



2019-20 **YEAR IN REVIEW**

**OFFICE OF INSTITUTIONAL
EQUITY & COMPLIANCE**



Institutional Equity and Compliance
UNIVERSITY OF COLORADO **BOULDER**

OVERVIEW

About OIEC

OIEC consists of four units all aimed at creating an equitable, safe, and accessible campus community: Prevention Education and Assessment, Case Resolutions, Support and Safety Measures (formerly named Remedial and Protective Measures), and ADA Compliance. Like the entire university this year, the COVID-19 pandemic presented novel challenges for OIEC requiring adaptability and innovation. ADA Compliance created novel solutions to ensure uninterrupted equal access to constituents both on and off campus during these unprecedented times along with a new rubric to evaluate accommodations for employees in a remote setting. Case Resolutions altered procedures to seamlessly adjudicate matters in a virtual format including interviewing witnesses via video conference and utilizing an online file inspection protocol. Support and Safety Measures pioneered ways to support and accommodate students during remote learning while Prevention Education and Assessment pivoted to deliver content and skills to the campus community in a completely new format.

Along with the need to re-invent standard operations to meet the needs of the campus during the pandemic, this academic year also marked the release of new Title IX regulations necessitating major revisions to university policy and campus procedures that address sexual misconduct, as well as the redesign of campus-wide educational programs to reflect these changes. Moreover, OIEC responded to national and university imperatives to expand our efforts to address systemic underrepresentation, become more diverse and inclusive, and to promote a culture of anti-racism. Top priorities for our office included integrating bystander intervention skills into mandatory online training for all campus constituents, launching a novel restorative justice program in response to incidents of protected-class harassment with broad campus impact, and creating cross-campus partnerships and new internal initiatives to forge ahead on the Campus Inclusion, Diversity and Excellence in Academics (IDEA) Plan and support the IDEA Council.





SHAPE TOMORROW'S LEADERS

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

Prevention Education and Assessment

During the 2019-20 academic year, OIEC conducted 177 live training sessions for over 15,000 students, faculty, staff, and visitors. An additional 16,000 individuals completed an online training course created by OIEC's Prevention Education and Assessment team.

2019 marked the 11th year of facilitating the Effective Bystander Skills Training for all incoming CU students. Each year OIEC collects data on students' experiences of the program and the results consistently show that the session has a positive impact. Over 5,000 first year students responded to the post-training assessment, and in response to questions about program efficacy, 93% of students reported that they will be able to notice more situations where people need help including recognizing problematic behaviors at a party, 86% of students reported that they have more skills to help someone in a difficult situation, and 82% of students responded that they will be more likely to help others as a result of the training.

Building on this feedback, along with research showing applicability of bystander skills to a myriad of situations, **OIEC integrated education on effective bystander intervention skills into all of the online training for students, staff, and faculty, which fulfilled Action No. Item 3 of the Chancellor's Eight Action Items to improve anti-racism, diversity, inclusion, and equity on campus.** OIEC monitored and tracked the campus requirement that everyone at CU complete this new training during the summer and fall of 2020. Re-designing the online course at this time simultaneously addressed the need to align OIEC's training program with updated policies and to ensure compliance with the new Title IX regulations.

Case Resolutions

In response to new Title IX regulations as well as evolving federal case law requiring live cross-examination in cases of sexual misconduct, **OIEC partnered with a committee of university stakeholders to create and implement an entirely new Sexual Misconduct, Intimate Partner Violence, and Stalking Policy along with revised campus Resolution Procedures. Effective August 14, 2020,** the updated policy and procedures continue to allow OIEC staff to investigate sexual misconduct allegations both on and off campus (including allegations of assault, harassment, exploitation, intimate partner violence, and stalking), provide supportive measures to both parties, assess safety considerations to determine whether emergency removals are necessary, and require mandatory reporting by designated employees. Major changes include revised definitions of prohibited conduct to ensure compliance with federal regulations, the ability for parties to receive and review their case files electronically, the opportunity for live cross examination at a hearing presided over by a Colorado judge, and the appointment of advisors to both parties free of charge.

During the 2019-20 year (July 1, 2019 through June 30, 2020), OIEC continued to see a high volume of reported cases. A total of 1,458 cases were reported either directly or by a third party. OIEC responds to every report; cases are resolved formally, informally, and through our support services. When the report falls outside of the policies enforced by OIEC, OIEC connects reporters to campus resources that can address their concerns. In addition to these cases, OIEC received several hundred reports regarding alleged racist or culturally insensitive social

Associate Vice Chancellor of OIEC, Valerie Simons chaired the State Sexual Misconduct Advisory Committee, which was tasked with reviewing Title IX changes and publishing reports recommending changes to policies and procedures for state institutions of higher education.

"A better group of experts in this subject area could not have been chosen. We are so appreciative of the [C]ommittee's many hours of work, passion, expertise and thoughtfulness in crafting [their] report[s]. It was an honor to listen in on their meetings!"

- Colorado Dept. Higher Ed. Representative

media posts by current or incoming students. This trend prompted OIEC to explore, and ultimately create, **a restorative justice option to address microaggressions** and other identity focused conduct in a way that promotes acceptance of responsibility and encourages remediation of individual and community harm. Building upon the existing restorative justice model offered by Student Conduct and Conflict Resolution, this restorative justice option offers a new way for respondents to take accountability for their actions including developing an agreement of action steps to remediate impact.

Support and Safety Measures

The new Title IX regulations sparked not only the revision of OIEC's case adjudication procedures, but also the revision of procedures for ensuring that confidential support measures are offered, assessed, and documented in every case. Additionally, OIEC updated procedures to ensure that all emergency removals are evaluated consistently and in accordance with due process. **OIEC provided trainings to campus partners including Department Chairs, Deans, CUPD, and Athletics to highlight the importance of prompt reporting** and the need for evaluation by OIEC prior to taking any disciplinary or removal actions.

This year, in response to reports of protected class identity-focused graffiti and vandalism, the Support and Safety Measures unit worked to streamline the process for addressing these types of incidents under the Campus Use of University Facilities (CUUF) Policy, while balancing First Amendment speech rights.

Support and Safety Measures continues to co-chair the Conduct Review Committee (CRC) which reviews the applications of prospective students with criminal history and seeks to remove historic barriers to higher education. Key initiatives this year included implementing training to mitigate unconscious bias for the all CRC members who review applications and developing a new rubric for CRC to ensure consistency and transparency with admissions decisions.

“I was referred to CU Boulder and told you are a model institution that provides equitable student support services and programs through a campus office that serves both complainants and respondents, as opposed to services that focus primarily on complainants. I am looking at establishing such an office/program here ... and was hoping you could point me in the direction of ... the things you're doing at CU Boulder.”

– Administrator at Peer Institution

ADA Compliance

Since January 2020, ADA Compliance has overseen 527 separate disability and accessibility related matters involving outreaches, consultations, use of the interactive process, and the implementation of accommodations for campus employees and visitors. **This year, 139 of these matters have directly related to COVID-19, including 60 cases resulting in an interactive process to evaluate novel accommodations for employees during the pandemic.** ADA Compliance was also responsible for providing captioning and/or sign language interpretation for 110 campus events.

ADA Compliance also partnered with Disability Services to pilot a first-time training session for graduating students who have utilized academic accommodations during their educational experience. The training focused on preparing students for the shift from being a student to starting their careers by explaining the differing standards between academic accommodations and employment accommodations. ADA Compliance reviewed examples of workplace accommodations, some possible ways accommodation requests may be assessed in future places of employment, and available public resources for employees who have disabilities. The session will likely be expanded upon to ensure that graduating students with disabilities are aware of the ADA and have the tools necessary to self-advocate as they transition into their careers.

“I wanted to thank you for joining us earlier this week for our training. We really value our partnership with your office and your continued support of helping us provide the best student experience we can during these times. Thank you again for sharing your expertise with us so we are better prepared for the upcoming year.”

– Employee

“As always, I appreciate all your hard work, thoughtfulness, and fairness that you show the individuals with whom you support!”

*– Campus Partner
Collaborating on a Case*



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.

Prevention Education and Assessment

This year OIEC continued to facilitate a range of skill-based educational workshops for the campus. Innovative offerings included a program on communicating across difference and managing difficult conversations along with an evolved Culture Reset workshop for departments needing to establish or re-establish norms and agreements for a positive and inclusive workplace culture. In response to a tremendous increase in requests for the Recognizing and Mitigating Unconscious Bias workshop, OIEC found ways to migrate this offering to virtual platforms in order to continue to meet campus demands during the COVID-19 pandemic.

OIEC also pioneered new resources and training materials specifically designed to support inclusion in the classroom including a [Guide on Establishing Course Expectations and Managing Classroom Dynamics](#) for course leaders to help them establish prosocial and antiracist course norms and more effectively address disruptive and offensive comments made by students.

Through administration of the Campus Workplace and Culture Survey to all campus research institutes and ten academic departments, OIEC's assessment team helped departments identify and address problems with incivility, microaggressions, and identity-based harassment and discrimination both in the workplace and academic environments. Administration of this instrument has also supported the campus IDEA Plan by providing benchmarking data for all campus populations, and going forward, evidence of progress towards meeting the goals of creating a more inclusive campus community.

Case Resolutions

The procedural changes prompted by the new Title IX regulations, coupled with the need to operate remotely during COVID-19, resulted in several innovative solutions. Together with other university stakeholders, OIEC **designed a systemwide remote hearing model** where advisors to parties can cross-examine witnesses and test the credibility of evidence provided during the course of the investigation. In October 2020, OIEC hosted a full day "mock hearing" based on a fictitious fact pattern to test remote technology, allow a Hearing Officer to gain familiarity with CU's policies and procedures, and to learn from the feedback of participants and observers about how to improve the process prior to utilizing this model in a live case. Additionally, as the Title IX regulations require the University to appoint advisors to each party at no cost, OIEC explored and identified various options to develop a sustainable advisor "pool" for parties who do not otherwise have advisors to conduct cross-examination.

Support and Safety Measures

Support and Safety Measures partnered with Case Resolutions to initiate a campus working group to review and evaluate the existing background check practices for prospective tenure track faculty members. Ultimately, this group **designed a more effective process for future implementation in which prospective faculty members are required to disclose substantiated findings of sexual misconduct before they are hired.** This new faculty reference check process also provides guidelines for the campus to ask former employers about

"Thank you so much for putting the Difficult Conversations training online and leading all of those sessions for us. It's important for ... people to have access to the skills, and maybe more importantly to know there are resources available for them. You also made a difference to the people with whom you spoke afterwards—thank you for being available for longer than expected. I learned a lot through your coaching too. People are very thankful for the help and I'm very thankful for you!"

- *Institute Director*

an applicant's conduct in a previous appointment. This will enable CU Boulder to make better hiring decisions by exposing any concerning behavior that might not be discovered through a traditional background check or letters of reference.

Additionally, in an effort to better understand the academic trajectory of student respondents after their case is addressed by OIEC, **Support and Safety Measures partnered with OIEC's Prevention Education and Assessment unit to analyze sexual misconduct cases from 2016-20** in order to determine whether the degree and type of Support and Safety Measures involvement affects a student's academic performance after their case has closed. This project involves using a matched sample of students who share the same demographics, background characteristics, and entry year as the students in the OIEC respondent pool, but who did not have contact with our office. In this way, we will be able to compare the outcomes of the two groups who will only differ in having been reported to OIEC. We will use this information to inform not only the ways we support student respondents during a case, but also to consider what kinds of additional supports they may need after their case has concluded.

ADA Compliance

ADA Compliance, like many campus resources, faced new and unforeseen challenges as COVID-19 pandemic precautions changed the way and locations in which many university employees do their jobs. ADA Compliance navigated this new landscape by partnering with other departments including Human Resources, Disability Services, and Faculty Relations to design processes for workplace accommodations as well as other leave options that became available as a result of the pandemic. ADA Compliance also evaluated **new accommodation requests in light of the State of the Colorado Executive Order, which directs employers to grant reasonable accommodations to employees who are vulnerable for high risk of infection from COVID-19 due to a medical condition.** As employees' work locations and individual safety needs changed throughout the year, ADA Compliance assessed all requests for accommodations specific to these unique circumstances.

ADA Compliance provided numerous virtual trainings to campus departments regarding the accommodations process and supervisory responsibilities including but not limited to CUPD, Campus HR Liaisons, Housing and Dining Services, and colleges. Shifting to a virtual training format offered opportunities for broader distribution of presentation materials through a pre-recorded format and illuminated frequently asked questions that will be proactively answered through future website updates.

ADA Compliance built a professional relationship with the Autism Society of Colorado to be able to better connect employees with Autism Spectrum Disorder to resources in the community.



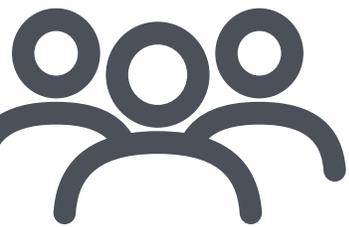
“Thank you very much for your excellent sessions. To be honest, I was originally skeptical about communication training over [Z]oom, but both sessions turned out to be very good! In addition, the training sessions also serve to remind us the importance of communications in this difficult time!”

- Employee



“This is easily the best email I have ever gotten in my life. Thank you.... Everything else looks so amazing—thank you for being incredibly wonderful at your job!”

- Employee Seeking Accommodations



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.

Prevention Education and Assessment

OIEC continued to refine the **Campus and Workplace Culture Survey (CWC Survey)** for students, staff, and faculty based on additional data collection, statistical analyses, and feedback from constituents. The set of unit-specific recommendations for taking action on the results was expanded and a literature review of the research on incivility was incorporated into the report. During the 2019-20 fiscal year, the CWC Survey was administered to the A&S social science units, all campus research institutes, and the Physics department resulting in almost 2,000 additional participants who have completed the survey. This was the second CWC Survey administration for both CIRES and LASP and the results were used to show areas of improvement at both institutes and to strengthen ongoing interventions to address persisting concerns. The CWC Survey has become a core tool for the Academic Review and Planning self-study process, and starting in 2020, it will be administered one year ahead of the review in order to give units time to reflect on the results and recommendations.

“I am so thankful ... for all the work that you have done to help graduate programs understand their climate survey results, including understanding the most actionable aspects of the results at the departmental level. You've both played a vital role in improving graduate student climate on campus, and I'm extremely grateful.”

- Executive Vice Provost for Academic Resource Management

OIEC also prepared a comparative analysis of the 2014 graduate climate survey results with the 2019 CWC Survey results for doctoral students in social sciences using 16 items that were identical across the two surveys. OIEC worked closely with the Graduate School to assist with directing efforts for improving the experience of graduate students and performed additional analysis of the 2014 survey results. Improvements were seen in areas that are considered to be very challenging to influence; the 2019 survey revealed substantial improvements in areas such as feeling respected and having a sense of community and belonging. Graduate School efforts to address issues like salary, timing of pay, student fees, and peer-to-peer mentoring appears to have helped PhD students feel like their concerns matter.

Case Resolutions

OIEC continues to provide subject matter expertise to departments from the time a case is reported by helping them manage complicated and nuanced allegations, de-escalate situations, and strategize about the best course of action. This focus on increased communication and collaboration between investigators, appointing authorities, and other

campus stakeholders early in the process resulted in many successful interventions that addressed misconduct and impact without the need to proceed to a formal investigation. *While the overall number of matters reported to OIEC has continued to rise since 2015, the number of allegations requiring formal investigation has decreased, with a 23 percent decrease in the number of formal investigations this year from the prior year. This collaborative effort has also led to the implementation of individualized approaches to resolving matters resulting in support for a more inclusive environment for the CU Boulder community as a whole.*

Key examples include:

- Partnering with Residence Life to jointly meet with student respondents residing in campus residence halls to discuss the impacts of alleged behaviors on both their housing and student status
- Partnering with appointing authorities to jointly meet with staff members to address both allegations of protected-class harassment and other performance concerns to provide more comprehensive approach to addressing employee performance
- Partnering with Human Resources and OIT to make changes to campus systems that allow employees greater control over their records to reflect their preferred/affirmed name

Support and Safety Measures

Support and Safety Measures remains focused on assisting students, faculty and staff with a multitude of needs during the case resolutions process. This includes engaging in the **interactive process with parties to provide accommodations such as re-locations and course changes in order to help remediate the effects of a hostile environment as well as initiating emergency removals when necessary to ensure campus safety.**

Support and Safety Measures continues to be one of only a handful of offices on campus that engages in regular after-hours and weekend support including the use of a 24-hour phone number so that campus departments and administrators can reach out during emergencies and receive immediate response.

This year the Support and Safety Measures unit worked with several different campus partners to develop a comprehensive disclosure statement on student petition forms to enhance transparency about how and when matters are reported to OIEC. This allows individuals to have a greater understanding as to how CU Boulder will respond to disclosures of discrimination, harassment, and sexual misconduct and better positions individuals to make an informed decision about providing this information to offices on campus.

Other initiatives aimed at creating positive impact for the CU Boulder community included participating on the system-wide Pride Committee, the IDEA Council, and by instructing first-year Engineering classes with curriculum around adjusting to college life and advocating for social justice initiatives.

“Your impact changed my entire last year of my college career for the better. I really appreciate everything you’ve done to stand up for people like me!”

- CU Student

“...thank you for what you do, it truly made a huge difference in my life and I honestly do not think I would be enrolled at CU anymore if it were not for OIEC.”

- Student Complainant

“You are so amazing and sincerely it feels like the only person who has my back.”

- Employee Seeking Accommodations

“Thanks again for all you do—you’re really getting me through all this!”

- Employee Seeking Accommodations

ADA Compliance

Due to the COVID-19 pandemic and new safety measures implemented on campus, ADA Compliance received a range of novel accommodation requests related to safety measures. **ADA Compliance collaborated closely with Environmental Health and Safety and CU Risk Management to navigate these new types of accommodation requests to find solutions that prioritize a safe and inclusive workplace environment.** ADA Compliance implemented a proactive approach to responding to the pandemic by providing example language and guidance to departments, supervisors, and individuals on enforcement of new campus precautionary measures while also ensuring individuals with disabilities have the appropriate resources to request accommodations if needed.

ADA Compliance coordinated and provided captioning and ASL interpretation for a record number of events and meetings during a time in which most campus operations moved to virtual or remote status. This included captioning of the Spring 2020 Commencement for which the ADA used technology to provide captioning not only in English, but also in Spanish. This improved accessibility and ensured that native Spanish speakers and their families could more fully enjoy the commencement experience.

ADA Compliance continued its representation on the Campus Construction Committee and consulted with project planners on multiple campus improvements to mitigate interruption and prevent barriers to access.



CULTIVATING INCLUSIVE EXCELLENCE

Striving to achieve inclusive excellence and a culture of anti-racism.

Prevention Education and Assessment

- Redesigned mandatory online training for all students, staff and faculty to include effective bystander intervention skills with an emphasis on recognizing and responding to identity-based harassment.
- Administered the Campus and Workplace Culture Survey to all campus research institutes and ten academic departments to help identify and address problems with incivility, microaggressions, and identity-based harassment.
- Continued to provide support for the campus Inclusion, Diversity, and Excellence in Academics (IDEA) Plan by collecting benchmarking data for students, staff, and faculty and analyzing evidence of progress towards meeting the goals of creating a more inclusive campus community.
- Developed new resources and training materials to support inclusion in the classroom including a Guide on Establishing Course Expectations and Managing Classroom Dynamics for classroom leaders to help them establish prosocial and antiracist course norms and more effectively address problematic comments made by students.
- Continued to promote the “Don’t Ignore It” campaign and website to raise awareness about options for reporting and support, and skills for helping others.
- Serving on the campus Inclusion, Diversity, and Equity in Academics (IDEA) Council to implement the recommendations of the IDEA plan.

Case Resolutions

- Addressed 697 complaints of protected class discrimination under the Discrimination and Harassment Policy including providing outreach and support, conducting formal adjudications and informal resolutions, and partnering with other campus resources to provide impacted parties with ongoing advocacy and support.
- Implemented partnership with Human Resources to assist appointing authorities and supervisors in addressing protected class-related conduct falling outside the scope of the Discrimination and Harassment Policy where such behavior negatively impacts workplace culture.
- Working to create targeted education for incoming students in collaboration with Student Affairs where concerns are raised about conduct that does not align with CU’s values related to anti-racism.
- Designed a pilot restorative justice program for cases involving microaggressions and other protected-class harassment to promote acceptance of responsibility and remediation of individual and community harm.

Support and Safety Measures

- Continued to chair the Campus Climate Response Team (since 2016) to address and respond to broad campus impact of protected-class harassment.
- Streamlined process for swiftly addressing racist graffiti/vandalism reports under the Campus Use of University Facilities (CUUF) Policy, while balancing First Amendment speech rights.
- Continued to co-chair the Conduct Review Committee (CRC) that reviews the applications of prospective students with criminal history and seeks to remove historic barriers to higher education.
- Implemented implicit bias training for the all CRC members who review applicants and developed a new rubric for CRC to ensure consistency and transparency with admissions decisions.
- Chaired a working group to develop a proposal for faculty and staff affinity groups for underserved populations on campus in order to help with recruitment and retention of diverse employees.
- Serving on the campus-wide Inclusion, Diversity, and Equity in Academics (IDEA) Council to implement the recommendations of the IDEA plan.
- Participated on the system-wide Pride Committee that planned and supported this LGBTQ initiative.

ADA Compliance

- Coordinated and provided captioning and ASL interpretation for a record number of events and meetings including those conducted in virtual forums during the covid-19 pandemic. This included captioning of the virtual Spring 2020 Commencement in both Spanish and English.
- Continued representation on the Campus Construction Committee and consulted with project planners on multiple campus improvements to mitigate interruption and prevent barriers to access.



NEW INITIATIVES

What's ahead?

Prevention Education and Assessment

- After being delayed one year in order to support the Board of Regents' Diversity and Engagement Survey (DES), OIEC will conduct the Campus and Workplace Culture (CWC) Survey for all students, staff, and faculty on the CU Boulder campus in fall 2021. To achieve the necessary high participation rate to better understand the experiences of CU Boulder staff who do not speak English as a primary language, OIEC is planning to administer the survey in Spanish, Mandarin, and Nepali, and to provide in-person translation support as needed for those with challenges using the survey software. Survey results will be provided in Tableau data visualization software which will allow campus members to explore the anonymized data and gain a broader understanding of the findings.
- Apply for the Partnership track of the 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 supporting faculty members to facilitate these workshops and to serve as campus resources for addressing and supporting a culture of inclusion and civility.

Case Resolutions

- Track and evaluate feedback from both CU Boulder and community stakeholders regarding the implementation of the new Sexual Misconduct, Intimate Partner Violence, and Stalking Policy to more comprehensively understand the challenges and benefits of the new formal grievance procedures; continue to research best practices from professional organizations and peer institutions and explore alternative dispute resolutions for sexual misconduct cases.
- Implement a new custom-designed database for case tracking with enhanced features allowing OIEC to more comprehensively identify trends on the campus, department, and unit levels. This will allow OIEC to more readily engage with departments on strategies for cultivating an anti-racist and inclusive culture.

Support and Safety Measures

- Utilize new database and case-tracking system, which will allow Support and Safety Measures to better track, analyze and evaluate the supportive measures offered and implemented.
- Analyze case data from 2016-20 to evaluate and improve support of students as documented by their rates of re-offense as applicable, retention, and academic success.

ADA Compliance

- Partner with the Office of Disability Services and Residence Life to create and publicize more specific guidance on the use of service and emotional support animals in the classroom, the residence halls, workplace, and in public spaces accessible to campus visitors. Work towards creating a uniform set of procedures for students, faculty, staff, and visitors who are requesting the use of service or emotional support animals across campus so individuals will no longer have to make multiple requests to different campus offices and departments.
- Work towards building a custom-designed database to improve tracking of incoming matters including accommodation requests, employee referrals, supervisory consultation, student inquiries, and decision appeals. Complete and accurate data will allow ADA Compliance to continually streamline processes, enhance responsiveness, and identify trends and topics that would benefit from increased campus training and education.

