

## **Rule 1-012B: DRAFT Sexual Misconduct Complaint Process Rule**

### **I. Purpose & Scope**

The University of Utah (“University”) is committed to providing and fostering an environment that is safe and free from sexual or gender-based harassment and discrimination. Among other forms of prohibited discrimination, University policy prohibits discrimination on the basis of sex, which includes all forms of Sexual Misconduct. University policy also prohibits retaliation against individuals for engaging in protected activities, such as filing a discrimination complaint or participating in a discrimination complaint process.

This Rule outlines the process the University will use to resolve complaints of Sexual Misconduct. This Rule is also intended to educate the University community including current and prospective students and employees about Sexual Misconduct and about campus resources and processes available to victims of Sexual Misconduct.

### **II. Definitions**

For purposes of Policy 1-012 and its associated Rules and Procedure, including this Rule 1-012B, the definitions of prohibited discrimination and other words and phrases are provided in Rule 1-012.

### **III. Rule**

- A. **Prevention & Awareness.** The University offers comprehensive programming intended to end dating violence, domestic violence, sexual assault, and stalking. The University educates about consent, sexual assault, domestic violence, dating violence, and stalking through orientations each semester given to incoming students. The University of Utah Department of Public Safety/University Police (“UDPS”) 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 various University Student Affairs offices including the Office of Housing & Residential Education and through the University's Center for Student Wellness.
1. The University provides primary prevention and awareness programs for incoming students and new employees, which includes:
    - a. A statement that the University prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking;
    - b. The Utah statutory definitions of domestic violence, dating violence, sexual assault, and stalking;
    - c. The Utah statutory definitions 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;

- e. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and
- f. Definitions of Sexual Misconduct under University policy, as well as a copy of University Policy 1-012, Rules 1-012, 1-012A, and 1-012B, and Procedure 1-012.

The University also conducts ongoing prevention and awareness campaigns for students, staff, and faculty.

- 2. For purposes of the Clery Act/VAWA, the following definitions apply. Separate from the University's obligations under the Clery Act/VAWA, conduct that meets the definitions of dating violence, domestic violence, sexual assault, or stalking is considered Sexual Misconduct under University policy.
  - a. *Dating violence.* Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—
    - 1. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - 2. Dating violence does not include acts covered under the definition of domestic violence.Dating violence is defined in Utah law at Utah Code Ann. § 78B-7-402(4).
  - b. *Domestic violence.* A crime of violence committed—
    - i. By a current or former spouse or intimate partner of the victim;
    - ii. By a person with whom the victim shares a child in common;
    - iii. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
    - iv. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
    - v. By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.Domestic violence is defined in Utah law at Utah Code Ann. § 77-36-1(4).
  - c. *Sexual assault.* An offense that meets the definition of rape, fondling, incest, or statutory rape.
    - i. *Rape.* The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
    - ii. *Fondling.* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim,

including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.

- iii. *Incest*. Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- iv. *Statutory rape*. Sexual intercourse with a person who is under the statutory age of consent.

Sexual assault is defined in Utah law at Utah Code Ann. §§ 76-5-402 to -405.

- d. *Stalking*. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to—
  - i. Fear for the person's safety or the safety of others; or
  - ii. Suffer substantial emotional distress.

For the purposes of this definition—

- iii. *Course of conduct* means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- iv. *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- v. *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Stalking is defined in Utah law at Utah Code Ann. § 76-5-106.5.

- e. *Consent*. Consent is not defined in Utah law. For a non-exhaustive list of situations in which consent has not been given, see Utah Code Ann. § 76-5-406.

B. **Initial Response.** The first priority of any person who has been subject to Sexual Violence should be to get to a safe place and then obtain necessary medical treatment. Victims may seek and receive a medical forensic examination free of charge from a local hospital emergency department without submitting a police report. The University strongly encourages victims to report all incidents of Sexual Misconduct as soon as possible. Time is a critical factor for evidence collection and preservation.

- 1. **Role of Law Enforcement.** The victim of an incident of Sexual Violence should report the incident directly to the University Department of Public Safety (“UDPS”) or the local law enforcement entity for the jurisdiction in which the incident took place.
  - a. Individuals are encouraged, but not required, to file a police report. Alternatively, or in conjunction with a report to law enforcement, victims

may make a report to the OEO/AA, the Office of the Dean of Students, a Housing & Residential Education representative, and/or another University representative. Filing a police report will not obligate the victim to pursue a complaint through the criminal process. Filing a police report will:

- i. ensure the victim receives appropriate medical treatment, including a medical forensic exam at no expense;
  - ii. provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally, a victim of Sexual Violence should not wash, use the toilet, or change clothing prior to a medical forensic exam); and
  - iii. make the victim aware of available resources.
- b. A victim may request any University representative to assist them in notifying law enforcement authorities about an incident of Sexual Violence.
- c. When a victim contacts the UDPS, the UDPS will notify the Title IX Coordinator, the OEO/AA, and the Office of the Dean of Students (if related to a student). A victim may choose for an investigation to be pursued either through the criminal justice system, through this Rule, or both. Victims may also choose not to proceed as a complainant in the criminal justice system or under this Rule (subject to Section III.C of this Rule). A representative from the Sexual Assault Support Advocate Office, Center for Student Wellness, UDPS, the Office of the Dean of Students, the Title IX Coordinator, and/or the OEO/AA will guide the victim through the available options.
- d. Where applicable, UDPS will enforce orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court.
2. Role of the OEO/AA. The OEO/AA is the University department charged with investigating and responding to complaints of discrimination, including Sexual Misconduct.
- a. The Director of the OEO/AA serves as the University's Title IX Coordinator.

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Title IX/ADA/Section 504 Coordinator  
University of Utah  
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- b. Upon receipt of a complaint of alleged Sexual Misconduct, the OEO/AA will:
  - i. provide the Complainant with written notification of and assist the Complainant in accessing counseling, mental health and health care, victim advocacy, legal, academic support, and other resources available in the community and on-campus;
  - ii. provide other security and support, which could include Interim Measures as described in Section III.D of this Rule;
  - iii. inform the Complainant of the right to report a crime to campus or local law enforcement and provide the Complainant with assistance, if requested; and
  - iv. unless the University has determined that it can respect a Complainant's request for confidentiality as outlined in Section III.C of this Rule, begin an investigation.

- C. Confidentiality.<sup>1</sup> The University encourages victims of Sexual Misconduct to talk to someone about what happened. Different employees on campus have different abilities to maintain a victim's confidentiality.

Professional and pastoral counselors are completely confidential and do not report any information disclosed by a Complainant to the University or to the OEO/AA. Nonprofessional counselors and advocates (e.g., individuals who are not professional counselors and who work or volunteer in the University Counseling Center, Center for Student Wellness, Sexual Assault Victim Advocacy Office, or Women's Resource Center, including front desk staff and students) must report only general information about incidents of Sexual Misconduct to the OEO/AA—such as the nature, date, time, and general location of the incident—in a way that does not identify the individuals involved. Responsible Employees of the University must report incidents of Sexual Misconduct to the OEO/AA, subject to Section III.C of this Rule.

Under VAWA and the Clery Act, the University is required to complete publicly available record-keeping on incidents of Sexual Misconduct in accordance with federal law, but will not disclose identifying information. The University will maintain as confidential any protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the protective measures.

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<sup>1</sup> Adapted from White House Task Force to Protect Students from Sexual Assault, *Sample Language for Reporting and Confidentially Disclosing Sexual Violence* (Sept. 2014).

1. Confidential Resources. The following are resources are **confidential**. This means that disclosure of an allegation of Sexual Misconduct will not result in a University investigation without the Complainant's agreement.

**University Counseling Center**

Student Services Building  
201 S 1640 E, Room 426  
Salt Lake City, UT 84112  
(801) 581-6826

24-hour Crisis Line: (801) 587-3000

**University Hospital Chaplains**

University of Utah Hospital  
50 N. Medical Drive  
Salt Lake City, UT 84132  
(801) 213-2484

**Center for Student Wellness\***

Eccles Student Life Center  
1836 Student Life Way, Suite 2100  
Salt Lake City, UT 84112  
(801) 581-7776

**Sexual Assault Victim Advocacy Office\***

Student Services Building  
201 S 1460 E, Room 330  
Salt Lake City, UT 84112  
(801) 581-7779  
advocate@sa.utah.edu

**Women's Resource Center\***

A. Ray Olpin Union  
200 S. Central Campus Drive, Room 411  
Salt Lake City, UT 84112  
(801) 581-8030

\*These offices must report general information about incidents of Sexual Misconduct to the OEO/AA in a way that does not identify the individuals involved, such as the nature, date, time, and general location of the incident. This information is required to be included in the University's Annual Security Report under the Clery Act, and in rare circumstances may result in the issuance of a timely warning or other University obligations under Clery/VAWA.

2. Reporting to Responsible Employees.

- a. A Responsible Employee must promptly report to the Title IX Coordinator all relevant details about the alleged Sexual Misconduct shared by a Complainant—including the names of the Complainant and alleged Respondent(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.
  - b. Before a Complainant reveals any information to a Responsible Employee, the Responsible Employee should ensure that the Complainant understands the Responsible Employee's reporting obligations. If the Complainant wants to maintain confidentiality, the Responsible Employee should direct the Complainant to confidential resources.
  - c. If the Complainant wants to tell the Responsible Employee what happened but also requests confidentiality, requests that no investigation occur, or requests that no action be taken against the Respondent, the Responsible Employee should tell the Complainant that the University will consider the request, but cannot guarantee that the University will be able to honor it.
  - d. University disciplinary action typically will not be pursued against a Complainant for code of conduct violations related to an allegation of Sexual Misconduct.
3. Requests for Confidentiality. If a Complainant discloses an incident to a Responsible Employee but wishes to maintain confidentiality, or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University's obligation to provide a safe, non-discriminatory environment for all students, including the Complainant.
- a. The University has designated the following individual to evaluate requests for confidentiality once a Responsible Employee is on notice of alleged Sexual Misconduct:  
  
Director & Title IX Coordinator  
Office of Equal Opportunity and Affirmative Action  
University of Utah  
(801) 581-8365
  - b. If the University determines that it cannot maintain a Complainant's confidentiality, the University will inform the Complainant prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University's response.

D. Interim Measures. When the University receives information about alleged Sexual Misconduct, an appropriate University representative (such as the Dean of Students, cognizant supervisor, or HR representative) may provide accommodations, safety, or protective measures (“Interim Measures”), which will generally remain in effect throughout and potentially beyond the duration of the University investigation. When imposing Interim Measures, University representatives should consult with the Title IX Coordinator. The University will provide Interim Measures if they are reasonably available, regardless of whether the Complainant chooses to file a complaint with the OEO/AA or with law enforcement. Interim Measures may include actions such as:

1. Housing adjustments
2. Referrals to victim advocacy and/or counseling services
3. Academic adjustments
4. No-contact directives
5. Security escorts
6. Limitations on extracurricular or athletic activities
7. Administrative suspension
8. Review or revision of University policies or practices
9. Educational training

Because the University is under a continuing obligation to address the issue of Sexual Misconduct campus-wide, reports of Sexual Misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action.

E. OEO/AA Investigation.

1. In cases of Sexual Misconduct, the OEO/AA will begin an investigation upon receipt of:
  - a. information alleging Sexual Misconduct, unless the University has determined it can respect a Complainant’s request for confidentiality as described in Section III.C of this Rule; or
  - b. a Complaint.
2. The University will not require a Complainant to participate in any investigation or disciplinary proceeding.
3. The OEO/AA shall interview the Complainant and the Respondent, and may interview any other person with relevant information. The OEO/AA may also review any relevant evidence, including documentary material.
4. The Complainant and the Respondent may each be accompanied at any meetings or interviews with the OEO/AA or the University by an advisor of their choice, who may be an attorney. During the investigation, the advisor may only advise the Complainant or Respondent and may not actively

participate. The Respondent shall be afforded a full opportunity to respond to the allegations contained in the Complaint. Failure to respond or participate in an interview by the Respondent or a witness will not prevent the completion of the investigation. OEO/AA Consultants receive ongoing and regular training on investigating complaints of Sexual Misconduct and the University's process for resolving such complaints.

5. The OEO/AA will endeavor to complete the investigation within 60 calendar days of the filing of the Complaint. If an extension is necessary due to the complexity of the investigation, the severity or extent of the alleged conduct, school breaks, or other good cause, the Complainant and Respondent will be notified in writing of the status of the investigation.
6. At the conclusion of the investigation, the OEO/AA shall provide the Complainant and the Respondent with a draft of its findings ("OEO Draft"). Both parties shall have five (5) calendar days after receipt of the OEO Draft to submit written comments and any additional documents and/or evidence to the OEO/AA. If information from either party raises new issues or allegations, the OEO/AA may reinvestigate.
7. At the conclusion of the OEO/AA's further investigation, if any, or at the conclusion of the 5-day period described in the paragraph above, the OEO/AA shall issue a final report of its findings ("OEO Report") which shall include:  
(a) a determination of whether the evidence, evaluated under a Preponderance of the Evidence standard, supports a finding that Sexual Misconduct occurred; and  
(b) any mitigating or aggravating factors. The OEO/AA shall provide a copy of the OEO Report to the Complainant and the Respondent and notify both parties of their right to request a hearing as outlined in Section III.G of this Rule.
8. To protect the confidentiality of witnesses and all parties involved, and pursuant to FERPA and other state and federal privacy laws, names and other personally identifiable information may be redacted from the copies of the OEO Report that are provided to the Complainant and Respondent at this stage of the process.

#### F. University Disciplinary Action.

1. The OEO/AA shall also provide a copy of the OEO Report to the appropriate University administrator, which may include the supervisor, Chair, Dean, and cognizant Vice President with responsibility over the Respondent. Upon receipt of an OEO Report that includes a finding that Sexual Misconduct occurred, the appropriate University administrator will determine sanctions as follows:
  - a. If the Respondent is a student, the Dean of Students will determine the disciplinary sanction. Sanctions in cases of Sexual Misconduct are not

subject to Policy 6-400, *Code of Student Rights and Responsibilities* (“*Student Code*”), and may only be reviewed and/or appealed under this Rule as outlined in Sections III.G–K of this Rule. Possible sanctions include but are not limited to: permanent no-contact directives, educational training, referrals to counseling, suspension from one semester to five years, or dismissal from the University.

- b. If the Respondent is a staff member, the appropriate University administrator with supervisory responsibility over the Respondent, in consultation with Human Resources, will determine the disciplinary sanction. Sanctions in cases of Sexual Misconduct are not subject to Policy 5-203, *Staff Employee Grievance Procedures*, and may only be reviewed and/or appealed under this Rule as outlined in Sections III.G–K of this Rule. Possible sanctions include but are not limited to: Written Warning, Final Written Warning, Suspension Without Pay, Demotion, and Termination.
  - c. If the Respondent is a faculty member, the appropriate University administrator, such as the faculty member’s Department Chair or Dean, in consultation with the cognizant Vice President, will determine the disciplinary sanction. Sanctions against a faculty member may only be imposed by filing a complaint with the Consolidated Hearing Committee (CHC) pursuant to Policy 6-011, *Function and Procedures of the Senate Consolidated Hearing Committee*. Possible sanctions include but are not limited to: Written Reprimand and Dismissal (Termination). In addition, pending resolution of a CHC complaint, the President may impose an interim suspension if the President determines that a suspension is necessary to prevent substantial harm to the University or a member of the University community, pursuant to Policy 6-316, *Code of Faculty Rights and Responsibilities*.
2. The evidentiary standard that will be used during any disciplinary proceeding arising from an allegation of Sexual Misconduct is Preponderance of the Evidence.
  3. 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 individuals 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 Complainant and the Respondent 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 Complainant or the Respondent 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 Complainant and the Respondent 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 Complainant and the Respondent 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.

G. Request for Hearing. The Complainant and/or the Respondent may request a hearing on the finding contained in the OEO Report and/or the sanctions by submitting a request in writing to the OEO/AA within five (5) calendar days of receipt of the OEO Report or notice of sanctions, whichever occurs last. Once requested, the hearing will take place as soon as practicable. Failure to file a timely written request for a hearing shall constitute a waiver of the right to a hearing and a waiver of any appeal rights. If there is no request for a hearing, the OEO Report and any sanctions shall become final and binding. If the Respondent is a faculty member, a hearing and any appeals shall proceed pursuant to University Policy 6-011, *Function and Procedures of the Senate Consolidated Hearing Committee*, and Sections III.H–K of this Rule shall not apply. When conducting hearings involving allegations of Sexual Misconduct, the CHC shall follow the Hearing Procedure outlined in Procedure 1-012.

#### H. Sexual Misconduct Hearing Committee

1. When a timely request for a hearing is filed, the OEO/AA shall convene a hearing committee (“Committee”).
2. The Committee shall be composed of a five-person panel. The panel will consist of the Committee Chair, at least two Committee members of the same status as the Complainant (student, staff, or faculty), and at least two Committee members of the same status as the Respondent (student or staff), subject to the following exceptions. In the interest of prompt resolution, a Committee may be convened as a three-person panel and/or without student representation during school breaks or other time periods that present student scheduling difficulties. No more than two students will serve on a Committee.
3. The pool of eligible Committee members includes the following:

- a. Staff employees of the University appointed by the Chief Human Resources Officer, from a list of staff members nominated by the University of Utah Staff Council;
  - b. Students nominated by ASUU, from a list of students (graduate and undergraduate) nominated pursuant to procedures of ASUU; and
  - c. Faculty members from the Consolidated Hearing Committee pool.
4. Committee members shall be trained at least annually on how to conduct a hearing process for complaints of Sexual Misconduct.
5. A Committee member may be disqualified due to bias, conflict of interest, or for other good cause. Alternates will be appointed as needed.
  - a. In order to provide an objective and fair hearing, each Committee shall take precautions against real or apparent conflicts of interest on the part of Committee members. Committee members shall recuse themselves in any case in which they have a personal bias or conflict of interest that would preclude their making a fair and objective decision, and shall avoid any individual communication with a party.
  - b. If there is a challenge to the participation of any Committee member, the remaining Committee members shall hear that dispute and make a final decision about the participation of that member in the hearing.
- I. Hearing and Recommendation. Hearings will proceed pursuant to the Hearing Procedure outlined in Procedure 1-012 accompanying this Rule. Within ten (10) calendar days after the conclusion of the hearing, the Committee shall provide its written recommendation (“Committee Report”) to the cognizant Vice President and the OEO/AA, which shall include: (a) a determination of whether the evidence, evaluated under a Preponderance of the Evidence standard, supports a finding that Sexual Misconduct occurred; and if so, (b) a determination of whether the sanctions are reasonable in light of the circumstances.
- J. Vice Presidential Decision.
  1. Within fourteen (14) calendar days after receipt of the Committee Report, the cognizant Vice President will issue a decision which shall include: (a) a determination of whether the evidence, evaluated under a Preponderance of the Evidence standard, supports a finding that Sexual Misconduct occurred; and (b) a determination of whether the sanctions are reasonable in light of the circumstances.
  2. The Vice President shall have available for review all relevant documentation, including the Committee Report, any other materials presented to the Committee, and if requested by the Vice President, an audio recording of the proceedings. The Vice President may not base a decision on information not presented at the hearing unless the nature of that information is fairly

communicated to the parties and a reasonable opportunity to respond is given. The Vice President may seek advice from neutral advisors.

3. Written notification of the Vice President's decision shall be provided concurrently to the parties, to the OEO/AA, and to other cognizant University representatives. The Vice President shall provide written justification for the decision if it is inconsistent with the Committee Report.

K. Appeal to the President.

1. The Complainant and the Respondent may each appeal the decision of the Vice President to the President by submitting a request in writing to the OEO/AA within five (5) calendar days of notice of the Vice President's decision. Failure to file a timely written request for appeal shall constitute a waiver of the right to an appeal under this Section. If there is no timely written request for an appeal, the Vice President's decision shall become the final and binding decision of the University ("Final Result").
2. On appeal, the President shall have available for review all relevant documentation, including the Committee Report, any other materials presented to the Committee, the Vice President's decision, and if requested by the President, an audio recording of the proceedings. The President may not base a decision on information not presented at the hearing unless the nature of that information is fairly communicated to the parties and a reasonable opportunity to respond is given. The President may seek advice from neutral advisors.
3. The President will issue a final and binding decision ("Final Result") within fourteen (14) calendar days of the written request for appeal. For good cause, the President may extend the 14-day period. The OEO/AA shall concurrently notify the Complainant, the Respondent, and the supervisor, Dean, Chair, and any other cognizant University representatives of the Final Result.

- L. Acceptance of Responsibility. A Respondent may, at any time, elect to resolve the OEO/AA investigation by accepting responsibility for a violation of University policy, in which case the Title IX Coordinator will refer the matter to the appropriate University administrator, described in Sections III.F.1.a–c above, to determine the appropriate sanctions.

**IV. References**

20 U.S.C. § 1092(f)

20 U.S.C. § 1681 *et seq.*

29 U.S.C. § 794 *et seq.*

42 U.S.C. § 2000d *et seq.*  
42 U.S.C. § 2000e *et seq.*  
42 U.S.C. § 6101 *et seq.*  
42 U.S.C. § 12112  
42 U.S.C. § 12132  
42 U.S.C. § 18116  
34 C.F.R. § 668.46 Institutional Security Policies and Crime Statistics  
Utah Code Ann. § 76-5-106.5 Stalking—Definitions—Injunction—Penalties  
Utah Code Ann. § 76-5-402 to -405 Sexual Offenses  
Utah Code Ann. § 76-5-406 Sexual offense against the victim without consent of victim—Circumstances  
Utah Code Ann. § 76-5b Sexual Exploitation Act  
Utah Code Ann. § 76-9-702.7 Voyeurism offenses—Penalties  
Utah Code Ann. § 77-36-1 Definitions  
Utah Code Ann. § 78B-7-402 Definitions  
Board of Regents Policy No. R256: Student Disciplinary Processes  
Board of Regents Policy No. R831: Minimum Requirements for Non-Faculty Staff Employment Grievances Policy  
Board of Regents Policy No. R841: Minimum Requirements for Disciplinary Sanctions and Termination of Staff Personnel  
Policy 1-004: Violence in the Workplace and Academic Environment  
Policy 1-011: Campus Security  
Rule 1-012: Discrimination Complaint Rule  
Rule 1-012A: Discrimination Complaint Process Rule  
Rule 1-012B: Sexual Misconduct Complaint Process Rule  
Policy 5-106: Equal Opportunity and Nondiscrimination Employment  
Policy 5-107: Consensual Relationships  
Policy 5-117: Americans with Disabilities Act (ADA) Policy  
Policy 5-203: Staff Employee Grievances  
Policy 6-011: Senate Consolidated Hearing Committee

Policy 6-316: Code of Faculty Rights and Responsibilities

Policy 6-400: Code of Student Rights and Responsibilities

**V. Contacts:**

The designated contact officials for this Policy are:

**A. Policy Owner (primary contact person for questions and advice): Office of Equal Opportunity and Affirmative Action**

**B. Policy Officer: Vice President and General Counsel**

**VI. History:** *{Place for key information about, and documents comprising, the “legislative” history of the Policy, in both its latest revised version, and all previous revisions, by Revision number. The first--originally adopted version of each Policy is “Revision 0” and the first subsequently revised version is “Revision 1”, and so on.. }*

**Renumbering:** Not Applicable.

**Revision History:**

**A. Current version--** University Rule 1-012B, Revision 0. Approved by the Academic Senate: [Date of approval]. Approved by the Board of Trustees: [Date of approval], with the designated effective date of [Effective date].

Editorial revisions to current version: None

Background information on Revision 0. *{Identify and embed hyperlink to legislative history document which explains and shows the changes for this specific revision. Include materials which were included in the agenda for the Academic Senate processing of the proposal, including (i) Senate Cover Sheet form, (ii) explanatory memorandum to cabinet-level administrator describing proposal; (iii) marked up proposal showing changes made from previous version by strikeout and underlining fonts; (iv) any other useful legislative history information. For example see the legislative history file for Revision 2 of Policy 6-315 Faculty Parental Benefits...*

*[http://www.regulations.utah.edu/academics/appendices\\_6/6-315R2\\_legislativehistory\\_2011-05-10.pdf](http://www.regulations.utah.edu/academics/appendices_6/6-315R2_legislativehistory_2011-05-10.pdf) }*

**B. Earlier versions.**

None.