University Rule R5-210: Sexual Assault Prevention and Response

I. Purpose, Scope and Effective Dates

To Comply with the Federal Clery Act (20 U.S.C. § 1092(f)) which requires the University to educate current and prospective students about campus resources and processes available to student victims of sexual assault.

This Rule takes effect October 1, 2009, and will automatically expire on June 30, 2011.

II. Definitions

(Reserved)

III. Rule

A. Campus Education Regarding Sexual Assaults: The University educates the student community about sexual assaults and date rape through mandatory freshman orientations each semester. The University Police Department offers sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction, and University response, as well as educational programs about the same, are available through the University’s Office of Housing and Residential Education.

B. Reporting Sexual Assault

1. The first priority of a person who has been subject to sexual assault should be to get to a place of safety and then to obtain necessary medical treatment. The University Police Department strongly advocates that a victim of sexual assault report the incident in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the University’s Police Department, the Office of Equal Opportunity and Affirmative Action (“OEO/AA”), the Dean of Students and/or to a Housing and Residential Education representative. Individuals are encouraged to file a police report. Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will

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

   b. 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

   c. assure the victim has access to free confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

2. Students may request any campus authority to assist them in notifying law
enforcement authorities about a sexual assault. If so requested, the campus authorities shall provide such assistance.

3. When a sexual assault victim contacts the Police Department, the OEO/AA Office and the Office of the Dean of Students will also be notified. The victim of a sexual assault may choose for the investigation to be pursued through the criminal justice system and through a University disciplinary process (for students, faculty or staff), or only the latter. Victims may choose not to proceed as a complainant in the disciplinary process. A University representative from the 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.

C. Counseling Options: Various counseling options are available from the University through the University Counseling Center, the Women's Resource Center and Employee Assistance. Support services are also available outside the University from the Rape Crisis Center and from other sources. The offices of the Dean of Students, the University Counseling Center, the Women's Resources Center and Employee Assistance can provide referrals to other non-University counseling options.

D. Disciplinary Proceedings:

1. University disciplinary proceedings for students accused of committing sexual assault, as well as special guidelines for cases involving sexual misconduct, are detailed in the Code of Student Rights and Responsibilities ("Student Code"), Regulations Library, Policy 6-400, Section III.

2. University disciplinary proceedings for faculty employees accused of committing sexual assault are detailed in the University's Academic Senate Policy, Consolidated Hearing Committee for Faculty Disputes ("Senate Policy"), Regulations Library, Policy 6-002, Section 10.

3. University disciplinary proceedings for staff employees accused of committing sexual assault are detailed in the University’s Discrimination and Sexual Harassment Complaint Procedures ("Harassment Complaint Procedures"), Regulations Library, Procedure 5-210.

4. The Student Code, the Senate Policy, and the Harassment Complaint Procedures provide, in part, that the accused and the victim will each be allowed to choose one person to advise them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing.

5. Students and employees found responsible for sexual assault could be criminally prosecuted in the state courts and may be terminated from employment or suspended or expelled from the University for the first offense.

E. Academic and Living Situations: Student victims have the option to change their academic and/or on-campus living situations after an alleged sexual assault, if such changes are reasonably available.

IV. Policies, Procedures, Guidelines, forms and other related resources

A. Policies

Policy 5-107: Sexual Harassment and Consensual Relationships

Policy 5-111: Corrective Action and Termination Policy for Staff Employees

Policy 5-210: Discrimination and Harassment Complaint Policy

Policy 6-002: Section 10: Academic Senate, Consolidated Hearing Committee for Faculty Disputes

Policy 6-400: Code of Student Rights and Responsibilities

B. Procedures

C. Guidelines
D. Forms
E. Other related resources

V. Contacts:
   Policy Officer: Chief of Police (801) 581-7619
   Policy Owner: Vice President Administrative Services (801) 581-6404

VI. History:

Current version: Revision 0

Put into effect October 1, 2009 by University President Michael K. Young as an Interim Rule (pursuant to University Policy 1-001). The Interim Rule was required as a result of an audit by the U.S. Department of Education which revealed that the University was out of compliance with federal law.

Reviewed by the Academic Senate Executive Committee: October 19, 2009

Reviewed and finally approved by the Academic Senate: November 2, 2009, as amended to include an automatic expiration date of June 30, 2011.

Legislative History