and thoughtful workshop. . . . I got a ton out of it, and I've already been singing its praises all day today.”**

—Engineering faculty member



The Education and Prevention team provides annual training to key audiences, including new students, new faculty, campus leadership, Athletics Department staff and students, academic advisors, Residence Life professional and student staff, and graduate instructors. Requests for training continue to expand in the areas of reducing implicit bias, bystander skills for the workplace, managing difficult conversations, and using campus data to understand and address problems with the workplace culture.

This year, ADA Compliance managed 262 cases, which included: employment accommodations (141), general access (55), appeals (10), and informal consultations (56). Of the 141 employment accommodation cases, nine were related to pregnancy accommodations, and the remaining 132 were related to disability employment accommodations (where an employee either completed the interactive process and received a determination of accommodation eligibility or inquired about the process as a person with a disability, but did not complete the process). Through database tracking, ADA Compliance became aware that leave and work-from-home accommodations are on the rise as accommodations. As such, the unit is developing forms for use in the accommodation process to streamline employee accommodations to ensure the process is timely, fair and in compliance with the law.

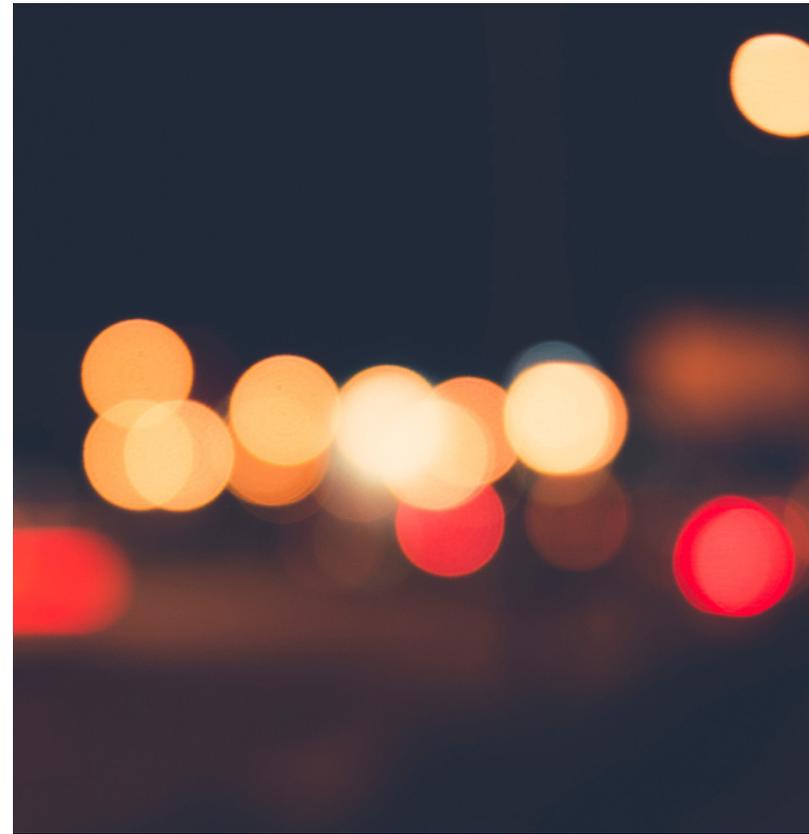
ADA Compliance processed more than twice as many ergonomic accommodations as in the previous year (31 in 2017–18 versus 15 in 2016–17). However, the cost of the accommodations was reduced (\$17,625 in 2017–18 versus \$20,824 in 2016–17), which can likely be attributed to negotiating reduced rates from vendors, using additional purchasing options, and comparing equally effective ergonomic recommendations before purchasing. ADA continues to work to reduce costs in this area and is looking to continue its negotiation with the ergonomic vendor regarding contractual rates.

## Goal:

### To be proactive and responsive

The director of Prevention and Education and associate director of Assessment and Education attended an eight day training in Canada on the EAAA (Enhanced Assess, Acknowledge, Act) curriculum for reducing incidents of sexual assault among undergraduate students. We have been exploring the opportunity to implement a modified version of the EAAA program with the Center for the Study and Prevention of Violence located on the CU Boulder campus. This would be an exciting new initiative where we could partner with Student Affairs leadership and departments to design and implement a program at CU.

The associate director of Assessment and Education worked with the respective LASP and CIRES committees tasked with evaluating each institute's workplace culture to develop a comprehensive survey tool to assess workplace culture, incivility, sexual misconduct, and protected-class discrimination and harassment for undergraduate, graduate student, and professional employees. Although there was considerable overlap between the two versions of the survey, both instruments were designed to address the specific concerns of the respective organizations. The survey instrument and methodology used in these projects met or exceeded the recommendations made by National Academies of Science, Engineering, and Medicine in its report on Sexual Harassment of Women: Climate, Culture, and Consequences in Academic Sciences, Engineering, and Medicine.



We implemented each survey with the assistance of Institutional Research and had excellent response rates among professional employees at both LASP (78 percent) and CIRES (65 percent). We summarized the findings and identified strengths and problem areas by drilling down for differences by gender, sexual orientation/gender identity, race/ethnicity, years of service, division/unit, and whether the participant had experienced hostile treatment (incivility) during the past two years. We employed both simple and advanced analyses to determine which work factors, if addressed, would lead to the greatest improvements in perceptions of workplace culture and enthusiasm for working at the institute.

We used the findings to create an action plan to address problems and implement changes to help ensure a positive workplace culture for everyone employed at LASP and at CIRES. We collaborated with campus partners (Gender and Sexuality Center, and HR onboarding, professional development, and diversity and inclusion program) to identify resources for enhancing workplace belonging, building managers' skills, re-norming workplace culture, launching a mentoring program, and systematizing recruiting. This survey instrument, administration process, data analysis plan, and reporting format will serve as the model for the all-campus 2019 workplace culture and academic climate survey for students, staff, and faculty.

**“Thank you for the yeoman’s work you’ve done to support CIRES. Every time I talk about it, people say it’s SO GOOD that we have this.”**

—CIRES director for Diversity and Inclusion

## Goal:

### To have strong collaborative relationships across campus and with community partners

The OIEC Case Resolutions unit has taken steps to enhance partnerships with chairs, supervisors, and appointing authorities in the informal resolution process. Specifically, equity officers are connecting with appointing authorities at the outset of informal resolutions to ensure that they receive the necessary tools to serve as a strategic partner in the decision-making process, rather than simply as recipients of information. Our goal is to help appointing authorities become more actively involved in addressing concerns within their areas and allow them to feel more ownership over the resolution process.

**“It was really great to have you there for the conversation. It lent gravity, I think, and you were able to cover issues that I hadn’t thought about or didn’t know how to handle.”**

—Department chair

The Case Resolutions unit has expanded and strengthened its partnership with local law enforcement as a result of formalizing its processes for information sharing and joint interviewing. In communicating about these processes and regularly meeting together to reach these agreements over the past several years, we have improved our processes and trust with many partners, including the Boulder Police Department.

In the 2017–18 year, ADA Compliance consulted with campus partners on 53 matters involving ADA concerns, including issues such as food in classrooms, training, emotional support animal and service animal complaints, and addressing ADA concerns or topics in the workplace.

ADA Compliance is working with OIT and Disability Services to create an accessibility landing webpage for the campus. This landing page would identify campus-wide disability resources and provide a method for directing the public, students, and staff to the correct department for their needs.

In addition, the ADA unit has worked closely with key groups (including Athletics, Macky Auditorium, Commencement, and the Fall Welcome Experience) in the 2017–18 year to update their departmental websites to include robust ADA information, including resources available (such as seating, bathrooms, and accessible entrances) within the relevant



buildings, as well as processes for requesting assistance or relaying any compliance concerns. ADA hopes to continue this work with additional departments/units in order to generate more awareness about the university's efforts to be accessible to the broadest audience, in a uniform fashion.

ADA Compliance participates in a variety of campus committees, including the Chancellor's Accessibility Committee, ICT Accessibility Review Board and Working Group, Construction Committee, Commencement Committee, Housing Accommodation Committee, Ethics and Compliance Working Group, and Behavioral Intervention Team. Through participation in these committees, ADA Compliance looks to strengthen its understanding of campus needs regarding compliance and accessibility.

In addition to promoting the “Don't Ignore It” campaign on campus, the Education and Assessment unit partnered with the Boulder Responsible Hospitality Group (RHG)—an organization of more than 60 local bars, music clubs, restaurants, and liquor stores that works to implement best practices for the responsible sale and service of alcohol—to promote the campaign in Boulder establishments where alcohol is sold or served. We provided customized posters and coasters, with audience-specific messages, to let patrons know that servers and staffers are ready to help people get away from someone, find their friends, get a ride, or leave safely. These campaign materials were distributed along with a one-page informational document to assist staff to develop and enhance their effective intervention strategies.

The associate director of Assessment and Education served on the Foundations of Excellence Transitions Committee and played a key role in guiding the work and drafting the final committee report, as well as the supplemental report requested by the AVC for Undergraduate Education.

As committee chair, the director of RPM expanded the Campus Climate Response Team to include a director from the Office of Diversity, Equity and Community Engagement (ODECE). The RPM team also reinforced its relationships with Human Resources and Athletics. Finally, RPM is now a sitting member on the Students of Concern Team chaired by Student Support and Case Management.

2018–19

# PROGRAMS AND INITIATIVES





## ADA Compliance

- Draft a stand-alone Process and Procedure (ADA Procedures) with the goal of continuing awareness of disability compliance at the university. The new ADA procedures will serve as a tool to educate the campus on the ADA Compliance unit's duties, as well as the scope of responsibilities the campus shares regarding compliance with federal and state disability laws to ensure that specific tasks within ADA, such as the assessment and implementation of reasonable accommodations, are carried out thoroughly and consistently.
- Create a template for the ADA Reassignment Procedure. The ADA Compliance unit has begun meeting with various collaborating departments (including HR recruiting, Employee Relations, and university counsel) to continuously improve the process of reassignment at the university that sets forth the parameters of the accommodation, so that everyone who is a part of this process has clear expectations.
- The ADA Compliance unit has identified that its current method of training (offering trainings only upon request from a department), may not be the most effective approach for ensuring campus awareness of accessibility requirements. We will develop a new training program specific to the ADA unit that will offer core trainings on specific dates on the following subjects: employment accommodations, event accessibility, and service/emotional support animals. We will assess whether it is more effective to continue training for groups "as needed" or to have standing times throughout the year for specific trainings. This will allow us to identify which campus partners need and attend these trainings more frequently and to establish stronger partnerships with those groups.

## Case Resolutions

- Continue to review the landscape of federal and state case law as well as the proposed rules by the U.S. Department of Education, Office for Civil Rights; continue to evaluate our current model in light of these developments, with particular attention to: the process of adjudication; the standard of proof required; and features ensuring due process for both parties.
- Expand efforts to connect with appointing authorities, supervisors, and chairs at the outset of informal case resolutions, with the goal of making them part of the decision-making process. We want them to feel better informed after consulting with OIEC regarding various options, as well as supported by OIEC in achieving their desired outcome.
- Reach out to a sampling of supervisors and appointing authorities each quarter to obtain their feedback on case resolutions. By doing so, we hope to measure the success of our integration efforts and create an open dialogue with appointing authorities, supervisors, and chairs. We want departments to seek out OIEC as a helpful resource, rather than simply viewing OIEC as a means to fulfill a mandatory compliance requirement.
- Implement and enforce the new Sexual Misconduct Administrative Policy Statement and campus Resolution Procedures.



## Education and Assessment

- Launch OIEC policy changes and three-year training compliance cycle:
  - Update all related materials (online and in-person)
  - Launch new OIEC website
  - Establish quarterly compliance communication and provide compliance reports to designated department contacts and reminders to individuals
  - Offer monthly in-person policy trainings with sign-up integrated into the new OIEC website
- Continue to address translation needs, including translating in-person training materials into multiple languages; coordinate training with Dining Services and Facilities Management to offer interpretation services in multiple languages at instructor-led trainings; work with translation staff on understanding and interpreting training information effectively; and develop a Spanish version of the online employee Skillsoft course.
- Develop a plan and secure funding to integrate a comprehensive sexual assault risk reduction program for first-year students with components of the EAAA training on resistance strategies and recognition of coercive tactics in collaboration with the Center for the Study and Prevention of Violence to assess program effectiveness.
- Create the pre- and post-survey administration plan for the fall 2019 Campus/Workplace Culture, Incivility, Sexual Misconduct, and Protected-Class Discrimination and Harassment Survey for all CU students, staff, and faculty; work with campus partners to refine the survey instrument and use best practices to create translated versions for key campus language groups; assemble an advisory task force to assist with survey development and administration; and develop action items for the campus based on the results.

## Remedial and Protective Measures

- Send an evaluation to individuals we assist with remedial measures who do not go through the formal or informal resolution process. We are looking for feedback from those we served about our strengths, areas for improvement, and (in concert with records data) whether our assistance helped them to be retained as students or in their employment positions.
- Implement a 360-degree evaluation of our unit by the campus offices we work with most frequently.
- Reach out to 10 offices on campus that we do not regularly work with in order to strengthen collaboration and integration across campus. We want to ensure that more offices and staff are aware of OIEC's role and ability to support our campus community, and that they are aware that OIEC addresses 15 categories of identity-based harassment and discrimination and is not exclusively focused on Title IX issues.



# Institutional Equity and Compliance

UNIVERSITY OF COLORADO **BOULDER**