

University of Colorado Boulder
Student Respondent Statistical
Report
Fiscal Year 2021-2022

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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, 2021 and June 30, 2022, 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 2021-2022 Statistical Report for Employee and Affiliated Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the 2021-2022 OIEC Fiscal Year Statistical Report for Unidentified and Unaffiliated Respondents.

During the 2021-2022 fiscal year, there were 509 complaints against students reported to OIEC. In 105 of these cases, the student was not identified by name.

- 186 complaints under the Discrimination and Harassment Policy.
- 278 complaints against students under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
 - 22 cases involved charges under both policies.
- 67 cases in which none of the reported concerns fell under either policy; these complaints were referred to other campus offices.

Discrimination and Harassment Policy Complaints

Types of Discrimination and Harassment Complaint Resolutions¹

The 186 complaints under the Discrimination and Harassment Policy, involving 203 respondents, were addressed as follows (also see Table 1):

- 3 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.
- 24 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.
- 7 complaints that were *addressed by an individual in a position of authority* (for instance, a supervisor, faculty member, or conduct coordinator) jointly or in consultation with the OIEC.
- 19 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.
- 2 complaints involved consultation to provide *information* about OIEC's investigative and other processes.
- 73 cases received *outreach and connection* with support services. In these cases, OIEC conducted outreach to the Complainant(s) and shared information about options for assistance and campus support. In the great majority of these cases, the Complainant did not respond to the OIEC's outreach.
- 23 complaints were *referred to another office*, as the concerns reported did not fall under the jurisdiction of the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy or Discrimination and Harassment Policy.
- 34 cases in which the complainant declined an OIEC resolution or requested their concerns be documented only at that time.
- 1 case still pending a resolution at the time of publication of this report.

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

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Formal adjudication	3
Remedies-based resolution	24
Concerns addressed by a supervisor, faculty member, or conduct coordinator in consultation with OIEC	7
No basis to proceed	19
Informational about the investigative process only	2
Outreach and connection with support services	73
Referred to another office	23
Declined resolution process/Referred to another office	34
Pending	1
Total number of cases	186

Types of Discrimination and Harassment Allegations²

Among the 186 discrimination and harassment complaints made against students, the most commonly reported allegations were race (72), followed by gender (50), sexual orientation (39), and religion (24), 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	72	72	0
Gender	50	50	0
Sexual Orientation	39	38	1
Religion	24	24	0
Disability	18	18	0
National Origin	16	16	0
Gender Identity	10	10	0
Unknown Class / No Details	9	9	0
Political Affiliation	4	4	0
Political Philosophy	3	3	0
Gender Expression	3	3	0
Color	3	3	0
Age	1	1	0
Color	1	1	0
Pregnancy	1	1	0
Failure to Comply with Directive of OIEC	1	0	2
Discrimination/Harassment Retaliation	1	0	0
Total	256	253	3

² Many complaints involved allegations of a violation of more than one policy provision and/or multiple protected classes.

Discrimination and Harassment Formal Adjudication Findings and Sanctions

There were three formal adjudications of protected-class discrimination and harassment complaints against student Respondents.³ In one complaint, a student is alleged to have engaged in harassment on the basis of sexual orientation and the case was pending at the time of this report. In the other two cases, the Respondents were found responsible for violating the Failure to Comply Directive of the OIEC provision of the Discrimination and Harassment Policy for not meeting with the OIEC to address protected class allegations, which resulted in a disciplinary hold on the Respondent's student account that prevented them from registering for classes.

Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Complaints

Types of Sexual Misconduct Complaint Resolutions⁴

The 278 complaints against 279 students under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy were addressed as follows (also see Table 3):

- 22 complaints involving sexual misconduct were addressed through a *formal grievance process* and 11 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.
- 42 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.
- 7 complaints were addressed *by someone in a position of authority* in a different campus office (for instance a supervisor, faculty member, or conduct coordinator) in consultation with OIEC.
- 23 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 grievance process.
- 2 cases involved consultation with the OIEC to provide *information* about OIEC's investigative and other resolution processes.

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

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

- 87 cases received outreach and connection with support services. In these cases, OIEC conducted outreach to the Complainant(s) and shared information about options for assistance and campus support. In the great majority of these cases, the Complainant did not respond to the OIEC’s outreach.
- 23 complaints were *referred to another office*, as the concerns reported did not fall under the jurisdiction of the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy or Discrimination and Harassment Policy.
- 67 cases in which the complainant declined an OIEC resolution or requested their concerns only be documented at that time.
- 4 cases still pending a resolution at the time of publication of this report.

Table 3. Sexual Misconduct Complaint Resolution	# of Cases
Formal grievances*	22
Remedies-based resolutions, including Policy Compliance Resolutions	42
Concerns addressed by a supervisor, faculty member, or conduct coordinator in consultation with OIEC	7
No basis to proceed	23
Closed after preliminary inquiry	1
Informational about the investigative process only	2
Outreach and connection with support services	87
Declined resolution process/Referred to another office	23
Pending	4
Declined Resolution Process/Documentation Only	67
Total number of cases	278

*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 278 sexual misconduct complaints made against students, the most commonly reported allegations were non-consensual sexual intercourse (105), followed by sexual harassment (95), and stalking (52), and non-consensual sexual contact (46), see Table 4:

Table 4. Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Remedies-Based or Other Resolutions⁵	# Allegations Addressed by Formal Grievance
Non-consensual Sexual Intercourse	105	89	11
Hostile Environment	95	92	4
Stalking	52	50	2
Non-consensual Sexual Contact	46	38	8
Dating or Domestic Violence	41	37	3
Sexual Exploitation	13	10	3
Unknown Provision / No Details	9	9	0
Sexual Misconduct Retaliation	2	2	0
Failure to Comply with Directives, Orders or Sanctions	2	0	2
Providing False or Misleading Information	2	0	2
Failure to Report	0	0	0
Quid Pro Quo	0	0	0
Total	367	327	35

Formal Charges by Sexual Misconduct Category

There were 22 cases resolved through the formal grievance process, see Table 5:

Table 5. Formal Cases by Sexual Misconduct Category	Formal Charges	In Progress⁶	Not Responsible Findings	Responsible Findings	Dismissed
Non-consensual Sexual Intercourse	11	4	1	4	2
Hostile Environment ⁷	4	2	0	0	2
Non-consensual Sexual Contact	8	5	1	1	1
Dating or Domestic Violence	3	2	1	0	0
Sexual Exploitation	3	2	0	1	0
Stalking	2	1	1	0	0
Failure to Comply with Directive, Orders or Sanctions	2	0	0	2	0
Providing False or Misleading Information	2	1	0	0	1

⁵ Pending cases not included in this column.

⁶ One of these cases was under appeal at the time this report was published. Resolutions are not final until the conclusion of any applicable appeal process.

⁷ Hostile Environment and/or Title IX Hostile Environment allegations

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

Findings and sanctions for the 22 formal cases against students are presented in Table 6:

Table 6. Formal Grievance Findings and Sanctions	# of Respondents
Pending	11
Case dismissed	4
No policy violation	1
Found responsible for a policy violation	6
<i>Action Taken</i>	
Expulsion	0
Suspension ⁸	3
Probation ⁹	0
Exclusion from all or specific areas of campus	4
Disciplinary hold on student's account (blocks course registration)	2
Behavioral assessment and Completion of Recommendations ¹⁰	4

Appeals of Sexual Misconduct Cases

Appeals of decisions in sexual misconduct cases are reviewed at the CU System level in coordination with trained appellate officers from the other CU campuses. 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 appeal was still pending at the time these statistics were published.

⁸ 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.

⁹ Probation often includes educational sanctions.

¹⁰ Behavioral assessments can include alcohol and drug evaluations, sex offender evaluations, or other violence risk assessments, along with associated compliance requirements.