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# University Policy 1-012: Student Sexual Assault Prevention and Response.

## I. Purpose and Scope

To educate current and prospective students about sexual assault and about campus resources and processes available to student victims of sexual assault.

## II. Definitions

- A. Sexual assault shall refer to any non-consensual sexual contact against an individual and shall not have reference to any legal definition used for purposes of criminal prosecution.

## III. Policy

- A. Campus Education Regarding Sexual Assaults: The University educates the student community about sexual assaults and date rape through mandatory orientations each semester given to all incoming students. The University Police Department offers sexual assault education and information programs to University students and employees upon request. Literature on date rape education, risk reduction, and University response, as well as educational programs about the same, are available through various University Student Affairs offices including the Office of Housing & Residential Education and through the University's Office for Student Equity and Diversity

B. Reporting Sexual Assault

1. The first priority of a student who has been subject to sexual assault should be to get to a place of safety and then to obtain necessary medical treatment. Victims of sexual assault may seek and receive medical care free of charge from a local hospital emergency department without submitting a police report. The University Police Department strongly encourages victims to report incidents of sexual assault in a timely manner. Time is a critical factor for evidence collection and preservation. An assault should be reported directly to the University Police Department. Alternatively, victims of sexual assault may report an assault to the Office of Equal Opportunity and Affirmative Action ("OEO/AA"), the Dean of Students and/or to a Housing & Residential Education representative. Individuals are encouraged, but not required, to file a police report. Filing a police report will not obligate the victim to pursue a complaint through the criminal process, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a police report will:



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

provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam); and

make the victim aware of resources available for confidential counseling from counselors specifically trained in the area of sexual assault crisis intervention.

2. Students may request any University official, student affairs office and/or the Office for Student Equity and Diversity to assist them in notifying law enforcement authorities about a sexual assault. If so requested, the official/office shall provide such assistance.
3. When a sexual assault victim contacts the University Police Department, the OEO/AA Office and the Office of the Dean of Students will also be notified. The victim of a sexual assault may choose for an investigation to be pursued either through the criminal justice system, through a University disciplinary process (when an alleged perpetrator is a student, faculty or staff), or through both processes. Victims may also choose not to proceed as a complainant in a criminal process or in a disciplinary process. A representative from the University Police Department or the Office of the Dean of Students will guide the victim through the available options and support the victim in his or her decision.

C. Counseling Options: Various University counseling options are available to student victims of sexual assault through the University Counseling Center and the Women's Resource Center. Support services are also available outside the University (for example from the Rape Recovery Center and from community mental health agencies). The offices of the Dean of Students, the University Counseling Center and the Women's Resource Center can provide referrals to other non-University counseling options.

D. Disciplinary Proceedings:

1. University disciplinary proceedings for students accused of committing sexual assault are set forth in the Code of Student Rights and Responsibilities ("Student Code"), Regulations Library, Policy 6-400, Section III.
2. University disciplinary proceedings for faculty employees accused of committing sexual assault are detailed in the University Policy 6-002, Section 10 Consolidated Hearing Committee for Faculty Disputes ("Consolidated Hearing Committee Policy"). See also Policy 1-004-Violence in the Workplace and Academic Environment and Policy

### 6-316-- Code of Faculty Rights and Responsibilities.

3. University disciplinary proceedings for staff employees accused of committing sexual assault are detailed in the University's Discrimination and Sexual Harassment Complaint Procedures ("Harassment Complaint Procedures"), Regulations Library, Procedure 5-210.
  4. The Student Code, the Consolidated Hearing Committee Policy, and the Harassment Complaint Procedures provide, in part, that the accused and the victim will each be allowed to choose one person to advise them throughout the hearing. Both the victim and accused will be informed of the outcome of the hearing.
  5. Students and employees found responsible for sexual assault may be criminally prosecuted in the state or federal courts and, as more fully described in the pertinent Policies, may be terminated from employment or suspended or expelled from the University for the first offense.
- E. Academic and Living Situations: Student victims have the option to change their academic and/or on-campus living situations after a sexual assault, if such changes are reasonably available.
- F. False Accusations. Individuals who intentionally and knowingly make false accusations concerning a sexual assault or provide false information to University officials in connection with an accusation and/or investigation of sexual assault, are subject to discipline under University policy as well as criminal and/or civil penalties under applicable law.

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[Note: Parts IV-VII of this Regulation (and all other University Regulations) are Regulations Resource Information – the contents of which are not approved by the Academic Senate or Board of Trustees, and are to be updated from time to time as determined appropriate by the cognizant Policy Officer and the Institutional Policy Committee, as per Policy 1-001 and Rule 1-001.]

## IV. Rules, Procedures, Guidelines, Forms and other related resources.

- A. Rules
- B. Procedures
- C. Guidelines
- D. Forms
- E. Other related resource materials.

## V. References

- A. Policy 1-011: Campus Security
- B. Policy 1-004: Violence in the Workplace and Academic Environment

- C. [Policy 5-107](#): Sexual Harassment and Consensual Relationships
- D. [Policy 5-111](#): Corrective Action and Termination Policy for Staff Employees
- E. [Policy 5-210](#): Discrimination and Harassment Complaint Policy
- F. [Policy 6-002](#), Section 10: Academic Senate, Consolidated Hearing Committee for Faculty Disputes
- G. [Policy 6-316](#): Code of Faculty Rights and Responsibilities
- H. [Policy 6-400](#): Code of Student Rights and Responsibilities

## VI. Contacts:

The designated contact officials for this Policy are:

- a. Policy Owner (primary contact person for questions and advice): Director of Public Safety (Chief of University of Utah Police Department)
- b. Policy Officer: Vice President of Administrative Services

These officials are designated by the University President or delegee, with assistance of the Institutional Policy Committee, to have the following roles and authority, as provided in University Rule 1-001:

"A 'Policy Officer' will be assigned by the President for each University Policy, and will typically be someone at the executive level of the University (i.e., the President and his/her Cabinet Officers). The assigned Policy Officer is authorized to allow exceptions to the Policy in appropriate cases.... "

"The Policy Officer will identify an 'Owner' for each Policy. The Policy Owner is an expert on the Policy topic who may respond to questions about, and provide interpretation of the Policy; and will typically be someone reporting to an executive level position (as defined above), but may be any other person to whom the President or a Vice President has delegated such authority for a specified area of University operations. The Owner has primary responsibility for maintaining the relevant portions of the Regulations Library... [and] bears the responsibility for determining -requirements of particular Policies... ." University Rule 1-001-III-B & E

## VII. History:

[Interim Rule 5-210](#). On October 1, 2009, President Michael K. Young implemented Interim Rule R5-210 in order to bring the University into compliance with the Federal Clery Act (20 U.S. C. § 1092(f)). The Interim Rule was presented to the Academic Senate Executive Committee, October 19, 2009, and to the Academic Senate November 2, 2009. The Interim Rule was then replaced by this Policy 1-012.

- A. Current version. Revision 0.

Approved by the Academic Senate: January 10, 2011

Approved by the Board of Trustees: February 8, 2011

[Legislative history](#) for Revision 0. [link]

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