

## WHAT IS SEXUAL MISCONDUCT?

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.

**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.

## UNIVERSITY RESOURCES & SERVICES

Emergency

911

Campus Police: Department of Public Safety

Emergency: 911

Non-emergency: 801-585-2677 (COPS)

Dean of Students Office

Union Building Room 270

801-581-7066

Office of Equal Opportunity/Affirmative Action

135 Park Building

801-581-8365

Student Health Center

555 Foothill Drive

801-581-6431

**University Counseling Center**

Student Services Building Room 426

801-581-6826

**Women's Resource Center**

Union Building Room 411

801-581-8030

## OFF-CAMPUS RESOURCES

Rape Recovery Center

801-467-7282

Rape, Abuse & Incest National Network (RAINN)

1-800-656-HOPE; [www.rainn.org](http://www.rainn.org)

### TITLE IX COORDINATOR

*The University of Utah has designated the following individual as its*

*Title IX Coordinator.*

Director, Office of Equal Opportunity and

Affirmative Action

Park Building Room 135

801-581-8365 (V/TDD)

[www.oeo.utah.edu](http://www.oeo.utah.edu)

# THE UNIVERSITY OF UTAH

## Addressing Sexual Misconduct Involving Students

DEAN OF STUDENTS OFFICE

Union Building Room 270

801-581-7066

[www.deanofstudents.utah.edu](http://www.deanofstudents.utah.edu)

OFFICE OF EQUAL OPPORTUNITY

AND AFFIRMATIVE ACTION Park

Building Room 135

801-581-8365 (V/TDD)

[www.oeo.utah.edu](http://www.oeo.utah.edu)

## 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
- Stalking
- 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

## 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 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 Dean of Students Office (801-581-7066) or the Office of Equal Opportunity (801-581-8365). These offices will investigate complaints of sexual harassment and may be able to resolve matters of sexual harassment through an informal resolution process or a formal complaint process outlined by University policies including the Student Code of Rights and Responsibilities.

To view the Student Code visit:

<http://www.regulations.utah.edu/academics/6-400.htm>

## NON-RETALIATION

Individuals shall not be subjected to retaliation for initiating or participating in a discrimination or sexual harassment complaint process, regardless of the outcome of an investigation.

## REPORTING SEXUAL ASSAULT

1. Safety: Get to a place of safety and obtain necessary medical treatment.
2. Report: An assault 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.
3. Confidentiality: Filing a police report will not obligate the victim to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Students may request any campus authority to assist them in notifying law enforcement authorities.

When a sexual assault victim contacts the Police Department, the department will notify the Office of Equal Opportunity and Affirmative Action and the Office of the Dean of Students. 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.

## CONFIDENTIALITY

The privacy of all parties involved in a complaint investigation 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.

If you speak with a licensed counselor in the University Counseling Center or Women's Resource Center, it is confidential.

## FACULTY AND STAFF MEMBER RESPONSIBILITY TO REPORT

Faculty and staff members have a legal responsibility to stop illegal 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 encourage the student to report any sexual harassment to the Office of Equal Opportunity or Dean of Students Office as soon as possible.
- University Policy 5-210 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.

## SENSUAL 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 5-107, unless the situation is remedied by reassigning oversight and notifying the employee's department chairman.

*OTHER TYPES OF HARASSMENT* University policy advocates vigorous and appropriate action to ensure that of students and employees have an environment free of discrimination based on race, national origin, color of skin 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 nondiscrimination. If you feel that you have been discriminated against please contact the Office of Equal Opportunity and Affirmative Action at 801-581-8365.