

University of Colorado Boulder
Student Respondent Statistical
Report
Fiscal Year 2020-2021

Office of Institutional Equity and Compliance
12-20-2021

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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 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.

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, 2020 and June 30, 2021, 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 2020-2021 Statistical Report for Employee and Affiliated Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the 2020-2021 OIEC Fiscal Year Statistical Report for Unidentified and Unaffiliated Respondents.

During the 2020-2021 fiscal year, there were 428 complaints against students reported to OIEC. In 94 of these cases, the student was not identified by name.

- 164 complaints under the Discrimination and Harassment Policy.
- 219 complaints against students under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
 - 20 cases involved charges under both policies.
- 65 complaints that did not fall under either policy; these complaints were referred to other campus offices.

Discrimination and Harassment Policy Complaints

Types of Discrimination and Harassment Complaint Resolutions¹

The 164 complaints under the Discrimination and Harassment Policy were addressed as follows (also see Table 1):

- 2 complaints were addressed through a *formal adjudication* 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.
- 35 complaints 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.
- 5 complaints that were *addressed by an authority* (for instance, a supervisor, faculty member, or conduct coordinator) in consultation with the OIEC.
- 27 complaints resulted in a conclusion of *no basis to proceed* because the complaint did not share the name(s) of the Respondent(s), or OIEC did not have the authority to address the complaint because the case did not fall under OIEC policies.
- 5 complaints involved consultation to provide *information* about OIEC's investigative and other processes.
- 27 cases received *outreach and connection* with support services.
- 63 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*. In every referred case, OIEC conducts outreach to the Complainant(s) and shares information about options for assistance and campus support.

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Formal adjudication	2
Remedies-based resolution	35
Concerns addressed by a supervisor, faculty member, or conduct coordinator in consultation with OIEC	5
No basis to proceed	27
Informational about the investigative process only	5
Outreach and connection with support services	27
Declined resolution process/Referred to another office	62

¹ All cases were also referred to OVA or other confidential support services.

Total number of cases	164
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Types of Discrimination and Harassment Allegations²

Among the 164 discrimination and harassment complaints made against students, the most commonly reported allegations were race (73), followed by gender (48), sexual orientation (24), and disability (17), see Table 2.

Table 2. Types of Discrimination and Harassment Allegations	# Allegations	# Allegations Addressed by Remedies-Based or Other Resolutions	# Allegations Addressed by Formal Adjudication
Race	73	71	2
Gender	48	48	0
Sexual Orientation	24	23	0
Disability	17	17	0
National Origin	9	9	0
Political Philosophy	9	9	0
Political Affiliation	7	7	0
Gender Identity	7	7	0
Unknown Provision / No Details	6	6	0
Religion or Creed	5	5	0
Gender Expression	3	3	0
Veteran Status	3	3	0
Age	3	3	0
Color	1	1	0
Failure to Comply with Directive of OIEC	1	1	0
Discrimination/Harassment Retaliation	0	0	0
Total	216	213	3

Discrimination and Harassment Formal Adjudication Findings and Sanctions

There were three formal adjudications of protected-class discrimination and harassment complaints against student Respondents³. In all three complaints, the Respondent did not reply to the investigator's multiple requests to schedule a meeting. In each case, the respondent was found responsible for violating the Failure to Comply with Orders or Sanctions provision of the Discrimination and Harassment Policy which resulted in a disciplinary hold on each Respondent's student account that prevented them from registering for classes.

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

³ In one case, the Respondent was also charged under the Sexual Misconduct, Intimate Partner Violence, and Stalking policy.

Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Complaints

Types of Sexual Misconduct Complaint Resolutions⁴

The 219 complaints against students under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy were addressed as follows (also see Table 3):

- 13 complaints involving sexual misconduct were addressed through a *formal grievance process* and 3 of these cases were still in process at the time of this report. In a formal grievance, 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.
- 38 complaints 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.
- 6 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.
- 25 complaints resulted in a conclusion of *no basis to proceed* because the complaint did not share the name(s) of the Respondent(s), or OIEC did not have the authority to address the complaint because the case did not fall under OIEC policies.
- 1 complaint was closed after *preliminary inquiry* when it was determined that there was no basis for a formal investigation.
- 5 cases involved consultation with the OIEC to provide *information* about OIEC's investigative and other resolution processes.
- 44 cases received outreach and connection with support services.
- 87 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*. In every referred case, OIEC conducts outreach to the Complainant(s) and shares information about options for assistance and campus support.

⁴ All cases are also referred to OVA or other confidential support services.

Table 3. Sexual Misconduct Complaint Resolution	# of Cases
Formal grievances*	13
Remedies-based resolutions, including Policy Compliance Resolutions	38
Concerns addressed by a supervisor, faculty member, or conduct coordinator in consultation with OIEC	6
No basis to proceed	25
Closed after preliminary inquiry	1
Informational about the investigative process only	5
Outreach and connection with support services	44
Declined resolution process/Referred to another office	87
Total number of cases	220

*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.

Types of Sexual Misconduct Allegations

Among the 219 sexual misconduct complaints made against students, the most commonly reported allegations were sexual harassment (82), followed by stalking (52), non-consensual sexual intercourse (50), and intimate partner violence (40), see Table 4:

Table 4. Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Remedies-Based Resolutions	# Allegations Addressed by Formal Grievance
Sexual Harassment	82	81	1
Stalking	52	50	2
Non-consensual Sexual Intercourse	50	44	7
Intimate Partner Violence	40	36	4
Non-consensual Sexual Contact	26	19	7
Sexual Exploitation	16	14	1
Unknown Provision / No Details	7	7	0
Failure to Report	2	2	0
Sexual Misconduct Retaliation	1	1	0
Quid Pro Quo	0	0	0
Total	276	254	22

Formal Charges by Sexual Misconduct Category

There were 13 cases resolved through the formal grievance process, see Table 5:

Table 5. Formal Cases by Sexual Misconduct Category	Formal Charges	Pending Charges	Not Responsible Findings	Responsible Findings	Dismissed
Non-consensual Sexual Intercourse	7	1	5	0	1
Sexual Harassment	1	0	1	0	0
Non-consensual Sexual Contact	7	1	5	0	1
Intimate Partner Violence	4	2	0	2 ⁵	
Sexual Exploitation	1	0	0	1	0
Stalking	2	1	0	1	0

Sexual Misconduct, Intimate Partner Violence and Stalking Policy Formal Grievance Findings and Sanctions

Findings and sanctions for the 13 formal cases against students are presented in Table 6:

Table 6. Formal Grievance Findings and Sanctions	# of Respondents
Pending	2
Case dismissed	1
No policy violation	6
Found responsible for a policy violation	3
<i>Action Taken</i>	
Expulsion	0
Suspension ⁶	1
Probation ⁷	0
Exclusion from all or specific areas of campus	1
Disciplinary hold on student's account (blocks course registration)	1
Behavioral assessment and Completion of Recommendations ⁸	1

⁵ One of these findings was under appeal at the time this report was published.

⁶ Suspensions often include additional sanctions such as exclusion from campus during the relevant time period, removal from the residence hall, mandatory behavioral assessments, educational sanctions, and meeting prior to re-admission with the Title IX Coordinator or designee.

⁷ Probation often includes educational sanctions.

⁸ Behavioral assessments can include alcohol and drug evaluations, sex offender evaluations, or other violence risk assessments, along with associated compliance requirements.

Administrative Review of Sexual Misconduct Cases

There was 2 post-decision appeals; 0 brought by Complainants and 2 brought by Respondents. In one case, the policy violation decision and sanctions were upheld in their entirety; the other was still pending at the time these statistics were published.