

University of Colorado Boulder  
Student Respondent Statistical Report  
Fiscal Year 2022-2023

Office of Institutional Equity and Compliance  
10-25-2023

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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) students 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.

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 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 received by OIEC between July 1, 2022 and June 30, 2023, and contains data involving complaints that identified a CU Boulder student respondent,<sup>1</sup> 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 2022-2023 Statistical Report for Employee and Affiliated 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 405 cases reported to the OIEC involving allegations against 470 student respondents. 99 student respondents were not identified by name.

- 197 student respondents were alleged to have engaged in misconduct under the Discrimination and Harassment Policy.
- 217 student respondents were alleged to have engaged in misconduct under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy.
  - 11 cases involved charges under both policies.
- 56 allegations did not fall under either policy, and these complaints were referred to other campus offices.

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<sup>1</sup> "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 Resolutions<sup>2</sup>

The 163 cases under the Discrimination and Harassment Policy, involving allegations against 197 student respondents, were addressed as follows (see Table 1):

- Allegations against 1 respondent was 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 40 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 8 respondents were addressed by an individual in a position of authority (for instance, a supervisor, faculty member, or conduct coordinator) jointly or in consultation with the OIEC.
- Allegations against 24 respondents resulted in a conclusion of no basis to proceed because the complaint did not share the name(s) of the student respondent(s), or OIEC did not have the authority to address the complaint because the case did not fall under OIEC policies.
- In 2 cases, the OIEC provided information about OIEC’s investigative and other processes.
- In allegations against 81 respondents, the complainant did not respond to the OIEC’s outreach.
- Allegations against 10 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.
- In allegations against 31 respondents, the complainant declined an OIEC resolution or requested their concerns be documented only at that time.

<b>Table 1. Discrimination and Harassment Case Resolution</b>	<b># of Student Respondents</b>
Formal adjudication	1
Remedies-based resolution	40
Concerns addressed by a supervisor, faculty member, or conduct coordinator in consultation with OIEC	8
No basis to proceed	24
Informational about the policy and investigative process only	2
Outreach and connection with support services	81
Referred to another office	10
Declined resolution process/Documentation only	31
<b>Total number of student respondents</b>	<b>197</b>

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<sup>2</sup> 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 Allegations<sup>3</sup>

Among the 163 discrimination and harassment cases involving allegations against 197 student respondents, the most commonly reported allegations involved race (80), followed by sexual orientation (44), gender (25), gender identity (15), disability (14), and national origin (14), see Table 2.

<b>Table 2. Types of Discrimination and Harassment Allegations</b>	<b># Allegations</b>	<b># Allegations Addressed by Remedies-Based or Other Resolutions<sup>4</sup></b>	<b># Allegations Addressed by Formal Adjudication</b>
Race	80	80	0
Sexual Orientation	45	45	0
Gender	25	25	0
Gender Identity	15	15	0
Disability	14	14	0
National Origin	14	14	0
Religion	10	10	0
Unknown Class / Provision	8	8	0
Gender Expression	6	6	0
Discrimination/Harassment Retaliation	3	2	1
Political Philosophy	3	3	0
Political Affiliation	2	2	0
Veteran Status	2	2	0
Age	2	2	0
False or Misleading Information	2	2	0
Color	1	1	0
<b>Total</b>	<b>232</b>	<b>231</b>	<b>1</b>

### Discrimination and Harassment Formal Adjudication Findings and Sanctions

There was one formal adjudication against a student respondent involving allegations of protected-class discrimination and harassment. The student was alleged to have engaged in retaliation for a prior report the complainant made to and addressed by the OIEC. The respondent was found not responsible for violating the Discrimination and Harassment Policy and no appeal was filed in that case.

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

<sup>4</sup> No 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 Resolutions<sup>5</sup>

The 200 cases involving complaints against 217 student respondents under the Sexual Misconduct, Intimate Partner Violence, and Stalking Policy were addressed as follows (see Table 3):

- Allegations of sexual misconduct against 21 respondents were addressed through a formal grievance process and 15 of these cases were still in process at the time of this report. In a formal grievance, 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 24 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 3 respondents were addressed by someone in a position of authority in a different campus office (for instance a supervisor, faculty member, or conduct coordinator) in consultation with OIEC.
- Allegations against 28 respondents 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.
- In allegations against 89 respondents, the complainant did not respond to the OIEC's outreach.
- Allegations against 8 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.
- In allegations against 44 respondents, the complainant declined an OIEC resolution or requested their concerns only be documented at that time.

<b>Table 3. Sexual Misconduct Complaint Resolution</b>	<b># of Student Respondents</b>
Formal grievances*	21
Remedies-based resolutions, including Policy Compliance Resolutions	24
Concerns addressed by a supervisor, faculty member, or conduct coordinator in consultation with OIEC	3
No basis to proceed	28
Outreach and connection with support services	89
Referred to another office	8
Declined Resolution Process/Documentation Only	44
<b>Total number of student respondents</b>	<b>217</b>

\*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.

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<sup>5</sup> 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 252 sexual misconduct allegations against 217 student respondents, the most reported allegations included sexual harassment (68), followed by sexual assault (rape) (56), sexual assault (fondling) (38), stalking (32), and dating or domestic violence (31), see Table 4:

<b>Table 4. Types of Sexual Misconduct Allegations</b>	<b># Allegations</b>	<b># Allegations Addressed by Remedies-Based or Other Resolutions<sup>6</sup></b>	<b># Allegations Addressed by Formal Grievance</b>
Hostile Environment <sup>7</sup>	68	68	0
Sexual Assault (rape)	56	45	11
Sexual Assault (fondling)	38	28	10
Stalking <sup>8</sup>	32	28	4
Dating or Domestic Violence	31	27	4
Sexual Exploitation	14	7	7
Unknown Provision / No Details	11	11	0
Failure to Comply with Directives, Orders or Sanctions	2	0	2
Sexual Misconduct Retaliation	0	0	0
Providing False or Misleading Information	0	0	0
Failure to Report	0	0	0
Quid Pro Quo	0	0	0
<b>Total</b>	<b>252</b>	<b>214</b>	<b>38</b>

## Sexual Misconduct, Intimate Partner Violence, and Stalking Policy Formal Grievance Resolutions

Of the 22 cases involving formal grievance processes, 15 cases continue to be in progress at the time of this report. Two cases were resolved with a responsible finding, that resulted in sanctions of expulsion, suspension, exclusion from campus, and/or disciplinary hold on the respondent's record blocking course registration, and a behavioral assessment and completion of recommendations. Four cases were dismissed. No appeals were filed in cases that were resolved or dismissed. This report will be updated after all FY 2022-2023 cases have been fully resolved.

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<sup>6</sup> No pending cases awaiting a determination of resolution process at the time of this report.

<sup>7</sup> Hostile Environment and/or Title IX Hostile Environment allegations.

<sup>8</sup> Stalking and/or Title IX Stalking allegations.