

University of Colorado Boulder

Employee and Affiliated Respondents
Statistical Report

Fiscal Year 2022-23

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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 objectively reviews the facts of each case to 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, 2022 and June 30, 2023. This includes cases involving respondents¹ 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 2022-2023 Report for Student Respondents. Cases involving non-affiliated respondents (identified and unidentified) are summarized in the 2022-2023 OIEC Fiscal Year Statistical Report for Unidentified and Unaffiliated Respondents.

During the 2022-2023 fiscal year, there were 659 cases reported to the OIEC involving allegations of misconduct against 763 CU employees or affiliated respondents. 194 employee and affiliated respondents were not identified by name. An additional 9 reports to the OIEC involve individual employees or affiliates related to the Conflict of Interest in Cases of Amorous Relationships Policy that were documented for compliance purposes.

- 504 employee or affiliated respondents were alleged to have engaged in misconduct under the Discrimination and Harassment Policy.
- 137 employee or affiliated respondents were alleged to have engaged in misconduct under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
- 1 employee alleged to have engaged in misconduct under the Conflict of Interest in Cases of Amorous Relationships Policy.
 - 11 employee or affiliated respondents were alleged to have engaged in misconduct under more than one of the three policies administered by the OIEC.
- 121 allegations did not fall under these three policies administered by OIEC, and these complaints were referred to other campus offices.

¹ "Respondent" means an individual who has been reported to be the perpetrator of misconduct.

Discrimination and Harassment Policy Complaints

Types of Discrimination and Harassment Complaint Resolutions²

There were 446 cases under the Discrimination and Harassment Policy, involving 504 employee or affiliated respondents, were addressed as follows (see Table 1):

- Allegations against 3 respondents were addressed through a formal adjudication in which OIEC objectively reviews the facts of each case to resolve issues and to determine whether a violation of the university policy occurred based on a preponderance of the evidence standard.
- Allegations against 68 respondents 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.
- Allegations against 68 respondents were addressed jointly by the OIEC and the respondent’s supervisor or department or by the department in consultation with OIEC.
- Allegations against 18 respondents resulted in a conclusion of no basis to proceed because the complaint did not share the name(s) of the employee or affiliated respondent(s), or OIEC did not have the authority to address the complaint because the case did not fall under OIEC policies.
- Allegations against 17 respondents were closed after preliminary inquiry when it was determined that there was no basis for a formal adjudication.
- Allegations against 3 respondents involved consultation with OIEC to provide information about OIEC’s investigative and other processes.
- In allegations against 188 respondents, the complainant did not respond to the OIEC’s outreach.
- In allegations against 100 respondents, the complainant declined an OIEC resolution or requested their concerns be documented only at that time.
- Allegations against 36 respondents 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 Employee and Affiliated Respondents
Formal adjudication	3
Remedies-based resolution	68
Concerns addressed with supervisor or department	68
No basis to proceed	18
Preliminary inquiry	17
Informational about the investigative process only	3
Outreach and connection with support services	188
Declined resolution process/documentation only	100
Referred to another office	36
Pending	3
Total number of employee and affiliated respondents	504

² All complainants are provided information about options for assistance and campus support and were referred to Office of Victim Assistance (OVA) or other confidential support services.

Types of Discrimination and Harassment Allegations³

Among allegations of discrimination and harassment (or related retaliation) against the 504 CU employees or affiliates, the most commonly reported allegations involved race (136), disability (108), gender (104), and national origin (39), 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	136	135	0
Disability	108	107	1
Gender	104	103	1
National Origin	39	38	0
Gender Identity	34	34	0
Age	30	30	0
Unknown Class or Provision	26	25	0
Sexual Orientation	23	23	0
Discrimination/Harassment Retaliation	22	20	2
Religion or Creed	19	19	0
Pregnancy	15	14	0
Political Philosophy	13	13	0
Color	7	7	0
Gender Expression	6	6	0
Veteran Status	6	6	0
Political Affiliation	2	2	0
Failure to Report	1	1	0
Providing False or Misleading Information	1	1	0
Total	592	584	4

Discrimination and Harassment Formal Adjudication Findings and Sanctions

There were three protected-class discrimination and harassment formal adjudications against employee respondents initiated during the 2022-2023 fiscal year. A determination has not been rendered in two cases at the time of publication of this report. In the third case, the respondent was alleged to have engaged in discriminatory conduct in a hiring process, and the respondent was found not responsible for violating the Discrimination and Harassment Policy. No appeal was filed in this case.

³ Many cases involved allegations of a violation of more than one policy provision and/or related to multiple protected classes.

⁴ 3 cases were still pending a determination of the 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 127 cases under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy involving 137 employee or affiliated respondents that were addressed as follows (see Table 3):

- Allegations against 4 respondents were addressed through a formal grievance process in which OIEC objectively reviews the facts of each case to resolve issues and to determine whether a violation of the university policy occurred based on a preponderance of the evidence standard.**
- Allegations against 33 respondents 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.
- Allegations against 21 respondents were addressed jointly by the OIEC and the respondent's supervisor or department or by the department in consultation with OIEC.
- Allegations against 13 respondents resulted in a conclusion of no basis to proceed because the complainant did not share the name(s) of the respondent(s), or OIEC did not have the authority to address complaints that did not fall under OIEC policies.
- In allegations against 40 respondents, the complainant did not respond to the OIEC's outreach.
- Allegations against 5 respondents were referred to another office, as the information reported was outside the OIEC's jurisdiction.
- In allegations against 22 respondents, the complainant declined an OIEC resolution or requested their concerns only be documented at that time.

Table 3. Sexual Misconduct Complaint Resolution	# of Employee or Affiliated Respondents
Formal grievance*	4
Remedies-based resolution**	33
Concerns addressed with supervisor or department	21
No basis to proceed	13
Outreach and connection with support services	40
Referred to another office	5
Declined resolution process/documentation only	22
Total number of resolutions	138**

*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.

**One formal grievance process was dismissed and the allegations against respondent were addressed in a remedies-based resolution, increasing the total number of resolutions from 137 to 138.

⁵ All complainants are provided information about options for assistance and campus support and were referred to Office of Victim Assistance (OVA) or other confidential support services.

Types of Sexual Misconduct Allegations

Among the 137 sexual misconduct complaints made against CU employees or affiliated respondents, the most commonly reported allegations included hostile environment sexual harassment (81), followed by non-consensual sexual intercourse (12), stalking (10), sexual exploitation (9), and non-consensual sexual contact (9). See Table 4:

Table 4. Types of Sexual Misconduct Allegations	# Allegations	# Allegations Addressed by Remedies-Based or Other Resolutions⁶	# Allegations Addressed by Formal Grievance
Hostile Environment ⁷	81	81	0
Non-consensual Sexual Intercourse	12	11	1
Stalking ⁸	10	9	1
Sexual Exploitation	9	8	1
Non-consensual Sexual Contact	9	7	2
Unknown Provision / No Details	8	8	0
Dating or Domestic Violence	7	6	1
Sexual Misconduct Retaliation	6	6	0
Failure to Report	6	6	0
False or Misleading Information	1	1	0
Quid Pro Quo	1	1	0
Total	150	144	6

Formal Grievance Processes for Sexual Misconduct

There were four separate cases involving four different respondents addressed through a formal grievance process. Two formal complaints were dismissed. The first case was dismissed because the respondent was no longer affiliated with CU Boulder. The second case was dismissed because the alleged conduct, even if true, did not constitute a policy violation; however, the allegations against this respondent were addressed through a remedies-based resolution. The remaining two formal grievance processes are still in progress at the time of the publication of this report.

Conflict of Interest in Cases of Amorous Relationships Policy Complaints

There were ten cases reported related to the Conflict of Interest in Cases of Amorous Relationships Policy. Nine of these cases were addressed to ensure compliance with the requirements of the Conflict of Interest in Cases of Amorous Relationships Policy, including documenting the report and removing evaluative authority when required.

One complaint of non-compliance with the Conflict of Interest in Cases of Amorous Relationships Policy was reported to the OIEC this fiscal year, and subject to a formal resolution process in conjunction with an associated formal grievance process for sexual misconduct allegations against the respondent, which is still on-going at the time of the publication of this report.

⁶ No cases were still pending a determination of the resolution process at the time of this report.

⁷ Hostile Environment and/or Title IX Hostile Environment allegations.

⁸ Stalking and/or Title IX Stalking allegations.