

University of Colorado Boulder

Employee and Affiliated Respondents
Statistical Report

Fiscal Year 2020-21

Office of Institutional Equity and Compliance
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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. 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, 2020 and June 30, 2021. 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 2020-2021 Report for Student Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the OIEC Fiscal Year 2020-2021 Report for Unidentified and Unaffiliated Respondents¹.

During the 2020-2021 fiscal year, there were 558 complaints against CU employees and affiliates reported to OIEC. In 77 of these cases, the employee or affiliate was not identified by name.

- 387 complaints under the Discrimination and Harassment Policy.
- 96 complaints under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
- 2 allegations of a violation of the Conflict of Interest in Cases of Amorous Relationships Policy.
- 15 cases involved charges under more than one of the three policies.
- 88 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 Resolutions²

The 387 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.
- 64 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.
- 37 complaints were addressed by the Respondent's supervisor or department in consultation with OIEC.
- 35 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.
- 4 complaints were closed after *preliminary inquiry* when it was determined that there was no basis for a formal investigation.
- 6 complaints involved consultation with OIEC to provide *information* about OIEC's investigative and other processes.
- 76 cases received *outreach and connection with support services*.
- 162 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	64
Concerns addressed with supervisor or department	37
No basis to proceed	35
Preliminary inquiry	4
Informational about the investigative process only	6
Outreach and connection with support services	76
Declined resolution process/Referred to another office	162
Pending	1
Total number of cases	387

² All cases are also referred to OVA or other confidential support services.

Types of Discrimination and Harassment Allegations³

Among the 387 discrimination and harassment complaints made against employees and CU affiliates, the most commonly reported allegations were race (119), gender (103), disability (80), and national origin (34), 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	119	117	2
Gender	103	103	0
Disability	80	80	0
National Origin	34	33	1
Age	25	25	0
Gender Identity	21	21	0
Political Philosophy	21	21	0
Unknown Provision/No Details	17	17	0
Religion or Creed	14	14	0
Sexual Orientation	13	13	0
Political Affiliation	12	12	0
Discrimination/Harassment Retaliation	11	11	0
Gender Expression	8	8	0
Pregnancy	6	6	0
Failure to Report	4	4	0
Veteran Status	4	4	0
Color	2	2	0
Total	494	491	3

Discrimination and Harassment Formal Adjudication Findings and Sanctions

There were two formal adjudications of protected-class discrimination and harassment complaints against employee Respondents. One resulted in no policy violation, and the other resulted in no policy violation, but inappropriate and unprofessional conduct was found. In that case, Respondent was no longer employed by CU Boulder at the conclusion of the adjudication process. In both formal adjudications, no one appealed the outcomes.

Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Complaints

³ Many complaints involved allegations of a violation of more than one policy provision.

Types of Sexual Misconduct Complaint Resolutions⁴

There were 96 complaints under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy that were addressed as follows (also see Table 3):

- 1 complaint involving two Respondents was addressed through a *formal grievance process* 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.
- 20 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.
- 14 complaints were addressed *by the Respondent's supervisor or department* in consultation with OIEC.
- 8 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.
- 2 complaints involved consultation with OIEC to provide *information* about OIEC's investigative or other processes.
- 21 cases received *outreach and connection* with support services.
- 29 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 grievance*	1
Remedies-based resolution	20
Concerns addressed with supervisor or department	14
No basis to proceed	8
Closed after preliminary inquiry	1
Informational about the investigative process only	2
Outreach and connection with support services	21
Declined resolution process/Referred to another office	29
Total number of cases	96

*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 96 sexual misconduct complaints made against CU employees and affiliates, the most commonly reported allegations were sexual harassment (67), followed by intimate partner abuse (14), stalking (13), and non-consensual sexual intercourse (11), also see Table 4:

Table 4. Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Remedies-Based or Other Resolutions	# Allegations Addressed by Formal Grievance
Sexual Harassment	67	67	0
Intimate Partner Abuse	14	14	0
Stalking	13	13	0
Non-consensual Sexual Intercourse	11	11	0
Non-consensual Sexual Contact	4	4	0
Sexual Exploitation	4	2	2
Failure to Report	3	3	0
Unknown Provision / No Details	2	2	0
Quid Pro Quo	1	1	0
False Complaint	1	1	0
Total	120	118	2

Formal Charges by Sexual Misconduct Category

There was one case addressed through a formal grievance involving two Respondents both charged with an allegation of sexual exploitation. In this case, one Respondent was found in violation of the policy, and the other Respondent was not found responsible. For the employee found responsible, the individual was no longer employed at the conclusion of the formal adjudication and was made ineligible for rehire. Neither Respondent appealed the outcome of the formal adjudication.

Conflict of Interest in Cases of Amorous Relationships Policy Complaints

There were five 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 two 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 a formal adjudication in which OIEC investigates and reviews the facts of the 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. The Respondent was found responsible for a violation of the AR policy. Sanctions included resignation and restriction/denial of university services.
- 1 complaint resulted in a conclusion of *no basis to proceed* because the Complainant indicated that they wanted to pursue a relationship with Respondent and there was no evaluative authority between Complainant and Respondent.