

University of Colorado Boulder  
Student Respondent Statistical Report  
Fiscal Year 2019-2020

Office of Institutional Equity and Compliance  
10-9-2020

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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.

OIEC is a neutral, fact-finding office responsible for addressing and investigating alleged misconduct pursuant to specific Resolution Procedures that are 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 received by OIEC between July 1, 2019 and June 30, 2020, and contains data involving complaints that identified a CU Boulder student as the alleged offender, even if the individual was not identified by name. Any complaint identifying a CU Boulder or System Administration employee, contractor, volunteer, visitor, or student employee acting in their *employment role* as the alleged offender is outlined in OIEC's Fiscal Year 2019-2020 Statistical Report for Employee and Affiliated Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the 2019-2020 OIEC Fiscal Year Statistical Report for Unidentified and Unaffiliated Respondents.

During the 2019-2020 fiscal year, there were 510 complaints against students reported to OIEC. In 143 of these cases, the student was not identified by name.

- 200 complaints under the Discrimination and Harassment Policy.
- 269 complaints against students under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy.
  - 13 cases involved charges under more than one policy.
- 54 complaints that did not fall under either policy; these cases were referred to other campus offices.

# Discrimination and Harassment Policy Complaints

## Types of Discrimination and Harassment Complaint Resolutions

The 200 complaints against students under the Discrimination and Harassment Policy were addressed as follows (also see Table 1):

- 47 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.
- 16 complaints that were addressed by an authority (for instance, a supervisor, faculty member, or conduct coordinator) in consultation with the OIEC.
- 14 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.
- 6 complaints involved consultation to provide information about OIEC’s investigative process.
- 2 complaints were closed after preliminary inquiry when it was determined that there was no basis for a formal investigation.
- 117 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.
- No cases were pending at the time of this report.

<b>Table 1. Discrimination and Harassment Case Resolution</b>	<b># of Cases</b>
Formal adjudication	0
Informal resolution	46
Concerns addressed with a supervisor, faculty member, or conduct coordinator	16
No basis to proceed	14
Informational about the investigative process only	6
Closed after preliminary inquiry	2
Declined resolution process/Referred to another office	116
<b>Total number of cases</b>	<b>200</b>

## Types of Discrimination and Harassment Allegations<sup>1</sup>

Among the 203 discrimination and harassment complaints made against students, the most commonly reported allegations were related to race (98), followed by gender (31), sexual orientation (27), and national origin (16), see Table 2.

<b>Table 2. Types of Discrimination and Harassment Allegations</b>	<b># Allegations</b>	<b># Allegations Addressed by Informal or Other Resolutions</b>	<b># Allegations Addressed by Formal Adjudication</b>
Race	98	98	0
Gender	31	31	0
Sexual Orientation	27	27	0
National Origin	16	16	0
Gender Identity	14	14	0
Religion/Creed	14	14	0
Disability	11	11	0
Political Affiliation	9	9	0
Political Philosophy	7	7	0
Unknown Provision / No Details	5	5	0
Gender Expression	4	4	0
Veteran Status	1	1	0
Age	0	0	0
Color	0	0	0
Discrimination/Harassment Retaliation	0	0	0
Failure to Comply with Direction of OIEC	0	0	0
<b>Total</b>	<b>53</b>	<b>53</b>	<b>0</b>

## Discrimination and Harassment Formal Investigation Findings and Sanctions

During fiscal year 2019-2020, there were no formal investigations of protected-class discrimination and harassment complaints against student Respondents.

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<sup>1</sup> 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

The 269 complaints against students under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy were addressed as follows:

- 18 complaints involving sexual misconduct were resolved via *formal investigation* and 5 of these cases were still in process at the time of this report. In a formal investigation, 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.
- 51 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.
- 18 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.
- 10 complaints were addressed by someone in authority at a different campus office (for instance a supervisor, faculty member, or conduct coordinator) in consultation with OIEC.
- 3 cases involved consultation with the OIEC to provide information about OIEC's investigative process.
- 169 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.

<b>Table 3. Sexual Misconduct Complaint Resolution</b>	<b># of Cases</b>
Formal adjudication	18
Informal resolution	53
No basis to proceed	18
Concerns addressed with a supervisor, faculty member, or conduct coordinator	10
Informational about the investigative process only	3
Declined resolution process/Referred to another office	167
<b>Total number of cases</b>	<b>269</b>

### Types of Sexual Misconduct Allegations

Among the 269 sexual misconduct complaints made against students, the most commonly reported allegations were sexual harassment (116), followed by non-consensual sexual intercourse (67), intimate partner abuse (58), and non-consensual sexual contact (43), also see Table 4:

<b>Table 4. Types of Sexual Misconduct Allegations</b>	<b># Allegations</b>	<b># Allegations Addressed by Informal or Other Resolutions</b>	<b># Allegations Addressed by Formal Adjudication</b>
Sexual Harassment	116	106	10
Non-consensual Sexual Intercourse	67	53	14
Intimate Partner Abuse	58	53	5
Non-consensual Sexual Contact	43	35	8
Stalking	39	38	1
Sexual Exploitation	14	13	1
Unknown Provision / No Details	7	7	0
Sexual Misconduct Retaliation	2	2	0
Quid Pro Quo	1	1	0
Failure to Comply w/ Direction of OIEC	1	1	0
<b>Total</b>	<b>348</b>	<b>309</b>	<b>39</b>

## Formal Charges by Sexual Misconduct Category

Of the 18 cases that were resolved through a formal investigation, the most common charges were non-consensual sexual intercourse (14), sexual harassment (10) and non-consensual sexual contact (8), as shown in Table 5:

<b>Table 5. Formal Cases by Sexual Misconduct Category<sup>1</sup></b>	<b>Formal Charges</b>	<b>Pending Charges</b>	<b>Not Responsible Findings</b>	<b>Responsible Findings</b>
Non-consensual Sexual Intercourse	14	3	7	4
Sexual Harassment	10	1	7	2
Non-consensual Sexual Contact	8	2	5	1
Intimate Partner Abuse	5	1	1	3
Sexual Exploitation	1	0	1	0
Stalking	1	0	1	0

## Formal Investigation Findings and Sanctions

Of the 18 formal investigations of students:

- 4 cases were pending at the time of this report
- 7 Respondents were found *not responsible* for a policy violation
- 7 Respondents were found *responsible* for one or more policy violations.
  - Action taken in these cases included 3 probations and 4 suspensions<sup>2</sup>

<b>Table 6. Formal Investigation Findings and Sanctions</b>	<b># of Respondents</b>
Pending	4
No policy violation	7
Found responsible for a policy violation	7
<i>Action Taken</i>	
Suspension <sup>2</sup>	4
Expulsion	0
Probation <sup>3</sup>	3
Exclusion from areas of campus	4

## Administrative Review of Sexual Misconduct Cases

There were 5 post-decision appeals; 2 brought by Complainants and 3 brought by Respondents. In all cases, the policy violation decision and sanctions were upheld in their entirety.

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<sup>2</sup> Suspensions often include additional sanctions such as removal from the residence hall, mandatory behavioral assessments, educational sanctions, and meeting prior to re-admission with the Title IX Coordinator or designee.

<sup>3</sup> Probation often includes educational sanctions.