

University of Colorado Boulder
Office of Institutional Equity and Compliance
Fiscal Year 2018-2019
Statistical Report for Student 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) students pursuant to the University of Colorado Boulder Discrimination and Harassment Policy and the University of Colorado Sexual Misconduct, Intimate Partner Abuse and Stalking Policy.

The Discrimination and Harassment Policy prohibits protected-class discrimination, harassment, and/or related retaliation. The 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.

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 was prepared on November 7, 2019. It includes data on sexual misconduct, protected-class discrimination and harassment, and related retaliation complaints received by OIEC between July 1, 2018 and June 30, 2019, 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 2018-2019 Statistical Report for Employee and Affiliate 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 Respondents.

Between July 1, 2018 and June 30, 2019, OIEC received 117 complaints against students under the Discrimination and Harassment Policy and 270 complaints against students under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy. In 74 of these cases, the student was not identified. Twelve cases involved charges under more than one policy. In addition, there were 45 complaints that did not fall under the Sexual Misconduct, Intimate Partner Abuse and Stalking or Discrimination and Harassment policies and these cases were referred to other campus offices. In total, there were 420 complaints against students that were reported to OIEC during the 2018-2019 fiscal year.

Discrimination and Harassment Policy Complaints

Discrimination and Harassment Case Resolution (Table 1)

The 117 complaints against students under the Discrimination and Harassment Policy were addressed as follows:

One complaint of discrimination or harassment involving gender identity harassment was addressed 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 13 discrimination and harassment complaints resolved 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 eight discrimination and harassment complaints that were addressed by an authority (for instance, a supervisor, faculty member, or conduct coordinator) in consultation with the OIEC. Eight 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 one complaint involved consultation to provide information about OIEC's investigative process. Finally, 86 cases were referred to another office; in these instances, 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).

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Formal resolution	1
Informal resolution	13
No limitation on existing authority	8
No basis to proceed	8
Informational only	1
Pending	1
Referred to another office	86
Total number of cases	117

Types of Discrimination and Harassment Allegations¹ (Table 2)

Among the 117 discrimination and harassment complaints made against students, the most commonly reported allegations were related to race (39), followed by gender (25), sexual orientation (24), and national origin (16).

¹ 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	39	39	0
Gender	25	25	0
Sexual Orientation	24	24	0
National Origin	16	16	0
Religion/Creed	14	14	0
Disability	12	12	0
Gender Identity	5	4	1
Age	5	5	0
Color	3	3	0
Gender Expression	3	3	0
Political Philosophy	2	2	0
Political Affiliation	2	2	0
Unknown Provision / No Details	2	2	0
Discrimination/Harassment Retaliation	0	--	--
Veteran Status	0	--	--
Failure to Comply with Direction of OIEC	0	--	--
Total	152	151	1

Formal Investigation Findings and Sanctions

The Respondent in the one formal investigation was 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)

The 270 complaints against students under the Sexual Misconduct, Intimate Partner Abuse and Stalking Policy were addressed as follows:

There were 19 complaints involving sexual misconduct that were resolved via formal investigation and one of these cases was pending at the time of this report. 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.

Forty-seven sexual misconduct complaints were 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 17 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. Eight complaints were addressed by

someone in authority at a different campus office (for instance a supervisor, faculty member, or conduct coordinator) in consultation with OIEC, and six cases involved consultation with the OIEC to provide information about OIEC's investigative process. Two complaints were closed after preliminary inquiry when it was determined that there was no basis for a formal investigation or informal resolution, and there was one allegation of a false report. Finally, 170 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	19
Informal resolution	47
No basis to proceed	17
No limitation on existing authority	8
Informational only	6
Preliminary inquiry	2
False report	1
Referred to another office	170
Total number of complaints	270

Types of Sexual Misconduct Allegations¹ (Table 4)

Among the 270 sexual misconduct complaints made against students, the most commonly reported allegations were sexual harassment (106), followed by intimate partner abuse (82), non-consensual sexual intercourse (54), and stalking (46).

Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Informal or Other Resolutions	# Allegations Addressed by Formal Investigation
Sexual Harassment	106	99	7
Intimate Partner Abuse	82	74	8
Non-consensual Sexual Intercourse	53	48	6
Stalking	46	43	3
Non-consensual Sexual Contact	34	32	2
Sexual Exploitation	18	13	5
Sexual Misconduct Retaliation	4	3	1
Failure to Comply w/ Direction of OIEC	4	2	2
Unknown Provision / No Details	3	3	0
False Complaint	1	0	1
Total	352	317	35

Formal Charges by Sexual Misconduct Category (Table 5)

Of the 19 cases that were resolved through a formal investigation, the most common charges were intimate partner abuse (8), sexual harassment (6) non-consensual sexual intercourse (6), and sexual exploitation (4).

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

Formal Investigation Findings and Sanctions (Table 6)

Of the 19 formal investigations of students, two cases involved two Respondents each; all other formal cases had a single Respondent for a total of 21 Respondents. One case with two Respondents was pending at the time of this report, six Respondents were found *not responsible* for a policy violation, and 13 Respondents were found *responsible* for one or more policy violations. Action taken in these cases included three probations, five suspensions,² and three expulsions.

Table 6. Formal Investigation Findings and Sanctions	# of Respondents
Pending	2
No policy violation	6
Found responsible for a policy violation	13
Action Taken	
Suspension ²	5
Expulsion	3
Educational sanction	1
Probation	3
Exclusion from areas of campus	1

Administrative Review of Sexual Misconduct Cases

There were three post-decision appeals heard and decided during the 2018-19 year. All three appeals were brought by Respondents. In each case, the policy violation decision and sanctions were upheld in their entirety.

² 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.