

2020-21 YEAR IN REVIEW



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

A LETTER FROM OIEC

Acting Associate Vice Chancellor



In 2014, the university created the Office of Institutional Equity and Compliance (OIEC) designed to comprehensively address protected class discrimination, harassment, and sexual misconduct, and to ensure campus accessibility.

A lot has changed since OIEC's inception: the implementation of new federal Title IX regulations requiring the creation of a cross-examination hearing process; a global pandemic that dramatically altered academic and workplace operations and fundamentally changed the types of training programs and accommodations provided by OIEC; and, most recently, the transition of OIEC's former Associate Vice Chancellor into the position of Chief Compliance Officer for the four-campus CU system. What has not changed, however, is OIEC's core mission to foster a safe and inclusive campus environment in collaboration with campus partners.

In November 2021, I was honored to assume the role of CU Boulder's Acting Associate Vice Chancellor and Title IX Coordinator after previously serving in a deputy role. In the 17 years I have been part of the CU Boulder community, I have seen firsthand the way in which campus policies, programming, and culture evolve over time; it is my mission to continue OIEC's legacy of innovation and meaningful progress toward a collective sense of inclusion and belonging.

With your help, we will continue to thoroughly and fairly investigate allegations of discrimination, harassment, and sexual misconduct; assess the culture of our campus and the impact our efforts have; build effective bystander skills; provide support and accommodations for campus constituents; and enhance accessibility. We will listen to you as we work toward this continued evolution with appreciation for all of the work being done to improve our university community.

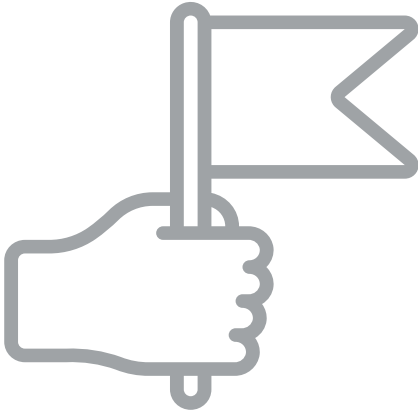
A handwritten signature in blue ink that reads "Lien Pomeroy".

Lien Pomeroy

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

LEAD

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



IMPLEMENTATION OF NEW FEDERAL REGULATIONS

OIEC successfully completed its first year of case adjudication under the new formal grievance process as required by the changes in federal Title IX regulations administered by the U.S. Department of Education Office for Civil Rights (OCR).

This included:

- Partnering with the CU System to finalize and implement the new Sexual Misconduct, Intimate Partner Violence, and Stalking Policy effective August 14, 2020;
- Revising the associated 2020-21 Resolution Procedures; and
- Creating a Hearing Manual for the live cross-examination phase of the new grievance process to ensure equity and consistency across cases regardless of the Hearing Officer assigned to each case.

As part of facilitating the new live cross-examination process, OIEC established partnerships with several outside entities, including Judicial Arbitration and Mediation Services (JAMS), who serve as neutral, third-party hearing officers, as well as with other attorneys and organizations working as advisors for complainants and respondents. OIEC designed and hosted a full mock hearing to test remote technology, gather valuable feedback, and learn from participants and observers about how to improve the process prior to utilizing this model in a live case.

During the 2020-21 fiscal year (July 1, 2020 through June 30, 2021), OIEC administered 12 formal grievances under the new policy and procedures, two of which involved allegations against multiple respondents. One case was dismissed prior to the hearing stage while 11 cases proceeded to a final determination following live cross-examination. OIEC appointed advisors to every complainant and respondent who requested one for the live cross-examination, at no cost to either party.

EDUCATIONAL PROGRAMS FOR TOMORROW'S LEADERS

Effective Bystander Skills Training continues to be a critical program that provides an opportunity for the CU Community to build fundamental skills around addressing harmful behaviors such as sexual or racial harassment or other negative treatment, and 2020 marked the 12th year providing the training to all incoming CU students.

While this program has long been incorporated in the onboarding for new undergraduate students, this year marked the first time the training was delivered in an online format due to the public health restrictions of the COVID-19 pandemic. In response to follow-up survey questions about program efficacy in this new online format, a strong majority of students reported that they will be able to notice more situations where people need help (94%) and they have more skills to help someone in a difficult situation (91%). Additionally, OIEC added a bystander skills module to each of the mandatory online training courses for students, faculty, and staff.

RESPONSE TO COVID-19 AND THE FUTURE OF WORKPLACE ACCOMMODATIONS

During fall 2020, a significant number of Americans with Disabilities Act (ADA) cases centered around vulnerability to COVID-19. ADA



Very excellent bystander workshop! I would have never thought about some of the interventions we discussed such as dropping my bag to break the tension or approaching the topic with blissful ignorance. I wish more people in my department/ more people in general took this course.

–Graduate Instructor



I was really scared to report anything and felt pretty dumb because I didn't have that much information, but [Investigator] has been there every step of the way and has made me feel so much better about this entire process.

–Student Complainant

Compliance worked closely with Disability Services to continually assess accommodations related to face coverings on campus, evaluating reasonable accommodations for those seeking exemption to the campus and local face covering requirements.

In spring 2021, when a significant portion of employees returned to work on campus, ADA Compliance resumed implementing in-office workplace accommodations both related and unrelated to COVID-19. This included partnering with Human Resources and departments across campus to ensure equitable decision-making in the designation of work modalities while balancing employees' unique personal and family needs.

ADA Compliance has continued to research and outline parameters for accommodations available in varying workplace locations, with an eye toward long term guidance on accommodations for employees who will be working in a hybrid or remote modality on a permanent basis.

ADVANCING CAMPUS DIVERSITY, EQUITY, AND INCLUSION EFFORTS

In collaboration with Human Resources and University Counsel, OIEC created and implemented a campus-wide pay equity complaint process, clarifying how pay equity complaints and inquiries will be handled in accordance with the Colorado's Equal Pay for Equal Work Act. The goal of this process is to create greater transparency regarding pay equity and ensure all complaints and disparities are properly investigated and addressed.

As part of OIEC's ongoing participation on the IDEA Council, OIEC staff chaired a subcommittee, which researched, developed, and collaborated with university departments to address the need for additional gender-neutral bathrooms on campus. Additionally, OIEC worked with Human Resources to better reflect employees' chosen names, gender identifiers, and pronouns in various CU systems. These efforts were initiated to increase a sense of belonging on campus.

OIEC also steered a committee charged with facilitating faculty and staff participation in campus affinity groups. This proposal, which was successfully adopted by campus leadership this year, supports members of historically marginalized groups on campus as a means to enhancing campus recruitment and retention of diverse employees.

Thank you for your diligence, effectiveness, and clarity throughout this [ADA] process. This is helpful information.

–Employee Seeking Accommodations

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.

WORKING TO TRANSFORM CULTURE

In addition to existing training programs, OIEC launched a new educational program for departments working to improve or reset their culture. OIEC developed a set of values and norms to guide departments in generating their own community agreements among faculty members. OIEC also provided guidance for utilizing and cascading these agreements throughout the department to include graduate students and staff.

OIEC also expanded training opportunities to better support classroom leaders in building and augmenting skills for managing difficult classroom dynamics based on our [Establishing Course Expectations and Managing Classroom Dynamics Guide](#).

OIEC worked extensively on the continued development and refinement of the Campus Culture Survey (CCS) in preparation for the fall 2021 all-campus administration. Beginning spring of 2022, the CCS will provide baseline data for measuring progress toward the goals of the Inclusion, Diversity, and Equity in Academics (IDEA) Plan. OIEC also migrated CCS data tables and executive summaries from Word to Tableau, a data visualization platform. This will provide schools, colleges, and departments with an interactive tool for helping employees and students see and understand their data in a more expansive and dynamic way.

NOVEL RESTORATIVE JUSTICE PROGRAM

In conjunction with Student Conduct and Conflict Resolution (SCCR), OIEC implemented a new restorative justice program designed to address protected-class related behaviors and microaggressions under the Discrimination and Harassment Policy. In cases where a respondent wishes to take responsibility for their actions, this program allows a respondent to directly meet with impacted persons in a supervised setting to acknowledge harms they may have caused and develop an agreement for action steps to repair damage caused by their actions.

INNOVATION THROUGH COLLABORATIVE INITIATIVES

OIEC partnered with the Office of Faculty Affairs, Human Resources, and University Counsel to conduct additional reference checks on final candidates for tenure track faculty appointments. This program

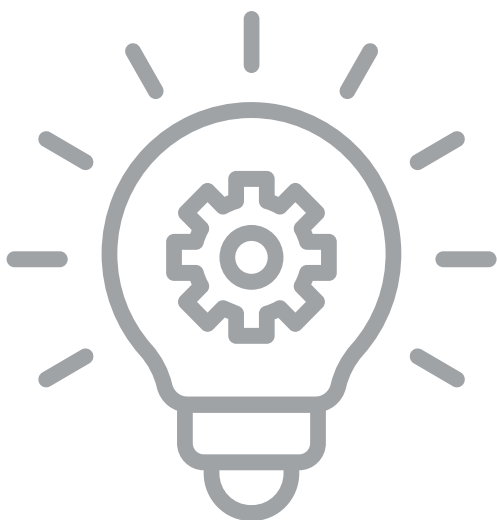
enables CU Boulder to make better informed faculty hiring decisions and works to ensure the safety of the campus by actively engaging with final candidates on their past sexual misconduct history that might not otherwise be discoverable through a traditional background and reference check process.

OIEC 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. One key committee initiative this year included evaluating the assessment of registered sex offenders living on campus and ensuring that all appropriate university stakeholders are involved in the decision-making process regarding housing.



I thought you did a wonderful job with your presentation today. It... opened up possibilities for acknowledging and working to repair harm in the community as well as between individuals. Your honest and contextual (and sensitive) presentation set us up for that conversation. Thank you!

–Dean’s feedback on Campus Culture Survey Data and developing community agreements to improve departmental culture.



“

I just wanted to take a moment to thank all of you for supporting me and guiding me....I'm grateful for CU's coordinated efforts that makes this available to students like myself and makes the process as seamless as possible. I'm once again excited for my academic future and looking forward to pursuing my degree.

–Student

”

In collaboration with other Colorado universities within various CU partnership programs, OIEC implemented a series of memorandums of understanding that ensure all students and staff affiliated with CU Boulder are provided support and resources regardless of the university where they are attending or working.

ADA Compliance partnered with Human Resources to create campus guidance for supervisors and employees with respect to employees seeking workplace flexibility for reasons other than disability, such as concerns about vulnerable family members and childcare, and transportation issues.



IMPACT

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.



CASE RESOLUTION AND SUPPORT

During 2020-21, OIEC responded to a total of 1,371 cases, all of which were reported to OIEC directly or by a third party. Of these cases, 541 were allegations within the scope of the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy, 720 related to concerns under the Discrimination and Harassment Policy, and five were related to the Conflict of Interest in Cases of Amorous Relationships Policy. In each of these cases, complainants were provided with available options for assistance and campus support, as well as options for addressing the concerns in cases in which respondents were identified.

Approximately 243 cases were addressed directly with respondents through remedies-based resolutions, in conjunction with a supervisor or conduct official, via preliminary inquiry, or through a formal adjudication/grievance.

Whenever possible, OIEC respects a complainant's decision on how they would like the concern resolved, while balancing the need to provide a safe and non-discriminatory environment. OIEC remains committed to addressing concerns at the lowest possible level to prevent further harm and bridge the gap between intention and impact of the parties involved.

OIEC additionally provided specific support and safety measures for 305 cases involving ongoing collaboration with other campus units. The Support and Safety Measures (SSM) team continues to be one of only a handful of resources 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.



I wanted to extend my gratitude for all that your team has done for my student and our family... I feel like you have given my student the support and guidance of someone who has gotten to know him, believes in him, and wants him to succeed just as passionately as his immediate family. It seems this is what your team offers without hesitation. ...[Y]ou made him feel human again. He expressed tremendous gratitude for that and how your office has handled his case."

-Parent



PROMOTING A CULTURE OF ACCESSIBILITY

In 2020-21, ADA Compliance administered 547 separate disability and accessibility-related matters that included outreaches, consultations, interactive processes, and implementation of accommodations for campus employees and visitors

ADA Compliance provided captioning and/or sign language interpretation for 285 events, including commencement and a number of departmental graduation ceremonies, many of which were held in a virtual format. With the increase in virtual and asynchronous events across campus, ADA Compliance also made it a priority to foster professional relationships with new captioning vendors to address the surge in captioning needs for the CU Boulder community.



BROAD-BASED AND TAILORED EDUCATION

Over the course of 2020-21, OIEC facilitated 181 training sessions for more than 4,200 students, staff, faculty, and visitors. In addition, more than 62,000 campus community members completed an online training course, developed by the Education and Assessment team in OIEC.

OIEC also continued to facilitate tailored training and offer sequential, multi-session workshops for departments, colleges, and institutes across campus to build skills for reducing negative behavior and treatment, and improving inclusion. Some of the key trainings and workshops provided were:

- Mitigating Unconscious Bias sessions for new graduate admissions personnel.
- Inclusive Pedagogy and Managing Classroom Dynamics sessions.
- Training for advancement boards in several colleges to support their inclusive excellence goals. Some of these sessions focused on understanding university policies on discrimination, harassment, and sexual misconduct and others taught skills for mitigating unconscious bias and effective bystander intervention.
- Administering the Campus Culture Survey to professional schools, colleges, and programs including CMCI, Leeds School of Business, Law, Education, and Libraries in support of their Academic Review and Planning self-study process. This included providing Tableau visualizations and detailed reports with recommendations to guide their understanding of program strengths and areas of concern related to the academic workplace and establishing baseline data for measuring progress going forward.

“

You have been the saving grace in all of this and I wanted to express my appreciation. I feel so grateful that (1) You have been so patient and kind to me (2) You have been very professional and thorough. You do your job well.

–Employee Seeking Accommodations

”

“

Thank you so much for your help when no one else has, it was really a life changing conversation being able to talk to you and feeling heard and believed.

–Student

”

NEW INITIATIVES

An overview of what is next in the year ahead.

EDUCATION AND ASSESSMENT

- In partnership with the Office of Data Analytics (ODA), OIEC administered the Campus Culture Survey (CCS) in fall 2021 to students, staff, and faculty across campus. The results of the survey will inform diversity, equity, and inclusion efforts and provide baseline data for measuring progress toward IDEA plan goals.
- OIEC will partner with researchers in the Renee Crown Wellness Institute on CU and NIH grants to examine social belonging as a protective factor for preventing sexual assault, and on developing evidence-based interventions for reducing alcohol-involved sexual assault among college students.

CASE RESOLUTIONS

- Evaluate the success and impact of the restorative justice pilot program and explore additional resolution options to better fit the needs of the campus community, promote healing, and rebuild relationships.
- Review new proposed federal regulations expected to be issued by the U.S. Department of Education Office for Civil Rights (OCR) April 2022. OIEC will work with system administration to modify policies and procedures to reflect any changes in the regulations.

SUPPORT AND SAFETY MEASURES

- Analyze 2016-20 respondent and complainant retention data and utilize the new OIEC case management system to analyze and improve supportive measure services.
- Hire and train a new Support and Safety Measures case manager to support the daily case management of the SSM unit and work to expand services to students, faculty, and staff.

ADA COMPLIANCE

- Partner with the Digital Accessibility Office and Disability Services to improve online availability of information regarding accessibility on campus for different users. In conjunction with designing and implementing new websites to replace older and redundant sources, this partnership is working toward producing a collaborative annual report summarizing the work done at CU Boulder to increase and improve accessibility for students, faculty, staff, and visitors.
- In partnership with the Office of Emergency Management, Campus Fire Marshall, and Occupancy Management, implement an individualized consultation service for individuals with disabilities living in university housing to address concerns about how their disability could factor into emergency response.

