

University of Colorado Boulder

Employee and Affiliated Respondents
Statistical Report

Fiscal Year 2019-2020

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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) students pursuant to university policy. The Discrimination and Harassment Policy prohibits protected-class discrimination, harassment, and/or related retaliation. The Sexual Misconduct, Intimate Partner Abuse 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 reviews the facts of each case objectively in order to effectively 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, 2019 and June 30, 2020. This includes cases involving Respondents 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 2019-2020 Report for Student Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the OIEC Fiscal Year 2019-2020 Report for Unidentified and Unaffiliated Respondents¹.

During the 2019-2020 fiscal year, there were 602 complaints against CU employees and affiliates reported to OIEC. In 67 of these cases, the employee or affiliate was not identified by name.

- 374 complaints under the Discrimination and Harassment Policy.
- 146 complaints under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy.
- 6 allegations of a violation of the Conflict of Interest in Cases of Amorous Relationships Policy.
 - 21 cases involved charges under more than one of the three policies.
- 1 complaint involved an employee at another CU campus
- 96 complaints did not fall under the three policies administered by OIEC and these cases were referred to other campus offices.

¹ In OIEC statistical reports for 2014-2018, unidentified and unaffiliated respondents were included in the Employee, Affiliate, Non-Affiliate, and Unidentified Non-Student Respondent Report. As the number of complaints against unidentified and unaffiliated respondents has nearly doubled since 2014, these cases are now reported separately.

Discrimination and Harassment Policy Complaints

Types of Discrimination and Harassment Complaint Resolutions

The 374 complaints under the Discrimination and Harassment Policy were addressed as follows (also see Table 1):

- 1 complaint was addressed through a *formal investigation* in which OIEC reviews the facts of each case objectively in order to effectively resolve issues and to determine whether a violation of the university policy occurred based on a preponderance of the evidence standard.
- 64 complaints were addressed through *informal resolutions*, which are remedies-based resolutions that allow the university to tailor the response to the unique facts and circumstances of an incident, 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.
- 41 complaints were addressed by the Respondent’s supervisor or department in consultation with OIEC.
- 22 complaints resulted in a conclusion of *no basis to proceed* because the complaint did not include sufficient identifying information to address the concern or OIEC did not have the authority to address the complaint.
- 11 complaints were closed after preliminary inquiry when it was determined that there was no basis for a formal investigation.
- 7 complaints involved consultation with OIEC to provide information about OIEC’s investigative process.
- 228 complaints were referred to another office; *in the great majority of these cases, the Complainant did not want to move forward with the OIEC process, the case did not fall under OIEC policies, and/or the Complainant did not share the name(s) of the Respondent(s).*
 - In every referred case, OIEC conducts outreach to the Complainant(s) and shares information about options for assistance and campus support. Additionally, these matters are referred to OVA or other confidential support services.

| Table 1. Discrimination and Harassment Case Resolution | # of Cases |
|---|-------------------|
| Formal adjudication | 1 |
| Informal resolution | 64 |
| Concerns addressed with supervisor or department | 41 |
| No basis to proceed | 22 |
| Closed after preliminary inquiry | 11 |
| Informational about the investigative process only | 7 |
| Declined resolution process/Referred to another office | 228 |
| Total number of cases | 374 |

Types of Discrimination and Harassment Allegations²

Among the 374 discrimination and harassment complaints made against employees and CU affiliates, the most commonly reported allegations were related to race (125), gender (77), disability (74), and national origin (49), see Table 2.

| Table 2. Types of Discrimination and Harassment Allegations | # Allegations | # Allegations Addressed by Informal or Other Resolutions | # Allegations Addressed by Formal Adjudication |
|--|----------------------|---|---|
| Race | 125 | 125 | 0 |
| Gender | 77 | 77 | 0 |
| Disability | 74 | 73 | 1 |
| National Origin | 49 | 49 | 0 |
| Gender Identity | 24 | 24 | 0 |
| Age | 23 | 23 | 0 |
| Religion/Creed | 14 | 14 | 0 |
| Sexual Orientation | 14 | 14 | 0 |
| Unknown Provision/No Details | 12 | 12 | 0 |
| Discrimination/Harassment Retaliation | 10 | 10 | 0 |
| Political Affiliation | 10 | 10 | 0 |
| Political Philosophy | 8 | 8 | 0 |
| Pregnancy | 6 | 6 | 0 |
| Failure to Report | 5 | 5 | 0 |
| Color | 4 | 4 | 0 |
| Gender Expression | 2 | 2 | 0 |
| Veteran Status | 2 | 2 | 0 |
| Failure to Comply w/ Direction of OIEC | 0 | 0 | 0 |
| Total | 459 | 458 | 1 |

Formal Charges by Discrimination and Harassment Category

There was one case addressed through a formal investigation involving an allegation of disability discrimination.

Discrimination and Harassment Formal Investigation Findings and Sanctions

There was a finding of a policy violation under the Discrimination and Harassment Policy that resulted in training and educational sanctions.

² Some complaints involved allegations of a violation of more than one policy provision.

Sexual Misconduct, Intimate Partner Abuse and Stalking Policy Complaints

Types of Sexual Misconduct Complaint Resolutions

There were 146 complaints under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy that were addressed as follows (also see Table 3):

- 1 complaint was addressed through a *formal investigation* in which OIEC reviews the facts of each case objectively in order to effectively resolve issues and to determine whether a violation of the university policy occurred based on a preponderance of the evidence standard.
- 22 complaints were addressed through *informal resolutions*, which are remedies-based resolutions that allow the university to tailor the response to the unique facts and circumstances of an incident, 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.
- 24 complaints were addressed by the Respondent's supervisor or department in consultation with OIEC.
- 13 complaints resulted in a conclusion of *no basis to proceed* because the complaint did not include sufficient identifying information to address the concern or OIEC did not have the authority to address the complaint.
- 1 complaint was closed after preliminary inquiry when it was determined that there was no basis for a formal investigation.
- 1 complaint involved consultation with OIEC to provide information about OIEC's investigative process.
- 84 complaints were referred to another office; *in the great majority of these cases, the Complainant did not want to move forward with the OIEC process, the case did not fall under OIEC policies, and/or the Complainant did not share the name(s) of the Respondent(s).*
 - In every referred case, OIEC conducts outreach to the Complainant(s) and shares information about options for assistance and campus support. Additionally, these matters are referred to OVA or other confidential support services.

| Table 3. Sexual Misconduct Complaint Resolution | # of Cases |
|--|-------------------|
| Formal adjudication | 1 |
| Informal resolution | 22 |
| Concerns addressed with supervisor or department | 24 |
| No basis to proceed | 13 |
| Closed after preliminary inquiry | 1 |
| Informational about the investigative process only | 1 |
| Declined resolution process/Referred to another office | 84 |
| Total number of cases | 146 |

Types of Sexual Misconduct Allegations

Among the 146 sexual misconduct complaints made against CU employees and affiliates, the most commonly reported allegations were sexual harassment (88), followed by non-consensual sexual contact (22), intimate partner abuse (22), and non-consensual sexual intercourse (8), also see Table 4:

| Table 4. Types of Sexual Misconduct Allegations² | # Allegations | # Allegations Addressed by Informal or Other Resolutions | # Allegations Addressed by Formal Adjudication |
|--|----------------------|---|---|
| Sexual Harassment | 88 | 87 | 1 |
| Non-consensual Sexual Contact | 22 | 22 | 0 |
| Intimate Partner Abuse | 22 | 22 | 0 |
| Non-consensual Sexual Intercourse | 8 | 8 | 0 |
| Stalking | 9 | 9 | 0 |
| Sexual Exploitation | 6 | 6 | 0 |
| Quid Pro Quo | 4 | 3 | 1 |
| Sexual Misconduct Retaliation | 3 | 3 | 0 |
| Unknown Provision / No Details | 1 | 1 | 0 |
| Failure to comply w/ OIEC direction | 1 | 1 | 0 |
| Failure to Report | 0 | 0 | 0 |
| Total | 164 | 162 | 2 |

Formal Charges by Sexual Misconduct Category

There was one case addressed through a formal investigation involving an allegation of sexual harassment and quid pro quo.

Sexual Misconduct Formal Investigation Findings, Sanctions, and Appeals

At the time of this report, this case was pending a final determination.

Conflict of Interest in Cases of Amorous Relationships Policy Complaints

There were 8 cases reported under the Conflict of Interest in Cases of Amorous Relationships Policy where the OIEC advised on appropriate steps to remove the evaluative authority to ensure policy compliance.

There were 6 non-compliance complaints under the Conflict of Interest in Cases of Amorous Relationships Policy. These complaints were resolved as follows:

- 1 complaint was addressed through an *informal resolution*, which is a remedies-based resolution that allows the university to tailor the response to the unique facts and circumstances of an incident, 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.
- 2 complaints were addressed by the Complainant's supervisor.
- 2 complaints resulted in a conclusion of *no basis to proceed* because the complaint did not include sufficient identifying information to address the concern.
- 1 complaint involved *consultation with the OIEC to provide information* about OIEC's investigative process.