Faculty and Staff Member Responsibility to Report

Faculty and staff members have a legal responsibility to stop prohibited discrimination and sexual harassment. If you become aware of potentially sexually harassing conduct, even if the individual involved does not wish to take any action, note the following obligations under University policy and federal law:

• You must advise the student of the the OEO/AA or Dean of Students Office and the availability of the University complaint process.
• University Policy S-210 requires that you advise the Office of Equal Opportunity of any information you have regarding allegations of illegal discrimination or sexual harassment.
• If you receive information about a crime on campus that you believe has been provided in good faith, you must report it to the Dean of Students Office or the Department of Public Safety to be disclosed in the annual Clery Report. It is not necessary for the crime to have been investigated nor must a finding of responsibility have been made to disclose the statistic.

University Consensual Relationships

When a member of the University Community is responsible for any professional, job-related or academic oversight of another individual, a romantic or sexual relationship between the two, even a consensual relationship, is a violation of University policy and must be remedied through the steps outlined in University Policy S-107.

Open Discussion Policy

The free and open discussion of issues or theories relating to sexuality or gender in an academic or professional setting, when appropriate to subject matter, will be presumed not to constitute sexual harassment even if it offends or embarrasses an individual, unless other factors are involved. Such factors include targeting the discussion to an individual or carrying out the discussion in terms that are both patently unnecessary and gratuitously offensive.

Other Types of Harassment

University policy advocates vigorous and appropriate action to ensure that all students and employees have an environment free of discrimination based on race, national origin, color of skin, status as a person with a disability, age, veteran’s status, religion, sex, sexual orientation, gender identity/expression, and genetic information. The University is fully committed to the principle of equal opportunity and access. If you feel that you have been discriminated against or have questions about University nondiscrimination policies please contact the Office of Equal Opportunity and Affirmative Action at 801-581-8365.

Regulations Library

The University of Utah Regulations Library includes the text of University policies and links to University Rules, Procedures, Guidelines, Forms and other information. Individuals can access the Regulations Library at www.regulations.utah.edu.

University & Community Resources

<table>
<thead>
<tr>
<th>Emergency</th>
<th>911</th>
<th>Campus Police: Department of Public Safety 1735 East South Campus Drive</th>
<th>Emergency: 911</th>
<th>Non-emergency: 801-585-2677</th>
<th><a href="http://dps.utah.edu/">http://dps.utah.edu/</a></th>
</tr>
</thead>
<tbody>
<tr>
<td>Office of the Dean of Students</td>
<td>Union Building Room 270</td>
<td>801-581-7066</td>
<td><a href="http://deanofstudents.utah.edu/">http://deanofstudents.utah.edu/</a></td>
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<tr>
<td>Student Health Center</td>
<td>555 Foothill Drive</td>
<td>801-581-6431</td>
<td><a href="http://studenthealth.utah.edu/">http://studenthealth.utah.edu/</a></td>
<td></td>
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<tr>
<td>Center for Student Wellness, Campus Victim Advocate</td>
<td>Student Services Building Room 330</td>
<td>801-581-7779</td>
<td>wellness.utah.edu/ <a href="http://services/victimadvocate.php">http://services/victimadvocate.php</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Counseling Center</td>
<td>Student Services Building Room 426</td>
<td>801-581-6826</td>
<td><a href="http://counselingcenter.utah.edu/">http://counselingcenter.utah.edu/</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Hospital, Emergency Medicine</td>
<td>50 North Medical Drive</td>
<td>9-1-1</td>
<td><a href="http://healthcare.utah.edu/hospital/">http://healthcare.utah.edu/hospital/</a></td>
<td></td>
<td></td>
</tr>
<tr>
<td>University Women’s Health Services (Medical Service)</td>
<td>50 North Medical Drive</td>
<td>801-213-2905</td>
<td><a href="http://healthcare.utah.edu/womenshealth/">http://healthcare.utah.edu/womenshealth/</a></td>
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<tr>
<td>Women’s Resource Center</td>
<td>Union Building Room 411</td>
<td>801-581-8030</td>
<td><a href="http://womenscenter.utah.edu/">http://womenscenter.utah.edu/</a></td>
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</tr>
</tbody>
</table>

Off-Campus Resources

Rape Recovery Center | 801-467-7282; 801-467-7273 (24hr Crisis Line) | http://www.raperecoverycenter.com/ |
Rape, Abuse & Incest National Network (RAINN) | 1-800-656-HOPE | www.rainn.org |
Family Justice Center | 801-236-3370 | www.familyjusticecenter.org |
Rape & Sexual Assault Crisis Line | 1-888-421-1100 |
Utah Office for Victims of Crime | 801-238-2360 | www.crimevictim.utah.gov |
YWCA | 801-537-8600 | www.ywca.com |

Office of the Dean of Students

Union Building Room 270
801-581-7066
deanofstudents.utah.edu

Office of Equal Opportunity and Affirmative Action

Park Building Room 135
801-581-8365 (V/TDD)
www.oeo.utah.edu

Title IX Coordinator
The University of Utah has designated the following individual as its Title IX Coordinator, who is trained to address issues of sexual harassment and/or assault:

Krista L. Pickens
Director, Office of Equal Opportunity and Affirmative Action
Park Building Room 135
801-581-8365 (V/TDD)
www.oeo.utah.edu
What is Sexual Misconduct

Per University policy 5-107, Sexual misconduct refers to harassment and/or violence that includes unwelcome sexual advances, requests for sexual favors, and other verbal, nonverbal, or physical conduct of a sexual nature when:

1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, education, living environment or participation in a university activity;
2. Submission to or rejection of such conduct by an individual is used as the basis for or a factor in decisions affecting that individual's employment, education, living environment, or participation in a university activity; or
3. Such conduct has the purpose or effect of unreasonably interfering with an individual's employment or educational performance or creating an intimidating, hostile, or offensive environment for that individual's employment, education, living environment, or participation in a university activity.

Types of Harassment or Abuse

- Stalking, per Utah Code 76-5-106.5, refers to repeated harassment that reasonably terrorizes or induces fear for a specific person.
- Dating/Domestic Violence, per Utah Code 77-36-1, is an ongoing pattern of controlling and abusive behaviors that individuals use against a cohabitant or their intimate partners, which include physical, sexual, economic, or emotional attacks/controls.
- Forcible sexual abuse or sexual assault, per Utah Code 76-5-402, refers to the touching of private areas and/or taking indecent sexual liberties with another, without consent, which causes emotional or physical pain.
- Rape, per Utah Code 76-5-402 occurs when an individual has sexual intercourse with another person without the person's consent. This code applies whether or not the actor is married to the victim.
- Other sexual conduct prohibited by Utah State law: 76-5-401.1 Sexual abuse of a minor 76-5-401.2 Unlawful sexual conduct with a 16- or 17-year-old. 76-5-402.1 Rape of a child.

Consensual Physical Contact

Consent means that an individual who is legally able to, knowingly, consciously, willingly, and affirmatively agrees to engage in sexual contact. Utah State Code 76-5-406 provides a detailed and comprehensive definition of Consent.

Examples of Sexual Harassment

Unwelcome or unwanted:
- Intentional touching, hugging, patting, kissing, squeezing, tickling
- Sexual comments, joke references, ridicule
- Pictures, email, texts, or other materials or electronic correspondence with content that is sexually explicit
- Repeatedly asking a person for a date, after being refused
- Ogling or leering, making sexual comments about an individual's body
- Requests or demands (implied or stated) for sexual favors in exchange for workplace or educational advantages
- Consent can be withdrawn at any time during the contact.

What to Do if You Are Harassed

Don't ignore it: Early efforts to control a potentially harassing situation are important. Sometimes you can stop such behavior by telling the person directly that you are uncomfortable and want it to stop.

Report it: If you are uncertain about whether or not you are experiencing sexual harassment, are hesitant to tell the person you are uncomfortable yourself, or if efforts to stop a problem have not worked, contact the Office of Equal Opportunity (801-581-8365) or the Dean of Students Office (801-581-7066). These are the University offices that may conduct impartial investigation to determine what occurred and then take appropriate steps to resolve the situation. An investigation may be able to resolve matters of sexual harassment through an informal resolution process or a formal complaint process as outlined by University policies including the Student Code of Rights and Responsibilities.

Rights and Options

The University of Utah does not tolerate acts of prohibited discrimination or harassment, including sexual assault, dating violence, domestic violence or stalking. If you are assaulted, sexually assaulted, stalked, or feel that you are in danger or threatened:
- Find a safe place
- Preserve Evidence: Preserving physical evidence can be key to identifying the perpetrator and adjudicating a sexual assault case.
- Get Medical Attention: Medical attention should be sought as soon as possible. This is necessary to mitigate the risk of sexually transmitted diseases or pregnancy and to determine the existence or extent of, and to treat, any physical injury. Additionally, forensic evidence can be collected which could help a law enforcement or campus investigation.
- Consider reporting the incident: An assault or other forms of sexual misconduct should be reported to the University Police Department (801-585-2677), the Office of Equal Opportunity (801-581-8365), and/or the Dean of Students Office (801-581-7066). Individuals are encouraged to file a police report.
- Privacy: Filing a police report will not obligate the accuser to prosecute, nor will it subject the accuser to scrutiny or judgmental opinions from others. Students may request any campus authority to assist them in notifying law enforcement authorities. When a sexual assault victim contacts the Police Department, the Police Department will notify the Office of Equal Opportunity and Affirmative Action and the Office of the Dean of Students.
- Investigation: The victim of a sexual assault may choose for an investigation to be pursued through the criminal justice system and through a University disciplinary process (for students, faculty, or staff), or only the latter. Victims may choose not to proceed as a complainant in the disciplinary process. A University representative from the Police Department or the Dean of Students Office can guide the victim through the available options and support the victim in his or her decision.
- Resources: Counseling is confidential and is recommended during this difficult time. Whether services are sought on campus or in the community, remember that self-care is an important part in coping with the event(s). Additional resources available are listed on the back panel of this brochure.

Sanctions and Protective Measures

The University may impose sanctions on the accused and/or provide the accuser protective measures following a report being filed.
- Possible protective measures include but are not limited to changes in academic, working for living situations, counseling, and no contact order issued by the University.
- Possible sanctions for students who are found responsible for assaulting or harassing another member of the University of Utah community may include suspension or dismissal along with educational outcomes.
- Employees may be subject to discipline, up to and including termination of employment.

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Sexual assault, domestic violence, dating violence and stalking may be found to be criminal acts which may also subject the perpetrator to criminal and civil penalties under federal and state law.

The University is obligated to investigate and/or appropriately respond to sexual misconduct complaints, pursuant to University policy, even if the matter is being investigated by law enforcement.

Confidentiality

Confidentiality is honored only when speaking with a licensed counselor in the University Counseling Center or Women's Resource Center or with the University Victim Advocate. Communication is private between all other parties involved in a complaint investigation. This privacy shall be strictly respected insofar as it does not interfere with the University's legal obligation to investigate allegations of misconduct, to take corrective action, or as otherwise provided by law.

Non-Retaliation

Retaliation is an adverse action, treatment, or condition taken against an individual for complaining of discrimination (including sexual harassment) or participating in a discrimination complaint process, regardless of the outcome of the investigation or complaint. University Policy strictly prohibits Retaliation.

University Disciplinary Process

The University disciplinary process will include a prompt, fair and impartial investigation and resolution process. Investigators and hearing board members are trained on issues related to sexual assault, dating violence, domestic violence and stalking, and taught how to conduct an investigation and hearing process that protects the safety of the victim and promotes accountability. This process provides that:
- The accuser and the accused each have the right to due process which includes the right to be heard, the right to decision and review by impartial persons or bodies, and a right to adequate notice.
- The accuser and accused have the right to an advisor of their choice throughout the process.
- The University of Utah adjudicates conduct cases based on the preponderance of evidence standard.
- The accuser and the accused will be notified simultaneously in writing of the outcome and results of any disciplinary proceedings.
- The accuser and the accused each have the right to appeal the outcome of the hearing and will be notified simultaneously in writing of the final outcome after the appeal is resolved.

To view the Student Code visit: http://www.regulations.utah.edu/academics/6-400.html