

Minutes
Weber State University
Special Electronic Meeting of the Board of Trustees
June 29, 2015

Trustee Members:

Mrs. Louenda Downs
Mr. Joseph Favero
Mr. Nolan Karras
Mr. Alan E. Hall, Chair
Dr. Jeff Stephens
Mr. Andre Lortz

Excused:

Mr. Scott Parson
Mr. Steven E. Starks
Mrs. Karen Fairbanks
Maj. Gen. Kevin Sullivan

Weber State University Officials:

Dr. Charles A. Wight, President
Dr. Norm Tarbox, VP for Administrative Services
Mrs. Allison Barlow Hess, Director of Public Relations
Mr. Shane Farver, Chief of Staff, President's Office
Mr. Dane LeBlanc, Chief of Police

Press Present:

Becky Wright, Standard-Examiner
Jean Norman, Advisor for The Signpost

- | | |
|---|--|
| Welcome | I. The meeting convened electronically at 12:45 p.m. |
| Roll Call | II. Chair Alan Hall took roll and determined that a quorum had been established. |
| Resolution Authorizing Use of Electronic Meetings | III. Chair Alan Hall entertained a motion on a resolution that allowed the Board of Trustees to conduct electronic meetings and noted that the resolution would be subject to ratification during the next full board meeting. |
| ACTION | Following a motion from Louenda Downs and a second from Joe Favero to accept the resolution , board members unanimously adopted the it. The resolution will be subject to ratification at the next full Board of Trustees meeting. |
| Safety, Response, and Reporting Policy | IV. Noting the federal mandate to have a policy in place before July 1, Chair Alan Hall entertained a motion to pass the WSU Safety, Response and Reporting policy. |
| ACTION | Following a motion by Louenda Downs and a second by Jeff Stephens, board members voted unanimously to approve the policy . The policy will also be ratified during the next regular Board of Trustees meeting. |
| Adjournment | V. The meeting adjourned at 12:50 p.m. |
| Next Meeting | VI. The next regular meeting of the WSU Board of Trustees is scheduled for 9:30 to 10:30 a.m. on Sept. 1, 2015, at WSU Davis. |

Minutes submitted by:



Shane D. Farver
Secretary, WSU Board of Trustees



Charles A. Wight
President, Weber State University

**RESOLUTION
OF
BOARD OF TRUSTEES
OF
WEBER STATE UNIVERSITY**

The Board of Trustees (the “Board”) of Weber State University (the “University”) does hereby adopt the following recitals and resolutions on behalf of the University, effective as of June 29, 2015:

WHEREAS, the Board desires to hold electronic meetings in accordance with Utah Code Ann. Section 52-4-207; and

WHEREAS, it is deemed to be in the best interest of the University to hold such meetings and to adopt procedures relating to such meetings;

NOW, THEREFORE, BE IT RESOLVED, that the Board may hold electronic meetings pursuant to Utah Code Ann. Section 52-4-207; and

RESOLVED FURTHER, that the Chair and Vice Chair of the Board are authorized to adopt such specific procedures for such electronic meetings as may be deemed necessary and appropriate, and to take such other actions as they may in their sole discretion deem necessary or appropriate in order to carry out and perform the purposes and intent of the foregoing resolution; and that any and all acts authorized hereunder are, in all respects, confirmed, approved and adopted as the acts and deeds of the Board; and

RESOLVED FURTHER, that the full Board be requested to ratify the above actions taken at this meeting at its next regular meeting.

Safety, Response, and Reporting Policy

No.	Date 6.10.15
-----	--------------

I. REFERENCES

20 USC § 1092(f), Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the “Clery Act”
Utah Code Ann. § 76-5-406
Utah Code Ann. § 78B-7-402
Utah Code Ann. § 77-36-1
Utah Code Ann. § 76-9-702.1
Utah Code Ann. § 76-5-106
PPM 6-22, Student Code
PPM 3-31, Staff Employee Grievances (with provision for certain hourly employees)
PPM 3-31a, Due Process for Staff Members in the Case of Student Grievances
PPM 3-32, Discrimination and Harassment
PPM 3-33, Discipline (Staff Employees)
PPM 3-67, Violence Prevention
PPMs 9-1 through 9-8, Faculty Rights and Responsibilities
PPMs 9-9 through 9-18, Academic Due Process

II. PURPOSE

The purpose of the Safety, Response and Reporting Policy is to assist in the creation of a safe and secure environment for students, faculty, staff and campus visitors. This policy also outlines the University’s response to reports of crime and defines reporting guidelines, while complying with federal laws regarding safety on campus.

III. DEFINITIONS

- A. Annual Security Report (“ASR”) - the annual report of crime statistics and other campus information that must be prepared and distributed in accordance with the 20 USC § 1092(f), the “Clery Act.”
- B. Campus Security Authority (“CSA”) - the individuals who have been designated by the University as such, in accordance with the Clery Act. This includes campus police, other individuals responsible for campus security, individuals officially designated as those to whom students and employees should report criminal offenses, and those officials who have significant responsibility for student and campus activities, including student housing, student discipline and campus judicial proceedings. This does not include pastoral or professional counselors while acting in those capacities.
- C. Clery Geography - any location on which the University is required to report crime statistics for purposes of the Clery Act, including:
 - 1. Campus Property: Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes including residence halls. Any building or property that is reasonably contiguous to the campus that is owned by the institution but controlled by another person, if frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

2. Public Property Within or Immediately Adjacent to the Campus: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.
 3. Non-campus Building or Property: Any building or property owned or controlled by an officially sponsored student organization. Any building or property owned or controlled by the University that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.
- D. Consent - for purposes of University policy, consent means affirmative and freely given permission to engage in sexual activity. A victim can express consent, or lack of consent, through words or conduct. A victim has not consented when incapacitated due to alcohol or other drugs. Under Utah law, consent is not given where the perpetrator overcomes the victim by application of force, violence, concealment or surprise. A victim has not consented where the perpetrator intentionally impairs the victim by administering any substance without the victim's knowledge. A victim has not consented when he or she is unconscious, unaware that the act is occurring, or is physically unable to resist. Individuals under the age of 14 cannot consent to sexual activity. For a non-exhaustive list of situations in which consent has not been given, see Utah Code Ann. §76-5-406.
- E. Daily Crime Log - a log maintained by campus police that records reported criminal activity in accordance with the Clery Act.
- F. Dating Violence -
1. As defined in the Clery Act, means 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 is determined based on the reporting party's statement and with consideration of the length of the relationship, type of relationship, and frequency of interaction between the parties. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.
 2. Under Utah law, any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner of the person; or any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against a dating partner of the person. "Dating partner" means a person who: (A) is an emancipated person under Section 15-2-1 or Title 78A, Chapter 6, Part 8, Emancipation; or (B) is 18 years of age or older; and is, or has been, in a dating relationship with the other party. "Dating partner" does not include an intimate partner, as defined in federal law in Title 18 U.S.C. Section 921. "Dating relationship" means a social relationship of a romantic or intimate nature, or a relationship which has romance or intimacy as a goal by one or both parties, regardless of whether the relationship involves sexual intimacy. "Dating relationship" does not mean casual fraternization in a business, educational, or social context. In determining, based on a totality of the circumstances, whether a dating relationship exists, all relevant factors shall be considered, including: (a) whether the parties developed interpersonal bonding above a mere casual fraternization; (b) the length of the parties' relationship; (c) the nature and the frequency of the parties' interactions, including communications indicating that the parties intended to begin a dating relationship; (d) the ongoing expectations of the parties, individual or jointly, with respect to the relationship; (e) whether, by statement or conduct, the parties demonstrated an affirmation of their relationship to others; and (f) whether other reasons exist that support or detract from a finding that a dating

relationship exists; and it is not necessary that all, or a particular number, of the factors described herein are found to support the existence of a dating relationship. (Utah Code Ann. § 78B-7-402.)

G. Disciplinary Referral - the referral of any person to any campus official who initiates a disciplinary action of which a record is kept and which may result in the imposition of a sanction.

H. Domestic Violence -

1. As defined in the Clery Act, means felony or misdemeanor crimes of violence committed (a) By a current or former spouse or intimate partner of the victim; (b) By a person with whom the victim shares a child in common; (c) By a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; (d) 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 (e) 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. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2. Under Utah law, any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another. "Domestic violence" also means commission or attempt to commit, any of the following offenses by one cohabitant against another: aggravated assault, assault, criminal homicide, harassment, electronic communication harassment, kidnapping, child kidnapping, or aggravated kidnapping, mayhem, sexual offenses, stalking, unlawful detention, violation of protective order, any offense against property, possession of a deadly weapon with intent to assault, discharge of a firearm. (Utah Code Ann. § 77-36-1(4).)

I. Professional Counselor - a person whose official responsibilities include providing mental health counseling to members of the University's community and who is functioning within the scope of his or her license or certification.

J. Pastoral Counselor - a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor.

K. Sexual Assault -

1. As defined in the Clery Act means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting System. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.

2. Under Utah law, a person is guilty of sexual battery if the person, under circumstances not amounting to rape, sodomy, forcible sex abuse, aggravated sexual abuse, intentionally touches, whether or not through the clothing, the anus, buttocks, or any part of the genitals of another person, or the breast of a female person, and the person's conduct is under circumstances the person knows or should know will likely cause affront or alarm to the person touched. (Utah Code Ann. § 76-9-702.1.)

L. Stalking -

1. As defined in the Clery Act means engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress. For the purposes of this definition course of conduct means two or more acts, including, but not limited to, acts 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. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling. "Reasonable persons" means a reasonable person under similar circumstances and with similar identities to the victim. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.
2. Under Utah law, a person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for the person's own safety or the safety of a third person, or to suffer other emotional distress. A person is guilty of stalking who intentionally or knowingly violates a stalking injunction issued pursuant to Utah Code Ann. § 77-3a, or a permanent criminal stalking injunction issued pursuant to Utah Code Ann. § 76-5-106). (Utah Code Ann. § 76-5-106).

IV. POLICY

A. Reporting of Crimes and Other Emergencies

1. Reporting of Crimes and Other Emergencies. Students and others who become aware of criminal actions or other emergencies on campus should report these activities for assistance, to prevent crime, to help the institution to make timely warning reports, to improve safety, and for purposes of disclosure of statistics annually in the ASR. The University encourages accurate and prompt reporting of all crimes to University Police and other appropriate police agencies when the victim of a crime elects to make such a report, or where the victim is unable to make a report. Reports may be in any form desired, including via phone, in writing, or reporting in person.
 - a. To report a crime or emergency, individuals should call University Police at 801-626-6460 or 911. Individuals may also use any emergency phone, located in some parking lots and public areas on campus, to report an emergency or a crime, and may also report crimes and emergencies in person at 3734 Dixon Parkway Dept. 3003, Ogden, Utah 84408. University Police respond to reports in accordance with law enforcement protocol. University Police may make disciplinary referrals to other organizations of the institution when appropriate.
 - b. Criminal actions may also be reported to the individuals or offices listed below. Reports made to these persons or offices, and not made to University Police, may be included in the statistical report in the ASR but may not necessarily be investigated by the police:
 - Office of the Dean of Students
 - Department of Human Resources
 - University Housing
 - Campus Security Authority (CSA)
 - AA/EO (Title IX) Office
 - c. Although the University strongly encourages all members of the University community to report crime to law enforcement, it is the victim's choice whether or not to make such a report and the victim has the right to decline involvement with the police or other campus official. The University will assist any victim with notifying the police if they so desire.

2. **Campus Security Authority Responsibility to Report.** Any Campus Security Authority who becomes aware of an alleged or actual crime that is required to be reported under the Clery Act and which occurs on Clery geography must report all information known relating to the crime to University Police, in accordance with his/her obligations under the Clery Act.
 3. **Reporting Crimes on a Voluntary, Confidential Basis.** To the extent possible, the University desires to support individuals who have been the victim of, or who have witnessed a crime, and who are concerned about identifying information being shared with others. In particular, the University encourages those who have been the victim of sexual violence to talk to somebody about what happened in order to get needed support. However, certain policies and law prevent the University from guaranteeing confidentiality in some instances, as more fully described below.
 - a. Under PPM 3-32, all employees are required to report information to the Executive Director of AA/EO regarding discriminatory harassment, which includes reports of sexual assault, dating violence, domestic violence, stalking, etc.
 - b. All employees who are Campus Security Authorities, as defined herein, must report criminal activity in accordance with this policy and the Clery Act.
 - c. University Police, the Executive Director of AA/EO, and other University authorities must comply with applicable law in determining whether certain crimes must be investigated or disclosed further to others. The University may be required to disclose information beyond the University under federal law, state law, or court order. For example, instances of child abuse are required to be reported in accordance with Utah Code Ann. § 62A-4a-403.
 - d. Disclosure of information is always limited to those who need to know in order to keep the campus and individuals safe and to comply with applicable law.
 - e. Individuals who witness or are the victim of crime, but who are concerned about identifying information being shared with others should make those concerns known prior to reporting to a University employee. Employees responsible for reporting such information should alert individuals of their reporting responsibilities as soon as possible. If the employee is required to make a report to other University officials, such employees should communicate the desires of the witness or victim regarding confidentiality.
 - f. When confidentiality is requested, the occurrence of the crime (but not identifying information) will be included in the University's annual report. Any information may assist the police in determining if there is a pattern of crime with regard to a particular location, method, or suspect, and may enable the police, in appropriate circumstances, to alert the campus community to potential dangers. Filing an anonymous report may limit the ability of the police department to provide specific assistance or to investigate or solve a crime.
 - g. Professional and Pastoral Counselors, when acting as Professional and Pastoral Counselors, are not required to report crimes disclosed to them for inclusion in the annual disclosure of crime statistics. However, Professional and Pastoral Counselors are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of how to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
 4. **Preservation of Evidence.** It is important to preserve evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order. As time passes, evidence may dissipate or become lost or unavailable, thereby making investigation, possible prosecution, disciplinary proceedings, or obtaining protection from abuse orders related to the incident more difficult. If a victim chooses not to make a complaint regarding an incident, he or she nevertheless should consider speaking with University Police or other law enforcement to preserve evidence in the event that the victim changes her/his mind at a later date.
-

5. False Accusations. Individuals who intentionally and knowingly make false accusations of criminal activity or provide false information to University officials in connection with an accusation and/or investigation of criminal activity, are subject to discipline under University policy as well as criminal and/or civil penalties under applicable law.

B. Daily Crime Log and Annual Security Report

1. Recording in Daily Crime Log. A daily crime log will be kept in accordance with the requirements of the Clery Act.
2. Preparing the ASR. In order to comply with the Clery Act, the Clery Compliance Officer shall prepare and distribute an annual Campus Security and Annual Fire Safety Report that includes a disclosure of crime statistics, disciplinary referrals, and other information required by the Clery Act. This report is prepared in cooperation with the University police, Campus Security Authorities and local law enforcement agencies. The Clery Compliance Officer will carefully analyze all crimes reported. All crimes subject to the Clery Act will be accurately reported and published on an annual basis in the ASR. University Police will also report such crimes on an annual basis to the Department of Education's Campus Safety and Security Data Analysis Cutting Tool. The ASR will include statistics for the three most recent calendar years that occurred on the institution's Clery geography. Such statistics will be reported by location.
3. Collection of Statistics from Local Law Enforcement Agencies. Prior to the preparation of the ASR, the Clery Compliance Officer will undertake a good faith effort to collect crime statistics from any law enforcement agency having jurisdiction over non-campus property that is subject to reporting under the Clery Act. This includes any criminal activity by students at noncampus locations of student organizations officially recognized by the University, including student organizations with noncampus housing. No provisions beyond normal local law enforcement efforts are made to monitor any other off-campus locations of student organizations other than those officially recognized by the University.
4. Distribution of ASR. The Clery Compliance Officer shall distribute the ASR and Annual Fire Safety report annually in accordance with the requirements of the Clery Act. Appropriate notice will be provided to current students and employees, incoming students and employees, and prospective students and employees.

C. Security of and Access to Campus Facilities Building Access

Weber State University manages building access according to the building type and purpose and considers security in maintenance of campus facilities. Residence Halls are locked twenty-four hours per day. Access to the residence halls is restricted to residents, their guest(s) and other approved members of the campus community.

D. Campus Law Enforcement

1. Enforcement Authority. University police officers are fully trained and certified Utah peace officers, and have the same arrest, detention, and police authority as any other police officer in Utah. See Utah Code Ann. §53-13-101, *et. seq.* Additionally, University police officers have the authority to enforce Weber State University regulations. See Utah Code Ann. § 53B-3-105.
2. Relationship of University Police and Other Law Enforcement Agencies. University Police maintains a close working relationship with Ogden City, Layton City, Weber County, and Davis County. University Police have primary jurisdiction on Weber State University campuses, including University Housing and the Dee Events Center. University Police share

responsibility with the Ogden City Police for roadways adjoining campus. Off-campus offices, clinics, and remote campus sites receive police services from the local jurisdictions in which the sites are located. The University endeavors, where possible, to enter into Memorandums of Understanding with state and local police agencies regarding reporting and investigation of alleged criminal offenses.

E. Alcoholic Beverages and Illegal Drugs

Possession, use, and sale of alcoholic beverages by students and employees is addressed in PPMs 6-22, 6-10, 4-10, 4-11, 3-30a, 3-30b, 3-33. University Police enforces state alcohol laws, including those regarding underage drinking, and federal and state drug laws.

F. Emergency Response and Evacuation

1. Confirmation process. In the event of a significant emergency or dangerous situation on campus involving an immediate threat to the health or safety of students or employees, those with immediate information regarding the event ("first responders") will contact the Chief of Police or designee, who will confirm the existence of the emergency situation. In consultation with first responders as needed, the Chief of Police or designee will determine the appropriate segment or segments of the campus community to receive a notification and will determine the content of the notification. First responders, the first responders' on-duty supervisor, the Chief of Police, and/or University Communications are responsible for carrying out the actions described in this Section F.
2. Campus alerts. Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, the University will utilize multiple avenues for alerting the campus community. These may include contacting media, putting alerts on the University homepage (<http://www.weber.edu>) or other websites, electronic bulletin boards on campus, and/or sending alerts via phone, email, and text messaging. The University will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate campus alert systems, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
3. Disseminating Information to the Larger Community. The University may disseminate emergency information to the larger community in a variety of ways. Some non-University organizations located in close proximity to the University may receive notifications sent via campus alert systems. Additionally, information received by University police dispatch may be shared with Ogden City emergency services dispatch. The University may also place information about emergencies on the Internet at <http://www.weber.edu>. University communications may disseminate information to various news media outlets.
4. Follow-up messages/notifications. Follow-up messages/notifications will be disseminated in the same manner the original message/notification was administered. Follow-ups will take place during the emergency and when the emergency is terminated.
5. Testing Emergency Response and Evacuation Procedures. On at least an annual basis, the University will test the emergency response and evacuation procedures. The University will publicize its emergency response and evacuation procedures in conjunction with this test, and will document, for each test, a description of the exercise, the date and time of the exercise, and whether the exercise was announced or unannounced.

G. Timely Warning

The University shall provide timely warnings to the campus community when certain crimes (as defined by federal law) are reported to Campus Security Authorities or local police agencies, are considered by the University to represent a threat to students and employees, and where notification will aid in the prevention of similar crimes. Anyone with information warranting a timely warning should report the circumstances to University Police. The University may issue these warnings via postings on campus, through the campus alert systems, through local news media, or in other ways. Timely warnings will withhold as confidential the names and other identifying information of victims. Determinations regarding the need for a timely warning will be made by the Chief of Police, on a case-by-case basis. The Chief of Police will create procedures to guide when and how timely warnings are made. Timely warnings may not need to be made when the institution follows its emergency notification procedures, as described herein, regarding the same circumstances. The institution will provide adequate follow up information to the community as needed.

H. Missing Student Notification

This section applies only to students residing in on-campus student housing facilities.

1. **Reporting a Missing Student.** When a student has been missing for 24 hours, students, employees, and other individuals must report this to University Police (801-626-6460). Any person to whom a missing student report is made should immediately refer the matter to University Police.
2. **Emergency Contact.** Students who reside in on-campus student housing facilities have the option of identifying a contact person or persons whom the University shall notify within twenty-four hours of a determination that the student is missing, if the student has been determined missing by University Police. This contact information will be registered confidentially and will be accessible only to authorized campus officials. The information may not be disclosed outside the University except to law enforcement personnel in furtherance of a missing person investigation.
3. **Students under 18.** If a student is under 18 years of age and is not emancipated, the University is required by law to notify a custodial parent or guardian within 24 hours of the determination that the student is missing. This will be done in addition to notifying any contact person designated by the student.

I. Fire Safety Policies

The University will create fire safety education and training programs for students and employees, including procedures students and employees should follow in the case of a fire.

J. Dating Violence, Domestic Violence, Sexual Assault, Stalking

1. **Procedures for Reporting a Complaint.** Reports of dating violence, domestic violence, sexual assault, and stalking should be reported as described above, and the complainant should consider seeking medical attention and other help as needed. Reports of dating violence, domestic violence, sexual assault, and stalking should also be reported to the AA/EO office.
2. **Written Explanation of Procedures.** When dating violence, domestic violence, sexual assault, or stalking is reported to the institution, whether the offense occurred on campus or off campus, the University will provide the student or employee a written explanation of the student's or employee's rights and options regarding procedures victims should follow, confidentiality, services and accommodations that may be available for victims, and procedures for institutional disciplinary action.

3. University Policies and Processes. Acts of violence, including sexual assault, dating violence, domestic violence, stalking and other violent, threatening or destructive acts may violate one or more University policies, including PPM 3-32, PPM 3-33, PPM 3-67, PPMs 9-3 through 9-8, and PPM 6-22. These policies set standards of conduct for students, faculty, and staff. PPMs 3-31 through 3-33, PPMs 9-9 to 9-14, and PPM 6-22 describe the processes for responding to claims that these standards were violated. The process to be applied will depend on the person being accused of violating University policy: PPMs 3-31 to 3-33 for staff; PPMs 9-9 to 9-14 for faculty; PPM 6-22 for students. Where it is complained that acts are motivated by discriminatory intent (animus based on sex/gender/sexual orientation/gender identity, race/ethnicity, religion, age, disability, and other “protected classifications”) the rights and processes described in PPM 3-32, Discrimination and Harassment, are applied regardless of the status of the accused as staff, faculty or student, with appeal rights through the policies described above. In all instances, informal procedures may be used, but, ultimately, formal hearings are available to resolve these disputes. The steps involved, including how to make a complaint, anticipated timelines, and decision making processes are described in these policies.
4. Available Proceedings and Standards of Review. All proceedings provide a prompt, fair, and impartial process from the initial investigation to the final result. Where proceedings deal with dating violence, domestic violence, sexual assault, and stalking, hearing officials receive annual training on those issues and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The accuser and accused have the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting by an advisor of his or her choice, whose participation is described in accordance with the applicable policy. In all processes, matters are reviewed based upon a preponderance of the evidence standard. Notification of the result of any disciplinary proceedings that arise from an allegation of dating violence, domestic violence, sexual assault, or stalking are given in writing simultaneously to both the accuser and the accused, as well as any available procedures to appeal the result, any change to the result, and information about when the result becomes final. If the alleged victim is deceased as a result of the crime or offense, the information shall be provided, upon request, to the next of kin of the alleged victim.
5. Time frames. Reasonable time frames, including any extensions available, are as outlined in the policies. Parties are encouraged to bring such matters to the attention of the appropriate body as swiftly as possible. These proceedings are conducted in a manner consistent with University policy and transparent to the accuser and the accused. Processes give equal access to accuser and accused to timely notice about meetings at which both may be present and information that will be used during the informal and formal disciplinary meetings and hearings. Policies include procedures for removal of officials if there is a concern about bias. These policies also list the disciplinary sanctions that may be imposed on students, faculty, and non-faculty employees who violate those standards.
6. Protective Measures and Accommodations. A range of protective measures may be offered to individuals making an allegation of dating violence, domestic violence, sexual assault, or stalking. These may include, but are not limited to interim or long-term protective measures, as reasonably available, such as housing changes, change in class or work schedule, institutional “no contact” directives between both parties, assistance with transportation, etc. The institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution will make such accommodations or provide

such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. Any accommodations or protective measures will be maintained as confidential, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

7. Individual Protective Orders. The institution may direct individuals to resources giving information regarding orders of protection the individual may desire to file on their own behalf through the court system.
8. Resources. The University will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community.
9. Retaliation. Retaliation is prohibited as described in the applicable policies.
10. University Policies. The applicable policies should be referred to for more complete information regarding processes.

K. Education and Prevention Programs

The University will make available educational programs and campaigns on a regular basis, and at a minimum annually, regarding campus security in general and designed to prevent domestic violence, dating violence, sexual assault and stalking, in accordance with the Clery Act. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for students and faculty as described by the Clery Act. These programs and campaigns will be designed to:

1. Inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others;
2. Inform students and employees about the prevention of crimes;
3. Identify and promote awareness of domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
4. Define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking according to federal and state law;
5. Define what behavior and actions constitute consent to sexual activity;
6. Describe 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 the bystander;
7. Provide information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;
8. Provide an overview of information contained in the Annual Security Report in compliance with the Clery Act; and

9. Describe procedures the University will follow when dating violence, domestic violence, sexual assault, and stalking is reported, rights and options regarding procedures victims should follow, confidentiality, services and accommodations that may be available for victims, and procedures for institutional disciplinary action.

L. Sex Offender Registry

1. The Federal Campus Sex Crimes Prevention Act, enacted on October 28, 2000, requires institutions of higher education to provide information advising the campus community where law enforcement agency information provided by the State concerning registered sex offenders may be obtained. In Utah, convicted sex offenders must register with the jurisdiction in which they reside. Offenders are required to submit to the registry if they are working at or attending school at the University.
2. This information, which appears on the Department of Correction's website, can be found by accessing: <http://corrections.utah.gov/index.php/probation-parole/sexoffender-registry-unit.html>.