



Proposed Policy Number and Title: Policy 162 *Sexual Violence in the Workplace and the Academic Environment* (TEMPORARY EMERGENCY)

Existing Policy Number and Title: Not Applicable

**Approval Process\***

<input type="checkbox"/> Regular	<input checked="" type="checkbox"/> Temporary Emergency	<input type="checkbox"/> Expedited
<input type="checkbox"/> New	<input checked="" type="checkbox"/> New	<input type="checkbox"/> New
<input type="checkbox"/> Revision	<input type="checkbox"/> Revision	<input type="checkbox"/> Revision
<input type="checkbox"/> Deletion	<input type="checkbox"/> Suspension	
	Anticipated Expiration Date: October 1, 2015	

\*See UVU Policy #101 *Policy Governing Policies* for process details.

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**Draft Number and Date:** August 28, 2014, Stage 2, Board of Trustees

**President's Council Sponsor:** Linda Makin, Michelle Taylor **Ext.** \_\_\_\_\_

**Policy Steward:** Mark Wiesenberg, Alexis Palmer **Ext.** \_\_\_\_\_

**POLICY APPROVAL PROCESS DATES**

**Policy Drafting and Revision**  
Entrance Date: 08/14/2014

**University Entities Review**  
Entrance Date: Not applicable

**University Community Review**  
Entrance Date: Not applicable  
Open Feedback: MM/DD/YYYY  
Close Feedback: MM/DD/YYYY

**Board of Trustees Review**  
Entrance Date: 08/28/2014  
Approval Date: MM/DD/YYYY

**POST APPROVAL PROCESS**  
Verify:

- Policy Number
- Section
- Title
- BOT approval
- Approval date
- Effective date
- Proper format of Policy Manual posting
- TOPS Pipeline and Archives update

**Policy Office personnel who verified and posted this policy to the University Policy Manual**  
**Name:** \_\_\_\_\_  
**Date posted and verified:** MM/DD/YYYY

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<b>POLICY TITLE</b>	<i>Sexual Violence in the Workplace and the Academic Environment</i>	<b>Policy Number</b>	162
<b>Section</b>	Governance, Organization, and General Information	<b>Approval Date</b>	
<b>Subsection</b>	Individual Rights	<b>Effective Date</b>	
<b>Responsible Office</b>	Office of the Vice President of Planning, Budget, and Human Resources		

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**1.0 PURPOSE**

**1.1** Utah Valley University is committed to the security and safety of its students, faculty, staff, and visitors on campus. Reflective of this commitment, this policy establishes campus safety and security requirements in compliance with the *Campus Sexual Violence Elimination Act (SaVE)*. The policy outlines the procedures the University will follow once an incident of dating/domestic violence, sexual assault, and/or stalking has been reported, and other safety and security procedures required by law.

**2.0 REFERENCES**

- 2.1** *Campus Sexual Violence Elimination Act (SaVE)—reauthorization of Violence against Women Act 2013*
- 2.2** *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*
- 2.3** *Title IV of the Civil Rights Act of 1964*
- 2.4** *Title IX of the Higher Education Amendments of 1972*
- 2.5** *Utah Code 77-36 Cohabitant Abuse Procedures Act*
- 2.6** *Utah Code 77-38 Rights of Crime Victims Act*
- 2.7** *Utah Code 78B-1-137 Witnesses—Privileged Communications*
- 2.8** *UVU Policy 154 Workplace Violence*
- 2.9** *UVU Policy 155 Sexual Harassment and Consensual Relationships and Grievance*
- 2.10** *UVU Policy 371 Corrective Actions and Termination for Staff Employees*
- 2.11** *UVU Policy 541 Student Rights and Responsibilities Code*



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**2.12 UVU Policy 648 Faculty Personnel Reduction (Interim Policy)**

**3.0 DEFINITIONS**

**3.1 Campus Security Authority (CSA):** Individuals serving in University positions that are identified by the Vice President of Finance and Administration as having significant responsibility for student and campus activities, regardless of whether they are employees of the University. Examples of campus security authorities include, but are not limited to

- 1) A dean of students who oversees a student center and/or student extracurricular activities.
- 2) A director of athletics, a team coach, or a faculty advisor to a student group.
- 3) A student resident advisor or assistant advisor.
- 4) A physician in a campus health center, a counselor in a campus counseling center, or a victim advocate or sexual assault response team member.

**3.2 Consent:** Consent must be informed, freely given, and mutual. If coercion, intimidation, threats, and/or physical force is used, there is no consent. If a person is a minor and/or is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature, or extent of the sexual situation, there is no consent; this includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious. There is no consent when there is force, expressed or implied, or use of duress or deception upon the victim. Silence does not necessarily constitute consent. Past consent to sexual activities does not imply ongoing future consent. Whether an individual has taken advantage of a position of influence over an alleged victim may be a factor in determining consent.

**3.3 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; and where the existence of such a relationship shall be determined based on a consideration of the following factors: a) the length of the relationship, b) the type of relationship, and c) the frequency of interaction between the persons involved in the relationship.

**3.4 Domestic Violence:** Violence committed by a) a current or former spouse or intimate partner of the victim, b) a person with whom the victim shares a child in common, c) a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, d) a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or e) 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 receiving grant monies.



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88 **3.5 Preponderance of Evidence:** A party has shown that its version of facts, causes, damages,  
89 or fault is more likely than not the correct version.

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91 **3.6 Retaliation:** An action taken by an accused individual or an action taken by a third party  
92 against any person because that person has opposed any practices forbidden under this policy or  
93 because that person has filed a complaint, testified, assisted, or participated in any manner in an  
94 investigation or proceeding under this policy. This includes action taken against a bystander who  
95 intervened to stop or attempt to stop discrimination, harassment, or sexual misconduct.  
96 Retaliation includes intimidating, threatening, coercing, or in any way discriminating against an  
97 individual because of the individual's complaint or participation. An action is generally deemed  
98 retaliatory if it would deter a reasonable person in the same circumstances from opposing  
99 practices prohibited by this policy.

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101 **3.7 Sexual Assault:** An offense classified as a forcible or non-forcible sex offense under the  
102 uniform crime reporting systems of the Federal Bureau of Investigation, including actual or  
103 attempted sexual contact with another person without that person's consent. Sexual assault  
104 includes, but is not limited to involvement in any sexual contact when the victim is unable to  
105 consent; intentional and unwelcome touching of, or coercing, forcing, or attempting to coerce or  
106 force another to touch a person's intimate parts (defined as genital area, groin, inner thigh,  
107 buttocks, or breast); sexual intercourse without consent, including acts commonly referred to as  
108 rape, statutory rape, or incest.

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110 **3.8 Stalking:** Engaging in a course of conduct directed at a specific person that would cause a  
111 reasonable person to fear for his or her safety or the safety of others or to suffer substantial  
112 emotional distress. Stalking includes repeatedly following, harassing, threatening, or  
113 intimidating another by telephone, mail, electronic communication, social media, or any other  
114 action, device, or method that purposely or knowingly causes substantial emotional distress or  
115 reasonable fear of bodily injury or death.

## 4.0 POLICY

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120 **4.1** Utah Valley University prohibits all forms of dating/domestic violence, sexual assault, and  
121 stalking and provides support and reporting mechanisms for students, faculty, staff, and visitors  
122 to campus.

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124 **4.2** UVU strongly encourages individuals to report sexual assault, dating/domestic violence,  
125 and/or stalking to appropriate University officials because such reporting is necessary so that  
126 action can be taken against a violator of this policy. Conduct that occurs off campus can be the  
127 subject of a complaint or report and will be evaluated to determine whether it violates this policy:  
128 for example, off-campus actions that have continuing effects and create a hostile environment on  
129 campus. Allegations of off-campus sexual misconduct should be reported.



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**4.2.1** If a student is accused, the allegation should be reported to the Director of Student Conduct and Conflict Resolution.

**4.2.2** If an employee is accused, the allegation should be reported to the Associate Vice President of Human Resources/Equity Officer. Reports of misconduct by University employees can be made anonymously through Ethics Point hotline via phone or web.

**4.3** University employees cannot guarantee confidentiality, except when the reports are privileged communications as defined by law, such as with counselors or healthcare professionals. If a victim requests confidentiality, the University must take all reasonable steps to investigate and respond consistently with that request, taking into account that confidentiality may not be possible in every case, given the University's responsibility to provide a safe environment for all.

**4.3.1** Employees who are statutorily prohibited from reporting incidents, including licensed health-care professionals are exempt from reporting requirements.

**4.4** Any university employee or student who receives a report of a dating/domestic violence, sexual assault, or stalking incident shall adhere to following:

**4.4.1** If the incident involved a minor, the incident SHALL be immediately reported to UVU Police or the local police department. University employees aware of these incidents must notify their supervisor of the reporting being made to the police.

**4.4.2** If the incident did not involve a minor, the University encourages employees or students to advise the victim/survivor to report the incident promptly to the police, while recognizing the victim/survivor has the right to or not to notify or seek assistance from law enforcement.

**4.4.3** Employees or students should encourage the victim/survivor to contact victim services (see section 4.2).

**4.4.4** Within 24 hours, employees or staff should report information they have about alleged or possible incidents to the appropriate university officer (see section 5.3).

**4.5** As part of the *Clery Act* reporting requirements, all UVU faculty and staff must report the fact of a report of dating/domestic violence, sexual assault, and stalking to UVU Police.

**4.6** Individuals, who in good faith report violent incidents or present evidence in an investigation, are protected from any retaliatory actions. Individuals who engage in retaliation are subject to disciplinary action.



172 **4.7** The University strongly encourages students to report instances of dating/domestic violence,  
173 sexual assault, and stalking involving students. Therefore, students who report information about  
174 these instances will not be disciplined by the University for any violation of the University's  
175 drug or alcohol possession or consumption policies in which they might have engaged in  
176 connection with the reported incident.

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178 **4.8** In the event that a situation arises on campus or in an area surrounding campus, that, in the  
179 judgment of the Chief of UVU Police or his or her designee, constitutes a serious or continuing  
180 threat to students, employees or the greater university community, a university-wide timely  
181 warning will be issued through UVU's emergency communications systems.

## 5.0 PROCEDURES

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185 **5.1** Any individual who has been a victim of dating/domestic violence, sexual assault, and/or  
186 stalking is strongly encouraged to contact UVU Police or other campus security authority. These  
187 individuals can assist in making contact with the appropriate law enforcement agency.

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189 **5.2** Victims/survivors are encouraged to contact Student Health Services (students), Employee  
190 Assistance Program (benefits-eligible employees), and/or local victims/survivor service offices,  
191 counseling, and healthcare services. These services, provided by the University or the  
192 community, are strictly confidential.

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194 **5.3** Once an incident of dating/domestic violence, sexual assault, or stalking has been reported,  
195 the appropriate university officer (see sections 4.2.1 and 4.2.2) shall provide a prompt, fair, and  
196 impartial investigation and resolution, using the preponderance of evidence standard.

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198 **5.3.1** The appropriate university officer shall

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200 1) Ensure that proceedings and investigations are conducted by university employees who are  
201 current in their required annual training in sexual violence investigations and hearing processes.  
202 In many cases, the police may be involved in and/or conduct the investigation.

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204 2) Respond promptly to the allegations by immediately initiating an investigation and  
205 proceedings, and recommending appropriate disciplinary action, up to and including expulsion  
206 (students) and termination (employees) in accordance with Policy 541 (students), Policy 648  
207 (faculty), or Policy 371 (staff).

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209 3) If the victim requests changes in academic, working, transportation, and/or living situations  
210 (as applicable) that are reasonably available, make recommendations to appropriate university  
211 administrators, pending the outcome of institutional proceedings. The University shall honor  
212 judicial no-contact, restraining, and protective orders.

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- 214 4) Proceed independently of any action taken in the criminal or civil courts, as determined on a  
215 case-by-case basis. Criminal court proceedings are not a substitute for University  
216 policy/procedures.  
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- 218 5) Ensure the accuser and the accused receive the same opportunity to have others present during  
219 the institutional disciplinary proceeding, including the opportunity to be accompanied to any  
220 related meeting or proceeding by an advisor of their choice.  
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- 222 6) Inform both the accuser and the accused that they shall be simultaneously informed in writing  
223 of the outcome of the institutional disciplinary proceeding; the University's procedures for the  
224 accused and the victim to appeal the results; any change in the results that occurs prior to the  
225 time the results become final; and when results become final.  
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- 227 7) Make appropriate reports for the purposes of *Clery Act* statistics.  
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- 229 **5.4** In compliance with the *Clery Act*, reports from campus security authorities are used by the  
230 University to fulfill its responsibility to annually disclose Clery crime statistics.  
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POLICY HISTORY		
Date of Last Action	Action Taken	Authorizing Entity

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