Interim Procedure P1-012: Sexual Misconduct: Sexual Assault, Dating Violence, Domestic Violence and Stalking, Prevention and Response Procedure Rev. 0

I. Purpose & Scope:

To educate the campus community about sexual misconduct including sexual assault, dating violence, domestic violence and stalking and about campus resources and processes available to victims of sexual misconduct.

II. Definitions:

A. "A prompt, fair, and impartial proceeding" includes a proceeding that is—

1. Completed within reasonably prompt timeframes as described in Regulations Library Policies 5-210, 6-400, 6-011, and 5-111. The timeframes set forth in these policies may be extended for good cause with written notice to the accuser and the accused of the delay and the reason for the extension.

2. Conducted in a manner that

   a. is consistent with the University's policies and transparent to the accuser and accused;

   b. includes timely notice of meetings at which the accuser or accused, or both, may be present; and

   c. provides timely access to the accuser, the accused, and appropriate officials to any information that will be used after the fact-finding investigation but during informal and formal disciplinary meetings and hearings; and

3. Conducted by officials who do not have a conflict of interest or bias for or against the accuser or accused.

B. "Advisor" means any individual who provides the accuser or accused support, guidance, or advice.

C. "Preponderance of the Evidence" is a legal standard meaning "more likely than not."
D. "Proceeding" means all activities related to a non-criminal resolution of an institutional disciplinary complaint, including, but not limited to, fact-finding investigations, formal or informal meetings, and hearings.

E. "Result" means any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the University. The result must include any sanctions imposed by the institution. Notwithstanding 20 USC 1232, the result must also include the rationale for the result and the sanctions.

F. The terms "Sexual Misconduct," "Sexual Assault," "Sexual Violence," "Domestic Violence," "Dating Violence" and "Stalking:" shall have their same meanings as provided in Policy 1-012. Sexual Misconduct, Sexual Assault, Sexual Violence, Domestic Violence, Dating Violence, and Stalking are all forms of sexual harassment discrimination and are violations of University Policy 5-107, Sexual Harassment and Consensual Relationship Policy.

III. Procedure:

A. Campus Education Regarding Sexual Assault, Domestic Violence, and Stalking

1. The University provides primary prevention and awareness programs for all incoming students and new employees, which shall include-

   a. A statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;

   b. The Utah statutory definition of domestic violence, dating violence, sexual assault, and stalking;

   c. The Utah statutory definition of consent, in reference to sexual activity;

   d. Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual;

   e. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks;

   f. A copy of University Policy 1-012 and this University Procedure P1-012A.

2. Ongoing prevention and awareness campaigns for student, staff and faculty, including information described in items a-f above.

B. Reporting Sexual Assault, Dating Violence, and Stalking
1. The first priority of any person who has been subject to sexual assault should be to get to a place of safety and then to obtain necessary medical treatment. Victims of sexual assault may seek and receive medical care free of charge from a local hospital emergency department without submitting a police report. The University strongly encourages victims to report incidents of sexual assault in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the University Department of Public Safety ("University Police Department") or the local law enforcement entity for the jurisdiction in which the assault took place. Alternatively, or in conjunction with a report to the University Police Department or other law enforcement, victims of sexual assault may report an assault to the University’s Title IX Coordinator: Director, Office of Equal Opportunity and Affirmative Action ("OEO/AA"), the Office of the Dean of Students and/or to a Housing & Residential Education representative for support services and options to initiate campus procedures of adjudication. Individuals are encouraged, but not required, to file a police report. Filing a police report will not obligate the victim to pursue a complaint through the criminal process, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:

   i. ensure that a victim of sexual assault receives the necessary medical treatment and tests, at no expense to the victim;

   ii. provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and

   iii. make the victim aware of resources available for confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

2. The victim of a sexual assault may request any University official, including officials in the offices of Human Resources, Academic Affairs, Student Affairs and the Office for Student Equity and Diversity, to assist them in notifying law enforcement authorities about a sexual assault. If so requested, the official/office shall provide such assistance.

3. When a sexual assault victim contacts the University Police Department, the Title IX Coordinator/OEO/AA Office and the Office of the Dean of Students (if related to a student) will also be notified. The victim of a sexual assault may choose for an investigation to be pursued either through the criminal justice system, through the University’s discrimination complaint process and disciplinary process (when an alleged perpetrator is a student, faculty or staff), or through both processes. Victims may also choose not to proceed as a complainant in a criminal process or in a disciplinary process. However, in some cases, depending on the severity of the alleged offense and the University’s
obligation to ensure the safety of its community, the University may be required to investigate a report of sexual misconduct without the participation/involvement of the victim. A representative from the Victim Advocate Office, Student Wellness Center, University Police Department or the Office of the Dean of Students will guide the victim through the available options and support the victim in his or her decision.

4. All discrimination and sexual misconduct complaints will be investigated and resolved under Policy 5-210, Discrimination and Sexual Harassment Complaint Policy.

5. Confidential reports may be made to professional or pastoral counselors. This means that crimes reported to professional or pastoral counselors may remain confidential and are not required to be referred to law enforcement or University administration.

6. Protective measures may be initiated before, during, and after an investigation which may include but are not limited to changing residence halls and/or classes of the victim and/or perpetrator, no contact agreements, and referrals to support services such as victim advocacy or counseling.

C. Disciplinary Procedures:

1. A member of the University community who is found to have engaged in Sexual Misconduct will be disciplined under the appropriate University policy – For students (Policy 6-400); for faculty (Policy 6-011); for staff (Policy 5-111).

2. Standard of Evidence. The standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of Sexual Misconduct is preponderance of the evidence.

3. Possible Sanctions. The University may impose sanctions as the result of any institutional disciplinary proceedings against a student, staff or faculty member.<

   a. Students. Possible sanctions may include, but are not limited to: permanent no contact orders, educational training, referrals to counseling services, suspension, or dismissal from the University.

   b. Faculty and Staff. Possible corrective actions include Written Warning, Final Written Warning, Suspension Without Pay, Demotion and Termination of employment.

4. The disciplinary proceedings for an accusation of Sexual Misconduct will meet the following requirements:

   a. Include a prompt, fair, and impartial process from the initial investigation to the final result;
b. Be conducted by officials who at a minimum receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability;

c. Provide the accuser and the accused with the same opportunities to be accompanied to any related meeting or proceeding by an advisor of their choice;

d. Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and

e. Require simultaneous notification, in writing, to both the accuser and the accused of —

   i. The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking;

   ii. The institution's procedures for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such procedures are available;

   iii. Any change to the result; and

   iv. When such results become final.

IV. Policies, Rules, Guidelines, Forms, and other related resources:


B. Policy 5-210: (/human-resources/5-210.php) Discrimination and Sexual Harassment Complaint Policy

C. Policy 5-107: (/human-resources/5-107.php) Sexual Harassment and Consensual Relationship Policy

D. Policy 5-111 (/human-resources/5-111.php): Corrective Action and Termination Policy for Staff Employee

E. Policy 6-011: (/academics/6-011.php) Functions and Procedures of the Senate Consolidated Hearing Committe

F. Policy 6-316: (/academics/6-316.php) Code of Faculty Rights and Responsibilities

G. Policy 6-400: (/academics/6-400.php) Student Code, Section III: Student Behavior
V. References:


VI. History: Current version. Revision 0.

Implemented on October 1, 2014 to comply with the Violence Against Women Reauthorization Act of 2013