

University of Colorado Boulder

Employee and Affiliated Respondents  
Statistical Report

Fiscal Year 2023-2024

Office of Institutional Equity and Compliance  
9-1-2024

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## Overview

The Office of Institutional Equity and Compliance (OIEC) addresses all protected-class discrimination and harassment, sexual misconduct, and related retaliation complaints against University of Colorado Boulder (CU Boulder) employees and affiliates pursuant to university policy. The Discrimination and Harassment Policy prohibits protected-class discrimination, harassment, and/or related retaliation. The Sexual Misconduct, Intimate Partner Violence, and Stalking Policy prohibits sexual misconduct and/or related retaliation including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, as well as intimate partner abuse (including dating and domestic violence), and stalking. The Conflict of Interest in Amorous Relationships Policy requires that persons who are involved in a consensual romantic or sexual relationship in which one party maintains a direct supervisory or evaluative role over the other party must bring that relationship to the timely attention of their supervisor so that the evaluative relationship can be removed.

OIEC is a neutral, fact-finding office responsible for addressing and investigating alleged misconduct pursuant to specific Resolution Procedures updated on an annual basis. OIEC objectively reviews the facts of each case to resolve issues and to determine whether a violation of university or campus policy occurred based on a *preponderance of the evidence* standard.

This report presents data on sexual misconduct, protected-class discrimination and harassment, and related retaliation complaints, as well as conflict of interest in amorous relationships complaints received by OIEC between July 1, 2023 and June 30, 2024. This includes cases involving respondents<sup>1</sup> who were CU Boulder or System Administration employees, student employees acting in their employment role, contractors, volunteers, visitors, or other CU affiliates, even if the individual was not identified by name. Any complaint identifying a CU Boulder student acting in their *non-employment* role as the alleged offender is included in OIEC's Fiscal Year 2023-2024 Report for Student Respondents. Cases involving non-affiliated respondents (identified and unidentified) are summarized in OIEC's Fiscal Year 2023-2024 Statistical Report for Unidentified and Unaffiliated Respondents.

During the 2023-2024 fiscal year, there were 712 cases reported to the OIEC involving allegations of misconduct against 809 CU employees or affiliated respondents. 207 employee and affiliated respondents were not identified by name. An additional 8 reports to the OIEC involve individual employees or affiliates related to the Conflict of Interest in Cases of Amorous Relationships Policy that were documented for compliance purposes.

- 578 employee or affiliated respondents were alleged to have engaged in misconduct under the Discrimination and Harassment Policy.
- 110 employee or affiliated respondents were alleged to have engaged in misconduct under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
- 1 employee alleged to have engaged in misconduct under the Conflict of Interest in Cases of Amorous Relationships Policy.
- 12 employee or affiliated respondents were alleged to have engaged in misconduct under more than one of the three policies administered by the OIEC.
- 132 allegations did not fall under the three policies administered by OIEC, including one involving a respondent from another CU campus, and these complaints were referred to other campus offices.

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<sup>1</sup> "Respondent" means an individual who has been reported to be the perpetrator of misconduct.

## Discrimination and Harassment Policy Complaints

### Types of Discrimination and Harassment Complaint Resolutions<sup>2</sup>

The 500 cases under the Discrimination and Harassment Policy, involving 578 employee or affiliated respondents, were addressed as follows (see Table 1):

- Allegations against 10 respondents were addressed through a formal adjudication in which OIEC objectively reviews the facts of each case to resolve issues and to determine whether a violation of the university policy occurred based on a preponderance of the evidence standard.
- Allegations against 74 respondents were addressed through remedies-based resolutions that allow the university to tailor the response to the unique facts and circumstances of an incident and educate community members on the impacts of their actions, particularly in cases where there is not a broader threat to individual or campus safety. Often this includes conduct alleged that, even if true, would not rise to the level of a policy violation.
- Allegations against 67 respondents were addressed jointly by the OIEC and the respondent's supervisor or department or by the department in consultation with OIEC.
- Allegations against 36 respondents resulted in a conclusion of no basis to proceed because the complaint did not share the name(s) of the employee or affiliated respondent(s), or OIEC did not have the authority to address the complaint because the case did not fall under OIEC policies.
- Allegations against 12 respondents were closed after preliminary inquiry when it was determined that there was no basis for a formal adjudication.
- Allegations against 2 respondents involved consultation with OIEC to provide information about OIEC's investigative and other processes.
- In allegations against 210 respondents, the complainant did not respond to the OIEC's outreach.
- In allegations against 114 respondents, the complainant declined an OIEC resolution or requested their concerns be documented only at that time.
- Allegations against 46 respondents were referred to another office, as the concerns reported did not fall under the jurisdiction of the Discrimination and Harassment Policy.

<b>Table 1. Discrimination and Harassment Case Resolution</b>	<b># of Employee and Affiliated Respondents</b>
Formal adjudication	10
Remedies-based resolution	74
Concerns addressed with supervisor or department	67
No basis to proceed	36
Preliminary inquiry	12
Informational about the investigative process only	2
Outreach and connection with support services	210
Declined resolution process/documentation only	114
Referred to another office	46
Pending	7
<b>Total number of employee and affiliated respondents</b>	<b>578</b>

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<sup>2</sup> All complainants are provided information about options for assistance and campus support and were referred to Office of Victim Assistance (OVA) or other confidential support services.

## Types of Discrimination and Harassment Allegations<sup>3</sup>

Among allegations of discrimination and harassment (or related retaliation) against the 578 CU Boulder employees or affiliates, the most commonly reported allegations involved disability (123), race (121), gender (105), and national origin (58), see Table 2.

<b>Table 2. Types of Discrimination and Harassment Allegations</b>	<b># Allegations</b>	<b># Allegations Addressed by Remedies-Based or Other Resolutions<sup>4</sup></b>	<b># Allegations Addressed by Formal Adjudication</b>
Disability	123	121	2
Race	121	118	3
Gender	105	105	0
National Origin	58	56	2
Unknown Class or Provision <sup>5</sup>	55	55	0
Age	41	40	1
Religion or Creed	35	35	0
Discrimination/Harassment Retaliation	26	19	7
Color	23	23	0
Gender Identity	19	19	0
Political Affiliation	19	19	0
Sexual Orientation	19	19	0
Pregnancy	13	13	0
Failure to Report	11	11	0
Veteran Status	7	7	0
Gender Expression	6	6	0
Political Philosophy	6	6	0
Interference with Reporting	1	1	0
Providing False or Misleading Information	1	1	0
<b>Total</b>	<b>689</b>	<b>674</b>	<b>15</b>

## Discrimination and Harassment Formal Adjudication Findings and Sanctions

There were 7 protected-class discrimination and harassment formal adjudications against 10 employee respondents initiated during the 2023-2024 fiscal year. One formal adjudication process was dismissed after termination of the respondent's employment with the university. Determinations have not been rendered in the other 6 on-going cases at the time of publication of this report. This report will be updated once all formal adjudication processes for this year have concluded.

<sup>3</sup> Many cases involved allegations of a violation of more than one policy provision and/or related to multiple protected classes.

<sup>4</sup> 7 cases were still pending a determination of the resolution process at the time of this report.

<sup>5</sup> In these cases, complainants did not identify a specific protected class.

## Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Complaints

### Types of Sexual Misconduct Complaint Resolutions<sup>6</sup>

There were 109 cases under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy involving 110 employee or affiliated respondents that were addressed as follows (see Table 3):

- Allegations against 4 respondents were addressed through a formal grievance process in which OIEC objectively reviews the facts of each case to resolve issues and to determine whether a violation of the university policy occurred based on a preponderance of the evidence standard.\*
- Allegations against 17 respondents were addressed through remedies-based resolutions that allow the university to tailor the response to the unique facts and circumstances of an incident and educate community members on the impacts of their actions, particularly in cases where there is not a broader threat to individual or campus safety. Often this includes conduct alleged that, even if true, would not rise to the level of a policy violation.
- Allegations against 22 respondents were addressed jointly by the OIEC and the respondent's supervisor or department or by the department in consultation with OIEC.
- Allegations against 6 respondents resulted in a conclusion of no basis to proceed because the complainant did not share the name(s) of the respondent(s), or OIEC did not have the authority to address complaints that did not fall under OIEC policies.
- In allegations against 37 respondents, the complainant did not respond to the OIEC's outreach.
- Allegations against 3 respondents were referred to another office, as the information reported was outside the OIEC's jurisdiction.
- In allegations against 19 respondents, the complainant declined an OIEC resolution or requested their concerns only be documented at that time.

<b>Table 3. Sexual Misconduct Complaint Resolution</b>	<b># of Employee or Affiliated Respondents</b>
Formal grievance	4
Remedies-based resolutions*	17
Concerns addressed with supervisor or department	22
No basis to proceed	6
Outreach and connection with support services	37
Referred to another office	3
Declined resolution process/documentation only	19
Pending	2
<b>Total number of resolutions</b>	<b>110</b>

\*The OIEC recognizes that complainants may not want a formal grievance process to resolve their concerns, and whenever possible, the OIEC respects how a complainant would like a case resolved.

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<sup>6</sup> All complainants are provided information about options for assistance and campus support and were referred to Office of Victim Assistance (OVA) or other confidential support services.

## Types of Sexual Misconduct Allegations

Among the 110 sexual misconduct complaints made against CU employees or affiliated respondents, the most commonly reported allegations included hostile environment sexual harassment (77), followed by non-consensual sexual contact (12), stalking (9), and non-consensual sexual intercourse (6). See Table 4:

<b>Table 4. Types of Sexual Misconduct Allegations</b>	<b># Allegations</b>	<b># Allegations Addressed by Remedies-Based or Other Resolutions<sup>7</sup></b>	<b># Allegations Addressed by Formal Grievance</b>
Hostile Environment <sup>8</sup>	77	75	2
Non-consensual Sexual Contact	12	11	1
Stalking <sup>9</sup>	9	8	1
Non-consensual Sexual Intercourse	6	5	1
Dating or Domestic Violence	4	3	1
Sexual Exploitation	4	4	0
Sexual Misconduct Retaliation	4	4	0
Quid Pro Quo <sup>10</sup>	2	2	0
Failure to Report	1	1	0
False or Misleading Information	1	1	0
Unknown Provision / No Details	0	0	0
<b>Total</b>	<b>120</b>	<b>114</b>	<b>6</b>

## Formal Grievance Processes for Sexual Misconduct

There were four separate cases involving four different respondents addressed through the formal grievance process. One formal complaint was dismissed because the respondent's affiliation with CU Boulder concluded. The remaining three formal grievance processes are still in progress at the time of the publication of this report. This report will be updated once all formal grievance processes for this year have concluded.

## Conflict of Interest in Cases of Amorous Relationships Policy Complaints

There were nine cases reported related to the Conflict of Interest in Cases of Amorous Relationships Policy. Eight of these cases were addressed to ensure compliance with the requirements of the Conflict of Interest in Cases of Amorous Relationships Policy, including documenting the report and removing evaluative authority when required.

One complaint of non-compliance with the Conflict of Interest in Cases of Amorous Relationships Policy was reported and addressed through a formal resolution process in conjunction with an associated formal grievance process for sexual misconduct allegations against the respondent, which is still on-going at the time of the publication of this report. This report will be updated once the formal grievance process for this year has concluded.

<sup>7</sup> 2 cases were still pending a determination of the resolution process at the time of this report.

<sup>8</sup> Hostile Environment and/or Title IX Hostile Environment allegations.

<sup>9</sup> Stalking and/or Title IX Stalking allegations.

<sup>10</sup> Quid Pro Quo and/or Title IX Quid Pro Quo allegations.