

University of Colorado Boulder
Employee and Affiliated Respondents
Statistical Report
Fiscal Year 2021-22

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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) employees and affiliates 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. The Conflict of Interest in Amorous Relationships Policy requires that persons who are involved in a 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 presents data on sexual misconduct, protected-class discrimination and harassment, and related retaliation complaints, as well as conflict of interest in amorous relationships complaints received by OIEC between July 1, 2021 and June 30, 2022. This includes cases involving Respondents who were CU Boulder or System Administration employees, student employees acting in their employment role, contractors, volunteers, visitors, or 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 included in OIEC's Fiscal Year 2021-2022 Report for Student Respondents. Cases involving non-affiliated Respondents (identified and unidentified) are summarized in the OIEC Fiscal Year 2021-2022 Report for Unidentified and Unaffiliated Respondents¹.

During the 2021-2022 fiscal year, there were 633 complaints against CU employees and affiliates reported to OIEC. In 175 of these cases, the employee or affiliate was not identified by name.

- 425 complaints under the Discrimination and Harassment Policy.
- 133 complaints under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
- 2 cases related to the Conflict of Interest in Cases of Amorous Relationships Policy.
- 28 cases involved charges under more than one of the three policies.
- 101 complaints did not fall under the three policies administered by OIEC and these cases were referred to other campus offices.

¹ In OIEC statistical reports for 2014-2018, unidentified and unaffiliated respondents were included in the Employee, Affiliate, Non-Affiliate, and Unidentified Non-Student Respondent Report. As the number of complaints against unidentified and unaffiliated respondents has nearly doubled since 2014, these cases are now reported separately.

Discrimination and Harassment Policy Complaints

Types of Discrimination and Harassment Complaint Resolutions²

The 425 complaints under the Discrimination and Harassment Policy were addressed as follows (also see Table 1):

- There were no complaints 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.
- 48 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.
- 58 complaints were *addressed jointly by the OIEC and Respondent's supervisor* or department or by the department in consultation with OIEC.
- 32 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.
- 14 complaints were closed after *preliminary inquiry* when it was determined that there was no basis for a formal adjudication.
- 6 complaints involved consultation with OIEC to provide *information* about OIEC's investigative and other processes.
- 105 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.
- 60 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.

Table 1. Discrimination and Harassment Case Resolution	# of Cases
Formal adjudication	0
Remedies-based resolution	48
Concerns addressed with supervisor or department	58
No basis to proceed	32
Preliinary inquiry	14
Informational about the investigative process only	6
Outreach and connection with support services	105
Declined resolution process/documentation only	90
Referred to another office	60
Pending	12
Total number of cases	425

² All cases are also referred to OVA or other confidential support services.

Types of Discrimination and Harassment Allegations³

Among the 425 discrimination and harassment complaints made against employees and CU affiliates, the most commonly reported allegations were race (161), disability (102), gender (89), and national origin (46), see Table 2.

Table 2. Types of Discrimination and Harassment Allegations	# Allegations	# Allegations Addressed by Remedies-Based or Other Resolutions⁴	# Allegations Addressed by Formal Adjudication
Race	161	154	0
Disability	102	98	0
Gender	89	87	0
National Origin	46	44	0
Unknown Class or Provision	32	31	0
Age	24	24	0
Religion or Creed	22	21	0
Sexual Orientation	20	16	0
Gender Identity	20	20	0
Discrimination/Harassment Retaliation	19	17	0
Political Affiliation	9	9	0
Failure to Report	6	6	0
Political Philosophy	4	4	0
Color	4	4	0
Gender Expression	3	3	0
Veteran Status	3	3	0
Providing False or Misleading Information	1	1	0
Pregnancy	1	1	0
Total	566	543	0

Discrimination and Harassment Formal Adjudication Findings and Sanctions

There were no protected-class discrimination and harassment formal adjudications against employee Respondents.

³ Many complaints involved allegations of a violation of more than one policy provision.

⁴ 12 cases with an additional 18 allegations were still pending a determination of resolution process at the time of this report.

Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Complaints

Types of Sexual Misconduct Complaint Resolutions⁵

There were 133 complaints under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy that were addressed as follows (also see Table 3):

- 2 complaints involving two Respondents were addressed through a *formal grievance process* 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.
- 32 complaints were addressed jointly *by the OIEC and Respondent's supervisor or department* or by the department in consultation with OIEC.
- 8 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.
- 33 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.
- 10 complaints were referred to another office, as the information reported was outside the OIEC's jurisdiction.
- 15 complaints in which the complainant declined an OIEC resolution or requested their concerns only be documented at that time.
- 8 complaints were still pending at the time of this report.

⁵ All cases are also referred to OVA or other confidential support services.

Table 3. Sexual Misconduct Complaint Resolution	# of Cases
Formal grievance*	2
Remedies-based resolution	24
Concerns addressed with supervisor or department	32
No basis to proceed	8
Closed after preliminary inquiry	1
Outreach and connection with support services	33
Referred to another office	10
Declined resolution process/documentation only	15
Pending	8
Total number of cases	133

*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 133 sexual misconduct complaints made against CU employees and affiliates, the most commonly reported allegations were hostile environment sexual harassment (101), followed by stalking (13), failure to report (10), and non-consensual sexual contact (7) and retaliation (7). See Table 4:

Table 4. Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Remedies-Based or Other Resolutions	# Allegations Addressed by Formal Grievance
Hostile Environment	101	100	1
Stalking	13	12	1
Failure to Report	10	10	0
Non-consensual Sexual Contact	7	6	1
Sexual Misconduct Retaliation	7	7	0
Dating or Domestic Violence	5	5	0
Sexual Exploitation	4	4	0
Non-consensual Sexual Intercourse	4	4	0
Unknown Provision / No Details	3	3	0
False Complaint	1	0	0
Quid Pro Quo	0	0	0
Total	153	150	3

Formal Charges by Sexual Misconduct Category

There were two separate cases involving two different respondents addressed through a formal grievance. All two cases were pending resolution at the time of this report.

Conflict of Interest in Cases of Amorous Relationships Policy Complaints

There were two cases reported related to the Conflict of Interest in Cases of Amorous Relationships Policy where the OIEC advised on appropriate steps to remove any existing evaluative authority to ensure policy compliance.

No complaints of non-compliance with the Conflict of Interest in Cases of Amorous Relationships Policy were reported to the OIEC this fiscal year.