

University of Colorado Boulder
Office of Institutional Equity and Compliance
Fiscal Year 2017-2018 Statistical Report for
Employee, Affiliate, Non-Affiliate, and Unidentified Non-Student Respondents

The Office of Institutional Equity and Compliance (OIEC) addresses all sexual misconduct, protected class discrimination and harassment, and related retaliation complaints against University of Colorado Boulder (CU Boulder) employees pursuant to the University of Colorado Sexual Misconduct Policy and the University of Colorado Boulder Discrimination and Harassment Policy, and the University of Colorado Conflict of Interest in Cases of Amorous Relationships Policy.

The Sexual Misconduct Policy prohibits sexual misconduct and/or related retaliation including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, sexual harassment, intimate partner abuse (including dating and domestic violence), and stalking. The Discrimination and Harassment Policy prohibits protected class discrimination, harassment, and/or related retaliation. The Conflict of Interest in Cases of Amorous Relationships Policy requires that persons who are involved in 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.

This report was prepared on September 15, 2018. It includes data on sexual misconduct, protected class discrimination and harassment, and related retaliation complaints received by OIEC between July 1, 2017 and June 30, 2018. This report contains data involving complaints against a CU Boulder or System Administration *employee, contractor, volunteer, visitor, or student employee acting in their employment role*, even if the individual was not identified by name. Also included are complaints against individuals or groups (identified or unidentified) who were determined not to be under the jurisdiction of OIEC.

OIEC is a neutral, fact-finding office responsible for addressing and investigating alleged misconduct pursuant to specific Process and 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.

Between July 1, 2017 and June 30, 2018, OIEC received 451 complaints under the Discrimination and Harassment Policy and 354 complaints under the Sexual Misconduct Policy. There were also 7 allegations of a violation of the Amorous Relationships Policy; 3 of these cases were referred to another office, 2 resulted in a conclusion of no basis to proceed because the amorous relationship could not be confirmed, one involved consultation about the policy, and one case did not involve a supervisory relationship and was referred to the Respondent's supervisor. In addition, there were 102 complaints that did not fall under the Sexual Misconduct, Discrimination and Harassment, or Amorous Relationships policies and these cases were referred to other campus offices, resulting in a total of 914 complaints reported to OIEC during the 2017-2018 fiscal year.

Discrimination and Harassment Policy Complaints

Discrimination and Harassment Case Resolution (Table 1)

There were 451 complaints under the Discrimination and Harassment Policy that were addressed as follows:

Two complaints were addressed via 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.

There were 96 discrimination and harassment complaints 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.

There were 38 discrimination and harassment complaints that were addressed by the Complainant’s supervisor at the request of the Complainant; 49 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; 16 complaints involved consultation to provide information about OIEC’s investigative process; and 11 complaints were closed after preliminary inquiry when it was determined that there was no basis for a formal investigation or informal resolution. Finally, one complaint was pending at the time of this report and 238 were referred to another office.¹

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Formal investigation	2
Informal resolution	96
No limitation on existing authority	38
No basis to proceed	49
Informational only	16
Closed after preliminary inquiry	11
Pending	1
Referred to another office	238
Total number of cases	451

Discrimination and Harassment Respondents (Table 2)

Complainants identified the Respondent(s) in more than three-quarters of cases (355/451).

Table 2. Discrimination and Harassment Complaints	#
Cases in which Complainant identified Respondent(s)	355
Cases in which Complainant did not identify Respondent(s)	96
Total Cases	451

¹ If a Complainant discloses an incident of alleged misconduct to a responsible employee or directly to OIEC, but requests that no investigation into the incident be conducted, the Title IX Coordinator or designee will weigh the Complainant’s request against CU Boulder’s obligation to provide a safe, non-discriminatory environment for all students, including the Complainant. In these cases, OIEC always refers the Complainant to resources on campus for confidential advocacy and support, and offers to assist the Complainant in obtaining accommodations as reasonably available and/or interim protective measures as needed.

Types of Discrimination and Harassment Allegations² (Table 3)

Among the 451 discrimination and harassment complaints made against employees, affiliates, and non-affiliates, the most commonly reported allegations were racial (133), followed by gender (123), disability (53), and national origin (48).

Table 3. Types of Discrimination and Harassment Allegations	# Allegation	# Allegations with Unknown Respondent(s)	# Allegations Addressed by Informal or Other Resolutions	# Allegations Addressed by Formal Investigation
Racial	133	30	133	0
Gender	123	15	122	1
Disability	53	8	53	0
National Origin	48	11	48	0
Unknown Provision/No Details	36	9	36	0
Religion/Creed	29	5	29	0
Age	29	5	28	1
Sexual Orientation	24	3	24	0
Discrimination/Harassment Retaliation	20	2	20	0
Gender Identity	19	8	19	0
Pregnancy	8	2	8	0
Political Philosophy	7	4	7	0
Failure to Report	6	0	6	0
Gender Expression	6	4	6	0
Political Affiliation	6	3	6	0
Color	5	1	5	0
Veteran Status	4	1	4	0
Failure to Comply w/ Direction of OIEC	1	0	0	1
Total	557	112	554	3

Formal Charges by Discrimination and Harassment Category

Of the 2 cases that were addressed through a formal investigation, the charges were age (1), gender (1), and failure to comply with the direction of OIEC under the discrimination and harassment policy (1). One case involved three Respondents, the other case involved a single Respondent.

Formal Investigation Findings and Sanctions

At the time of this report, both formal cases were pending.

Sexual Misconduct Policy Complaints

Sexual Misconduct Complaint Resolution (Table 4)

There were 354 complaints under the Sexual Misconduct Policy that were addressed as follows:

There were seven complaints involving sexual misconduct that were resolved via formal investigation. 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.

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

There were 31 sexual misconduct complaints 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.

There were 29 sexual misconduct complaints that 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 involved consultation to provide information about OIEC’s investigative process; and 21 complaints were addressed by the Complainant’s supervisor at the request of the Complainant. Finally, two complaints were pending at the time of this report and 253 were referred to another office.¹

Table 4. Sexual Misconduct Complaint Resolution	# of Complaints
Formal investigation	7
Informal resolution	31
No basis to proceed	29
Informational only	11
No limitation on existing authority	21
Pending	2
Referred to another office ^{Error! Bookmark not defined.}	253
Total number of complaints	354

Sexual Misconduct Respondents (Table 5)

Complainants identified the Respondent(s) in only about half of all cases (175/354).

Table 5. Sexual Misconduct Complaints	#
Cases in which Complainant identified Respondent(s)	170
Cases in which Complainant did not identify Respondent(s)	184
Total Complaints	354

Types of Sexual Misconduct Allegations² (Table 6)

Among the 354 sexual misconduct complaints made against employees, affiliates, and non-affiliates, the most commonly reported allegations were sexual harassment (152), followed by non-consensual sexual intercourse (97), non-consensual sexual contact (50), and intimate partner abuse (47).

Table 6. Types of Sexual Misconduct Allegations	# Allegations	# Allegations with Unknown Respondent(s)	# Allegations Addressed by Informal or Other Resolutions	# Allegations Addressed by Formal Investigation
Sexual Harassment	152	36	148	4
Non-consensual Sexual Intercourse ³	97	84	97	0
Non-consensual Sexual Contact	50	32	47	3
Intimate Partner Abuse	47	24	44	3
Gender Based Stalking/Stalking	19	7	18	1
Sexual Exploitation	4	3	4	0
Quid Pro Quo	1	0	0	1
Unknown Provision / No Details	10	8	10	0
Failure to Report	2	0	1	1
Sexual Misconduct Retaliation	5	1	5	0
Total	387	192	374	13

Formal Charges by Sexual Misconduct Category (Table 7)

Of the seven cases that were resolved through a formal investigation, the most common charges were sexual harassment (4), followed by non-consensual sexual contact (3), and intimate partner abuse (3).

Table 7. Formal Cases by Sexual Misconduct Category	Formal Charges	Pending Charges	Not Responsible Findings	Responsible Findings
Sexual Harassment	4	1	1	2
Non-consensual Sexual Intercourse	0	0	0	0
Non-consensual Sexual Contact	3	1	0	2
Intimate Partner Abuse	3	1	0	2
Gender Based Stalking/Stalking	1	0	0	1
Sexual Exploitation	0	0	0	0
Failure to Report	1	0	1	0
Quid Pro Quo	1	1	0	0
Sexual Misconduct Retaliation	0	0	0	0

Formal Investigation Findings and Sanctions (Table 8)

Of the seven formal investigations of employees or affiliates for violation(s) of the sexual misconduct policy, each case involved a single Respondent. One case was pending at the time of this report, two Respondents were found not responsible for a policy violation, and four Respondents were found responsible for one or more policy violations. Action taken in these cases included dismissal, referral to the Title IX Office at another System campus, letter of reprimand, and resignation in lieu of termination.

³ The majority of these cases involve a Respondent who is not affiliated with CU Boulder or who was not affiliated with CU Boulder at the time of the alleged incident, such that the OIEC would not have jurisdiction to formally investigate. Others involve allegations made by a Complainant who did not wish for the OIEC to formally investigate and where the reported incident did not meet the threshold for the OIEC to “override” Complainant’s agency.

Table 8. Formal Investigation Findings and Sanctions		# of Respondents
Pending		1
No policy violation		2
Found responsible for a policy violation		4
Action Taken		
	Dismissal	1
	Referred to Title IX Office at another campus	1
	Letter of Reprimand	1
	Resignation in Lieu of Termination	1