

University of Colorado Boulder
Office of Institutional Equity and Compliance
Fiscal Year 2017-2018 Statistical Report for 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) students pursuant to the University of Colorado Sexual Misconduct Policy and the University of Colorado Boulder Discrimination and Harassment 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.

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, 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 2017-2018 Statistical Report for Employee, Affiliate, Non-Affiliate, and Unidentified Respondents.

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 143 complaints against students under the Discrimination and Harassment Policy and 243 complaints against students under the Sexual Misconduct Policy. In addition, there were 41 complaints that did not fall under the Sexual Misconduct or Discrimination and Harassment policies and these cases were referred to other campus offices, resulting in a total of 427 complaints against students that were reported to OIEC during the 2017-2018 fiscal year.

Discrimination and Harassment Policy Complaints

Discrimination and Harassment Case Resolution (Table 1)

The 143 complaints against students under the Discrimination and Harassment Policy were addressed as follows:

There were 30 discrimination and harassment complaints addressed through informal resolutions with student Respondents, 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. No complaints of discrimination or harassment were resolved via formal investigation.

There were 13 discrimination and harassment complaints that were addressed by the Complainant's supervisor at the request of the Complainant; 10 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; and two complaints involved consultation to provide information about OIEC's investigative

process. Finally, one complaint was determined to be a false report, one was pending at the time of this report, and 86 were referred to another office.¹

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Informal resolution	30
No limitation on existing authority	13
No basis to proceed	10
Informational only	2
False report	1
Formal investigation	0
Pending	1
Referred to another office	86
Total number of cases	143

Discrimination and Harassment Student Respondents (Table 2)

Complainants identified the Respondent(s) in more than two-thirds of cases (97/143).

Table 2. Discrimination and Harassment Complaints	#
Cases in which Complainant identified Respondent(s)	97
Cases in which Complainant did not identify Respondent(s)	46
Total Cases	143

Types of Discrimination and Harassment Allegations² (Table 3)

Among the 143 discrimination and harassment complaints made against students, the most commonly reported allegations were racial (56), followed by gender (40), sexual orientation (26), and national origin (13).

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.

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

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	56	14	56	0
Gender	40	10	40	0
Sexual Orientation	26	7	26	0
National Origin	13	5	13	0
Religion/Creed	12	2	12	0
Gender Identity	10	4	10	0
Disability	6	0	6	0
Color	5	2	5	0
Unknown Provision / No Details	4	1	4	0
Discrimination/Harassment Retaliation	3	0	3	0
Political Philosophy	2	1	2	0
Age	1	1	1	0
Failure to Comply with Direction of OIEC	1	0	1	0
Gender Expression	1	0	1	0
Political Affiliation	1	1	1	0
Veteran Status	1	0	1	0
Total	182	48	182	0

Sexual Misconduct Policy Complaints

Sexual Misconduct Complaint Resolution (Table 4)

The 243 complaints against students under the Sexual Misconduct Policy were addressed as follows:

There were 35 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.

There were 55 sexual misconduct complaints addressed through informal resolutions with student Respondents, 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 11 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; seven complaints involved consultation to provide information about OIEC's investigative process; and six complaints were addressed by the Complainant's supervisor at the request of the Complainant. Finally, five complaints were pending at the time of this report and 124 were referred to another office.¹

Table 4. Sexual Misconduct Complaint Resolution	# of Complaints
Formal investigation	35
Informal resolution	55
No basis to proceed	11
Informational only	7
No limitation on existing authority	6
Pending	5
Referred to another office ^{Error! Bookmark not defined.}	124
Total number of complaints	243

Sexual Misconduct Student Respondents (Tables 5)

Complainants identified the Respondent(s) in the great majority of cases (205/243).

Table 5. Sexual Misconduct Complaints	#
Cases in which Complainant identified Respondent(s)	205
Cases in which Complainant did not identify Respondent(s)	38
Total Cases	243

Types of Sexual Misconduct Allegations² (Table 6)

Among the 243 sexual misconduct complaints made against students, the most commonly reported allegations were sexual harassment (114), followed by non-consensual sexual intercourse (61), non-consensual sexual contact (46), and intimate partner abuse (46).

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	114	14	88	26
Non-consensual Sexual Intercourse	61	12	42	19
Non-consensual Sexual Contact	46	8	33	13
Intimate Partner Abuse	46	2	34	12
Stalking/Gender Based Stalking	34	0	30	4
Sexual Exploitation	16	4	14	2
Unknown Provision / No Details	8	1	8	0
Failure to Comply w/ Direction of OIEC	5	0	0	5
Sexual Misconduct Retaliation	5	0	2	3
False Complaint	1	1	1	0
Total	336	42	252	84

Formal Charges by Sexual Misconduct Category (Table 7)

Of the 35 cases that were resolved through a formal investigation, the most common charges were sexual harassment (26), followed by non-consensual sexual intercourse (19), non-consensual sexual contact (13), and intimate partner abuse (12).

Table 7. Formal Cases by Sexual Misconduct Category	Formal Charges	Pending Charges	Not Responsible Findings	Responsible Findings
Sexual Harassment	26	1	15	10
Non-consensual Sexual Intercourse	19	1	10	8
Non-consensual Sexual Contact	13	1	8	4
Intimate Partner Abuse	12	0	6	6
Stalking/Gender Based Stalking	4	0	1	3
Sexual Exploitation	2	0	0	2
Failure to Comply w/ Direction of OIEC	5	0	0	5
SM Retaliation	3	0	2	1
False Complaint	0	0	0	0

Formal Investigation Findings and Sanctions (Table 8)

Of the 35 formal investigations of students, two cases involved two Respondents each; all other formal cases had a single Respondent for a total of 37 Respondents. One case was pending at the time of this report, 13 Respondents were found not responsible for a policy violation, and 23 Respondents were found responsible for one or more policy violations. Action taken in these cases included 11 suspensions³ and six expulsions.

Table 8. Formal Investigation Findings and Sanctions	# of Respondents
Pending	1
No policy violation	13
Found responsible for a policy violation	23
Action Taken	
Suspension ³	11
Expulsion	6
Educational sanction	3
Probation	2
Referred to Office of Student Conduct	1

Administrative Review of Sexual Misconduct Cases

There were six post-decision appeals heard and decided during the 2017-18 year. For three of these cases, investigative findings had been issued prior to 2017-18, but the previous policy had no time limit for the administrative review process. The remaining three cases were from the current 2017-18 year. Of these six appeals, four were brought by Respondents and two by Complainants. Five cases were upheld in their entirety. The policy violation decision in the sixth case was also upheld, but the sanction was reduced from expulsion to suspension. Going forward, as specified in the 2018 OIEC Resolution Procedures, parties can only appeal matters during the same school year.

³ 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.