

January 5, 2017

Proposal to University of Utah Academic Senate:

Regulations regarding Discrimination and Sexual Misconduct: realignment and revisions

(See attached diagram)

- Policy 1-012 (general non-discrimination);
- Rule 1-012 (general rule, with definitions, discrimination complaints);
- Rule 1-012A (rule outlining process for discrimination complaints (no sexual misconduct));
- Rule 1-012B (rule outlining process for sexual misconduct complaints);
- Procedure 1-012 (hearing guidelines)

Goal:

- Put in place overall non-discrimination policy (based on 2014 Academic Senate draft)
- Incorporate 2011 'interim' policies related to federal regulations regarding sexual violence (Clery/VAWA) into official UU regulations
- Include required Title IX elements
- Align current regulations regarding discrimination and sexual misconduct (e.g. current discrimination Rule 5-210 is an HR policy, when it applies University-wide (students, visitors to campus, participants in University activities))
- Streamline process and make it easier to understand

What stays the same:

- Same commitment to non-discrimination
- Same team investigates complaints of discrimination, including sexual misconduct (OEO)
- Continued close collaboration between teams, including Academic Affairs; Dean of Students; Athletics; HR; U Police; Academic and Administrative units; OGC; OEO
- No substantive change to faculty process – e.g. if a faculty member is found to have violated the U's non-discrimination or sexual misconduct policy, the matter is still referred to the CHC

Working group:

- AVP for Academic Affairs, campus and health sciences (Amy Wildermuth, Bob Fujinami)
- Human Resources, campus and health sciences (Chris Bone, Sarah Sherer)
- Athletics (Kyle Brennan)
- University Public Safety (Chief Brophy)
- Academic Senate representatives (Xan Johnson, Bob Flores, Dean Rich Brown, Randy Dyer (drafts also shared with Joanne Yaffe, Brad Rockwell))
- OEO / DOS / OGC (Sherrie Hiyashi, Lori McDonald, Liz Winter, Phyllis Vetter, Julie Thomas)
- Students – selected by Dean of Students

Changes based on working group meeting:

- Changed 2 procedures into 2 sub rules because of important content / re-formatted
- Clarified that some complaints can be dismissed w/o investigation
- Language clean-up to refer in all places to 'respondant' v 'accused'
- Clarified 'discrimination' definition (we do give preference to veterans)
- Clarified how rules will apply to different types of staff / students (T.A.'s, research assistants)

Follow up in progress based on input from working group:

- Create and distribute perforated info card for faculty/administrators to give individuals reporting sexual misconduct
- Increase efforts to educate campus community regarding policies, definitions, responsibilities