

University of Colorado Boulder
Office of Institutional Equity and Compliance
Fiscal Year 2018-2019
Statistical Report for
Employee and Affiliated Respondents

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) employees pursuant to the University of Colorado Boulder Discrimination and Harassment Policy, the University of Colorado Sexual Misconduct, Intimate Partner Abuse and Stalking Policy, and the University of Colorado Conflict of Interest in Cases of Amorous Relationships Policy.

The Discrimination and Harassment Policy prohibits protected-class discrimination, harassment, and/or related retaliation. The University of Colorado Sexual Misconduct, Intimate Partner Abuse and Stalking Policy prohibits sexual misconduct and/or related retaliation including non-consensual sexual intercourse, non-consensual sexual contact, sexual exploitation, and sexual harassment, as well as intimate partner abuse (including dating and domestic violence), and stalking. 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.

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 was prepared on November 7, 2019. It includes data on sexual misconduct, protected-class discrimination and harassment, and related retaliation complaints, as well as conflict of interest in amorous relationship complaints received by OIEC between July 1, 2018 and June 30, 2019. This report contains data involving complaints against a CU Boulder or System Administration employee, contractor, volunteer, visitor, student employee acting in their employment role, and 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 outlined in OIEC's Fiscal Year 2018-2019 Statistical Report for Student Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the 2018-2019 OIEC Fiscal Year 2018-2019 Statistical Report for Unidentified and Unaffiliated Respondents¹.

Between July 1, 2018 and June 30, 2019, OIEC received 347 complaints against employees and affiliates under the Discrimination and Harassment Policy and 141 complaints under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy. In 60 of these cases, the employee or affiliate was not identified. There were three complaints made against CU System Administration employees. There were also 10 allegations of a violation of the Conflict of Interest in Cases of Amorous Relationships Policy. In addition, there were 68 complaints that did not fall under the three policies administered by OIEC and these cases were referred to other campus offices. Twenty-four cases involved charges under more than one policy. Overall, there were 544 complaints against CU employees and affiliates reported to OIEC during the 2018-2019 fiscal year.

¹ In OIEC statistical reports for prior years, unidentified and unaffiliated respondents were included in the Employee, Affiliate, Non-Affiliate, and Unidentified Non-Student Respondent Report. As the number of complaints reported to OIEC has nearly doubled since 2014, cases involving unidentified and unaffiliated respondents are now reported separately.

Discrimination and Harassment Policy Complaints

Discrimination and Harassment Case Resolution (Table 1)

There were 347 complaints under the Discrimination and Harassment Policy that were addressed as follows:

Three 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 57 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 35 discrimination and harassment complaints that were addressed by the Respondent's supervisor in consultation with OIEC; 20 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; 6 complaints involved consultation with OIEC to provide information about OIEC's investigative process; and 12 complaints were closed after preliminary inquiry when it was determined that there was no basis for a formal investigation. Also, two complaints were pending at the time of this report. Finally, 212 were referred to another office; in these cases, OIEC conducts outreach to the Complainant(s) and shares information about options for assistance and campus support. Additionally, these matters are referred to OVA or other confidential support services. In most instances, the Complainant does not want to move forward with the OIEC process, the case does not fall under OIEC policies, and/or the Complainant does not share the name(s) of the Respondent(s).

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Formal investigation	3
Informal resolution	57
No limitation on existing authority	35
No basis to proceed	20
Closed after preliminary inquiry	12
Informational only	6
Pending	2
Referred to another office	212
Total number of cases	347

Types of Discrimination and Harassment Allegations² (Table 2)

Among the 347 discrimination and harassment complaints made against employees and other CU affiliates, the most commonly reported allegations were related to race (92), gender (84), disability (74), and national origin (53).

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

Table 2. Types of Discrimination and Harassment Allegations	# Allegations	# Allegations Addressed by Informal or Other Resolutions	# Allegations Addressed by Formal Investigation
Race	92	91	0
Gender	84	83	1
Disability	74	73	1
National Origin	53	52	1
Age	24	23	1
Discrimination/Harassment Retaliation	20	19	1
Religion/Creed	19	19	0
Unknown Provision/No Details	12	13	0
Sexual Orientation	10	11	0
Gender Identity	11	11	0
Political Philosophy	10	10	0
Color	9	8	0
Pregnancy	6	6	0
Failure to Report	4	4	0
Gender Expression	1	1	0
Political Affiliation	1	1	0
Veteran Status	1	1	0
Failure to Comply w/ Direction of OIEC	0	--	--
Total	431	426	5

Formal Charges by Discrimination and Harassment Category

Of the three cases that were addressed through a formal investigation, the total charges were gender (1), disability (1), national origin (1), age (1) and discrimination and harassment retaliation (1). One case involved two Respondents; the other two cases involved a single Respondent.

Formal Investigation Findings and Sanctions

All four Respondents were found not responsible for a policy violation under the Discrimination and Harassment Policy.

Sexual Misconduct, Intimate Partner Abuse and Stalking Policy Complaints

Sexual Misconduct Complaint Resolution (Table 3)

There were 141 complaints under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy that were addressed as follows:

There were 2 complaints involving sexual misconduct, intimate partner abuse, and stalking 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 27 sexual misconduct, intimate partner abuse, and stalking 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 25 complaints addressed by the Respondent’s supervisor in consultation with the OIEC, 12 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. One complaint was closed after preliminary inquiry when it was determined that there was no basis for a formal investigation; six complaints involved consultation with the OIEC to provide information about OIEC’s investigative process; and Finally, 68 complaints were referred to another office; in these instances, the OIEC conducts outreach to the Complainant(s) and shares information about options for assistance and campus support. Additionally, these matters are referred to OVA or other confidential support services. In most cases, the Complainant does not want to move forward with the OIEC process, the case does not fall under OIEC policies, and/or the Complainant does not share the name(s) of the Respondent(s).

	# of Complaints
Formal investigation	2
Informal resolution	27
No limitation on existing authority	25
No basis to proceed	12
Closed after preliminary inquiry	1
Information only	6
Pending	0
Referred to another office	68
Total number of complaints	141

Types of Sexual Misconduct Allegations² (Table 4)

Among the 141 sexual misconduct complaints made against CU employees and affiliates, the most commonly reported allegations were sexual harassment (105), followed by non-consensual sexual contact (22), intimate partner abuse (13), and non-consensual sexual intercourse (10):

Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Informal or Other Resolutions	# Allegations Addressed by Formal Investigation
Sexual Harassment	105	103	2
Non-consensual Sexual Contact	22	21	1
Intimate Partner Abuse	13	13	0
Non-consensual Sexual Intercourse	10	10	0
Stalking	9	9	0
Sexual Exploitation	4	4	0
Quid Pro Quo	1	1	0
Unknown Provision / No Details	1	1	0
Failure to Report	1	1	0
Sexual Misconduct Retaliation	2	2	0
Total	168	165	3

Formal Charges by Sexual Misconduct Category (Table 5)

The two cases that were addressed through a formal investigation, were resolved as follows:

Table 5. Formal Cases by Sexual Misconduct Category	Formal Charges	Pending Charges	Not Responsible Findings	Responsible Findings
Sexual Harassment	2	0	0	2
Non-consensual Sexual Contact	1	0	0	1
Intimate Partner Abuse	0	0	0	0
Non-consensual Sexual Intercourse	0	0	0	0
Gender Based Stalking/Stalking	0	0	0	0
Sexual Exploitation	0	0	0	0
Quid Pro Quo	0	0	0	0
Failure to Report	0	0	0	0
Sexual Misconduct Retaliation	0	0	0	0

Formal Investigation Findings, Sanctions, and Appeals

Of the two formal investigations of employees or affiliates for violation(s) of the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy, each case involved a single Respondent. Both Respondents were found responsible for one or more policy violations under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy. Action taken includes campus exclusion, dismissal, and ineligibility for rehire.

One case was appealed for review of any procedural errors that would have prevented the Respondent from receiving a fair adjudication. The Appeal Advisory Board upheld the original decision in its entirety.

Conflict of Interest in Cases of Amorous Relationships Policy Complaints

Conflict of Interest in Amorous Relationships Complaint Resolution (Table 6)

There were six 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 ten non-compliance complaints under the Conflict of Interest in Cases of Amorous Relationships Policy. These complaints were resolved as follows:

There was one complaint involving conflict of interest in amorous relationships that was resolved via formal investigation; in this case, the Respondent was found responsible for a policy violation. 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 two complaints addressed through informal resolution, which is a remedies-based resolution that allows 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 two complaints addressed by the Complainant’s supervisor, one complaint 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, and one complaint was closed after preliminary inquiry when it was determined that there was no

basis for a formal investigation. Two complaints involved consultation with the OIEC to provide information about OIEC’s investigative process. Finally, one complaint was referred to another office.

Table 6.	
Conflict in Amorous Relationships Complaint Resolution	# of Complaints
Formal investigation	1
Informal resolution	2
No limitation on existing authority	2
No basis to proceed	1
Closed after preliminary inquiry	1
Informational only	2
Referred to another office	1
Total number of complaints	10