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Welcome to Dixie State University! As a member of Trailblazer Nation, your safety is a top priority for us. We know that when our students feel safe and secure, they are better prepared to learn and thrive. That’s why we take every measure necessary to keep our campus community protected from crime. Our Dixie State University Police Department, an accredited body ranked among universities nationwide, is highly qualified and vigilant about campus safety as well as dedicated to ensuring our students have a quality experience on campus.

In addition to DSU Police efforts, we can all play a part in achieving a safe, welcoming, and inclusive educational environment for our entire campus community. Please read the following information to stay aware of campus safety measures and add the police dispatch number, 435-627-4300, to the contacts in your phone so you have it with you at all times if ever needed.

Thank you for your help. Together, we can continue to ensure every day is a great day to be a Trailblazer!

A MESSAGE FROM DSU POLICE CHIEF, BLAIR BARFUSS, MSHR

The Dixie State University Police Department is fully committed to providing our campus community with a safe and supportive environment where scholarship, creativity, engagement, and community, thrive. The safety and security of our University is the combined responsibility of our entire University community. Even though crime is statistically low at Dixie State University, no community is free from crime, criminal activity, or the fear of crime.

We ask our campus and community members that if you See Something, Say Something, and report the issue to campus police immediately. Dixie State University officers work collaboratively with our community members, the St. George City Police Department, Washington County Sheriff’s Office, County Attorney’s Office, and others, to prevent and solve crimes that effect and impact our students, staff, faculty, and visitors.

Dixie State University Police Department received accreditation through the Utah Chiefs of Police Association, and nearing agency accreditation through the International Association of Campus Law
ENFORCEMENT ADMINISTRATORS (IACLEA). Our office is staffed with professional and certified law enforcement personnel, trained investigators, qualified security staff, and a certified victim advocate.

Whether you are a student, employee or guest of the campus, we seek to provide you with customer-based, community oriented, policing services. We believe that communication, cooperation and collaboration between officers and the community, reduces crime and enhances the services this department provides.

The Dixie State University Police Department offers a wide array of resources and programs to complement our public safety initiatives. Members of the community are encouraged to review the information and resources provided on our website located at: https://publicsafety@dixie.edu.

We want to welcome you to Dixie State University and encourage your comments and concerns. Feel free to stop by our office on the north-east corner of the Burns Arena, or contact us through our website, social media accounts, or through email. Stay safe, stay well, and Go Trailblazers!

A MESSAGE FROM CLERY COMPLIANCE COORDINATOR, CAPTAIN RON BRIDGE

The Dixie State University Annual Safety Report compiles details about our campus safety policies and procedures, crime statistics in our reportable geography, and campus safety programs available to our campus community. These statistics are compiled and audited weekly throughout the calendar year and documented in this report for your review. I encourage you to review this report to remain well informed on issues of safety on campus. Any questions, comments, or concerns about this report should be directed to Captain Ron Bridge at ron.bridge@dixie.edu.
In general, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) requires colleges and universities to:

- Publish an annual report every year by October 1 that contains three years of campus crime statistics and certain campus security policy statements;

- Disclose crime statistics for the campus, public areas immediately adjacent to or running through the campus, and certain non-campus properties. The statistics must be gathered from University Police, local law enforcement, and other University officials who have “significant responsibility for student and campus activities”;

- Provide “Timely Warning” notices of those crimes that have occurred and pose an “ongoing threat to students and employees”;

- Provide “Emergency Notifications” for dangerous or emergency situations; and

- Disclose in a public crime log any crime that occurred on campus and is reported to the university police.

- Provide survivors of sexual assault, domestic violence, dating violence, and stalking with information on reporting, interim arrangement options, resources, and University disciplinary processes.

- Outline and disclose University policies and procedures within their annual security reports, including those related to disseminating timely warnings and emergency notifications, options for survivors of sexual assault, domestic violence, dating violence, stalking, and campus crime reporting processes.

University Police is required by the Clery Act to report certain types of crimes on an annual basis. As a result, Dixie State reports all Part 1 Criminal Offenses, as well as Hate Crimes as required by the Clery Act, for crimes occurring on campus and certain non-campus properties. These crimes include:

- Arrests and disciplinary referrals for violations of weapons, drug, and liquor laws
- Criminal homicide
- Sexual assault, including rape, fondling, incest, and statutory rape
- Stalking
- Domestic violence
- Dating violence
- Rape
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Hate crimes

The Annual Security Report (ASR) crime statistics are provided below, and are also available on the University Police website at the following link: publicsafety.dixie.edu/clery-act/. University Police is responsible for preparing and distributing the ASR. University Police works with many other departments and units within the campus community to compile this information.

We encourage members of the Dixie State University community to use this report as a guide for safe practices on and off campus. For a hard copy of this information or alternative formats, please contact the Dixie State University Police at (435) 652-7515.
Annual Fire Safety Report (AFSR)
Each campus that maintains an on-campus student housing facility must publish and distribute annually by October 1, an Annual Fire Safety Report. The AFSR includes the fire statistics and the fire safety policies and procedures for each on-campus student housing facility for the three most recent calendar years. The AFSR may be filed separately or combined with the Annual Security Report (see below).

Annual Security Report (ASR)
The Clery Act requires those postsecondary institution’s participating in the Higher Education Act’s Title IV student financial assistance programs and each of their separate campuses to annually publish by October 1, a report containing the campus safety policy statements and Clery Crime statistics for the three most recent calendar years. This annual report is known as the Annual Security Report (ASR).

Campus Security Authority (CSA)
Individuals at the University who because of their functional role have an obligation to notify the University department responsible for collecting crime information (e.g., the campus police department) of alleged Clery Crimes that are reported to or witnessed by the CSA. CSAs include campus police employees and other persons who:

- Have responsibility for campus security but who are not employees of a campus police department or campus security department.

- Are specified in the campus ASR as an individual to whom students and employees should report criminal offenses; or

- Have significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. The policies and procedures required to be listed in the ASR can be found in the Code of Federal Regulations: Title 34, Section 668.46 (b, c, q-k) and US Code Title 20, Section 1092(f)(1) and 1092(f)(8). These policies can also be found in the DOE Handbook for Campus Safety and Security Reporting.

Clery Committee
The mission of the DSU Clery Committee is to ensure necessary processes are followed to ensure the University’s compliance with the Clery Act.
**Clery Crimes**
The Clery Act requires that certain crimes occurring on campus Clery Geography (as defined below) be tracked and reported annually by the campus each October to the Department of Education and shared with the University Community. The following offenses are Clery Crimes:

- Criminal homicide (murder and non-negligent manslaughter and manslaughter by negligence)
- Sex offenses (rape, fondling, incest, and statutory rape)
- Robbery
- Aggravated assault
- Arson
- Burglary
- Motor vehicle theft
- Domestic violence
- Dating violence
- Stalking
- Hate crimes
- Arrests or referrals for disciplinary action for drug abuse, liquor, and or weapons law violations

**Clery Geography**
The campus geographic areas, as defined by the Clery Act, for which Clery crimes are required to be reported. The geographic categories include the following:

**On-campus**

*Any building or property:* Any building or property owned or controlled by the University within the same reasonably contiguous geographic area and used by the University in direct support of, or in a manner related to, the University’s educational purposes, including residence halls. Any building or property within or reasonably contiguous to the campus that is owned by the University but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

**Public Property**
All public properties, including thoroughfares, streets, sidewalks, and parking facilities that are within the campus, or immediately adjacent to and accessible from the campus.

**Non-campus Property**
Buildings or property that meet the following criteria:

- Owned or controlled by the University and
- Used in direct support of, or in relation to, the University’s educational purposes, and
- Frequently used by students, and
- Not within the same reasonably contiguous geographic area of the University campus or
- Any building or properties owned or controlled by a student organization that is officially recognized by the University, or
- Any property outside of the United States if the property otherwise meets the definition of non-campus property described above.

Dixie State University does not maintain any off-campus properties and does not recognize any off-campus student group locations.

**Emergency Notification**
A notification issued by a designated campus official promptly informing the University Community, upon confirmation, of a significant emergency or dangerous situation occurring on the campus involving an immediate threat to the health or safety of the University Community.

**Emergency Response and Evacuation Procedure Test**
Regularly scheduled drills, exercises, and appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. The campus’ procedures to test the emergency response and evacuation procedures are on at least an annual basis and must include Emergency Notification and an evacuation component for a significant portion of the campus.

**Hate Crime**
A crime reported to local police agencies or to a CSA that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim’s actual or perceived:

- Race
- Religion
- Gender
- Gender identity
- Sexual orientation
- Ethnicity
• National origin, and
• Disability

**Hate Crime Offenses**
For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias:

- Murder and non-negligent manslaughter, and manslaughter by negligence
- Sex offenses (rape, fondling, incest, and statutory rape)
- Robbery
- Aggravated assault
- Burglary
- Motor vehicle theft
- Arson
- Larceny-theft
- Simple assault
- Intimidation, or
- Destruction/damage/vandalism of property

**Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics (Clery Act)**
Also known as the Clery Act, this federal law requires colleges and universities that receive Title IV funding to disclose information about Clery Crimes occurring on Clery Geography and safety related policies.

**Licensed Mental Health Counselors**
Individuals whose official responsibilities include providing mental health counseling to members of the University Community and who function within the scope of the counselor’s license certification. When acting within the scope of responsibilities, licensed mental health counselors are not CSAs.

**Missing Student Notification**
A notification issued to an emergency contact, and or a parent-legal guardian and the local law enforcement agency by a designated campus official when a student who lives in on campus housing has been missing for 24 hours.

**Pastoral Counselors**
Individuals associated with and recognized by a religious order or denomination as someone who provides confidential counseling and is functioning with the scope of the recognition. Pastoral Counselors do not have CSA responsibilities.

**Safety Notices**
Safety notices are communications to the campus community for crimes that do not occur on DSU’s Clery geography but are determined to require the awareness of campus for safety purposes, or for situations that are not deemed an emergency or dangerous situation but are determined to require the awareness of campus for notification reasons. Distribution of a Safety Notice is generally by broadcast email by DSU Police, but could also include text message or social media if determined appropriate.

**Timely Warning**
A notification issued by the Campus Police Department to alert the University Community about Clery Crimes occurring within the campus’ Clery Geography, which are:

- Reported to, or observed by a CSA; and
- Considered to represent a serious or continuing threat to the University Community.

**Uniform Crime Reporting (UCR)**
The Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting (UCR) program is a nationwide, cooperative statistical effort of nearly 18,000 city, university and college, county, state, tribal, and federal law enforcement agencies voluntarily reporting data on crimes brought to their attention.

The UCR program provides definitions of Clery Crimes. The definitions of murder, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, weapons carrying, possessing, etc., law violations, drug abuse violations, and liquor law violations are from the Summary Reporting System (SRS) User Manual from the FBI’s UCR program. The definitions of fondling, incest and statutory rape are from the FBI’s National Incident-Based Reporting System (NIBRS) Data Collection Guidelines edition of the UCR. Hate Crimes are classified according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual.
Violence Against Women Act (VAWA)
The Violence Against Women Act was originally signed into law in 1994. Subsequent VAWA amendments to the Clery Act expanded the rights afforded to campus survivors of sexual assault, domestic violence, dating violence, and stalking and created the requirement for the collections of Clery Crime statistics related to those offenses.
The Crime Statistics table reflects specific crimes and arrests reported to the sources identified in the Collecting Crime Reports and Statistics Procedures Section. Per the Clery Act, these crimes are classified based on the Federal Bureau of Investigation’s (FBI) UCR Handbook. For sex offenses only, the definitions are from the FBI’s NIBRS edition of the UCR. Hate crimes are defined according to the FBI’s Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

Although the law states that institutions must use the UCR for defining and classifying crimes, it does not require Clery Act crime reporting to meet all UCR standards.

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another.

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Robbery:** The taking or attempting to take anything of value from the care, custody, or control, of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used.)

**Burglary:** The unlawful entry of a structure to commit a felony or theft. For reporting purposes, this definition includes: unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safe cracking, and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle. For reporting purposes, this definition includes all cases where automobiles are taken by persons not having lawful access—even if the vehicles are later abandoned (including joyriding).

**Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle, or aircraft, the personal property of another, etc.

**Hate Crimes:** A criminal offense committed against a person or property, which is motivated, in whole or in part, by the offender’s bias. Bias is a preformed negative opinion or attitude toward a group of persons based on one or more of the following actual or perceived characteristics: race, gender, religion, sexual orientation, ethnicity, disability, gender identity, and national origin. For reporting purposes, hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, sexual offenses (rape, fondling, incest, and statutory rape), robbery, aggravated assault, burglary, motor vehicle theft, arson, theft, simple assault, intimidation, or destruction/damage/vandalism of property.

**Illegal Weapons Possession:** The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use or firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification are the following: the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons, and attempts to commit any of the above.

**Drug Law Violations:** The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any
controlled drug or narcotic substance, as well as any arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Included in this classification are the following: all drugs, without exception, that are illegal under local or state law; and all illegally obtained prescription drugs.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages—not including driving under the influence and drunkenness. The following are included in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; and drinking on a public conveyance.

**Attempted Crimes:** This report does not differentiate between attempted and completed crimes. For example, an incident involving an attempted forcible rape is counted as a forcible sex offense. The only exception to the rule applies to attempts or assaults to murder when the victim does not die. These incidents are classified as aggravated assaults rather than murders.
CRIME STATISTICS
(CLERY REPORTABLE CRIMES/HATE CRIMES)

POLICY FOR REPORTING THE ANNUAL DISCLOSURE OF CRIME STATISTICS
The University Police Department and the Title IX Director prepare this report to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. This report is prepared in cooperation with local law enforcement agencies.

Campus crime, arrest, and referral statistics include those reported to the University Police, designated campus officials (including but not limited to directors, deans, department heads, advisors to students/student organizations, athletic coaches) and local law enforcement agencies.

NOTIFICATIONS
Each year, an email notification is made to all current students, faculty, and staff providing the website to access this report. Prospective students and employees may obtain a copy of the report from the Dixie State University Police Department or by visiting the website publicsafety.dixie.edu.
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</tr>
<tr>
<td>OFFENSE</td>
<td>YEAR</td>
<td>GEOGRAPHICAL LOCATION</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>------------------------------------------------------------------------</td>
<td>------</td>
<td>-----------------------</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>ON-CAMPUS PROPERTY</td>
<td>ON-CAMPUS STUDENT</td>
<td>NON-CAMPUS PROPERTY</td>
<td>PUBLIC PROPERTY</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>HOUSING FACILITIES</td>
<td></td>
<td></td>
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<tr>
<td><strong>ARRESTS - WEAPONS</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>CARRYING, POSSESSING, ETC.</td>
<td>2019</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>DISCIPLINARY REFERRALS</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>WEAPONS</td>
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<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>ARRESTS - DRUG ABUSE VIOLATIONS</strong></td>
<td>2018</td>
<td>7</td>
<td>7</td>
<td>0</td>
<td>0</td>
</tr>
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<td></td>
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<td>12</td>
<td>9</td>
<td>3</td>
<td>0</td>
</tr>
<tr>
<td><strong>DISCIPLINARY REFERRALS</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
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</tr>
<tr>
<td>DRUG ABUSE VIOLATIONS</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>ARRESTS - LIQUOR LAW VIOLATIONS</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>DISCIPLINARY REFERRALS</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>LIQUOR LAW VIOLATIONS</td>
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<tr>
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<td>2020</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>DOMESTIC VIOLENCE</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>DATING VIOLENCE</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
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<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>STALKING</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
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<td></td>
<td>2020</td>
<td>1</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td><strong>HATE CRIMES - SIMPLE ASSAULT, INTIMIDATION, DESTRUCTION/DAMAGE/ VANDALISM OF PROPERTY</strong></td>
<td>2018</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2019</td>
<td>0</td>
<td>0</td>
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<td>0</td>
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<tr>
<td></td>
<td>2020</td>
<td>0</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
</tbody>
</table>
DISCLOSURE OF CRIME STATISTICS

Dixie State crime statistics include those crimes reported to University Police, Campus Security Authorities and local law enforcement agencies. These statistics may include crimes that have occurred in private residences, including those maintained by University student organizations, and on certain other non-campus property. Each year, an e-mail notification is made to all enrolled students, faculty and staff that provides the website to access the ASR. Prospective students can obtain a copy by visiting Dixie State’s undergraduate admissions websites. All prospective employees can obtain a copy from the Dixie State Human Resources department by visiting: humanresources.dixie.edu. Individuals with disabilities can request the ASR in an alternative format by contacting University Police.
UNIVERSITY FIRE SAFETY AND TRAINING POLICIES

Additional University Policies can be found at dixie.edu/policylibrary/
Policy 401: Environmental, Occupational Health, and Safety Policy
Policy 422: Emergency Management Policy

FIRE DRILL LOG/ FIRE STATISTICS

Housing and Resident Life staff and residents will report all fires to the University Fire Marshall and University Police Department. This includes any fire that is extinguished by residents or staff.

All fire incidents can be found in the University Fire Report Log on the Dixie State University Fire Report at safety.dixie.edu. The Annual Fire Safety Report is in the Annual Security and Fire Safety Report which is posted to the Fire Marshal, DSUPD, and Title IX webpages. The report is also distributed via email to all students and all employees through all email accounts listed in student record and personnel file.

The tables below contain a detailed list of statistics regarding fires that occurred in the Dixie State University residential facilities over the past three years.

### DSU STUDENT HOUSING DRILLS

<table>
<thead>
<tr>
<th># OF DRILLS</th>
<th>ABBY</th>
<th>CAMPUS VIEW</th>
<th>CHANCELLOR</th>
<th>DIXIE VIEW</th>
<th>MORGAN</th>
<th>NISSON</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>2</td>
</tr>
<tr>
<td>2019</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
<td>3</td>
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<tr>
<td>2020</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
<td>4</td>
</tr>
</tbody>
</table>

### FACILITY FIRE SAFETY SYSTEM

The following tables contain a detailed list of fire safety systems that are located in the Dixie State University residential facilities over the past three years.

### ABBY APARTMENTS

<table>
<thead>
<tr>
<th></th>
<th># OF FIRES</th>
<th>CAUSE OF FIRE(S)</th>
<th># OF INJURIES</th>
<th># OF DEATHS</th>
<th>PROPERTY DAMAGE AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>
### Campus View Suites

<table>
<thead>
<tr>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire(s)</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Property Damage Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>

### Chancellor Apartments

<table>
<thead>
<tr>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire(s)</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Property Damage Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>

### Dixie View Apartments

<table>
<thead>
<tr>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire(s)</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Property Damage Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>

### Morgan Apartments

<table>
<thead>
<tr>
<th>Year</th>
<th># of Fires</th>
<th>Cause of Fire(s)</th>
<th># of Injuries</th>
<th># of Deaths</th>
<th>Property Damage Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>Year</td>
<td># of Fires</td>
<td>Cause of Fire(s)</td>
<td># of Injuries</td>
<td># of Deaths</td>
<td>Property Damage Amount</td>
</tr>
<tr>
<td>------</td>
<td>------------</td>
<td>------------------</td>
<td>---------------</td>
<td>-------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>2018</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2019</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
<tr>
<td>2020</td>
<td>0</td>
<td>N/A</td>
<td>0</td>
<td>0</td>
<td>$0</td>
</tr>
</tbody>
</table>
The following tables contain a detailed list of fire safety systems that are located in the Dixie State University residential facilities over the past three years.

<table>
<thead>
<tr>
<th>RESIDENTIAL FACILITY</th>
<th>GEOGRAPHICAL LOCATION</th>
<th>EVACUATION PLANS &amp; PLACARDS</th>
<th>FIRE ALARM MONITORING</th>
<th>FIRE EXTINGUISHER DEVICES</th>
<th>*SPRINKLER SYSTEM</th>
<th>SMOKE DETECTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>ABBY APARTMENTS</td>
<td>495 SOUTH 900 EAST</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>IN COMMON AREA &amp; EACH BEDROOM</td>
</tr>
<tr>
<td>CAMPUS VIEW SUITES 1</td>
<td>974 EAST 100 SOUTH</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>IN COMMON AREA &amp; EACH BEDROOM</td>
</tr>
<tr>
<td>CHANCELLOR APARTMENTS</td>
<td>11 SOUTH 800 EAST</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>IN COMMON AREA &amp; EACH BEDROOM</td>
</tr>
<tr>
<td>DIXIE VIEW APARTMENTS</td>
<td>68 SOUTH 800 EAST</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>IN COMMON AREA &amp; EACH BEDROOM</td>
</tr>
<tr>
<td>MORGAN APARTMENTS</td>
<td>660 SOUTH 800 EAST</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>IN COMMON AREA &amp; EACH BEDROOM</td>
</tr>
<tr>
<td>NISSON APARTMENTS</td>
<td>974 EAST 100 SOUTH</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>IN COMMON AREA &amp; EACH BEDROOM</td>
</tr>
</tbody>
</table>

*All buildings were built according to code at time of construction and have not undergone structural change or alteration.

**Abby Apartments**: These apartments have smoke detectors in each bedroom and in the common areas.

**Campus View Suites**: These apartments have automatic fire sprinklers and a standpipe system.

**Chancellor Apartments**: These apartments have smoke detectors in each bedroom and in the common areas.

**Dixie View Apartments**: These apartments have smoke detectors in each bedroom and in the common areas.

**Morgan Apartments**: These apartments have smoke detectors in each bedroom and in the common areas. These are married student apartments.

**Nisson Towers**: These dormitory style apartments have monitored smoke detectors in each bedroom. This electronic system automatically calls the fire department and also identifies which smoke detector has issued the alarm. The full system is tested and logged annually, and a record of the alarms is kept electronically.
The Dixie State University’s Police Department provides law enforcement and security services to the DSU community. DSU’s Police Department is responsible for all criminal case investigations that occur on University property. Police officers respond to calls for service through our county wide dispatch center. In addition to handling emergency and other calls for service, officers enforce all of Utah’s criminal and traffic laws. Officers also respond to building alarms, provide executive protection, maintain security at many special events, and provide many other services to our DSU community.

Dixie State University Police Department (DSUPD) is an authorized police agency established by Utah Code Annotated (UCA) § 53B-3-105, which states that DSU Police officers “have all the powers possessed by policemen in cities and by sheriffs, including the power to make arrests on view or on warrant of violation of state statutes and city or county ordinances and also have the power to enforce all rules and regulations promulgated by the board as related to the institution.” UCS § 53-13-102 adds that DSU Police officers are “sworn and certified peace officers whose primary and principal duties consist of the prevention and detention of crime and the enforcement of criminal statutes or ordinances.” DSU Police officers are also tasked with enforcing University policies.

Dixie State University Police Department works collaboratively with all local law enforcement agencies in the city, county, and state. DSUPD collaborates primarily with St. George City Police Department, with who a written document provides an understanding of additional police resources, policies, dispatch, and trainings, and allows smooth inter agency service between the departments. DSUPD also works in partnership with many federal agencies, which include the Federal Bureau of Investigation, Homeland Security Investigations, Drug Enforcement Agency, US Marshall’s Office, and many others. Dixie State University Police Department utilizes computer systems and software that links all local, state, and federal records, allowing access to criminal histories, wanted persons, vehicle and driver’s license records, and NCIC databases. DSUPD does not have a written Memorandum of Understanding (MOU) with collaborating agencies in Washington County.

Dixie State University Police Department will continue fostering positive relationships and providing excellence in service to our DSU community. Your suggestions and ideas are encouraged and welcomed as we work together to make Dixie State University even better.

Please visit our website, visit in person, write to the addresses listed below, or contact us at the number below:

- Emergency: 911
- Police Dispatch: 435-627-4300 (All police response requests are to be made through Dispatch)
- Security: 435-236-4000 (On duty Security cell phones)

Website: publicsafety.dixie.edu/
Dixie State University
Department of Public Safety
225 South University Avenue
St. George, Utah 84770
We will aspire to be a leader in policing, a model for character, innovation, and service. We will strive to protect our diverse and dynamic university community and will work in partnership with students, staff, faculty, and the community, to promote public safety, reduce crime, and improve the overall quality of life enjoyed by all at Dixie State University. We will professionally execute our role as law enforcement officers and public servants with fairness, integrity, compassion, and respect for the rights of all individuals. Together, we will resolve to develop a creative, forward-thinking workforce, dedicated to raising our level of excellence to meet the challenges of tomorrow.

We will work diligently and tirelessly to continually improve ourselves. Partnerships and collaboration will be the primary themes of building a new strategic plan for our police department. This plan will serve as a living document through which we will both establish and prioritize the goals and objectives of our organization and will also assist us in overcoming the challenges that we currently face. Ultimately, this plan will serve as our road map to the future by focusing us on those things that unify our efforts in fulfilling our mission and achieving our vision.

We will work together as an organization and be ever cognizant that our effort to improve public safety and the quality of life for all at Dixie State University is our top priority. We will be undeterred in serving with the highest degree of professionalism, accountability, and fairness. We will maximize the effectiveness and efficiency of our organization through strategic alignment of our resources in a manner that best achieves our mission.
MISSION STATEMENT

The mission of the Dixie State University Police Department is to work in partnership with students, staff, faculty, and our community, to protect life and property, serve our community, and enhance the quality of life for all at DSU. Members of this Police Department commit themselves in the following core tenets:

- Protecting Life and Safety
- Preventing Crime
- Reducing the Fear of Crime
- Bringing Offenders to Justice
- Maintaining Public Accountability
INCIDENT REPORTING AND RESPONSE

DSU employees are required to report campus crimes they witness and/or of which they have knowledge. Victims, witnesses, and any member of the DSU community may make reports on a voluntary confidential basis and request that the information remain confidential. The DSU Police officer will comply with the request to keep the reporter's identity confidential to the extent allowed by law. Reporting the crime may provide information that helps keep the DSU campus safe, provide accurate records of the number of on-campus incidents, contribute to determining if there is a pattern of crime, and alert the University community to potential dangers. Reports of crimes filed with a request for confidentiality are included in the Daily Crime Log and the Annual Security Report (ASR). Any criminal offense or suspected criminal activity should be reported directly to University Police by telephone at 911, 435-627-4300, or in person. Campus elevators are also equipped with emergency phones. You can review the entire Campus Safety and Security policy.

University Police will respond as quickly as possible to any request for assistance. Response time is based on current activity and severity of the call. Crimes in progress, alarms, traffic accidents with injuries and medical assists have higher priority than other types of calls.

We cannot overemphasize the importance of prompt and accurate crime reports, no matter when it occurs. If a crime is not promptly reported, evidence can be destroyed or the potential to apprehend the suspect minimized by the delay. Without timely and accurate reports, leads could be overlooked and investigations misguided. If you witness a crime or emergency, promptly report it to University Police and be prepared to answer questions as accurately as you can. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, have seen or received information of criminal activity, or witnessed an emergency situation, please contact University Police immediately.
In case of an emergency, call 911. All members of the DSU campus community are asked to promptly report any criminal or suspicious activity, any emergency or potential emergency, or any dangerous situation as accurately and promptly as possible to DSU Police, other local law enforcement, or a campus security authority.

Police Dispatch: 435-627-4300
Dixie State University Security: 435-236-4000
Emergency Services: 911

At least once each year, DSU students and employees will receive notification of the process for reporting crimes and crime prevention measures, including practices to encourage students and employees to be responsible for their own safety and the safety of others in the Annual Security Report (ASR).

DSU employees are required to report campus crimes they witness and/or of which they have knowledge.

Members of the DSU community can make a report of a crime and request that it remain confidential. The DSU Police officer will comply with the request to keep the reporter’s identity confidential to the extent allowed by law. Reporting the crime may provide information that helps keep the DSU campus safe, provide accurate records of the number of on-campus incidents, contribute to determining if there is a pattern of crime, and alert the University community to potential dangers. Reports of crimes filed with a request for confidentiality are included in the Daily Crime Log and ASR.

Crimes that would be included in the ASR report but are reported in the context of privileged or confidential information to an employee working as a licensed mental health counselor or a pastoral counselor are exempt from the employee reporting requirement. Crimes in that manner are not subject to the timely warning requirement if the licensed mental health counselor or pastoral counselor was acting in a professional counseling capacity. And the information was offered in the context of privileged (confidential) communication. Professional mental health and pastoral counselors are encouraged to exercise reasonable care to protect a foreseeable victim from danger and to urge the individual being counseled to report the crime to a law enforcement agency.

A crime is considered as having been officially reported to the institution when it is brought to the attention of an individual or organization designated as a Campus Security Authorities (CSA’s) according to the standards of the Clery Act or when it has been reported to local law enforcement.

Campus Security Authorities include but are not limited to the following individuals and organizations:

- Campus Police Officers
- Student Housing Director
- Residential Managers and Resident Assistants
- Student Conduct Committee
- Dean of Students
- Athletics Director
- All Athletic Coaches
- Athletic Trainers
- Faculty Advisors to Student Groups
- Health and Counseling Center Director
- Title IX Director
- Ombuds
- Human Resources Executive Director
- General Council
- Risk Manager
- Study Abroad Coordinators
- Internal Auditor
- Any individual (or organization) having responsibility for campus security but not constituting or a member of the campus police department.
- Any individual to whom or any organization to which students and/or employees may report crimes.
• Any official to the institution who has significant responsibility for student and campus activities.

All Crimes that must be reported under the Clery Act must be evaluated on a case-by-case basis to determine whether a timely warning is appropriate. Information used to decide whether a timely warning is appropriate includes but is not limited to the nature of the crime, location of the crime, frequency of the offense, likelihood for additional occurrence(s), continuing danger to the University community, and risk of compromising law enforcement efforts to resolve the case in a timely manner. A timely warning may be issued for a non-Clery Act crime when warranted.

For off-campus offenses, we encourage prompt reporting to the St. George Police or the Washington County Sheriff’s Office.

Police Dispatch: 435-627-4300

St. George Police Department: 265 N 200 E., St. George, UT 84770

Washington County Sheriff’s Office: 620 S. 5300 W., Hurricane, UT 84737.
CONFIDENTIAL INFORMATION

The fact that you may have important safety and crime related information may not automatically require a formal, official, or immediate response. If you wish to report something in confidence, we urge you to meet privately with the Chief of Police and request that the information be kept confidential. You may also report the information through a reliable third party (i.e. housing director, Health and Counseling Center, faculty, coach, etc.). You may also maintain confidentiality by reporting a crime through the DSU Silent Whistleblower Hotline which can be found here: https://dixie.edu/report-a-concern/
Crimes that would be included in the ASR report but are reported in the context of privileged or confidential information to an employee working as a licensed mental health counselor or a pastoral counselor are exempt from the employee reporting requirement. Crimes in that manner are not subject to the timely warning requirement if the licensed mental health counselor or pastoral counselor was acting in a professional counseling capacity and the information was offered in the context of privileged (confidential) communication. Professional mental health and pastoral counselors are encouraged to exercise reasonable care to protect foreseeable victims from danger and to urge the individual being counseled to report the crime to a law enforcement agency.

STUDENT ORGANIZATIONS OFF CAMPUS

Dixie State University does not endorse, support, or recognize, any student life related fraternities, sororities, or Greek Life, organizations.
DSU Police are required to maintain a Daily Crime Log of all crimes committed on campus that are reported to DSU police. Data is entered as soon as possible after a crime is reported, including third hand reports. Entering data in the log does not mean an investigation must be performed. The Daily Crime Log for the previous 60 days is available for public inspection at the DSU Police office during regular business hours. It is also available for viewing on the Police web page here: publicsafety.dixie.edu. 60-Day Crime Log Portions of the Daily Crime Log older than 60 days are made available within two (2) business days.
Employees and students are instructed to call 911 in the event that they become aware of an emergency or dangerous situation. DSU employs an extensive Emergency Alert System (EAS) system encompassing an outdoor public address system, the University website, email messages, cellular and landline telephones, text messages, digital bulletin boards throughout campus, and alerts pushed to campus computers. Alerts can be issued to a specific segment of the campus community or to a specific category of devices as warranted. DSU encourages everyone to listen and adhere to Dixie alert messages, know emergency procedures, and follow the direction of employees and emergency personnel. All students and employees are urged and responsible to update their emergency contact information in the My Dixie computer system.

Emergency notifications are issued when there is a significant emergency or a dangerous situation occurring on the DSU campus that involves an immediate threat endangering the health or safety of students or employees. Emergency and dangerous situations may include but are not limited to fire, earthquake, flood, building collapse, weather-related situations, power outages, water emergencies, threat of violent crimes, situations where the identity or locations of a suspect is not known, Clery Act crimes, and crimes not covered under the Clery Act.

Containing an emergency is the first priority, but the next priority is notifying the campus community. An emergency notification will be issued without delay, taking into account the safety of the campus community. The only exceptions are if issuing an emergency notification would compromise efforts to assist a victim or to contain or respond to the emergency, or otherwise mitigate the response to the emergency. The Emergency Alert Team (ERT), led by the Vice President of Student Affairs, is compromised of the following positions, and others as appropriate: Chief of Police, Risk Manager, Dean of Students, Campus Police Administrator, Vice President of Marketing, Title IX Director, Assistant Vice President of Facilities Management, Chief Information Officer and Fire Safety Officer. Determinations about emergency notifications are made in the professional judgment of responsible authorities with emergency response expertise. In evaluating emergency situations, the following criteria will be applied to determine if an emergency notification should be issued and to whom it would be issued: the nature of the threat, the mitigations that emergency notification might provide, and whether emergency notification would compromise law enforcement or other efforts to resolve the emergency.

At least once each year, and usually twice a year, DSU will conduct an announced or unannounced test of the emergency alert system and plan in the form of a scheduled drill or exercise with appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. A response to an actual emergency cannot substitute for the test. The Office of Risk Management & Safety documents each year’s annual test and the result and retains such documentation for at least seven (7) years.

On August 20th, 2020, DSU conducted emergency tests. Contact information included in Dixie Emergency Alert System will be used ONLY for campus emergency notification and will NOT be made available to any other service. All of the information is also available on our website on the bottom of the Homepage under the heading “Emergency Information.” Here are written steps to login and update your cell phone information:

1. Go to MyDixie
2. Login with your Dixie I.D. and password
3. Once logged in, click on “Personal Information”
4. Under the “Personal Information” tab, click on “Update Address and Phone Information”
5. Click on “Current” under the local address field (Note: if you do not already have a local address in our system, you will need to create one by selecting “Local” from the drop-down list next to “Type of Address to Insert,” after which, you will need to click the “Submit” button

6. Input (or verify) your current local address

7. In the phone numbers area, under “Phone Type,” select “Cell Phone” and enter your cell phone number in the appropriate fields

8. Finally, click “Submit” to submit your changes

Emergencies and disasters can happen to anyone, anywhere, and at any time. It is critical that students, faculty, and staff be well prepared and trained in the case of these events. The University encourages everyone to be self-preserving with water, food, and emergency supplies for at least three (3) days.

Please review and be familiar with the DSU Emergency Operation Plan
TIMELY WARNINGS

Timely warnings are issued in response to the specific crimes covered by the Clery Act, which include but are not limited to, offenses such as criminal homicide, rape, fondling, incest, statutory rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, and hate crimes the presents an ongoing threat to student and employee safety or a threat that may be repeated. The purpose of a timely warning is to enable people to protect themselves.

A timely warning is issued by DSU police in response to a serious or continuing threat to a Clery Act crime that is endangering the health or safety of DSU students and/or employees. Under extraordinary circumstances, a timely warning can be issued at the direction of the President or any Vice-President.

Clery Act crimes that occur on-campus, on public property immediately accessible to campus, or at DSU premises outside the immediate campus must be evaluated for a possible timely warning.

All crimes that must be reported under the Clery Act must be evaluated on a case-by-case basis to determine whether a timely warning is appropriate. Information used to decide whether a timely warning is appropriate includes but is not limited to the nature of the crime, location of the crime, frequency of the offense, likelihood for additional occurrences, continued danger to the University community, and risk of compromising law enforcement efforts to resolve the case in a timely manner. A timely warning may be issued for a non-Clery Act crime when warranted.

Timely warnings are sent out to the DSU community via the Emergency Alert System (EAS) system, which encompasses an outdoor public address system, the University website, email messages, cellular and landline telephones calls, text messages, digital bulletin boards throughout campus, and alerts pushed to campus computers.
MISSING PERSON POLICY

The Housing and Resident Life Department maintains written, step-by-step procedures to be followed in the event a student residing in on-campus housing is reported as missing. The intent of a missing student notification process is to minimize confusion and potential delays and delineate responsibilities.

When a student applies for on-campus housing at DSU, the student is given the opportunity to designate a confidential emergency contact who will advocate for the student if the student is missing. The emergency contact can be anyone of the student’s choosing; the emergency contact does not have to be a relative. By law, the emergency contact individual’s identity and contact information will be kept confidential, accessible only to University personnel, and will only be disclosed to law enforcement officers conducting a missing person investigation.

Emergency contact data is kept confidential in a secure database according to DSU IT guidelines. Access is limited to trained and authorized Housing and Resident Life employees. Students who reside in on-campus housing must be informed of the legal requirement for DSU to refer missing student reports to law enforcement, and, if the students is under age 18, to inform the student’s custodial parent or guardian unless the student is emancipated.

All members of the campus community are encouraged to report as missing any student residing in on-campus housing who they believe has been missing for any amount of time. A report of a missing student who resides in on-campus housing can be submitted to:

- any resident assistant,
- any resident manager
- any Housing and Resident Life staff member

Campus Police via Police Dispatch: 435-627-4300

Any staff member other than the Director will inform the Director of Housing and Resident Life at the same time. The Director or his/her designee will refer the missing student report to either DSU Police or the appropriate law enforcement agency immediately upon receiving that information.

The Director or his/her designee is required by law to notify a custodial parent or guardian of a non-emancipated student under 18-years of age within 24 hours of the determination that the student is missing. If the missing student has designated a contact person, the Director or his/her designee will notify the contact person that the student is missing within 24 hours of the determination that the student is missing. Notification procedures can begin earlier than 24 hours if it is determined that the student is missing.
SECURITY, ACCESS, & MAINTENANCE OF CAMPUS FACILITIES

Outside of normal business hours, access to campus facilities varies. The corresponding dean, director, or department head is responsible for determining access to the facilities under their control. It is unlawful for any person to trespass on the grounds of any state of Utah institution of higher education or to damage or deface any of the buildings, statues, monuments, memorials, trees, shrubs, grasses, or flowers on the grounds of such institutions.

During business hours, most DSU academic and administrative buildings and facilities are open to the public. A significant exception is the resident halls. Each DSU resident room and apartment has individually keyed exterior access doors. Residents are trained on the importance of keeping their doors locked when they are both present and absent from the residence. In the event that a resident’s room or apartment is deemed insecure or unsafe, DSU Campus Services makes repairs, replaces locks, or performs other maintenance as soon as possible. All DSU buildings are locked at the close of business or following the last class or activity in the evening.

The University Police Department conducts patrols throughout campus on a regular basis. These patrols include the campus residential facilities which are staffed with live-in Resident Assistants and Community Coordinators who maintain rotating on-call schedules whenever students are living in the residence halls.

The following is a detailed list of security measures for each DSU housing property:

**ABBY APARTMENTS**
- Residents access their apartments directly from the outside; there are no interior hallways for this facility
- Exterior lighting is censored and activates at night
- The laundry room has motion-censored lighting and keycard access.
- There is a surveillance camera in the laundry room.
- There is an on site manager and resident assistants.
- Resident Assistants and the manager are trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- Resident assistants perform nightly rounds.
- Resident Assistants hold community meetings each semester to discuss rules, safety tips and procedures.
- Residents have access to a handbook that discusses rules, safety tips and procedures.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager and resident assistants are part of an “on-call” daily rotation throughout the year.

**CAMPUS VIEW SUITES**
- The building entry doors are locked between 5PM and 8AM and on weekends. Staff man the front desk and monitor the entrances when the building is open.
- Surveillance cameras are throughout the building.
- There is an on site manager and resident assistants.
- Resident assistants and the manager are trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- The resident assistants perform nightly rounds.
- Resident Assistants hold community meetings each semester to discuss rules, safety tips and procedures.
- Residents have access to a handbook that discusses rules, safety tips and procedures.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager and resident assistants are part of an “on-call” daily rotation throughout the year.
CHANCELLOR APARTMENTS

- Residents access their apartments directly from the outside; there are no interior hallways for this facility.
- Exterior lighting is censored and activates at night.
- There is an on-site resident assistant.
- There is an off-site resident manager who supervises the resident assistant.
- Resident Assistant and the manager are trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- Resident assistants perform nightly rounds.
- Resident Assistants hold community meetings each semester to discuss rules, safety tips and procedures.
- Residents have access to a handbook that discusses rules, safety tips and procedures.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager and resident assistants are part of an “on-call” daily rotation throughout the year.

The manager is trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager is part of an “on-call” daily rotation throughout the year.

NISSON TOWERS

- Residents access their apartments directly from the outside; there are no interior hallways for this facility.
- Exterior lighting is censored and activates at night.
- The laundry room has motion-censored lighting and keycard access.
- There is a surveillance camera in the laundry room.
- There is an on-site manager and resident assistants.
- Resident Assistants and the manager are trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- Resident assistants perform nightly rounds.
- Resident Assistants hold community meetings each semester to discuss rules, safety tips and procedures.
- Residents have access to a handbook that discusses rules, safety tips and procedures.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager and resident assistants are part of an “on-call” daily rotation throughout the year.

DIXIE VIEW APARTMENTS

- Residents access their apartments directly from the outside; there are no interior hallways for this facility.
- Exterior lighting is censored and activates at night.
- There is an off-site resident manager.
- The manager is trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager is part of an “on-call” daily rotation throughout the year.

MORGAN APARTMENTS

- Residents access their apartments directly from the outside; there are no interior hallways for this facility.
- Exterior lighting is censored and activates at night.
- There is an off-site resident manager.
- The manager is trained on emergency procedures; the University Fire Marshall and Public Safety Department help facilitate these trainings.
- Residents are given an after-hours phone number to call if issues or concerns arise in addition to St. George Dispatch and 911.
- The manager and resident assistants are part of an “on-call” daily rotation throughout the year.

Dixie State University’s Board of Trustees and/or its authorized representatives may refuse to allow persons having no legitimate business to set foot on or enter property under the Board’s control. Persons who, upon request, refuse to leave peaceably may be removed from the property. Identification may be required of any person on property owned or operated by Dixie State University.
MAINTENANCE

Members of the University community are encouraged to report maintenance problems in person to the nearest departmental office, by submitting a work order online at help.dixie.edu. If the deficiency is discovered after hours, contact should be made with the University Call Center at 435-652-7500. If the condition is an emergency or safety concern a Call Center representative will contact the University’s on-call maintenance representative. If the concern does not need to be addressed immediately, a work order will be submitted to be completed during normal business hours.

Dixie State University’s Facilities Management department takes security service needs as its highest priority. Facilities Management personnel immediately respond to reports of inoperable doors, burned-out lights, malfunctioning smoke fire alarms, broken windows and screens, and requests from the University Police Department.

NON-RESIDENTIAL MAINTENANCE CONCERNS

Police and security personnel closely monitor any security-related maintenance problems after hours and report their findings to the appropriate University official. If necessary, they will stand-by until the problem is corrected.

RESIDENTIAL MAINTENANCE CONCERNS

All residence hall maintenance needs should be reported through University Housing. They can be reached at 435-652-7570 or, a work order can be submitted online.
STUDENT ALCOHOL VIOLATION PROCEDURES

As an institution, interest in the intellectual, physical, and psychological well-being of the campus community, Dixie State University deems it important to curtail the abusive or illegal use of alcoholic beverages. All members of the University community and guests are required to comply with federal, state, and local laws regarding the distribution, possession, and consumption of alcoholic beverages.

Utah State Law 32B-4-409. Unlawful purchase, possession, consumption by a minor – Measurable amount in body.

(1) Unless specifically authorized by this title, it is unlawful for a minor to:
   (a) purchase an alcoholic product;
   (b) attempt to purchase an alcoholic product;
   (c) solicit another person to purchase an alcoholic product;
   (d) possess an alcoholic product;
   (e) consume an alcoholic product; or
   (f) have measurable blood, breath, or urine alcohol concentration in the minor's body.

(2) It is unlawful for the purpose of purchasing or otherwise obtaining an alcoholic product for a minor for:
   (a) a minor to misrepresent the minor's age; or
   (b) any other person to misrepresent the age of the minor.

DSU CODE OF STUDENT RIGHTS AND RESPONSIBILITIES

Student Behavior:
The Standards of Student Conduct apply to students on University premises and at University activities. The student code of conduct can be found here: https://catalog.dixie.edu/codeofstudentrightsresponsibilities/.

STUDENT ALCOHOL VIOLATION PROCEDURES DISCIPLINARY PROCEDURES FOR ALCOHOL OFFENSES

- Alcohol offenses include, but are not limited to the on-campus use, consumption, storage, possession, manufacture, distribution, or sale of any alcoholic beverage; being legally intoxicated on campus; and the use, consumption, storage, possession, manufacture, distribution, or sale of alcohol on- or off-campus for students under 21 years of age.

- Although the disciplinary procedures for alcohol offenses include three (3) progressive levels, any serious offense, including but not limited to driving under the influence (DUI), contributing to the delinquency of a minor, and exhibiting drunk and disorderly conduct, will be treated as a third offense. In such cases, the student may incur interim administrative suspension at the discretion of the Vice President of Student Affairs and will immediately be referred to the Student Conduct Committee.

- A student who receives any sanction to which she/he did not consent can appeal that sanction according to the provisions in the Student Code of Conduct.

- Other than the DSU Alcohol, Tobacco, or Other Drugs (Prime for Life) program, the University incurs no liability for costs associated with in-patient or out-patient programs to which a student might be referred.

- The University maintains the option of notifying the parent or legal guardian of a student under age 21 who incurs a second or third alcohol violation.
DISCIPLINARY PROCEDURES FOR ALCOHOL OFFENSES

• First offense violations may result in disciplinary probation for a period of time not to exceed 90 calendar days. The student must enroll in and successfully complete the appropriate Level I Dixie State University Alcohol, Tobacco, and Other Drugs program (Prime for Life) and pay the fee associated with that program. A disciplinary hold and notation will be placed on the student's academic record until such time as the sanctions have been completed.

Satisfactory program completion is determined by the Prime for Life Program Coordinator and the Dean of Students based on attendance, compliance with program requirements, and fulfillment of course requirements. After the specified disciplinary probation period and the Prime for Life program are completed in a satisfactory manner, the disciplinary hold will be removed.

Students who are not compliant with program requirements or who do not complete the Prime for Life program satisfactorily will have a permanent disciplinary hold placed on their record, which will only be removed when the Dean of Students determines that the program requirements have been met.

• Second offense violations may result in disciplinary probation for a period of time not to exceed one (1) calendar year from the date of the infraction and the student must enroll in and satisfactorily complete the appropriate Level II Dixie State University Alcohol, Tobacco, and Other Drugs program (Prime for Life) and pay the fee associated with that program. A disciplinary hold and notation will be placed on the student’s academic record until such time as the sanctions have been completed.

Satisfactory program completion is determined by the Prime for Life Program Coordinator and the Dean of Student based on attendance, compliance with program requirements, and fulfillment of course requirements. After the specified disciplinary probation period and the Prime for Life program are completed in a satisfactory manner, the disciplinary hold will be removed.

Students who are not compliant with program requirements or who do not complete the Prime for Life program satisfactorily will have a permanent disciplinary hold place on their record, which will only be removed when the Dean of Students determines that the program requirements have been met.

• Third offense violations incur a disciplinary hold and are automatically referred to the Student Conduct Committee which may impose one of the following sanctions according to the guidelines in the Students Code:

  • Immediate suspension for a period of time up to one (1) calendar year.
  • Allow the student to complete the current semester but then impose a suspension.
  • Impose permanent disciplinary probation as long as the student is enrolled at DSU.
  • Referral to professional treatment.
  • Other appropriate sanctions as specified in the Student Code.
  • Immediate dismissal from the University.
Utah state law and Federal laws prohibits the manufacture, sale, delivery, possession, or use of a controlled substance without legal authorization. A controlled substance includes any drug, substance, or immediate precursor covered under the Utah Controlled Substances Act, including but not limited to opiates, barbiturates, amphetamines, marijuana, and hallucinogens. The possession of drug paraphernalia is also prohibited under Utah state law. Drug paraphernalia includes all equipment, products, and material of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Utah Controlled Substances Act. Alleged violations of this law may result in criminal charges.

The Health and Counseling Center, 435-652-7755, is committed to promoting responsible decision making regarding alcohol and drugs through educational programming, resources, and referrals.
In accordance with Utah Criminal Code section 76-10 part 5, a person may not possess any dangerous weapon, firearm, or sawed-off shotgun, as those terms are defined in section 76-10-501, at a place that the person knows, or has reasonable cause to believe, is on or about school premises without a concealed weapons permit. Use of a dangerous weapon in offenses committed on or about school premises enhances the penalties. Threatening with or using a dangerous weapon in a fight or quarrel is also unlawful. (See Utah Criminal Code section 76-10-505.5 and 76-3-203.2.)

Concealed weapons are authorized on campus if the carrier has a valid and current concealed weapons permit. It is recommended to contact the University Police regarding these and other codes regarding weapons to clarify compliance, keeping in mind that the Student Code of Conduct prohibits behavior that intimidates or causes other students to fear for their safety.
Dixie State University does not tolerate sexual misconduct or abuse, such as sexual assault, rape, dating violence, domestic violence, sexual assault and stalking or any other forms of non-consensual sexual activity. Sexual misconduct in any form violates the Student Code of Conduct, University policies, and may violate federal and state laws. Violations are subject to disciplinary sanctions.

DSU has the following policy in place to insure the safety of our students regarding sexual misconduct:

**Current DSU policy 154 Title IX Sex-Based Discrimination, Sexual Harassment, and Retaliation:**

VIII. Purpose
IX. Scope
X. Definitions
XI. Policy
XII. References
XIII. Procedures

**VIII. PURPOSE**

VIII.1 The University is committed to creating and maintaining an inclusive, respectful, safe, and non-threatening environment for University Community Members, and will promptly address and resolve all Title IX incidents of Sex-Based Discrimination, Sexual Harassment, and Retaliation under this policy.

VIII.2 This policy defines and prohibits Sex-Based Discrimination, Sexual Harassment, and Retaliation, in the University’s education programs and activities; details how to report a violation of this policy; describes the University’s resources and supportive measures to protect those involved in the process; and outlines procedures for addressing a reported violation of this policy including investigation, due process and sanctioning.

VIII.3 This policy applies to any person who is (1) employed by, attending, or affiliated with the University; (2) attempting to participate or participating in any University program or activity, including but not limited to administrators, faculty, staff, students, trustees, independent contractors, volunteers, and guests; and/or, (3) visiting University Premises. Inquiries about the application of Title IX and this policy may be directed to the University Title IX Coordinator and/or to the United States Department of Education Office for Civil Rights.

**IX. SCOPE**

IX.1 This policy applies to Sex-Based Discrimination, Sexual Harassment, and Retaliation (as defined by this policy), that is committed within the United States by or against any member of the University Community and (1) in the course of the University’s operations; or (2) on University Premises; or (3) in connection with a University or University-recognized program or activity in the United States; or (4) at any University-sponsored event or organizational activity whether on or off University Premises, or (5) if the University exercised substantial control over the Respondent in the context of where or how the alleged incident occurred. The University may conduct an investigation into the alleged conduct of any Respondent.

IX.2 A student is responsible for compliance with this policy from receipt of notice of admission through the University’s awarding of a degree or the student’s departure from the University.

IX.3 An employee is covered by this policy when
representing the University (or deemed to be a representative of the University) whether before, during, or after work. This policy also applies to any person who is both a student and an employee of the University.

IX.4 Any individual subjected to Sex-Based Discrimination, Sexual Harassment, or Retaliation is encouraged to file a Formal Complaint with the Office of Equity Compliance and Title IX. Any University Community Member who has experienced Sex-Based Discrimination, Sexual Harassment, or Retaliation is also encouraged to utilize supportive measures available through the University, whether or not the person(s) who caused the harm is a University Community Member. Supportive measures are available whether or not a Formal Complaint is filed.

IX.5 This policy is not intended to infringe on or restrict rights guaranteed by the United States Constitution, including free speech under the First Amendment, due process clauses of the Fifth and Fourteenth Amendments, and under the Fourth Amendment.

X. DEFINITIONS

X.1 Actual Knowledge: Notice of Sex-Based Discrimination, Sexual Harassment, or Retaliation allegations to the University’s Title IX Coordinator or any University Official With Authority to institute corrective measures on behalf of the University. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This standard is not met when the only University official with actual knowledge is a Respondent.

X.2 Advisor: Any person a Complainant or Respondent chooses to support and/or consult with during any proceeding or meeting under this policy. The Advisor may, but is not required to be, an attorney. If a party does not select or have an Advisor for the live hearing, the University will appoint an Advisor to the party for purposes of the live hearing who has been trained as an Advisor.

X.3 Alternate Resolution: An informal process by which a mutually agreed-upon resolution of an allegation of Sex-Based Discrimination, Sexual Harassment, or Retaliation is reached.

X.4 Complainant: An individual who is alleged to be the victim of conduct prohibited by this policy.

X.5 Coercion: The use of an express or implied threat, intimidation, or physical force placing an individual in fear of immediate harm or physical injury or causing a person to engage in unwelcome sexual activity. Coercion may include administering a drug, intoxicant, or other substance with intent to impair one’s ability to consent prior to engaging in sexual activity.

X.6 Confidential Resource: A mental health counselor, health service provider, a University Ombuds, and/or a victim advocate with whom a Complainant may speak confidentially if a Complainant would like the details of an incident to be kept confidential.

X.7 Consent: Knowing, voluntary, and clear permission by word or action to engage in a sexual activity. Cannot be obtained through coercion, fraudulence, or from a person whom the Respondent knows, or should reasonably know, is incapacitated. Must be given by each participating party and may be given only by someone who is 18 years of age or older and who is not mentally and/or physically incapacitated. Consent is active, not passive. Consent requires an
affirmatively-communicated willingness through words and/or actions to participate in a sexual activity. Silence alone may not be interpreted as consent.

X.8 **Consent Responsibility:** Since each individual may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in a sexual activity. This policy is violated by a Respondent who engages in a sexual activity with a Complainant without Complainant’s consent.

X.8.1 If consent is not clearly provided prior to engaging in the sexual activity, consent may be ratified by word or action at some point during the sexual activity or thereafter, but clear communication from the outset is advisable. Consent requires a clear expression in words or actions that the other individual consents to a specific sexual activity. Reasonable reciprocation may be implied. For example, if a person kisses you, you can kiss them back (if you want to) without the need to explicitly obtain the person’s consent to being kissed back. Consent can be withdrawn at any time. If consent is withdrawn, that sexual activity should immediately cease. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is insufficient to constitute consent. Use of alcohol or drugs does not diminish an individual’s responsibility to obtain consent prior to engaging in a sexual activity.

X.8.2 The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous pattern evidenced.

X.9 **Draft Investigative Report:** A document issued by an investigator providing a summary of Complainant’s allegations, Respondent’s responses, relevant evidence, and material witnesses, as well as preliminary factual findings.

X.10 **Final Investigative Report:** A document issued by an investigator after each party’s opportunity to review the Draft Investigative Report and evidence collected during the investigation, which fairly summarizes all relevant evidence, identifies material witnesses, and describes the investigation procedures.

X.11 **Formal Complaint:** A document filed by a Complainant or signed by the Title IX Coordinator against a Respondent alleging conduct that would constitute a violation of this policy and requesting that the University investigate the allegation(s).

At the time of filing a Formal Complaint, a Complainant must be participating in, or attempting to participate in, an education program or activity of the University. A Formal Complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information listed on the Title IX website or in this policy. When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant nor otherwise a party.

X.11.1 **Document Filed by Complainant:** A document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant’s physical or digital signature, or otherwise indicates that the Complainant is the person filing the Formal Complaint. If notice is submitted in a form that does not meet this standard, the Title IX Coordinator will contact the Complainant to confirm a Complainant’s intent to file a Formal Complaint.

X.12 **Grievance Process:** A formal process commenced by the filing of a Formal Complaint, including formal investigation and presentation to a live hearing panel for determination as to whether a Respondent is responsible for a violation of this policy, and the issuance of any related sanction(s).
X.13 **Incapacitation**: The physical and/or mental inability to make an informed, rational judgment. An individual cannot consent to a sexual activity if the individual is disoriented, unable to understand what is occurring, helpless, asleep, or unconscious for any reason. An indication of incapacitation may include, but is not limited to, mental or physical disability, lack of sleep, alcohol use, illegal/date-rape/prescription drug use, unconsciousness, or being involuntarily physically restrained. Being intoxicated by drugs or alcohol does not diminish the responsibility of one party to a sexual activity to obtain consent from the other party to the sexual activity.

X.14 **Informal Resolution**: A process whereby the parties voluntarily work with the Title IX Coordinator or designee to reach a mutually agreeable resolution of the alleged misconduct.

X.15 **Notice of Investigation**: The written communication issued by the Title IX Coordinator apprising the parties of the University’s initiation of an investigation following the filing of a Formal Complaint.

X.16 **Notice of Opportunity to Review Draft Investigative Report and Evidence**: The written communication issued by an investigator to the parties at the conclusion of the initial investigation, apprising the parties and their Advisors of their equal opportunity to review and respond to evidence and the Draft Investigative Report.

X.17 **Party**: A Complainant or Respondent.

X.18 **Preponderance of Evidence**: More likely than not, based on all of the relevant evidence and reasonable inferences from the relevant evidence. This is the evidentiary standard used to determine if a policy violation occurred.

X.19 **Protected Activity**: Exercising any right or privilege secured by local, state, or federal law or by University policy. For example, an individual making a report, filing a Formal Complaint, testifying, assisting, participating, or refusing to participate, in any manner in an investigation, proceeding, or hearing under this policy. Other examples of Protected Activity include reporting (internally or externally) an incident of Sexual Harassment in good faith, assisting an individual in making such a report, participating in a Grievance Process, acting in good faith to oppose conduct that constitutes a violation of this policy, honestly participating as an investigator, witness, Hearing Officer, Hearing Panelist, Sanction Evaluator, or Appeal Examiner, or otherwise assisting in an investigation or proceeding related to an alleged violation of this policy.

X.20 **Respondent**: An individual reported to have engaged in conduct that may violate this policy.

X.21 **Responsible Employee**: A University Official or any employee who has been given the duty to report to the Title IX Coordinator conduct prohibited by this policy committed by any University Community Member. A Responsible Employee does not include a Confidential Resource.

X.22 **Retaliation**: Any act or attempted act (1) for the purpose of interfering with any right or privilege secured by Title IX or this policy or because an individual has reported Sex-Based Discrimination, Sexual Harassment, or Retaliation; or (2) against an individual who has participated, or who is expected to participate, or who has refused to participate, in an investigation, procedure or proceeding under this policy. Prohibited retaliatory acts include, but are not limited to, intimidation, threats, coercion, or discrimination. A complaint alleging Retaliation may be filed according to the Grievance Process Procedures under this policy (See Grievance Process General Principles, Section 6.2).

X.23 **Sanction**: A penalty or discipline imposed by a Hearing Panel on a Respondent found to be in violation of this policy.

X.23.1 **Sanctions for a Student Respondent**: Sanctions may include, but are not limited to, educational activities or experiences, loss of privileges, restorative justice measures, service projects, substance abuse and/or mental health care
referrals, suspension or expulsion. The Dean of Students or designee will serve as the Sanction Evaluator and provide the Hearing Panel with the Sanction Recommendation.

X.23.2 **Sanction for an Employee Respondent:** Sanctions for a violation of this policy may include, but are not limited to, verbal guidance, corrective discussion, disciplinary actions, administrative leave, suspension, or dismissal. The Director of Human Resources or designee, in consultation with the Employee Respondent’s Supervisor or designee, will serve as the Sanction Evaluator and provide the Hearing Panel with the Sanction Recommendation.

X.24 **Sanction Evaluator:** An individual employed by the University and designated and trained to serve in an advisory role to a Hearing Panel. In this role, a Sanction Evaluator reviews case materials and provides a recommendation to the Hearing Panel as to what, if any, Sanction(s) should be imposed on a Respondent as a consequence for Respondent’s violation(s) of this policy.

X.25 **Sex-Based Discrimination:** Adverse action or conduct toward any University employee or student in the terms or conditions of employment, University admission, education, access to a University program or activity, or other University benefit or service, on the basis of inclusion or perceived inclusion (in the case of sexual orientation, gender identity, or gender expression) in the protected classes of sex, pregnancy, pregnancy-related conditions, sexual orientation, gender identity, gender expression, or family, marital or parental status, which has the effect of denying or limiting participation in a University program or activity; or used as the basis for a University’s or University employee’s decision affecting the individual (often referred to as “Quid Pro Quo”).

X.26 **Sexual Harassment:** Conduct committed by an individual upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved, which is one of the following:

X.26.1 **Quid Pro Quo:** When a University employee conditions the provisions of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct; or

X.26.2 **Unwelcome Conduct:** Conduct determined by a reasonable person to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to an educational program or activity of the University. Unwelcomeness is subjective and determined by the Complainant (except when the Complainant is below the age of consent). Severity, pervasiveness, and objective offensiveness are evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous pattern that may be evidenced.

X.26.3 **Sexual Assault:** As defined at 20 U.S.C. 1092(f)(6)(A)(v) and the Uniform Crime Reporting System of the Federal Bureau of Investigation, any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including but not limited to any of the following:

X.26.3.1 **Rape:** The carnal knowledge (penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ) of another person without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim’s age or because of the victim’s temporary
or permanent mental or physical incapacity.

X.26.3.2 **Sodomy:** Oral or anal sexual intercourse with another person, without the consent of the victim, including instances in which the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental or physical incapacity.

X.26.3.3 **Sexual Assault with an Object:**
The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

X.26.3.4 **Fondling:** The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

X.26.4 **Sex Offenses, Non-forcible:** Includes any of the following:

X.26.4.1 **Incest:** Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Utah Law.

X.26.4.2 **Statutory Rape:** Non-forcible sexual intercourse with a person who is under the statutory age of consent of 18 years of age.

X.26.5 **Dating Violence:** Violence committed by a person who is in, or has been in, a social relationship of a romantic or intimate nature with a Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

X.26.6 **Domestic Violence:** Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Utah, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Utah.

X.26.6.1 The parties must be family members, current or former spouses, or have an intimate relationship and not be merely unrelated roommates.

X.26.7 **Sex-Based Stalking:** Engaging in a course of conduct on the basis of sex 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
X.26.7.1 For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to: Acts in which the Respondent 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.

X.26.7.2 “Reasonable person” means a person under a similar circumstance and with a similar identity to the Complainant.

X.26.7.3 Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

X.26.8 Sexual Exploitation: Any act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person’s sexuality. Examples of sexual exploitation include, but are not limited to, non-consensual observation of an individual who is undressed or engaging in a sexual act, non-consensual audio or videotaping of sexual activity, prostituting another person, human trafficking, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties, and knowingly exposing an individual to a sexually transmitted infection without that individual’s knowledge.

X.27 Supportive Measures: Upon notice of alleged Sex-Based Discrimination, Sexual Harassment and/or Retaliation, non-disciplinary, non-punitive, free of charge individualized services will be offered to the Complainant and/or the Respondent by the University as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment or workplace, or deter Sexual Harassment, Sex-Based Discrimination, and/or Retaliation.

X.27.1 At the time that Supportive Measures are offered, the Title IX Coordinator will inform the Complainant, in writing, that the Complainant may file a Formal Complaint with the University either at that time or in the future, if Complainant has not done so already.

X.27.2 The Title IX Coordinator will ensure that a party’s wishes are considered with respect to supportive measures and that the party’s privacy is maintained as much as possible, without impairing the University’s ability to provide the Supportive Measures. The University will act to ensure as minimal an academic impact on the parties as possible.

X.27.3 Supportive Measures may include, but are not limited to: safety planning, counseling, medical and/or other health care services, academic support, extensions of deadlines or other course or program-related withdrawals, campus safety escort services, mutual restrictions on contact between the parties, altering University work and/or housing assignments, referral to community-based service providers, visa and immigration assistance, student financial aid counseling, leaves of absence, referral to The Employee Assistance Program, increased security and monitoring of certain areas of the University Premises, and other similar measures.

X.27.4 The University must maintain as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality would not impair
the ability of the University to provide the supportive measures. Any other measures deemed appropriate and effectively implementing Supportive Measures.

X.28 Title IX Coordinator: An employee authorized, trained and designated by the University to coordinate its efforts to comply with its Title IX responsibilities under federal law.

X.29 University Community Member: An individual employed by or affiliated with the University or a participant in any University program or activity, including but not limited to, administrators, faculty, staff, students, independent contractors, volunteers, trustees, advisory board members, and guests or visitors to any University Premises.

X.30 University Official With Authority: An individual employed by the University with authority to institute corrective measures to redress Sex-Based Discrimination, Sexual Harassment and/or Retaliation on behalf of the University, specifically administrators, administrative faculty (including Deans and Department Chairs), directors, supervisors, and coaches. The mere ability or obligation to report misconduct under this policy or to inform a University Community Member about how to report misconduct under this policy, or having received training to do so, does not give an individual authority to institute corrective measures on behalf of the University.

X.31 University Premises: All land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by the University.

XI. POLICY

XI.1 Nondiscrimination Notice and Prohibition Against Sex-Based Discrimination, Sexual Harassment, and Retaliation:

The University does not discriminate, and prohibits discrimination, on the basis of sex including gender, gender identity, gender expression, pregnancy, or parental, family or marital status, or sexual orientation, in any education program or activity that it operates, including in admission and employment. The University also prohibits sexual harassment and retaliation as defined in this policy. Inquiries about the application of Title IX and its regulations to the University may be referred to the University’s Title IX Coordinator and/or to the U.S. Department of Education Office for Civil Rights. Contact information for both is located at: titleix.dixie.edu/

XI.2 The following conduct (as defined in this policy) is prohibited:

XI.2.1 Sex-Based Discrimination;

XI.2.2 Sexual Harassment; and

XI.2.3 Retaliation.

XI.3 Employee relationships with students and subordinate employees are subject to University Policy 302.

XI.4 Consent Required: A participant in a sexual encounter is responsible for ensuring consent of each individual prior to engaging in a sexual activity. Any individual who engages in a sexual activity without receiving consent as defined in this policy, or who engages in a sexual activity in which one of the parties withdraws consent at any point, violates this policy.

XI.5 Retaliation Reporting and Response: An act of alleged Retaliation should be reported immediately and will be promptly investigated. The University will take appropriate steps to protect individuals who fear they may be subjected to Retaliation. A complaint alleging Retaliation may be filed according to the same procedures for filing a complaint of Sex-Based Discrimination or Sexual Harassment.

XI.6 Nothing in this policy shall be interpreted as diminishing any party’s rights protected under the United States Constitution, or under Title VII of the Civil Rights Act of 1964 to be free from discrimination.
XI.7 Title IX Contact and Reporting Information

XI.7.1 How to Contact the Title IX Coordinator:
The University will provide and notify applicants for admission or employment, students, and employees with the name or title, office address, electronic mail address, and telephone number of the University employee designated as the Title IX Coordinator; the nondiscrimination policy statement contained in Section 4.1 of this policy; the University’s grievance procedures and grievance process contained in this policy, including how to report or file a Formal Complaint of sex-based discrimination, sexual harassment, and/or retaliation; and, how the University will respond.

XI.7.2 Dissemination of Title IX Contact Information: The University will prominently display the contact information and policy statement described in 4.1 on the University’s website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees of the University.

XI.7.3 How to Report a Title IX concern:
Any person may report Sex-Based Discrimination, Sexual Harassment, and/or Retaliation (whether or not the person reporting is the person alleged to be the victim of the conduct), to the Title IX Coordinator using any of the following methods:

XI.7.3.1 In Person: Holland Centennial Commons Building, 579 (during University business hours);

XI.7.3.2 By Mail: Addressed to the Title IX Coordinator, 225 South University Avenue, Holland Centennial Commons Building, 579 St. George, UT 84770;
XI.7.3.3 **By Email:** titleix@dixie.edu;

XI.7.3.4 **Via Online Submission:**
[cm.maxient.com/reportingform.php?DixieStateUniv&layout_id=0]; or

XI.7.3.5 **Via Other Means:** By any other means that results in the Title IX Coordinator receiving the person's verbal or written report.

XI.7.4 **Mandatory Reporting for Incidents Involving a Minor:** Consistent with Utah Code Section 62A-4a-403, anyone who reasonably suspects any incident of suspected abuse or sexual harassment (as defined in Section 3.19 of this policy) involving a minor shall immediately report the incident to the University's police department or the local police department. If the reporting individual is an employee of the University, the employee shall also notify the Title IX Coordinator and the employee's supervisor that they have reported the incident to the police.

XI.7.5 **Mandatory Reporting by a University Official with Authority to Implement Corrective Measures:** Any University Official with Authority to implement corrective measures must promptly report any concern of Sex-Based Discrimination, Sexual Harassment and Retaliation to the Title IX Coordinator via any of the reporting options listed at titleix.dixie.edu/.

XI.7.6 **Mandatory Reporting by a Responsible Employee:** Any Responsible Employee must promptly report any concern of Sex-Based Discrimination, Sexual Harassment and Retaliation to the Title IX Coordinator via any of the reporting options listed at https://titleix.dixie.edu/.

XI.7.7 **Exceptions to the Responsible Employee**
 XI.7.7.1 Information disclosed at public awareness events (e.g. Take Back the Night, candlelight vigils, protests, speak outs), or other public forums where individuals may disclose incidents of prohibited conduct as part of educating others; or

 XI.7.7.2 Disclosures made in the course of academic work product consistent with the assignment (e.g. public speaking class, creative writing assignment, group work).

 XI.7.8 Others Who Should Report: All other University Community Members who become aware of Sex-Based Discrimination, Sexual Harassment, or Retaliation should report such issues, with the consent of the alleged victim, to the Title IX Coordinator.

 XI.7.9 Who May Not Report: Licensed mental health counselors and medical professionals working within the scope of their licenses, or designated advocates authorized by the Title IX Coordinator (Confidential Resources), generally may not report incidents of Sex-Based Discrimination, Sexual Harassment, or Retaliation except with written consent, other than in instances of imminent danger or when the victim is a minor or vulnerable adult.

 XI.7.10 Time Limits on Reporting

 XI.7.10.1 There is no time limitation on providing notice/complaints to the Title IX Coordinator. However, if the Respondent is no longer subject to the University’s jurisdiction and/or significant time has passed, the University’s ability to investigate, respond, and provide remedies may be more limited or impossible.

 XI.7.10.2 Acting on notice/complaints significantly impacted by the passage of time (including, but not limited to, the rescission or revision of policy) is at the discretion of the Title IX Coordinator, who may document allegations for future reference, offer Supportive Measures and/or remedies, and/or engage in informal or formal action, as appropriate.

 XI.7.10.3 When the notice/complaint is affected by a significant time delay, the University will typically apply the policy and procedures in place at the time of the alleged misconduct.

 XI.7.11 Confidentiality

 XI.7.11.1 The University maintains as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University’s ability to provide the Supportive Measures.

 XI.7.11.2 Except as may be permitted by the federal Family Educational Rights and Privacy Act (FERPA), its regulations, or as required by Utah Government Records and Management Act (GRAMA), the federal Health Information Portability and Accountability Act (HIPAA), or other law, or to carry out the purposes of Title IX including conducting any investigation, hearing, or judicial proceeding arising under Title IX, the University keeps confidential the identity of
any individual who makes a report of Sex-Based Discrimination, Sexual Harassment, or Retaliation, including any individual who has filed a Formal Complaint, any Complainant, any individual who has been reported to be in violation of this policy, any Respondent, and any witness.

XI.7.11.3 The University will protect confidential communications to designated University advocates authorized by the Title IX Coordinator and protected under the Utah Campus Advocate Confidentiality Amendments (Utah Code § 53B-28-101 et seq.), where disclosure is not required by applicable federal law, including Title IX, Title VII, or the Clery Act, or consented to in writing.

XI.7.11.3.1 Amnesty: An individual who makes a good faith report of Sex-Based Discrimination, Sexual Harassment, or Retaliation that was directed at the individual or another person or group, will not be sanctioned by the University for a violation of University policy related to the use of drugs or alcohol which the University discovers because of the report.

XI.8 Disability Accommodation in the Title IX Process

XI.8.1 The University is committed to providing reasonable accommodations and support to qualified students, employees or others with disabilities, to ensure equal access to the University’s Title IX process. Complainants, Respondents, and other participants may request accommodations necessary under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act. Students needing such accommodations or support should contact the Disability Resource Center. Employees needing such accommodations should contact the Executive Director of Human Resources. The Disability Resource Center or Human Resources will review the request and, in consultation with the person requesting the accommodation and the Title IX Coordinator, determine which accommodations are appropriate and necessary for full participation in the process.

XI.9 Rights of Complainant and Respondent Following a Report

XI.9.1 The Complainant and Respondent have equal rights:

XI.9.1.1 To be treated with dignity and respect by University employees;

XI.9.1.2 To take advantage of supportive measures;

XI.9.1.3 To receive timely notice of proceedings, processes and outcome under this policy;

XI.9.1.4 To have an Advisor present at any meeting or hearing under this policy;

XI.9.1.5 To refuse to engage in informal resolution of a complaint;

XI.9.1.6 To present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

XI.9.1.7 To receive amnesty for certain student misconduct, such as drug and alcohol violations, that occurred ancillary to the complaint.
XI.9.1.8 To be free from retaliation for reporting violations of this policy or cooperating with an investigation;

XI.9.1.9 To be informed in writing of the outcome or resolution of the complaint, any sanctions, and the rationale for the outcome, where permissible;

XI.9.1.10 To exercise a right of appeal as afforded in this policy.

XI.9.2 The Complainant shall have the right to:

XI.9.2.1 At all times decide if or when to file a complaint, report to law enforcement, and determine whether to proceed with a complaint, at the individual’s discretion.

XI.9.3 The Respondent shall have the right to:

XI.9.3.1 Be presumed not responsible for all allegations until found responsible for the alleged conduct by a hearing panel under this policy.

XI.10 Training

XI.10.1 The University shall comply with federal law requirements for training of Title IX Coordinators, investigators, Hearing Officers, Hearing Panelists, Sanction Evaluators, Appeal Examiners, and any person who facilitates an informal resolution process (jointly or in their respective roles) on:

XI.10.1.1 the definition of Sexual Harassment;

XI.10.1.2 the scope of the University’s Title IX policy and procedures as it applies to the University’s education programs and activities;

XI.10.1.3 reporting, confidentiality, and privacy requirements;

XI.10.1.4 definitions of all prohibited conduct under this policy and how to apply the definition of consent consistently, impartially, and in accordance with this policy;

XI.10.1.5 how to conduct an investigation;

XI.10.1.6 the University’s Grievance Process including live hearing, appeal, and the informal resolution process;

XI.10.1.7 how to uphold fairness, equity, and due process;

XI.10.1.8 how to determine appropriate sanctions; and,

XI.10.1.9 how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias, including implicit bias.

XI.10.2 Training materials will not rely on sex stereotypes and will promote impartial investigations and adjudications of Formal Complaints of Sex-Based Discrimination, Sexual Harassment, and Retaliation.

XI.10.3 The University will ensure Hearing Officers and Hearing Panelists are trained on how to determine issues of relevance of questions and evidence, including when questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant, on evidentiary standards, and on live hearing
XI.10.4 The University will ensure that investigators are trained in how to investigate thoroughly, reliably, and impartially, and on issues of relevance, in order to create an investigative report that fairly summarizes relevant evidence.

XI.10.5 The University will provide training to the Hearing Officer(s) and Hearing Panelists, on all technology to be used in live hearings.

XI.10.6 All materials used to train Title IX Coordinators, investigators, Hearing Officers, Hearing Panelists, Sanction Evaluators, Appeal Examiners, and any person who facilitates an informal resolution process must be made publicly available on the University’s website.

XI.11 Recordkeeping

XI.11.1 The Office of Equity Compliance and Title IX will maintain the following records for a period of seven (7) years:

XI.11.1.1 Each Sex-Based Discrimination, Sexual Harassment, and/or Retaliation investigation, including any Written Determination regarding responsibility, any audio, audiovisual recording, or transcript required by this policy, any Sanction(s) imposed on a Respondent, and any remedies provided to a Complainant designed to restore or preserve equal access to the University’s education program or activity;

XI.11.1.2 Any appeal and the result;

XI.11.1.3 Any informal resolution and the result; and,

XI.11.1.4 All materials used to train Title IX Coordinators, investigators, Hearing Officers, Hearing Panelists, Sanction Evaluators, Appeal Examiners and any person who facilitates any Informal Resolution process.

XI.11.2 For each report to the Title IX Coordinator of Sex-Based Discrimination, Sexual Harassment, or Retaliation, in a University education program or activity against a person in the United States, the Office of Equity Compliance and Title IX must create, and maintain for a period of seven (7) years, a record of any action, including any Supportive Measures, taken in response to a report or Formal Complaint of Sex-Based Discrimination, Sexual Harassment, or Retaliation. In each instance, the Office of Equity Compliance and Title IX must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University’s education program or activity. If the University does not provide a Complainant with Supportive Measures, then the Office of Equity Compliance and Title IX must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

REFERENCES

XI.12 Americans with Disabilities Act (ADA) (as amended)

XI.13 Campus Sexual Violence Elimination Act (Campus SaVE) – Reauthorization of the Violence against Women Act of 2013 (VAWA)
XII. PROCEDURES

XII.1 Initial Review of Reports under Policy 154:

XII.1.1 University Response upon receiving a report of Sex-Based Discrimination, Sexual Harassment or Retaliation: The Title IX Coordinator shall promptly contact the Complainant to (1) discuss the availability of Supportive Measures, including counseling and health care; (2) inform the Complainant of the availability of Supportive Measures with or without the filing of a Formal Complaint; (3) consider the Complainant’s wishes with respect to Supportive Measures and with respect to filing a Formal Complaint; (4) if appropriate, provide the Complainant information on pursuing criminal charges; (5) explain the importance of preserving potential evidence, including all text and/or email communications which may be related to the incident, and if the incident involves a possible criminal offense not disturbing the crime scene; and (6) explain the process for filing a Formal Complaint as well as the option for Informal Resolution. The Title IX Coordinator will determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and grievance process.

XII.1.2 If supportive and remedial response is preferred, the Title IX Coordinator will communicate with the Complainant to identify Complainant’s wishes, and the Title IX Coordinator will then seek to facilitate implementation. No formal grievance process is initiated, though the Complainant may elect to initiate one later, if desired.

XII.1.3 If an Informal Resolution option is
preferred, the Title IX Coordinator assesses whether the reported concern is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution. A Formal Complaint must be filed in order to utilize the Informal Resolution process or formal Grievance Process.

XII.1.4 If a formal Grievance Process is preferred, the Title IX Coordinator determines if the misconduct alleged falls within the scope of Title IX:

XII.1.4.1 If it does, the Title IX Coordinator will initiate the Grievance Process and the investigation, directing the investigation to address: an incident, and/or a pattern of alleged misconduct, and/or a culture/climate issue, based on the nature of the Formal Complaint.

XII.1.4.2 If it does not fall within the scope of Title IX, the Title IX Coordinator determines that Title IX does not apply (and will “dismiss” the Formal Complaint), assesses which other University policies may apply, which resolution process may be applicable, and will refer the matter accordingly. Dismissing a complaint under Title IX/Policy 154 is procedural, and does not limit the University’s authority to address a complaintreported concern with an appropriate process and remedy, or under a different University policy and process.

XII.1.5 Immediate Removal: The Title IX Coordinator may use sole discretion, or confer with the University’s Crisis Assessment Risk and Evaluation (CARE) team, to determine whether a Respondent must be removed from the University’s education programs or activities on an emergency basis as an immediate threat to the physical health or safety of any student, employee, or other individual arising from the allegations of misconduct. The Title IX Coordinator may take immediate action when necessary to secure the physical health and/or safety of a Complainant. At the time that an Immediate Removal is imposed, the Title IX Coordinator will inform the Respondent of the Immediate Removal action and the reason(s) for the action, and inform the Respondent that a meeting will take place to review the Immediate Removal.

XII.1.5.1 Immediate Removal Meeting Procedures: As soon as practical, but no later than ten (10) University Business Days from the time the Immediate Removal is imposed, a meeting will take place between the Respondent, the Title IX Coordinator, and a University police officer to review the Immediate Removal. The Respondent will have an opportunity at the meeting to demonstrate to the Title IX Coordinator and the University police officer why the Immediate Removal should not continue. An Advisor for the Respondent may accompany the Respondent to this meeting as a support person, but the Advisor may not actively participate in the meeting.

XII.1.5.2 Based on reasonable evaluation of the information presented by the Respondent at the meeting, the Title IX Coordinator will notify the Respondent within 48 hours of the meeting of the Title IX Coordinator’s decision to remove, sustain, or modify the Immediate Removal.

XII.1.6 Non-Student Employee Leave: A non-student employee Respondent may be placed on paid administrative leave in accordance with this policy.
XII.1.7 The Title IX Coordinator must further assess the reported conduct for any Clery obligations, including issuance of a timely warning, and report to University Police or local law enforcement when necessary.

XII.2 Grievance Process General Principles

XII.2.1 Complainants, Respondents, and witnesses will be treated equitably and with respect throughout the grievance proceedings.

XII.2.2 The Title IX Coordinator, investigator, Hearing Officer, Hearing Panelist, Sanction Evaluator, and the Appeal Examiner will evaluate all relevant evidence, both inculpatory and exculpatory, objectively and determine credulity without respect to a person’s status as Complainant, Respondent, or witness.

XII.2.3 Any deadlines or timeframe provided in this policy may be extended by the Title IX Coordinator for good cause with written notice to the parties citing the reason(s) for the extension. Good cause may include considerations such as the absence of a party, a party’s Advisor, or witness; concurrent law enforcement activity or investigation; or the need for language assistance or accommodation of disabilities.

XII.2.3.1 A party may also submit a request for a temporary delay or limited extension to the Title IX Coordinator. Any such request should include the reason(s) for the request. If the request is reasonable under the circumstances, the Title IX Coordinator may grant the request in whole or part. If no good cause exists, the Title IX Coordinator may deny the request in writing.

XII.2.4 Any person designated as a Title IX Coordinator, investigator, Hearing Officer, Hearing Panelist, Sanction Evaluator, or Appeal Examiner shall be free of conflict of interest or bias for or against Complainants or Respondents generally or individually. All potential instances of bias or a conflict of interest must be promptly reported to the Title IX Coordinator. The Title IX Coordinator will determine whether actual bias or an actual conflict of interest exists by consulting with appropriate University representatives. If the Title IX Coordinator is the individual alleged to have bias or a conflict of interest, then a representative from Human Resources will determine whether any bias or conflict of interest exists.

XII.2.5 Respondents, Complainants, and witnesses shall not knowingly make materially false statements or knowingly submit materially false information during the Grievance Process. However, a determination regarding responsibility alone is not sufficient to conclude that any individual proffered a material falsehood.

XII.2.6 Complainants and Respondents shall have Supportive Measures made available and be given the opportunity to request modifications necessary for physical and/or emotional safety.

XII.2.7 Formal Complaint Requirements and Review by Title IX Coordinator

XII.2.7.1 A Formal Complaint shall be filed with the Title IX Coordinator in person, by mail, or by electronic mail, by using the contact information posted for the Title IX Coordinator in section 4.8.3 above.

XII.2.7.2 The Formal Complaint shall be filed,
in writing, may not be anonymously filed, and must contain:

XII.2.7.2.1 The factual allegations of Sex-Based Discrimination, Sexual Harassment, or Retaliation including:

XII.2.7.2.1.1 Complainant's connection to the University (e.g. student, employee, or other person seeking to participate in a program or activity of the University);

XII.2.7.2.1.2 A concise statement describing the incident;

XII.2.7.2.1.3 When and where the misconduct occurred;

XII.2.7.2.1.4 The identity (if known) of the person against whom the Formal Complaint is being made; and

XII.2.7.2.1.5 Why the Complainant believes it violates University Policy 154; and

XII.2.7.2.6 Complainant's signature (electronic or handwritten) or other designation that the Complainant is the individual choosing to file a Formal Complaint;

XII.2.7.2.7 Be signed by the Title IX Coordinator.

XII.2.7.3 By filing a Formal Complaint, the Complainant is giving consent for the Title IX Coordinator, designated deputy coordinators, and/or investigators to discuss the information provided with other persons who may have relevant factual knowledge of the circumstances of the Formal Complaint, and is authorizing the collection and examination of all records and other documentation relevant to the circumstances of the Formal Complaint.

XII.2.7.4 When the Title IX Coordinator signs a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a party under this policy, and the Title IX Coordinator will comply with the requirements of impartiality under this policy. The Title IX Coordinator may initiate a Formal Complaint if the Title IX Coordinator determines the factual allegations, if proven true, present a risk of substantial harm to a member of the University Community and one of the following aggravating factors is alleged:

XII.2.7.4.1 Use of threat;

XII.2.7.4.2 Use of a weapon;

XII.2.7.4.3 Use of violence;

XII.2.7.4.4 A continued pattern of behavior; and/or

XII.2.7.4.5 Predatory behavior.

XII.2.7.5 A Formal Complaint will be initially reviewed by the Title IX Coordinator. From the information contained in the Formal Complaint, the Title IX Coordinator will determine whether the allegations contained in the Formal Complaint fall within the jurisdiction of this policy.
XII.2.7.6 If the Title IX Coordinator determines that the Formal Complaint falls within the jurisdiction of this policy, the Title IX Coordinator will prepare a Notice of Investigation as defined in this policy.

XII.2.7.7 The Complainant shall be instructed by the Title IX Coordinator to provide and preserve all corroborating or potentially relevant evidence in any format, and to provide a list of potential witness names and contact information if available.

XII.2.7.8 The University will provide written notice (with sufficient time for the party to prepare to participate) of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings.

XII.2.8 Consolidation of Formal Complaints

XII.2.8.1 The University may consolidate Formal Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of sex-based discrimination, sexual harassment, or retaliation arise out of the same facts or circumstances.

XII.2.9 Dismissal of Formal Complaints

XII.2.9.1 Required Dismissal: The University must investigate all allegations in a Formal Complaint unless the conduct alleged in the Formal Complaint:

XII.2.9.1.1 Would not constitute Sex-Based Discrimination, Sexual Harassment, or Retaliation as defined in this policy even if proven;

XII.2.9.1.2 Did not occur in the University’s education programs, or activities; or

XII.2.9.1.3 Did not occur in the United States.

XII.2.9.2 If the alleged misconduct does not fall within the criteria outlined in section 6.2.7 et seq, the University must dismiss the Formal Complaint with regard to that conduct for the purposes of Title IX.

XII.2.9.3 Permitted Dismissal: The University may dismiss the Formal Complaint or any allegations therein, if at any time during the investigation or hearing:

XII.2.9.3.1 A Complainant notifies the Title IX Coordinator in writing that the Complainant wants to withdraw the Formal Complaint or any allegations therein;

XII.2.9.3.2 The Complainant is no longer participating or attempting to participate as a member of the University Community;

XII.2.9.3.3 The Respondent is no longer affiliated with the University; or

XII.2.9.3.4 Specific circumstances prevent the University
from gathering evidence sufficient to reach a determination concerning the Formal Complaint.

XII.2.9.4 Upon a Required or Permitted Dismissal of the Formal Complaint, the Title IX Coordinator shall promptly (within five (5) University Business Days) send written notice of the dismissal and the reason(s) for the dismissal simultaneously to the parties.

XII.2.9.5 If a Complaint is dismissed under Required Dismissal or Permitted Dismissal, the allegations may be addressed by, and action may be taken under, another University policy, process, procedure, or rule.

XII.3 Informal Resolution

XII.3.1 At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation or remedies-based resolution, that does not involve a full investigation and adjudication. The decision to enter into an Informal Resolution process is a voluntary option for the parties, and neither party is required to enter into such.

XII.3.2 Informal Resolution can include two different approaches: when the parties agree to resolve the matter through an alternate resolution mechanism (including mediation, restorative practices, etc.); or when the Respondent accepts responsibility for violating this policy and desires to accept a Sanction(s) and end the resolution process.

XII.3.3 To initiate an Informal Resolution process, a Complainant needs to submit a Formal Complaint as defined above. If a Respondent wishes to initiate an Informal Resolution process, the Respondent should contact the Title IX Coordinator to so indicate.

XII.3.4 It is not necessary to pursue an Informal Resolution process first in order to pursue a formal Grievance Process, and any party participating in Informal Resolution can stop the process at any time and begin or resume the formal Grievance Process.

XII.3.5 Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any Sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

XII.3.6 The University shall not offer or facilitate an Informal Resolution process to resolve an allegation that an employee sexually harassed a student.

XII.3.7 The Title IX Coordinator will obtain voluntary, written confirmation that all parties wish to resolve the matter through an Informal Resolution process before proceeding and will not pressure the parties to participate in an Informal Resolution process.

XII.3.8 Alternate Resolution

XII.3.8.1 The Complainant and the Respondent must consent in writing to the use of Alternate Resolution.

XII.3.8.2 The Title IX Coordinator must approve the use of Alternate Resolution. The Title IX Coordinator may look to the following factors to assess whether Alternate Resolution may be most successful for all parties: the parties’ amenability to Alternate Resolution; likelihood of potential resolution, taking into account
any power dynamics between the parties; the parties’ motivation to participate; civility of the parties; cleared violence risk assessment/ongoing risk analysis; disciplinary history; whether an emergency removal is needed; skill of the Mutually Agreed-Upon Resolution Facilitator with this type of complaint; complaint complexity; emotional investment/intelligence of the parties; rationality of the parties; goals of the parties; adequate resources to invest in Mutually Agreed-Upon Resolution (time, staff, etc.)

XII.3.8.3 The ultimate determination of whether Informal Resolution is available or successful is to be made by the Title IX Coordinator. The Title IX Coordinator maintains records of any resolution that is reached, and failure to abide by this resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

XII.3.9 Respondent Accepts Responsibility for Alleged Violations

XII.3.9.1 The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal process will be paused, and the Title IX Coordinator will determine whether Informal Resolution can be used according to the criteria in that section above.

XII.3.9.2 If Informal Resolution is applicable, the Title IX Coordinator will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Title IX Coordinator shall implement the accepted finding(s) that the Respondent is in violation of University policy. The Title IX Coordinator shall implement the agreed-upon sanction(s) and/or remedy(ies), in coordination with any other appropriate administrator(s), as necessary.

XII.3.9.3 This resolution under section 6.3.9 is not subject to appeal once all parties indicate their written agreement to all terms of resolution. When the parties cannot agree on all terms of resolution, the Formal Grievance Process may resume at the same point where it was paused.

XII.3.9.4 When a resolution is accomplished, the appropriate sanction or responsive actions are promptly implemented in order to effectively stop the harassment or discrimination, prevent its recurrence, and remedy the effects of the discriminatory conduct, both on the Complainant and the community.

XII.4 Investigation

XII.4.1 Every University Community Members must fully cooperate with the University’s procedures and processes under this policy. At a minimum, the University’s Grievance Process may proceed to conclusion even in the absence of a party’s participation. In some cases, a refusal to cooperate by a University Community Member could result in discipline.

XII.4.2 After the Title IX Coordinator determines all criteria for a Formal Complaint exist, the University will conduct a thorough, impartial
investigation by interviewing witnesses, collecting documentary evidence, and preparing a written report of relevant evidence. The purpose of the investigation is to gather all relevant evidence. The burden of gathering evidence rests on the University and not on the parties. The University reserves the right to retain an external investigator to conduct the investigation following this policy. The University strives to complete all investigations within forty-five (45) University Business Days; however, an investigation may take longer depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, and/or other circumstances, the process proceeds as follows:

XII.4.2.1 The Title IX Coordinator will assign the Formal Complaint to an internal or external investigator who has no apparent conflict of interest. If the Title IX Coordinator determines an assigned investigator has a conflict of interest or is otherwise unavailable, the Title IX Coordinator may assign the Formal Complaint to an external or backup investigator.

XII.4.3 Upon initiating an investigation, the University will provide the parties with a Notice of Investigation, with copies of this policy and the Formal Complaint attached or enclosed. The Notice of Investigation shall include:

XII.4.3.1 A meaningful summary of the allegations; the identity of the parties involved (if known);
XII.4.3.2 The precise misconduct being alleged;
XII.4.3.3 The date and location of the alleged incident(s) (if known);
XII.4.3.4 The specific policy sections implicated;
XII.4.3.5 A description of the applicable
procedures;

XII.4.3.6 A statement of the potential sanctions/responsive actions that could result;

XII.4.3.7 A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;

XII.4.3.8 A statement that determinations of responsibility are made at the conclusion of the process and that the parties will be given an opportunity to inspect and review all directly related and/or relevant evidence obtained during the review and comment period;

XII.4.3.9 A statement about the University's policy on retaliation;

XII.4.3.10 Information about the privacy of the process;

XII.4.3.11 Information on the right for each party to have an Advisor of their choosing and suggestions for a way to identify an Advisor;

XII.4.3.12 A statement informing the parties that this policy prohibits knowingly false statements, including knowingly submitting false information during the resolution process;

XII.4.3.13 A link to the University’s VAWA brochure;

XII.4.3.14 The name of the investigator(s);

XII.4.3.15 Instructions to notify the Title IX Coordinator upon receipt of the Notice of Investigation of any perceived conflict of interest or bias that the assigned investigator(s)
may have; and

XII.4.3.16 An instruction to preserve any evidence that may be related to the allegations.

XII.4.4 Amendments and updates to the Notice of Investigation may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

XII.4.5 The Notice of Investigation will be written and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties' University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered.

XII.4.5.1 An investigator may conduct all, or any part of, an investigation by in-person communication or the use of audio or virtual technology.

XII.4.5.2 The University shall not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains the party’s voluntary, written consent to do so for the grievance process under this policy.

XII.4.5.3 Advisors and witnesses will be instructed by the investigator(s) that the University expects them to maintain the privacy of the information learned due to their participation in the process. This information may not be shared with third parties, disclosed publicly, or used for purposes not explicitly authorized by the University.

XII.4.6 The University presumes the Respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.

XII.4.7 The University will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence to the investigator(s). This section notwithstanding, retaliation is prohibited. Any attempt to alter or prevent a witness or party from testifying is a form of prohibited retaliation. The parties may be directed to cease communications with one another (i.e., a "no contact order"). State laws protecting against defamation and tortious invasion of privacy still apply.

XII.4.8 The University will provide an equal opportunity for the parties to identify relevant witnesses for the investigator to contact, including fact and expert witnesses, and to provide other inculpatory and exculpatory evidence to the investigator.

XII.4.9 An investigator will not question the Complainant, or otherwise seek evidence, regarding the Complainant’s sexual predisposition or prior sexual conduct with anyone other than a Respondent for purposes of determining consent.

XII.4.10 Each party may choose to be accompanied by an Advisor of the party’s choice, who may be an attorney (at the party’s own expense), to any related meeting or proceeding during the investigation. The Advisor may not disrupt a meeting or other proceeding or speak on behalf of the party. The Advisor’s role outside of the live hearing is limited to listening and
quietly conferring with the party. If an Advisor is disruptive, the Advisor may be excluded from the meeting and future meetings or proceedings.

XII.4.11 At any time before or during the investigation, an investigator may recommend that the University provide supportive measures to a party or witness. Any individual's intentional interference with supportive measures may be considered retaliation and a separate violation of this policy.

XII.4.12 If either party fails to participate in the investigation, the investigator may make factual findings without the response of that party, or the University may dismiss the case.

XII.4.13 The University will provide each party an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, including all inculpatory or exculpatory evidence, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

XII.4.14 If, at any point during the investigation, the University determines a need to investigate allegations not included in the Formal Complaint, the University must provide notice of additional allegations to the parties, if known.

XII.4.15 Upon conclusion of the investigative fact-finding, the investigator shall prepare a Draft Investigative Report that summarizes the Complainant's allegations and Respondent's responses, summarizes the relevant evidence and the material witnesses supporting or opposing the allegation(s), and includes preliminary factual findings.

XII.4.16 Before the Draft Investigative Report is finalized as the Final Investigative Report, the investigator(s) will issue a written Notice of Opportunity to Review Draft Investigative Report and Evidence, attaching a copy of the Draft Investigative Report in a secure electronic format or hard copy format, which notifies the parties and their Advisors of their equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations in the Formal Complaint, including evidence upon which the University does not intend to rely in reaching a determination of responsibility, whether inculpatory or exculpatory.

XII.4.17 The parties may submit a written response to the investigator via email within ten (10) University Business Days of the date of the Notice of Opportunity to Review Draft Investigative Report and Evidence. This is the parties' final opportunity to submit any additional information or witnesses and to challenge the investigator(s) for bias during the investigation. In the absence of good cause, an investigator shall not consider information discoverable through the exercise of due diligence that is not provided to the investigator(s) at this juncture. The investigator(s) shall consider any written response, information, or evidence provided by the parties.

XII.4.18 Within seven (7) University Business Days of the expiration of the parties' written response period, the investigator(s) will prepare a proposed Final Investigative Report that contains a statement of the factual allegations and the positions/responses of the parties; fairly summarizes all of the relevant evidence; contains the names of material witnesses; and describes the procedural steps taken during the investigation. If an investigation involves multiple complainants, multiple respondents, or both, the investigator(s) may prepare a single Final Investigative Report.

XII.4.19 Within three (3) University Business Days of the investigator's completion of the proposed Final Investigative Report, the Title IX Coordinator
or designee shall review the report to ensure compliance with this policy.

XII.4.20 Once the Final Investigative Report is approved by the Title IX Coordinator or designee, it shall be provided by the investigator to the parties and their Advisors, if any, in a secure electronic transmission or hard copy format, at least fifteen (15) University Business Days prior to a live hearing, and simultaneously submitted to the Title IX Coordinator.

XII.5 Pre-Hearing Disclosures, Impact Statement and Pre-Hearing Conference:

XII.5.1 Required Disclosure of Witness and Expert Testimony: At least five (5) University Business Days before the hearing date, the Complainant(s), the Respondent(s), and the Title IX Coordinator on behalf of the University, must provide the Hearing Officer a list of documents and witnesses, including expert witnesses, intended to be presented at the live hearing. The Hearing Officer will then provide via email the respective document and witness lists to the Title IX Coordinator and the parties on the following University Business Day.

XII.5.1.1 Unless otherwise stipulated, if an expert witness is listed, the witness list must be accompanied by a written report prepared and signed by the expert witness containing the subject matter on which the expert is expected to testify; the substance of the facts and opinions to which the expert is expected to testify; a summary of the grounds for each opinion; and the expert qualifications of the witness.

XII.5.1.2 The Hearing Officer will review, resolve, and make a written record of the decision on any challenge posed by a party of an investigator’s bias during the investigation process prior to the commencement of a live hearing at a pre-hearing conference.

XII.5.2 After the issuance of the Final Investigative Report and at least three (3) University Business Days prior to the live hearing, a party may submit an impact statement to the Title IX Coordinator. The impact statement is not evidence. Impact statements may be considered at the sanctioning phase, if a policy violation is found by the Hearing Panel.

XII.5.2.1 The Title IX Coordinator will ensure that each party has an opportunity to review any impact statement submitted by the other party(ies) by emailing the impact statement received from a party to the other party on the University Business Day following receipt of the impact statement.

XII.5.3 Each party, after the issuance of the Final Investigative Report and at least five (5) University Business Days prior to the live hearing, must submit a list of initial questions which the party seeks to have posed at the live hearing. This does not preclude additional questions being posed at the live hearing on behalf of a party by the party’s Advisor.

XII.5.4 A pre-hearing conference shall be coordinated by the Title IX Coordinator and chaired by the Hearing Officer. Parties and Advisors are encouraged, but not required, to be present. A pre-hearing conference may be scheduled separately for each party. The pre-hearing conference shall be conducted at least two (2)
University Business Days prior to a scheduled live hearing and at least ten (10) University Business Days after the issuance of the Final Investigative Report being sent to the parties and Advisors, if applicable.

XII.5.4.1 The purpose of the pre-hearing conference shall be to:

XII.5.4.1.1 Identify the Hearing Panelists and address any objections to members of the panel;

XII.5.4.1.2 Address evidentiary issues or questions to be posed at the hearing (i.e. numbers of witnesses, use of documents, expected length of hearing, etc.);

XII.5.4.1.3 Ensure parties will have Advisors available to conduct cross examination and that the Advisor is familiar with the hearing process under this policy;

XII.5.4.1.4 Provide a forum to address any questions related to the Live Hearing process and procedures.

XII.6 Live Hearing

XII.6.1 Notice and Assignment of Hearing Officer and Hearing Panel:

XII.6.1.1 The Title IX Coordinator will schedule a live hearing to occur no sooner than ten (10) University Business Days after the issuance of the Final Investigative Report; assign a Hearing Officer and Hearing Panel; and issue to the parties and the parties’ Advisors, in either an electronic or hard copy format, a Notice of Hearing containing dates, deadlines, and/or requirements for the orderly administration of the live hearing as established by the Hearing Officer. The Hearing Officer and the Hearing Panelists cannot be the same person(s) as the Title IX Coordinator or the investigator(s) and shall be selected from trained Hearing Officers and Hearing Panelists.

XII.6.1.2 The Notice of Hearing will contain a statement informing the parties that the University must, upon either party’s request, provide for a live hearing where the parties are located in separate rooms with technology enabling the Hearing Officer, the Hearing Panelists and the parties to simultaneously see and hear the party or witness answering questions.

XII.6.1.3 If a party raises an issue of bias or conflict of interest of an Investigator or Hearing Officer at the hearing, the Hearing Officer may elect to address those issues, consult with legal counsel, and/or refer them to the Title IX Coordinator, and/or preserve them for appeal. If bias an not in issue at the hearing, the Hearing Officer should not permit irrelevant questions that probe for bias.

XII.6.1.4 Record of Hearing: The University will record the hearing and make a copy of the recording or transcript of the hearing available to the parties for inspection and review. The official recording will be the sole property of the University, and the parties are prohibited from disseminating or making copies of the recording or transcript. The deliberation of the Hearing Panel will not be recorded. The recording
of the live hearing will be preserved for seven (7) years from the date of the issuance of the Written Determination.

XII.6.1.5 Location of Hearing: The hearing shall be conducted with all parties physically present in the same geographical location or, upon request by either party or the Hearing Officer, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants to simultaneously see and hear each other.

XII.6.2 Advisors

XII.6.2.1 Notice of Right to Advisor: Each party may be accompanied to the live hearing by an Advisor, who may be, but is not required to be, an attorney. Even if an attorney is selected by a party to serve as an Advisor, all notices related to the live hearing and appeal process will be directed to and sent to the party, not the attorney, and it is the party’s responsibility to provide copies to the party’s Advisor.

XII.6.2.1.1 A party shall notify the Title IX Coordinator at least five (5) University Business Days prior to the date of the hearing if the party intends to have an Advisor of the party’s choice at the hearing. If a party does not so notify the Title IX Coordinator, the University will have at the hearing an Advisor to conduct cross-examination on behalf of that party, without fee or charge to the party.

XII.6.2.2 Advisor Expectations: The University will not limit the choice or presence of an Advisor, but the Hearing Officer may limit an Advisor’s participation if the Advisor becomes unreasonably disruptive to the proceedings.

XII.6.2.3 An Advisor may not present evidence on a party’s behalf, present argument, testify, disrupt, or otherwise obstruct the live hearing. An Advisor’s role, besides privately consulting with a party, is exclusively to ask on behalf of a party all relevant questions and follow-up questions of the other party and any witnesses, including questions challenging credibility. Cross-examination at the live hearing must be conducted directly, verbally, and in real time by a party’s Advisor and never by a party personally. Only questions relevant to determining the veracity of the allegations will be allowed.

XII.6.2.4 A party’s Advisor may appear and conduct cross-examination for a party even if the party does not appear. Additionally, where one party does not appear and that party’s Advisor of choice does not appear, a University-provided Advisor must still cross-examine the other, appearing party “on behalf of” the non-appearing party, resulting in consideration of the appearing party’s statements but not the non-appearing party’s statements (without any inference being drawn based on the non-appearance).

XII.6.2.5 If a party’s Advisor of choice refuses to comply with the Rules of Decorum set forth in Section 6.6.4,
the University may provide that party with a University-appointed Advisor to conduct cross-examination on behalf of that party at the live hearing.

XII.6.3 Live Hearing Procedures

XII.6.3.1 The Hearing Officer explains the hearing procedures and introduces the participants.

XII.6.3.2 An investigator will then present a summary of the Final Investigative Report, including items that are contested and those that are not. The investigator is subject to questioning by the Hearing Officer and Hearing Panelists and the parties’ Advisors. The investigator(s) will be present during the entire hearing process, but not during deliberations.

XII.6.3.3 Prior to each party/witness being questioned, the Hearing Officer will allow a party/witness to read a pre-approved as to relevancy written statement of the party/witness’s substantive testimony.

XII.6.3.4 After the investigator presents a summary of the Final Investigative Report and is questioned, the Hearing Officer will first ask questions of the Complainant; the Hearing Officer will then permit the Complainant’s Advisor to ask further questions of the Respondent; the Hearing Officer will then permit the Complainant’s Advisor to ask cross-examination questions of the Respondent. Then, in the order determined by the Hearing Officer, additional witnesses will be questioned by the Hearing Officer. Then the Complainant’s Advisor will be permitted by the Hearing Officer to ask questions and then Respondent’s Advisor will be permitted by the Hearing Officer to ask questions of the witness. After each party/witness is questioned in this manner, the Hearing Officer will briefly adjourn and inquire of the other Hearing Panelist whether they have any additional questions which they would like to have posed to the party/witness. The Hearing Officer will then reconvene the hearing and ask any additional follow up questions, if any, from the Hearing Panel.

XII.6.3.5 Only relevant questions will be permitted, and the Hearing Officer shall determine relevance. All questions are subject to a relevance determination by the Hearing Officer prior to a party or witness responding to the question. An Advisor, while remaining seated during questioning, will pose each proposed question orally. The proceeding will then pause, to allow the Hearing Officer to consider it, and the Hearing Officer will determine whether the question will be permitted, disallowed, or must be rephrased prior to the Hearing Officer instructing the party or witness to proceed with responding.

XII.6.3.5.1 Questions or evidence about a Complainant’s sexual
SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING

predisposition or prior sexual behavior are not relevant, unless: (1) offered to prove that someone other than the Respondent committed the conduct alleged in the Formal Complaint; or (2) they concern specific incidents of the Complainant’s prior sexual behavior with Respondent and are offered to prove consent.

XII.6.3.6 The Hearing Officer will have sole authority to determine whether a question is relevant and whether it will be permitted. The Hearing Officer may explore arguments regarding relevance with the Advisors, if the Hearing Officer so chooses. The Hearing Officer will then state their decision on the question for the record and advise the party/witness to whom the question was directed, accordingly. The Hearing Officer will explain any decision to exclude a question as not relevant, or to reframe it for relevance.

XII.6.3.7 The Hearing Officer will limit or disallow questions on the basis that they are irrelevant, unduly repetitious (and thus irrelevant), or abusive. The Hearing Officer’s determinations of relevancy are final. The Hearing Officer may consult with legal counsel on any questions of relevancy. The Hearing Officer may ask an Advisor to explain why a question is or is not relevant, but the Hearing Officer will not allow explanation from an Advisor on relevance after the Hearing Officer has ruled on a question’s relevance.

XII.6.3.8 The Hearing Officer may exclude expert or other testimony that the Hearing Officer deems to be irrelevant.

XII.6.4 Rules of Decorum and Enforcement of Compliance

XII.6.4.1 The parties, the parties’ Advisors, and all other participants in the live hearing must comply with the following Rules of Decorum:

XII.6.4.1.1 Treat all other hearing participants respectfully and in a non-abusive manner.

XII.6.4.1.2 Ask questions in a respectful, non-confrontational manner. Aggressive or abusive questioning of any party or witness is not permitted.

XII.6.4.1.3 All requests to address the Hearing Panel shall be addressed to the Hearing Officer.

XII.6.4.1.4 The Hearing Officer will rule on all requests, objections, and points of order.

XII.6.4.1.5 The Hearing Officer’s ruling(s) shall be final and all participants shall abide thereby.

XII.6.4.1.6 Rules of common courtesy and decency shall be observed at all times.

XII.6.4.1.7 An Advisor may request clarification of a procedural matter or object on the basis of procedure at any time by addressing the Hearing Officer after recognition by the Hearing Officer.

XII.6.4.2 If a party’s Advisor of choice refuses
to comply with the University's Rules of Decorum (for example, yelling at or arguing with the other party), the Hearing Officer may exclude the Advisor from the hearing and utilize a University-appointed Advisor to the party. Similarly, if an Advisor that the University provides refuses to comply with the Rules of Decorum, the University may provide that party with a different Advisor to conduct cross-examination on behalf of that party.

XII.6.4.3 The University (including any official acting on behalf of the University, such as the Hearing Officer) has the right at all times to determine what constitutes appropriate behavior on the part of an Advisor or other participant in the hearing and to take appropriate steps to ensure compliance with the Rules of Decorum.

XII.6.5 Role of University at Live Hearing

XII.6.5.1 The University is not a party to the live hearing, but the University, not the parties, bears the burden of presenting the evidence in the Final Investigation Report.

XII.6.5.2 The University will remain objective and impartial throughout the grievance process, including the presentation of the Final Investigation Report at the live hearing.

XII.6.6 Hearing Panel Deliberations

XII.6.6.1 Upon completion of the live hearing, the Hearing Panel shall deliberate in closed session with only the Hearing Officer and Hearing Panelists present.

XII.6.6.2 After deliberating, the Hearing Panel shall make a finding based on the Preponderance of the Evidence with respect to each alleged policy violation. Each finding will be one of the following: “responsible”, “not responsible”, or “insufficient evidence”. The Hearing Panel's findings are reached on a simple majority vote.

XII.6.6.3 After deliberation, the Hearing Panel will complete a Summary of Hearing panel findings which will reflect the Hearing Panel's decision as to each alleged policy violation. The Hearing Panel must submit the Summary of Hearing Panel Findings to the Title IX Coordinator within two (2) University Business Days of the conclusion of the live hearing. In the event that the Summary of Hearing Panel Findings reflects any violation of this policy, within two (2) University Business Days the Title IX Coordinator will submit the Summary of the Hearing Panel Findings, the impact statements, if any, and the Final Investigative Report to the appropriate Sanction Evaluator.

XII.6.6.3.1 In the event the Summary of Hearing Panel Findings does not reflect any finding of responsibility for a violation of this policy, the Title IX Coordinator will instruct the Hearing Panel to prepare and issue the Written Determination to the Title IX Coordinator within twenty (20) University Business Days as outlined in section 6.6.7.

XII.6.6.4 Within five (5) University Business
Days of receipt of the information submitted for review, the Sanction Evaluator will review the submitted information and will make a recommendation to the Hearing Panel for the appropriate sanction(s).

XII.6.6.5 For Student Sanctions: In cases where the Respondent is a student, the Dean of Students or designee will act as the Sanction Evaluator and will consult with and recommend to the Hearing Panel what, if any, disciplinary action is warranted for the Respondent.

XII.6.6.6 For Employee Discipline: The Executive Director of Human Resources or designee will act as the Sanction Evaluator and will consult with and recommend to the Hearing Panel what, if any, disciplinary action is warranted for the Respondent.

XII.6.7 Written Determination

XII.6.7.1 The Hearing Officer or Hearing Panel will provide the Written Determination to the Title IX Coordinator within twenty (20) University Business Days after the live hearing concludes. The Written Determination must include:

XII.6.7.1.1 Identification of the allegations potentially constituting sex-based discrimination, sexual harassment and/or retaliation as defined in this policy.

XII.6.7.1.2 A description of the procedural steps taken from the receipt of the Formal Complaint through the Written Determination, including any notifications to the parties, interviews with the parties and witnesses, site visits, methods used to gather other evidence, and hearings held.

XII.6.7.1.3 Findings of fact supporting the Written Determination.

XII.6.7.1.4 Conclusions regarding the application of this policy to the facts.

XII.6.7.1.5 A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, and disciplinary sanctions the University imposes on the Respondent, and whether the University shall provide remedies designed to restore and preserve equal access to the University's education program and activity to the Complainant.

XII.6.7.1.6 The University's procedures and permissible bases for the Complainant and Respondent to appeal.

XII.6.7.2 The Hearing Officer shall issue the Written Determination to the Title IX Coordinator and the parties simultaneously via email.

XII.6.7.3 The Written Determination regarding responsibility and sanctions becomes final when the Appeals Outcome is final or the time to appeal has passed without an appeal being filed.

XII.7 Appeals

XII.7.1 Either party may appeal the Written Determination.

SEXUAL ASSAULT, DOMESTIC VIOLENCE, DATING VIOLENCE AND STALKING
Determination. The Appeal Outcome is final.

XII.7.2 A party may appeal the finding of responsibility or a sanction for any of the following reasons:

XII.7.2.1 A procedural irregularity occurred in the investigation or hearing process that affected the outcome reflected in the Written Determination.

XII.7.2.2 New evidence that was not reasonably available at the time of the issuance of the Written Determination or dismissal, which could affect either the determination of whether a violation of this policy occurred or the severity of the sanction.

XII.7.2.3 The Title IX Coordinator, the investigator(s), a Hearing Panelist, or the Hearing Officer had a conflict of interest or substantiated bias that affected the outcome.

XII.7.2.4 The outcome was clearly erroneous based on the facts and evidence presented to the Hearing Panel.

XII.7.2.5 The sanctions imposed are substantially disproportionate to the severity of the policy violation(s).

XII.7.3 The Title IX Coordinator must receive a party’s written Notice of Appeal within ten (10) University Business Days after the issuance of the Written Determination. The Notice of Appeal must outline the ground(s) for the appeal and attach any supporting documentation.

XII.7.4 Within five (5) University Business Days of the receipt of an appeal, the Title IX Coordinator will notify each party:

XII.7.4.1 That a Notice of Appeal has been filed;

XII.7.4.2 An Appeal Examiner(s) has been assigned to consider the appeal;

XII.7.4.3 Contact information for the Appeal Examiner(s);

XII.7.4.4 That the Title IX Coordinator has confirmed that the Appeal Examiner(s) has no known conflict of interest;

XII.7.5 Within ten (10) University business days of the Title IX Coordinator sending such notice to the parties, each party may submit a Written Statement on Appeal to the Appeal Examiner(s) supporting or challenging the Written Determination.

XII.7.6 The Appeal Examiner(s) may review the parties’ Written Statements on Appeal, Written Determination, Final Investigation Report, and all evidence introduced at the live hearing, and the hearing recording or transcript when considering the appeal.

XII.7.7 Within twenty (20) University Business Days, the Appeal Examiner(s) will provide to the parties the Written Decision on Appeal which may affirm or modify the Written Determination, remand the decision to the Hearing Panel, order further investigation or a new investigation, or overturn the Written Determination in whole or in part and shall include the rationale for the Appeal Examiner’s decision.

XII.7.8 The Appeal Examiner’s Decision on Appeal is final and concludes the University’s Title IX process.

XII.7.9 Title IX Appeal Examiner(s) Composition:

XII.7.9.1 A single impartial external Appeal Examiner selected by the University; or

XII.7.9.2 Appeal Examiner Panel Chair: One pool member will be randomly
selected to chair each Appeal Examiner Panel as necessary; each can vote when selected as chair; each cannot concurrently serve as a chair or member of any other appeal board committee currently convened. Chairs may recuse themselves from any appeal board for any potential conflict of interest or potential bias.

XII.7.9.3 An Appeal Examiner Panel comprised of four University employees: two full-time, tenured faculty members and two full-time staff members selected jointly by the Title IX Coordinator, the Faculty Senate, and the Staff Association to serve a three (3)- year, staggered term, who will have full voting rights.

XII.7.9.4 Appeal Examiner Panelists: A pool of six University employees, three full-time, tenured faculty and three full-time staff will be selected jointly by the Title IX Coordinator, the Faculty Senate, and the Staff Association to serve staggered three (3) year terms as part of an appeal board pool. Three members will be randomly selected to serve on a specific board from the member pool and the chair pool, with each member having the right of recusal for any potential conflict of interest or potential bias.
The University is committed to maintaining an environment in which every member of the University Community is treated with respect and dignity, equal opportunities are promoted, and discriminatory practices, including unlawful discrimination, are prohibited. The University does not tolerate harassment or unlawful discrimination against any member of the University Community due to any protected class under applicable law. The University prohibits discrimination against, and the University does not exclude from participation in, deny the benefits of, or subject any individual or group to discrimination on the basis of race, color, religion, sex, national origin, age, genetic information, sexual orientation, gender identity/expression, disability, or protected veteran status, or any other status protected under applicable federal, state or local law.

DSU has the following policy in place to ensure the safety of our students regarding unlawful discrimination.

164 Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment and Retaliation

I. PURPOSE

I.1 The University is committed to maintaining an environment in which every member of the University Community is treated with respect and dignity, equal opportunities are promoted, and discriminatory practices, including unlawful discrimination, are prohibited. This policy defines and prohibits Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment and Retaliation against any member of the University Community; establishes expectations to prevent such misconduct; details how to report a violation of this policy; and outlines investigatory, disciplinary, and due process procedures for addressing reported violations of this policy.

II. SCOPE

II.1 This policy applies if both the Complainant and Respondent are University Community members; or

II.2 If the Respondent is a student or employee of the University; or

II.3 If the conduct is by, or involving, any University Community member, and occurs:

II.3.1 On, or may have a continuing effect on, any premises owned, leased or controlled by the University; or

II.3.2 In the context of any University-related or sponsored business, educational or other program or activity, regardless of location (including travel, study abroad, research, conferences, or internship programs); or

II.3.3 Through the use of University-owned or provided technology resources; or

II.3.4 If the conduct has a nexus to the University, such as continuing adverse effect, or the creation or continuation of a hostile environment; or

II.3.5 Where otherwise required by law.
II.4 If a Respondent is affiliated with the University, but is not a student or employee of the University, the affiliated entity’s procedures may apply to the investigation and any resulting action.

II.5 The University has authority to investigate an allegation under this policy if the University becomes aware of an allegation within 180 calendar days from the date the incident(s) occurred. For ongoing misconduct, if the University becomes aware of the alleged misconduct within 180 days of the last incident, the University may also consider investigating an incident that occurred prior to the last 180 days. Any complaint submitted to the University after 180 days must include a statement of good cause explaining why the complaint was not submitted to the University within the 180-day period. The Director of Equity Compliance and Title IX (the Director) will make a determination as to whether the statement of good cause is sufficient to permit an investigation to proceed under this policy.

II.5.1 When the notice/complaint is submitted to the University affected by a significant time delay, the University will apply the policy and procedures in place at the time of the alleged misconduct.

II.6 If the Respondent is unknown or not a member of the University Community, the Office of Equity Compliance and Title IX will assist the affected individual in identifying appropriate University supportive measures and resources and non-University resources, and, at the individual’s request, may assist in contacting law enforcement. In addition, the University may take other actions such as providing interim measures or accommodations to protect the individual and the University Community.

II.7 Withdrawal or Termination by a Respondent. If during the University’s review, investigation, and/or processing of a Complaint a Respondent employee resigns, or a Respondent student withdraws or terminates enrollment, the University may decide to proceed with the review, investigation and processing of the Complaint. The University also reserves the right to impose sanctions on the former employee or student, including but not limited to conditioning their right to reapply, not providing a reference or placing notations on a student’s transcripts.

III. DEFINITIONS

III.1 Adverse Actions: Any act or omission that results in a materially adverse impact on the terms, conditions, and privileges of students, faculty, and staff, violates this policy when it is motivated by discrimination based on protected characteristics or in retaliation for protected activity. Adverse actions are not limited to denial of access to programs, services, or the provision of lesser services and do not necessarily involve the loss of money.

III.2 Advisor: Any person a Complainant or Respondent chooses as a support person and/or to consult with during any proceeding or meeting under this policy. An Advisor may not speak on behalf of a party and is limited to being a non-active participant in any proceeding or meeting under this policy.

III.3 Alternate Resolution: An informal process by which a mutually agreed-upon resolution of an allegation of Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation is reached.
III.4 **Complaint**: A report received by the University’s Office of Equity Compliance and Title IX alleging Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment and/or Retaliation.

III.5 **Complainant**: A member of the University Community who is alleged to have experienced Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, and/or retaliation.

III.6 **Confidential Resource**: A mental health counselor, health service provider, a University Ombuds, and/or a victim advocate with whom a Complainant may speak confidentially if a Complainant would like the details of an incident to be kept confidential.

III.7 **Consent**: Knowing, voluntary, and clear permission by word or action to engage in a sexual activity. Cannot be obtained through coercion, fraudulence, or from a person whom the Respondent knows, or should reasonably know, is incapacitated. Must be given by each participating party and may be given only by someone who is 18 years of age or older and who is not mentally and/or physically incapacitated. Consent is active, not passive. Consent requires an affirmatively-communicated willingness through words and/or actions to participate in a sexual activity. Silence alone may not be interpreted as consent.

III.8 **Consent Responsibility**: Since each individual may experience the same interaction in different ways, it is the responsibility of each party to determine that the other has consented before engaging in a sexual activity. This policy is violated by a Respondent who engages in a sexual activity with a Complainant without Complainant’s consent.

III.8.1 If consent is not clearly provided prior to engaging in the sexual activity, consent may be ratified by word or action at some point during the sexual activity or thereafter, but clear communication from the outset is advisable. Consent requires a clear expression in words or actions that the other individual consents to a specific sexual activity.

III.9 **Director**: The University’s Director of Equity Compliance or designee that is authorized and designated by the University to coordinate its efforts to comply with Protected Class and Non-Title IX responsibilities under state and federal law.

III.10 **Discrimination**: Treating an individual or group differently or less favorably (e.g., denying rights, benefits, equitable treatment, or access to facilities available to others) on the basis of Protected Class or Non-Title sex-based discrimination.

III.11 **Draft Investigative Report**: A document issued by an investigator providing a summary of Complainant’s allegation(s), Respondent’s responses (if any), relevant evidence, and material witness statements, as well as preliminary factual findings.

III.12 **Final Investigative Report**: A document issued by an investigator after each party’s opportunity to review the Draft Investigative Report and

Reasonable reciprocation may be implied. For example, if a person kisses you, you can kiss them back (if you want to) without the need to explicitly obtain the person’s consent to being kissed back. Consent can be withdrawn at any time. If consent is withdrawn, that sexual activity should immediately cease. Consent to some sexual contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous intimate relationship is insufficient to constitute consent. Use of alcohol or drugs does not diminish an individual’s responsibility to obtain consent prior to engaging in a sexual activity.

III.8.2 The existence of consent is based on the totality of the circumstances evaluated from the perspective of a reasonable person in the same or similar circumstances, including the context in which the alleged incident occurred and any similar previous pattern evidenced.
evidence collected during the investigation, which fairly summarizes all relevant evidence, identifies material witnesses and summarizes their statements, and describes the investigation procedures.

III.13 **Grievance Process**: A formal process commenced by the filing of a Complaint, including formal investigation and presentation to a Policy 164 Adjudicator for determination as to whether a Respondent is responsible for a violation of this policy, and the issuance of any related sanction(s).

III.14 **Harassment**: Unwelcome or offensive behavior that is based upon an individual's or group's Protected Class. Harassment may include conduct that is verbal, written, or physical in nature. Harassment that creates a Hostile Environment is prohibited by this policy. A person is capable of engaging in prohibited Harassment even if the person belongs to the same Protected Class as the individual or group targeted.

III.14.1 Conduct that may constitute Harassment includes, but is not limited to:

III.14.1.1 An epithet, slur, negative stereotyping, or threatening, intimidating or hostile act that relates to an individual's or group's Protected Class;

III.14.1.2 Placing on a wall, bulletin board, email, or elsewhere on University premises, material that shows hostility or aversion to an individual's or group's Protected Class;

III.14.1.3 Graphic, abusive, degrading, intimidating, or obscene jokes, comments, remarks or gestures directed at an individual based on Protected Class;

III.14.1.4 Physical contact or intimidation against an individual or group based on Protected Class;

III.14.1.5 Teasing, tricking, gossiping, workplace slighting, or excluding an individual from a project or activity, and any other workplace act, or educational program or activity, including an omission, done or not done taken because of a person's or group's Protected Class; or

III.14.1.6 Retaliatory harassment occurs when any similar conduct is done in retaliation for engaging in a Protected Activity.

III.14.2 If, following an investigation under this policy, unwelcome and offensive conduct is identified but does not currently constitute Harassment, the University may direct a Respondent to cease such conduct, if such conduct might constitute Harassment were it to continue or be repeated.

III.14.3 The forgoing definition of Harassment is not intended to limit academic freedom to discuss, teach, research, or publish regarding matters related to protected class. This policy does not prohibit authentic, civil discussions, or the holding of civil expressions of opinions. A person's disagreement with, or dislike for, a statement or expression is not proof that the statement or expression was threatening, intimidating, degrading, objectively offensive, or hostile.

III.15 **Mandatory Reporter**: Every University employee except if an employee defined as a Confidential Resource. With the exception of student employees, students are not Mandatory Reporters, but are encouraged to report suspected violations of this policy.

III.16 **Non-Title IX Sex-Based Status**: A common characteristic of a group that is legally protected from adverse treatment on the basis of sex, gender, sexual orientation, gender identity, gender expression, or pregnancy by which an individual qualifies for protection by a law, policy, or similar
authority group and is not otherwise covered by or subject to Title IX and Policy 154.

III.17 Notice of Investigation: The written communication issued by the Director apprising the parties of the University’s initiation of an investigation following the filing of a Complaint.

III.18 Notice of Opportunity to Review Draft Investigative Report and Evidence: The written communication issued by an investigator to the parties at the conclusion of the initial investigation, apprising the parties and their Advisors of their equal opportunity to review and respond to evidence and the Draft Investigative Report.

III.19 Party: A Complainant or Respondent.

III.20 Policy 164 Adjudicator: An individual designated by the Director Compliance to (1) review the Final Investigative Report and factual evidence collected during the University’s investigation; (2) to determine whether a policyviolation occurred; (3) and to prepare the Written Determination and issue it to the parties.

III.21 Preponderance of Evidence: More likely than not, based on all the reasonable evidence and reasonable inferences from the evidence. The evidentiary standard used during investigation/review to determine if a policy violation occurred.

III.22 Protected Activity: Making a good faith report under this policy; filing an external complaint of Protected Class or Non-Title IX discrimination, harassment or retaliation; opposing in a reasonable manner and consistent with University policy an action reasonably believed to constitute a violation of this policy; participating in proceedings involving a complaint under this Policy or under relevant law; or any other activity protected by federal or state civil rights law.

III.23 Protected Class: A group with a common characteristic who are legally protected from adverse treatment on the basis of that characteristic. For purposes of this policy, Protected Class characteristics include race, ethnicity, color, religion, age, national origin, physical or mental disability, veteran status, genetic information, or any other non-sex-based status protected under applicable federal, state, or local law. (Protected Class characteristics of sex, gender, sexual orientation, gender identity, gender expression, or pregnancy are generally covered under University Policy 154 but may be addressed here in cases where Policy 154 does not have jurisdiction under Policy 154). If an individual or group discriminates against, harasses, or retaliates against an individual or group because that person believes the individual or group is a member of a Protected Class, that conduct may violate this policy even if the individual or group does not actually belong to that class.

III.24 Reporter: An individual who reports conduct alleged to be in violation of this policy but who is not the individual or group who allegedly experienced the prohibited conduct.

III.25 Respondent: An individual accused of Protected Class or Non-Title IX Discrimination, Harassment, or Retaliation under this policy.

III.26 Responsible Employee: Every University employee except an employee defined as a Confidential Resource. A Responsible Employee is a Mandatory Reporter for purposes of this policy.

III.26.1 A Responsible Employee is not required to report information disclosed (1) at public awareness events (e.g., candlelight vigils, protests, or other public forums. In which individuals may disclose conduct prohibited by this policy); or (2) during an individual’s participation as a subject in an Institutional Review Board-approved human subjects research project. The University may provide information about available resources at public awareness events, however, and an Institutional Review Board may, as it deems appropriate, require researchers to provide such information to all subjects of approved projects. If a Responsible
Employee is unsure whether an event would be considered a public awareness event, the Responsible Employee should contact the Director.

III.27 **Retaliation:** Conduct against an individual or group involved in a Protected Activity or because of the individual or group’s Protected Status or Non-Title IX sex-based status. Retaliation can take many forms, including, but not limited to, an adverse action, violence, threat, and/or intimidation that would discourage a reasonable person (under similar circumstances and with similar identity as the Complainant) from engaging in a Protected Activity or as a result of Protected Status or Non-Title IX sex-based status.

III.28 **Sanction:** Penalty(ies) or discipline imposed by the Sanctioning Board on a Respondent found to be in violation of this policy.

III.28.1 Sanctions for a Student Respondent: Sanctions may include, but are not limited to, educational activities or experiences, loss of privileges, restorative justice measures, service projects, substance abuse and/or mental health care referrals, suspension or expulsion. The Sanctioning Board will determine the appropriate sanctions.

III.28.2 Sanction for an Employee Respondent: Consistent with University Policies 371 and 372, Sanctions may include, but are not limited to, verbal guidance, corrective discussion, disciplinary actions, written warning, paid or unpaid administrative leave, suspension, or dismissal.

III.29 **Sanctioning Board:** A board comprised of three (3) to five (5) University employees selected by the Director who receive annual training on Protected Class and Non-Title IX Discrimination, Harassment, and Sexual Harassment.

III.30 **Discrimination:** Adverse action or conduct toward any University employee or student in the terms or conditions of employment, University admission, education, access to a University program or activity, or other University benefit or service, on the basis of inclusion or perceived inclusion in a Protected Class or Non-Title IX sex-based status, which has the effect of denying or limiting participation in a University program or activity; or used as the basis for a University's or University employee's decision affecting the individual (often referred to as “Quid Pro Quo”).

III.31 **Non-Title IX Sexual Harassment:** Conduct committed by an individual upon any other person, regardless of the sex, sexual orientation, and/or gender identity of those involved, which for which the University does not have jurisdiction under Title IX and University Policy 154, and which is one of the following:

III.31.1 **Quid Pro Quo:** When a University employee conditions the provisions of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct; or

III.31.2 **Unwelcome Conduct:** Conduct determined by a reasonable person to be so frequent or severe that it creates a hostile or offensive working or educational environment. Unwelcome conduct is evaluated based on the totality of the circumstances from the perspective of a reasonable person in the same or similar circumstances (“in the shoes of the Complainant”), including the context in which the alleged incident occurred and any similar, previous pattern that may be evidenced.

III.31.3 **Sexual Assault:** Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent, including but not limited to any of the following:

III.31.3.1 **Rape:** The carnal knowledge (penetration, no matter how slight, of the vagina or anus with any body
part or object, or oral penetration by a sex organ) of another person without the consent of the victim, including instances where the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental or physical incapacity.

III.31.3.2 Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances in which the victim is incapable of giving consent because of the victim's age or because of the victim's temporary or permanent mental or physical incapacity.

III.31.3.3 Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the genital or anal opening of the body of another person, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

III.31.3.4 Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

III.31.4 Sex Offenses, Non-forcible: Includes any of the following:

III.31.4.1 Incest: Non-forcible sexual intercourse between persons who are related to each other, within the degrees wherein marriage is prohibited by Utah Law.

III.31.4.2 Statutory Rape: Non-forcible sexual intercourse with a person who is under the statutory age of consent of 18 years of age.

III.31.5 Non-Title IX Dating Violence: Violence committed by a person who is in, or has been in, a social relationship of a romantic or intimate nature with a Complainant. The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

III.31.6 Non-Title IX Domestic Violence: Violence, on the basis of sex, committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Utah, or by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of Utah.

III.31.6.1 The parties must be family members, current or former spouses, or have
III.31.7 Non-Title IX Sex-Based Stalking: Engaging in a course of conduct for which the University does not have jurisdiction under Title IX and University Policy 154, on the basis of sex 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.

III.31.7.1 For the purposes of this definition, “course of conduct” means two or more acts, including, but not limited to: Acts in which the Respondent 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.

III.31.7.2 “Reasonable person” means a person under a similar circumstance and with a similar identity to the Complainant.

III.31.7.3 Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

III.31.8 Non-Title IX Sexual Exploitation: Any act attempted or committed by a person for sexual gratification, financial gain, or other advancement through the abuse or exploitation of another person’s sexuality for which the University does not have jurisdiction under Title IX and University Policy 154. Examples include, but are not limited to, non-consensual observation of an individual who is undressed or engaging in a sexual act, non-consensual audio or videotaping of sexual activity, prostituting another person, human trafficking, allowing others to observe a personal consensual sexual act without the knowledge or consent of all involved parties,
and knowingly exposing an individual to a sexually transmitted infection without that individual’s knowledge.

III.32 **Supportive Measures**: Upon notice of alleged Protected Class or Non-Title IX Discrimination, Harassment and/or Retaliation, non-disciplinary, non-punitive, free of charge individualized services will be offered to the Complainant and/or the Respondent by the University as appropriate and reasonably available. Such measures are designed to restore or preserve equal access to the University’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter Protected Class or Non-Title IX Discrimination, Harassment, and/or Retaliation.

III.32.1 At the time that Supportive Measures are offered, the Director will inform the Complainant, in writing, that the Complainant may file a Complaint with the University either at that time or in the future, if Complainant has not done so already.

III.32.2 The Director will ensure that a party’s wishes are taken into account with respect to Supportive Measures and that the party’s privacy is maintained as much as possible without impairing the University’s ability to provide the Supportive Measures. The University will act to ensure as minimal an academic impact on the parties as possible.

III.32.3 Supportive Measures may include, but are not limited to: safety planning, counseling, medical, and/or other health care services, academic support, extensions of deadlines or other course or program-related withdrawals, campus safety escort services, mutual restrictions on contact between the parties, altering University work and/or housing assignments, referral to community-based service providers, visa and immigration assistance, student financial aid counseling, leaves of absence,
referral to the Employee Assistance Program, increased security and monitoring of certain areas of the campus, and other similar measures.

III.32.4 To the extent that maintaining such confidentiality does not impair the ability of the University to provide the Supportive Measures, the University maintains as confidential any Supportive Measures provided to the Complainant or Respondent.

III.33 **University Community Member:** A student, affiliate, administrator, faculty, volunteer, contractor, staff, trustee, vendor, customer, a participant in a University-sponsored program, service or activity, independent contractors, volunteers, and guests or visitors to the University Premises.

III.34 **University Premises:** All land, buildings, facilities, and other property in the possession of, or owned, used, leased, or controlled by the University.

III.35 **Third Party:** An individual who is not a University Community.

III.36 **Witness:** An individual who may have information relevant to a report of prohibited conduct.

**IV. POLICY**

IV.1 Nondiscrimination Notice and Prohibition Against Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, and Retaliation

IV.1.1 The University is committed to maintaining an environment in which every member of the University Community is treated with respect and dignity, equal opportunities are promoted, and discriminatory practices, including unlawful discrimination, are prohibited. The University does not tolerate harassment or unlawful discrimination against any member of the University Community due to any Protected Class or Non-Title IX sex-based status under applicable law. The University prohibits retaliation against any member of the University Community Member who engages in a Protected Activity.

IV.2 Prevention and Education. This policy reflects the University’s commitment to educate all University Community Members about the nature of Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, and Retaliation. Additionally, the policy reflects the University’s interest in providing protections available to all involved. The University is committed to the prevention of Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, and Retaliation through regular and ongoing education and awareness programs provided to the University Community.

IV.3 The University has a duty to promptly and thoroughly investigate a Complaint under this policy and, if necessary, to take appropriate remedial action. This process is not an adversarial process.

IV.4 The following conduct (as defined in this policy) is prohibited:

IV.4.1 Harassment;

IV.4.2 Non-Title IX Sexual Harassment;

IV.4.3 Protected Class and Non-Title IX Discrimination; and

IV.4.4 Retaliation.

IV.5 Retaliation Reporting and Response: An act of alleged Retaliation should be reported immediately to the Director and will be promptly investigated. The University will take appropriate steps to protect individuals who fear they may be subjected to Retaliation. A complaint alleging Retaliation may be filed according to the same procedures for filing a complaint of Protected Class or Non-Title IX Discrimination, Harassment, or Sexual Harassment.
IV.6 Nothing in this policy shall be interpreted as diminishing any party’s rights protected under the United States Constitution, or under Title VII of the Civil Rights Act of 1964 to be free from discrimination.

IV.7 Office of Equity Compliance and Reporting Information

IV.7.1 How to Contact the Director: The University will provide and notify applicants for admission and employment, students, and employees of the name or title, office address, electronic mail address, and telephone number of the University employee designated as the Director; the nondiscrimination policy statement contained in Section 4.1 of this policy; the University’s grievance procedures and grievance process contained in this policy, including how to report or file a Complaint of Protected Class and Non-Title IX Discrimination, Harassment, and/or Retaliation; and, how the University will respond.

IV.7.2 Dissemination of Office of Equity Compliance Information: The University will prominently display the contact information and policy statement described in 4.1 on the University’s website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees of the University.

IV.7.3 How to Report an Equity Compliance concern: Any person may report Protected Class and Non-Title IX Discrimination, Harassment, and/or Retaliation (whether or not the Director using any of the following methods:

IV.7.3.1 In Person: Holland Centennial Commons Building, 579 (during University business hours);

IV.7.3.2 By Mail: Addressed to the Director of Equity Compliance and Title IX, 225 South University Avenue, Holland Centennial Commons Building, 579 St. George, UT 84770;

IV.7.3.3 By Email: titleix@dixie.edu;

IV.7.3.4 Via Online Submission: https://cm.maxient.com/reportingform.php?DixieStateUniv&layout_id=0; or

IV.7.3.5 Via Other Means: By any other means that results in the Director receiving the person’s verbal or written report.

IV.8 Mandatory Reporting by a Responsible Employee:
Any Responsible Employee must promptly report any concern of Protected Class and Non-Title IX Discrimination, Harassment and Retaliation to the Director via any of the reporting options listed at https://titleix.dixie.edu/

IV.8.1 Exceptions to the Responsible Employee reporting requirement under Section 4.7.6 are:

IV.8.1.1 Disclosures made in the course of academic work product consistent with the assignment (e.g. public speaking class, creative writing assignment, group work).

IV.8.1.2 Others Who Should Report: All other University Community Members who become aware of Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation should report such issues, with the consent of the alleged victim, to the Director

IV.8.1.3 Who May Not Report: Licensed mental health counselors and medical professionals working within the scope of their licenses, or designated advocates authorized by the Director (Confidential Resources), generally may not report incidents of Protected Class or Non-Title IX
Discrimination, Harassment, Sexual Harassment or Retaliation except with written consent, other than in instances of imminent danger or when the victim is a minor or vulnerable adult.

IV.9 Confidentiality

IV.9.1 The University maintains as confidential any Supportive Measures provided to the Complainant or Respondent, to the extent that maintaining such confidentiality does not impair the University’s ability to provide the Supportive Measures.

IV.9.2 Except as may be permitted by the federal Family Educational Rights and Privacy Act (FERPA), its regulations, or as required by Utah Government Records and Management Act (GRAMA), the federal Health Information Portability and Accountability Act (HIPAA), or other law, or to carry out the purposes of this policy including conducting any investigation, meeting, or judicial proceeding arising under this policy, the University keeps confidential the identity of any individual who makes a report of Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation, including any individual who has filed a Complaint, any Complainant, any individual who has been reported to be in violation of this policy, any Respondent, and any witness. When a complaint alleging a violation of this policy is investigated, all parties to the investigation, including Witnesses, will be notified of the University’s expectation of confidentiality. The University will only release information obtained in the course of an investigation on a “need to know” basis to the extent permitted by this policy and applicable law and consistent with the University’s thorough investigation of the complaint.

IV.9.3 Breaches of confidentiality will be reviewed and may be considered a violation of this policy subject to disciplinary action.

IV.9.4 The University will protect confidential communications to designated University advocates authorized by the Director and protected under the Utah Campus Advocate Confidentiality Amendments (Utah Code 53B-28-101 et seq.), where disclosure is not required by applicable federal law, including Title IX, Title VII, or the Clery Act, or consented to in writing.

IV.10 Amnesty: An individual who makes a good faith report of Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation that was directed at the individual or another person or group, will not be sanctioned by the University for a violation of University policy related to the use of drugs or alcohol which the University discovers because of the report.

IV.11 Disability Accommodation in the Formal Grievance Process

IV.11.1 The University is committed to providing reasonable accommodations and support to qualified students, employees or others with disabilities, to ensure equal access to the process outlined in this policy. Complainants, Respondents, and other participants to the processes outlined in this policy may request accommodations necessary under the Americans with Disabilities Act (ADA) or Section 504 of the Rehabilitation Act. Students needing such accommodations or support should contact the Disability Resource Center. Employees needing such accommodations should contact the Executive Director of Human Resources. The Disability Resource Center or Human Resources will review the request and, in consultation with the person requesting the accommodation and the Director, determine which accommodations are appropriate and necessary for full participation in the process.

IV.12 Rights of Complainant and Respondent Following a Reported Violation of this Policy.
IV.12.1 The Complainant and Respondent have equal rights:

IV.12.1.1 To be treated with dignity and respect by University employees;

IV.12.1.2 To take advantage of Supportive Measures;

IV.12.1.3 To receive timely notice of the proceedings, process, and outcome under this policy;

IV.12.1.4 To have an Advisor, who serves as a support person to the party and a non-active participant in meetings, conferences, or hearings, present at any meeting, conference, or hearing under this policy;

IV.12.1.5 To refuse to engage in informal resolution of a complaint;

IV.12.1.6 To present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence;

IV.12.1.7 To receive amnesty for certain student misconduct, such as drug and alcohol violations, that occurred ancillary to the complaint at hand and consistent with this policy;

IV.12.1.8 To be free from retaliation for reporting violations of this policy or cooperating with an investigation;

IV.12.1.9 To be informed in writing of the outcome or resolution of the complaint, any sanctions, and the rationale for the outcome, where permissible;

IV.12.1.10 To exercise a right of appeal as afforded in this policy.

IV.12.2 The Complainant shall have the right to:

IV.12.2.1 At all times decide if or when to file a complaint, report to law enforcement, and determine whether to proceed with a complaint, at the individual’s discretion.

IV.12.3 The Respondent shall have the right to:

IV.12.3.1 Be presumed not responsible for all allegations until found responsible for alleged misconduct under in violation of this policy.

IV.13 Training

IV.13.1 The University shall comply with federal law requirements for training of the Director, investigators, Policy 164 Adjudicators, Policy 164 Adjudicators, Appeal Examiners, and any person who facilitates an informal resolution process (jointly or as applicable in their respective roles) on:

IV.13.1.1 the definitions of Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment and Retaliation;

IV.13.1.2 the scope of this policy and procedures as it applies to the University’s education programs and activities;

IV.13.1.3 reporting, confidentiality, and privacy requirements;

IV.13.1.4 definitions of all prohibited conduct under this policy and how to apply the definition of consent consistently, impartially, and in accordance with this policy;

IV.13.1.5 how to conduct an unbiased investigation;

IV.13.1.6 the University’s Grievance Process, appeal, and the informal resolution process;
IV.13.1 how to uphold fairness, equity, and due process;

IV.13.2 how to determine appropriate sanctions; and,

IV.13.3 how to serve impartially, including avoiding prejudgment of the facts at issue, conflicts of interest, and bias, including implicit bias.

IV.13.2 Training materials will promote impartial investigations and adjudications of Complaints of Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment and Retaliation.

IV.13.3 The University will ensure investigators and Policy 164 Adjudicators are trained on how to determine issues of relevance of evidence.

IV.13.4 The University will ensure that investigators are trained in how to investigate thoroughly, reliably, and impartially, and on issues of relevance, in order to create an investigative report that fairly summarizes relevant evidence.

IV.14 Recordkeeping

IV.14.1 The Office of Equity Compliance will maintain the following documentation for a period of seven (7) years of each Protected Class and Non-Title IX Discrimination, Harassment, Sexual Harassment, and/or Retaliation matter which is investigated or resolved:

IV.14.1.1 Record of the investigation including any Written Determination regarding responsibility, any audio, audiovisual recording, or transcript required by this policy;

IV.14.1.2 Any Sanction(s) imposed on a Respondent, and any remedies provided to a Complainant designed to restore or preserve equal access to the University’s education program, employment or activity;

IV.14.1.3 Any appeal and the result; and

IV.14.1.4 Any informal resolution and the result.

IV.14.2 For each report to the Director of Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation, in a University education program, employment, or activity against a person, the Office of Equity Compliance must create, and maintain for a period of seven (7) years, a record of any action, including any Supportive Measures, taken in response to a report or Complaint of Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation. In each instance, the Office of Equity Compliance must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the University’s education program, employment, or activity. If the University does not provide a Complainant with Supportive Measures, then the Office of Equity Compliance must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

IV.15 Motivating Factor. A University Community Member may establish discrimination by showing that a Protected Class, Non-Title IX sex-based status, or Protected Activity were motivating factors in the adverse action, harassment, or sexual harassment. Because many actions can have multiple or mixed motives, an institution or individual can defend claims by showing that the action would have occurred even in the absence of discrimination, harassment, or sexual harassment.
IV.15.1 The University reserves the right to find a violation of this policy when the evidence shows that an individual’s Protected Class, Non-Title IX sex-based status, or Protected Activities were a motivating factor behind an adverse action, discrimination, harassment, or sexual harassment. Other factors and motives may be considered in determining sanctions or remedies.

IV.16 Standard of Proof. The Policy 164 Adjudicator will decide, by a preponderance of the evidence, whether there is sufficient evidence to support a finding of a violation of this policy.

IV.17 Overlap with other University Policies.

IV.18 This policy recognizes overlap between the Student Rights and Responsibilities, employee handbook rules and other University policies. This policy takes precedence with respect to matters covered under this policy. When conduct can be charged under two University policies (or a series of related acts/transactions implicates violations of two policies), the policies may run concurrently if the University deems it appropriate to do so. For Non-Title IX Discrimination, Sexual Harassment, or Discrimination, this policy governs and takes precedence only in circumstances when the University Policy does not have jurisdiction over the alleged misconduct under Title IX and University Policy 154. Policy 154 will take precedence.

V. REFERENCES

V.1 Utah Code Ann. 13-7

V.2 Title VI and VII of the Civil Rights Act of 1964

V.3 Title IX of the Higher Education Amendments Act of 1972 (Title IX)

V.4 The Age Discrimination in Employment Act of 1967 as amended in 1978

V.5 The Americans with Disabilities Act of 1990 as amended in 2008

V.6 Section 504 of the Rehabilitation Act of 1973

V.7 The Genetic Information Nondiscrimination Act of 2008

V.8 The Vietnam Era Veteran’s Readjustment Assistance Act

V.9 The Family Education Rights and Privacy Act of 1974 (FERPA)

V.10 Executive Order 11246 regarding discriminatory practices in hiring and employment

V.11 41 CFR 60-1.35(c)


V.13 University Policy 154: Sex-Based Discrimination, Sexual Harassment, and Retaliation

V.14 University Policy 552: Student Conduct Code

VI. PROCEDURES

VI.1 Initial Review of a Report under Policy 164

VI.1.1 Initiating a Complaint Under this Policy. Once a report alleging that this policy has been violated is received by the Office of Equity Compliance, the Director will promptly contact the Complainant or Reporter to gather information about the allegation(s) and determine whether the alleged behavior constitutes a potential violation of this policy. If so, the Director will assign the case to an investigator(s) for investigation. If the Director determines that the allegations, even if found to be true, would not constitute a policy violation, the Director has the discretion to either close the investigation or address the allegations informally.
VI.1.2 The Director must notify the University's Clery Officer of any report which may fall under the Clery Act, and the University's Clery Officer in the University's police department will further assess the reported conduct for any Clery obligations, including issuance of a timely warning.

VI.1.3 Complaints Against Director of Equity and Compliance. Any complaints of alleged violations of this policy against the Director of Equity and Compliance should be reported using the University's Whistleblower Hotline: https://dixie.edu/report-a-concern/

VI.1.4 Conduct Prohibited Under this Policy. This policy is interpreted in a manner consistent with the applicable federal, state, and/or local laws. However, the University reserves the right to find a violation of this policy even when the conduct does not rise to the level that would violate federal, state, or local law.

VI.1.5 The Director will determine whether the Complainant prefers a supportive and remedial response, an Informal Resolution option, or a formal investigation and Grievance Process.

VI.1.5.1 If supportive and remedial response is preferred, the Director will communicate with the Complainant to identify Complainant's wishes, and the Director will then seek to facilitate implementation. No formal Grievance Process is initiated, though the Complainant may elect to initiate one later, if desired.

VI.1.5.2 If an Informal Resolution option is preferred, the Director assesses whether the reported concern is suitable for Informal Resolution and may seek to determine if the Respondent is also willing to engage in Informal Resolution.

VI.1.5.3 If a formal Grievance Process is preferred, the Director determines if the misconduct alleged falls within the scope of this policy:

VI.1.5.3.1 If it does, the Director will initiate the Grievance Process and an investigation, directing the investigation to address: an incident, and/or a pattern of alleged misconduct, based on the nature of the complaint.

VI.1.5.3.2 If it does not fall within the scope of this policy, the Director determines that this policy does not apply and assesses if another University policy may apply, which resolution process may be applicable, and, if possibly falling under another University policy, will refer the matter accordingly. If the case falls under the jurisdiction of 154, the Director will retain the case and proceed with the process outline in Policy 154.

VI.1.5.4 If the Complainant asks the Director not to pursue an investigation, the Director may not be able to honor this request if doing so would prevent the University from meeting its obligations and responsibilities as indicated throughout this policy.

VI.1.6 Immediate Removal: The Director may use sole discretion, or confer with the University’s Crisis Assessment Risk and Evaluation (CARE) team, to determine whether a Respondent must be removed from one or more University education programs, employment, or activities on an emergency basis as an immediate threat to the physical health or safety of any University Community Member arising from the allegations of misconduct. The Director may take immediate action when necessary to secure the physical health...
and/or safety of a Complainant. At the time that an Immediate Removal is imposed, the Director will inform the Respondent of the Immediate Removal action and the reason(s) for the action, and inform the Respondent that a meeting will take place to review the Immediate Removal.

VI.1.6.1 Immediate Removal Meeting Procedures: As soon as practical, but no later than ten (10) University Business Days from the time the Immediate Removal is imposed, a meeting will take place between the Respondent, the Director, and a University police officer to review the Immediate Removal. The Respondent will have an opportunity at the meeting to demonstrate to the Director and the University police officer why the Immediate Removal should not continue. An Advisor for the Respondent may accompany the Respondent to this meeting as a support person, but the Advisor may not actively participate in the meeting.

VI.1.6.2 Based on a reasonable evaluation of the information presented by the Respondent at the meeting, the Director will notify the Respondent within 48 hours of the meeting of the Director’s decision to remove, sustain, or modify the Immediate Removal.

VI.1.6.3 Non-Student Employee Leave: A non-student employee Respondent may be placed on paid administrative leave in accordance with this policy.

VI.2 Informal Resolution

VI.2.1.1 Informal Resolution: At any time prior to reaching a determination regarding responsibility, the University may facilitate an Informal Resolution process, such as mediation, that does not involve a full investigation and adjudication. The decision to enter into an Informal Resolution will be a voluntary option to the parties, and neither party may be required to enter into such.

VI.2.1.2 Informal Resolution can include two different approaches: when the parties agree to resolve the matter through an Alternate Resolution (including mediation, restorative justice practices, etc.); or when the Respondent accepts responsibility for violating policy, and desires to accept a sanction and end the resolution process.

VI.2.1.3 To initiate an Informal Resolution, a Complainant needs to submit a Complaint as defined above. If a Respondent wishes to initiate an Informal Resolution, they should contact the Director to so indicate.

VI.2.1.4 It is not necessary to pursue an Informal Resolution first in order to pursue a formal Grievance Process, and any party participating in an Informal Resolution can stop the process at any time and begin or resume the formal Grievance Process.

VI.2.1.5 Prior to implementing Informal Resolution, the University will provide the parties with written notice of the reported misconduct and any sanctions or measures that may result from participating in such a process, including information regarding any records that will be maintained or shared by the University.

VI.2.1.6 The Director will obtain voluntary, written confirmation that all parties wish to resolve the matter through an Informal Resolution before proceeding and will not pressure the parties to participate in an Informal Resolution.

VI.2.2 Alternate Resolution

VI.2.2.1 The Complainant and the Respondent must consent in writing to the use of Alternate Resolution.
VI.2.2.2 The Director must approve the use of Alternate Resolution. The Director may look to the following factors to assess whether Alternate Resolution may be most successful for all parties: the parties’ amenability to Alternate Resolution; likelihood of potential resolution, taking into account any power dynamics between the parties; the parties’ motivation to participate; civility of the parties; cleared violence risk assessment/ongoing risk analysis; disciplinary history; whether an emergency removal is needed; skill of the Alternate Resolution facilitator with this type of complaint; complaint complexity; emotional investment/intelligence of the parties; rationality of the parties; goals of the parties; adequate resources to invest in Alternate Resolution (time, staff, etc.).

VI.2.2.3 The ultimate determination of whether Informal Resolution is available or successful is to be made by the Director. The Director maintains records of any resolution that is reached, and failure to abide by this resolution agreement may result in appropriate responsive/disciplinary actions. Results of complaints resolved by Informal Resolution or Alternate Resolution are not appealable.

VI.2.3 Respondent Accepts Responsibility for Alleged Violation(s)

VI.2.3.1 The Respondent may accept responsibility for all or part of the alleged policy violations at any point during the resolution process. If the Respondent indicates an intent to accept responsibility for all of the alleged misconduct, the formal Grievance Process will be paused, and the Director will determine whether Informal Resolution can be used according to the criteria in Section 6.3 above.

VI.2.3.2 If Informal Resolution is appropriate, the Director will determine whether all parties and the University are able to agree on responsibility, sanctions, and/or remedies. If so, the Director will implement the accepted findings that the Respondent is in violation of this policy and the Director will implement the agreed-upon sanction(s) and/or responsive action(s), in coordination with other appropriate administrator(s), as necessary.

VI.2.3.3 This Informal Resolution result is not subject to appeal once all parties indicate their written assent to all agreed upon terms of the Informal Resolution. If the parties cannot agree on all terms of the Informal Resolution, the formal Grievance Process will resume at the same point where it was paused, if the Grievance Process was commenced.

VI.3 Grievance Process General Principles

VI.3.1 Complainants, Respondents, and witnesses will be treated equitably and with respect throughout the Grievance Proceedings.

VI.3.2 No Right to Confront Parties or Witnesses. The Director is not required to conduct evidentiary hearings as part of the Grievance Process. As a result, parties should not anticipate or expect direct confrontation or an opportunity to cross-examine other parties or witnesses. The Director may, in
some cases, meet with the parties together if this will facilitate an Informal Resolution.

VI.3.3 The Director, investigator, Policy 164 Adjudicator, Sanctioning Board member, and the Appeal Examiner will evaluate all relevant evidence, both inculpatory and exculpatory, objectively and determine credulity without respect to a person’s status as Complainant, Respondent, or witness.

VI.3.4 Any deadlines or timeframe provided in this policy may be extended by the Director for good cause with written notice to the parties citing the reason(s) for the extension. Good cause may include considerations such as the absence of a party, a party’s Advisor, or witness; concurrent law enforcement activity or investigation; or the need for language assistance or accommodation of disabilities.

VI.3.4.1 A party may also submit a request for a temporary delay or limited extension to the Director. Any such request should include the reason(s) for the request. If the request is reasonable under the circumstances, the Director may grant the request in whole or part. If no good cause exists, the Director may deny the request in writing.

VI.3.5 Any person designated as a Director, investigator, Policy 164 Adjudicator, Sanctioning Board member, or Appeal Examiner shall be free of conflict of interest or bias for or against Complainants or Respondents generally or individually. All potential instances of bias or a conflict of interest must be promptly reported to the Director. The Director will determine whether actual bias or an actual conflict of interest exists by consulting with appropriate University representatives. If the Director is the individual alleged to have bias or a conflict of interest, then a representative from Human Resources will determine whether any bias or conflict of interest exists. 6.3.6 Respondents, Complainants, and witnesses shall not knowingly make materially false statements or knowingly submit materially false information during the Grievance Process. However, a determination regarding responsibility alone is not sufficient to conclude that any individual proffered a material falsehood.

VI.3.7 Complainants and Respondents shall have Supportive Measures made available and be given the opportunity to request modifications necessary for physical and/or emotional safety.

VI.3.8 After a Complaint is received by the Director, the Complainant shall be instructed by the Director to provide and preserve all corroborating or potentially relevant evidence in any format, and to provide a list of potential witness names and contact information if available.

VI.3.9 The University will provide written notice (with sufficient time for the party to prepare to participate) of the date, time, location, participants, and purpose of all investigative interviews or other meetings.

VI.3.10 Consolidation of Complaints. The University may consolidate Complaints against more than one Respondent, or by more than one Complainant against one or more Respondents, or by one party against the other party, where the allegations of Protected Class or Non-Title IX Discrimination, Harassment, Sexual Harassment, or Retaliation arise out of the same facts or circumstances.

VI.4 Investigation

VI.4.1 Every University Community Members must fully cooperate with the University’s procedures and processes under this policy. In some circumstances, a refusal to cooperate by a University Community Member may result in discipline.
VI.4.2 After the Director determines that a Complaint falls within the scope of this policy and determines that it cannot be resolved through the Informal Resolution Process, the University will conduct a thorough, impartial investigation by interviewing witnesses, collecting documentary evidence, and preparing a written report of relevant evidence. The purpose of the investigation is to gather all relevant evidence and prepare an Investigation Report for the Policy Adjudicator. The burden of gathering evidence rests on the University and not on the parties. The University reserves the right to retain an external investigator to conduct the investigation following this policy. The University strives to complete all investigations within sixty (60) University Business Days, however, an investigation may take longer depending on the nature, extent, and complexity of the allegations, availability of witnesses, police involvement, and/or other circumstances. The process proceeds as follows:

VI.4.2.1 The Director will assign the Complaint to an internal or external investigator who has no apparent conflict of interest. If the Director determines an assigned investigator has a conflict of interest or is otherwise unavailable, the Director may assign the Complaint to another investigator.

VI.4.3 Notice of Investigation: Upon initiating an investigation, the Director will provide the parties with a Notice of Investigation, with copies of this policy and the Complaint. The Notice of Investigation shall include:

VI.4.3.1 A meaningful summary of the allegations;

VI.4.3.2 The identity of the parties involved (if known);

VI.4.3.3 The precise misconduct being alleged;

VI.4.3.4 The date and location of the alleged incident(s) (if known);

VI.4.3.5 The specific policy sections implicated;

VI.4.3.6 A description of the applicable procedures;

VI.4.3.7 A statement of the potential sanctions/responsive action(s) that could result;

VI.4.3.8 A statement that the University presumes the Respondent is not responsible for the reported misconduct unless and until the evidence supports a different determination;

VI.4.3.9 A statement about the University’s policy on retaliation;

VI.4.3.10 Information about the privacy of the process;

VI.4.3.11 A statement informing the parties that this policy prohibits knowingly false statements, including knowingly submitting false information during the resolution process;

VI.4.3.12 Information on the right for each party to have an advisor of their choosing for the sole purpose of providing support to the party;

VI.4.3.13 The name of the investigator(s);

VI.4.3.14 Instructions to notify the Director upon receipt of the Notice of Investigation of any perceived conflict of interest or bias that the assigned investigator(s) may have; and

VI.4.3.15 An instruction to preserve any evidence that may be related to the allegation(s).
VI.4.4 Amendments and updates to the Notice of Investigation may be made as the investigation proceeds and more information becomes available regarding the addition or dismissal of various allegations.

VI.4.5 The Notice of Investigation will be written and may be delivered by one or more of the following methods: in person, mailed to the local or permanent address(es) of the parties as indicated in official University records, or emailed to the parties’ University-issued email or designated accounts. Once mailed, emailed, and/or received in-person, notice will be presumptively delivered. If the Notice of Investigation is delivered in person, Respondent will be instructed to schedule an initial interview at a later date in order to allow Respondent sufficient time to secure an advisor and fully consider and understand the information provided in the notice.

VI.4.5.1 An investigator may conduct all, or any part of, an investigation by in-person communication or the use of audio or virtual technology.

VI.4.5.2 Flexibility of Investigative Process. Most investigations will follow similar steps, but the order of those steps may vary. For example, a Complainant’s witnesses or Respondent’s supervisor might be interviewed before the Respondent.

VI.4.5.3 The University shall not access, consider, disclose, or otherwise use a party’s records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional’s or paraprofessional’s capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the University obtains the party’s voluntary, written consent to do so for the Grievance Process under this policy.

VI.4.5.4 Advisors and witnesses will be instructed by the investigator(s) that the University expects them to maintain the privacy of the information learned due to their participation in the process. This information may not be shared with a Third Party or any other person or group, disclosed publicly, or used for purposes not explicitly authorized by the University.

VI.4.6 The University presumes the Respondent is not responsible for the alleged misconduct until a determination regarding responsibility is made at the conclusion of the Grievance Process.

VI.4.7 The University will provide an equal opportunity for the parties to identify relevant witnesses for the investigator to contact, including fact and expert witnesses, and to provide other inculpatory and exculpatory evidence to the investigator.

VI.4.8 Each party may choose to be accompanied by an advisor of the party’s choice, who may be an attorney (at the party’s own expense), to any related meeting or proceeding during the investigation. The advisor may not disrupt a meeting or other proceeding or speak on behalf of the party. If an advisor is disruptive, the advisor may be excluded from the meeting and future meetings or proceedings. The role of the advisor will be to privately consult with the party.

VI.4.9 At any time before or during the investigation, an investigator may recommend that the University provide Supportive Measures to a party or witness. Any individual’s intentional interference with Supportive Measures may be considered retaliation and a separate violation of this policy.
VI.4.10 If either party fails to participate in the investigation, the investigator may still proceed with the investigation and make factual findings without the response or participation of that party, or the University may dismiss the case.

VI.4.11 The University will provide each party an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in the Complaint, including all inculpatory or exculpatory evidence, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation.

VI.4.12 If, at any point during the investigation, the University determines a need to investigate allegations not included in the Complaint, the University must provide notice of additional allegations to the parties, if known.

VI.4.13 Upon conclusion of the investigative fact-finding, the investigator shall prepare a Draft Investigative Report that summarizes the Complainant’s allegations and Respondent’s responses, summarizes the relevant evidence and the material witnesses supporting or opposing the allegation(s), and includes preliminary factual findings.

VI.4.14 Before the Draft Investigative Report is finalized as the Final Investigative Report, the investigator(s) will issue a written Notice of Opportunity to Review Draft Investigative Report and Evidence, attaching a copy of the Draft Investigative Report in a secure electronic format or hard copy format, which notifies the parties and their advisors of their equal opportunity to review any evidence obtained as part of the investigation that is directly related to the allegations in the Complaint, including evidence upon which the University does not intend to rely in reaching a determination of responsibility, whether inculpatory or exculpatory.

VI.4.15 Any effort, by either party to distribute, reproduce, alter, post, or otherwise circulate the investigate summary may result in a charge of a violation of this policy and may result in a policy violation determination and sanctions pursuant to the process outlined in this policy.

VI.4.16 The parties may submit a written response to the investigator via email within ten (10) University Business Days of the date of the Notice of Opportunity to Review Draft Investigative Report and Evidence. This is the parties’ final opportunity to submit any additional information or witnesses. In the absence of good cause, an investigator shall not consider information discoverable through the exercise of due diligence that is not provided to the investigator(s) at this juncture. The investigator(s) shall consider any written response, information, or evidence provided by the parties.

VI.4.17 Within seven (7) University Business Days of the expiration of the parties’ written response period, the investigator(s) will prepare a proposed Final Investigative Report that contains a statement of the factual allegations and the positions/responses of the parties; fairly summarizes all of the relevant evidence; contains the names of material witnesses; and describes the procedural steps taken during the investigation. If an investigation involves multiple complainants, multiple respondents, or both, the investigator(s) may prepare a single Final Investigative Report.

VI.4.18 Within three (3) University Business Days of the investigator’s completion of the proposed Final Investigative Report, the Director or designee shall review and approve the report to ensure compliance with this policy.

VI.4.19 Once the Final Investigative Report is reviewed and approved by the Director or designee, it shall be provided by the
investigator to the parties, in a secure electronic transmission or hard copy format and simultaneously submitted to the Policy 164 Adjudicator.

VI.5 Policy Violation Finding(s) and Written Determination

VI.5.1 The Policy 164 Adjudicator will review the Final Investigative Report and may review the evidence provided to the investigator during the investigation. After reviewing the Final Investigative Report and any evidence which the Adjudicator deems necessary to reach a determination, the Policy 164 Adjudicator shall make a finding based on the Preponderance of the Evidence with respect to each alleged policy violation. Each finding will be one of the following: “responsible”, “not responsible” or “insufficient evidence”.

VI.5.2 The Policy 164 Adjudicator will the prepare a Written Determination which must include:

VI.5.2.1 Identification of the allegations potentially constituting a violation of this policy;

VI.5.2.2 A description of the procedural steps taken from the receipt of the Complaint through the Written Determination, including any notifications to the parties, interviews with the parties and witnesses, and methods used to gather other evidence;

VI.5.2.3 Findings of fact supporting the Written Determination;

VI.5.3 Conclusions regarding the application of this policy to the facts;

VI.5.3.1 A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility.

VI.5.4 The University's procedures and permissible bases for the Complainant and Respondent to appeal.

VI.5.5 The Policy 164 Adjudicator will provide the Written Determination to the Director and to the parties simultaneously via email within ten (10) University Business Days of receipt of the Final Investigative Report from the Director.

VI.5.6 The Written Determination regarding responsibility becomes final when the Appeal Outcome is final or the time to appeal has passed without an appeal being filed. If the Policy 164 Adjudicator determines that the findings of fact do not support a violation of this policy, the Complainant may appeal this determination to an Appeal Examiner as outline in Section 10 of this policy. If the Policy 164 Adjudicator determines that the findings of fact do support the determination of a violation of this policy, Respondent may appeal this determination to an Appeal Examiner(s) after the issuance of the Sanctioning Decision.

VI.6 Sanctions

VI.6.1 Sanctions for Students

VI.6.1.1 If the Respondent is a student and a policy violation has been determined, a copy of the Final Investigative Report and the Written Determination will be sent to the Dean of Students or designee. The Dean of Students or designee will convene a Sanctioning Board to determine appropriate sanctions. The Sanctioning Board will use their best efforts to complete the sanctioning process within fifteen (15) University Business Days.

VI.6.1.2 The Sanctioning Board will set a date for a Sanctioning Conference. The Sanctioning Board will consist
of three (3) to five (5) employees who receive annual training on Protected Class and Non-Title IX Discrimination, and Harassment, Sexual Harassment, and Retaliation. 6.6.1.2.1 The Dean of Students or designee will send a copy of the Notice of Sanctioning Conference to the Complainant and the Respondent via email no later than ten (10) University Business Days prior to the Sanctioning Conference date. Complainant and Respondent are notified in the Notice of Sanctioning Conference that they have an opportunity to meet individually with the Dean of Students or designee for a Pre-Sanctioning Conference meeting.

VI.6.1.2.2 Each party has two (2) University Business Days from the date the Notice of Sanctioning Conference is emailed to challenge any of the Sanctioning Board members on the ground of perceived bias. To challenge a Sanctioning Board member, a party must submit a concise written statement (no more than one page) stating the reason(s) for the challenge and why the Sanctioning Board member is perceived to be biased against the party. The Dean of Students or designee will review any challenges received and determine if the challenged Sanctioning Board member needs to be replaced.

VI.6.1.3 Pre-Sanctioning Conference Procedures

VI.6.1.3.1 Each party may contact the Office of the Dean of Students to arrange a meeting with the Dean of Students or designee prior to the.

VI.6.1.3.2 Both parties may submit a written impact statement to the Sanctioning Board, due at least five (5) University business days prior to the day of the Sanctioning Conference.

VI.6.1.3.3 A Pre-Sanctioning Conference packet, which will include a summary of the Sanctioning Conference process and the parties' written impact statements (if submitted by the parties), will be made available to both parties and the Sanctioning Board members at least two (2) University Business Days prior to the scheduled Sanctioning Conference. The Sanctioning Board will also be provided the Final Investigation Report, and the Written Determination in their Pre-Sanctioning packets.

VI.6.2 Advisors

VI.6.2.1 Each party is permitted one (1) Advisor to accompany the party at the Sanctioning Conference. No less than two (2) University Business Days prior to the Sanctioning Conference, each party intending to have an Advisor present at the Sanctioning Conference must submit to the Dean of Students or designee written notice identifying who will accompany them as their advisor. The role of advisors is limited under applicable provisions of this policy.

VI.6.3 Sanctioning Conference

VI.6.3.1 Participation in the Sanctioning Conference is voluntary for both Complainant and Respondent. The Sanctioning Conference will proceed with or without participation of one or both parties.

VI.6.3.2 Each party present has an opportunity to make a brief (no more than ten
(10) minutes) verbal statement to the Sanctioning Board.

VI.6.3.3 The Sanctioning Board may ask questions of each party present at the Sanctioning Conference.

VI.6.3.4 Parties will not be in the Sanctioning Conference room at the same time. When a party is not in the Sanctioning Conference room, that party will be able to listen to the Sanctioning Conference proceedings via phone or electronic means from a separate room.

VI.6.3.5 At the conclusion of the parties' verbal statements, if any, the Sanctioning Board will have the option to ask questions of the parties or of the Dean of Students. The Sanctioning Board will then deliberate regarding the appropriate sanction(s) for the violation of this policy. Sanctions may include, but are not limited to, educational activities or experiences, loss of privileges, restorative justice measures, service projects, substance abuse and/or mental health care referrals, suspension or expulsion. Decisions of the Sanctioning Board are determined by a simple majority vote. To assist the Sanctioning Board in its deliberations, the Dean of Students or designee may provide the Sanctioning Board with University precedent in similar cases, as well as Respondent’s history of conduct and prior sanctions, if any.

VI.6.4 Within ten (10) University Business Days after the Sanctioning Conference, the Sanctioning Board chair will notify the Director or designee in writing of the Sanctioning Decision imposed by the Sanctioning Board. The Director or designee will then notify the parties and the Dean of Students or designee via email of the Sanctioning Board’s Decision within two (2) University Business Days of receiving such notification from the Sanctioning Board.

VI.6.5 The Dean of Students or designee will communicate with the Respondent and track and document the completion of any sanction(s), and report completion of the sanction(s) to the Director.

VI.6.6 Sanctions for Employees

VI.6.6.1 If the Respondent is a University employee and the Policy 164 Adjudicator determines a policy violation occurred, a summary of policy violation findings will be provided to the Executive Director of Human Resources (or designee) and the Respondent’s supervisor who will together, in consultation with the Director, determine what, if any, disciplinary action is warranted. If disciplinary action is proposed, Human Resources will assist the supervisor in initiating the applicable disciplinary process. Disciplinary and appeal process for University employees are addressed in the following policies:

VI.6.6.1.1 Policy 371: “Faculty Termination” (for faculty employees);

VI.6.6.1.2 Policy 372 “Corrective and Disciplinary Action” (for faculty and staff employees).

VI.7 Appeals

VI.7.1 Either party may appeal the Written Determination and/or the Sanctioning Decision, except that in the case of the Sanctioning Decision of a University employee respondent, as noted in Sections 6.6.6.1 et seq., the disciplinary and appeal process will be governed by Policies 371 and 372 respectively. The Appeal Outcome is final.

VI.7.2 A party may appeal the finding of responsibility or a sanction for any of the following reasons:
VI.7.2.1 A substantive procedural error occurred in the investigation or hearing process that significantly impacted the outcome reflected in the Written Determination. A mere deviation from investigative procedures is not a basis for appeal unless significant prejudice is alleged to have resulted due to the procedural deviation.

VI.7.2.2 New evidence that was not reasonably available at the time of the issuance of the Written Determination or dismissal, which could substantially impact either the determination of whether a violation of this policy occurred or the severity of the sanction.

VI.7.2.3 The Director, the investigator(s) or the Policy 164 Adjudicator had a conflict of interest or substantiated bias that affected the outcome.

VI.7.2.4 The outcome was clearly erroneous based on the facts and evidence provided to the Policy 164 Adjudicator.

VI.7.2.5 The sanctions imposed are substantially disproportionate to the severity of the policy violation(s).

VI.7.3 The Director must receive a party’s written Notice of Appeal within then (10) University Business Days after the issuance of the Written Determination or, in the case there is a finding of responsibility, the party’s receipt of the Sanctioning Decision. The Notice of Appeal must outline the ground(s) for the appeal and attach any supporting documentation.

VI.7.4 Within five (5) University Business Days of the receipt of an appeal, the Director will notify all parties (and for student Respondent cases the Dean of Students or designee, or for employee Respondent cases the Executive Director of Human Resources):

VI.7.4.1 That a Notice of Appeal has been filed;

VI.7.4.2 An Appeal Examiner(s) has been assigned to consider the appeal;

VI.7.4.3 Contact information for the Appeal Examiner(s);

VI.7.4.4 That the Director has confirmed that the Appeal Examiner(s) has no known conflict of interest;

VI.7.5 Within ten (10) University Business Days of the Director sending such notice to the parties, each party may submit a Written Statement on Appeal to the Appeal Examiner(s) supporting or challenging the Written Determination and/or Sanctioning Decision.

VI.7.6 The Appeal Examiner(s) may review the parties’ Written Statements on Appeal, Written Determination, Sanctioning Decision, Final Investigative Report, and all evidence collected during the investigation.

VI.7.7 The Appeal Examiner(s)’s Written Decision on Appeal may affirm or modify the Written Determination, the Sanctioning Decision, remand the decision to the Policy 164 Adjudicator, order a new investigation, or overturn the Written Determination and/or Sanctioning Decision in whole or in part.

VI.7.8 The Appeal Examiner(s)’s Written Decision on Appeal is final and concludes the University’s process under this policy.

VI.7.9 Appeal Examiner(s) Composition:

VI.7.9.1 A single impartial external Appeal Examiner selected by the Director; or

VI.7.9.2 An Appeal Examiner Panel comprised of four University employees: two full-time, tenured faculty members and two full-time staff members selected jointly by the Director, the Faculty
Senate, and the Staff Association to serve a three (3)-year, staggered term, who will have full voting rights.

VI.7.9.2.1 Appeal Examiner Panel Chair: One pool member will be randomly selected to chair each Appeal Examiner Panel as necessary; each can vote when selected as chair; each cannot concurrently serve as a chair or member of any other appeal board committee currently convened. Chairs may recuse themselves from any appeal board for any potential conflict of interest or potential bias.

VI.7.9.2.2 Appeal Examiner Panelists: A pool of six (6) University employees, three (3) full-time, tenured faculty and three (3) full-time staff will be selected jointly by the Title IX Coordinator, the Faculty Senate, and the Staff Association to serve staggered three (3) year terms as part of an Appeal Examiner Panel pool. Three (3) members will be randomly selected to serve on a specific Appeal Examiner Panel from the member pool and the chair pool, with each member having the right of recusal for any potential conflict of interest or potential bias.

VI.8 Support Services

VI.8.1 Both Complainant and Respondent will be given information regarding support services, including confidential counseling for students and/or employees. The Director will assist both parties to ensure that they have access to all available support service resources.
REPORTING AN INCIDENT:

Victims of any prohibited conduct or persons who have information regarding a prohibited conduct are strongly encouraged to report the incident to local law enforcement immediately. Incidents that occur on campus fall under the jurisdiction of the DSU police department. Incidents that occur off campus are served by the St. George Police Department and the Washington County Sheriff’s Office. It is the policy of the Department to conduct investigations of all sexual assault complaints with sensitivity, compassion, patience, and respect for the victim. Investigations are conducted in accordance with guidelines established by the Utah Criminal Code and the Washington County Attorney’s Office. To criminally report an incident involving a sexual assault, domestic violence, stalking, and dating violence, contact the University Police Department at 435-627-4300 or call 911. The University will also assist any victim with notifying local police if they so desire.
Students and employees who are victims may report prohibited conduct to the police, to the University, to both, or to neither (employees who have received reports of crimes may have responsibilities to report the conduct as described elsewhere in DSU policies or state laws). Reporting options are not exclusive, and complaints may be simultaneously reported to local law enforcement and the University.

DSU encourages students and employees to report any knowledge of prohibited conduct to report to the University. It is the policy of DSU to take immediate and appropriate steps to investigate or determine what has occurred and take action to end any misconduct, remedy its effects and prevent its reoccurrence. University community members are encouraged to report prohibited conduct to the Title IX Coordinator or Deputy Title IX Coordinator.

The University Police Department, Title IX Office, DSU CSA’s and any other responsible person who is available to receive and investigate reports of sexual assault, assist a victim in securing medical attention, provide a crisis advocate if requested by the victim, participate in evidence preservation and collection, conduct investigations, and inform the victims of legal and administrative options both on and off campus.

**VICTIM CONFIDENTIALITY**

All information and reports of sexual assault are kept strictly confidential. In accordance with the Utah Code of Criminal Procedures, victims may use a pseudonym to protect their identity. A pseudonym is a set of initials or a fictitious name chosen by the victim to be used in all public files and records concerning the sexual assault. The
victims of sexual assault are not required to file criminal charges or seek judicial actions through the University disciplinary process. However, victims are encouraged to report the assault in order to provide the victim with physical and emotional assistance and provide the University with valuable preventative information. “Privacy” and “confidentiality” have distinct meanings under the Title IX Policy.

Privacy means that information related to a report of Prohibited Conduct will be shared with a limited circle of University employees who “need to know” in order to assist in the assessment, investigation and resolution of the report. All employees who are involved in the University’s response to reports of Prohibited Conduct receive specific training and guidance about sharing and safeguarding private information in accordance with state and federal law.

The privacy of student education records will be protected in accordance with the Family Educational Rights and Privacy Act (FERPA), as outlined in the University’s FERPA policy, dixie.edu. The privacy of an individual’s medical records is protected by HIPAA. Access to an employee’s personnel records may be restricted in accordance with Dixie State University Human Resources policy and procedure.

Pursuant to the Clery Act, the University includes statistics about certain offenses in its Annual Security Report and provides those statistics to the United States Department of Education in a manner that does not include any personally identifying information about individuals involved in an incident.

Consistent with the Clery Act, the University withholds the names and other personally identifying information of complainants when issuing timely warnings or emergency notifications to the University community, and in maintaining the daily crime log. DSU will also maintain as confidential any accommodations or protective measures provided to the complainant, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

**RESOURCES**

The following resources will be provided to community members in response to reports of prohibited conduct:

The following is a list of resources available:

- DSU Women’s Resource Center
- DSU Health and Wellness Center
- Dove Center
- Washington County Children’s Justice Center
- Utah Coalition Against Sexual Assault
- Utah Domestic Violence Coalition
- Utah Office for Victims of Crimes

Information and assistance is also available through the Title IX Office (435-652-7731); Health and Counseling Center (435-652-7755); The Dove Center (435-628-0458); and the Washington County Victim’s Advocate (435-865-5318).
WHAT TO DO IF YOU HAVE BEEN
THE VICTIM OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE, OR STALKING

GUIDELINES/SUGGESTIONS TO FOLLOW AFTER A SEXUAL ASSAULT

• Get to a safe place as soon as you can
• Call 911 or Police Dispatch 435-627-4300
• Get medical attention as soon as possible to make sure you are physically well and to collect important evidence in the event you may wish to take legal action, now or later
• Try to preserve all physical evidence. Do not wash, use the toilet, or change clothing if you can avoid it. If you do change clothes, put all clothing you were wearing at the time of the attack in a paper, not plastic, bag
• Try talking with a counselor who will maintain your confidentiality, help explain your options, give you information and provide emotional support. You can call the Health and Counseling Center at (435-652-7755) or the DOVE Center at (435-628-0458)
• Contact someone you trust to be with you and support you
MEDICAL TREATMENT

It is important to seek immediate and follow-up medical attention for several reasons: first, to assess and treat any physical injuries you may have sustained; second, to determine the risk of sexually transmitted infections or pregnancy and take preventative measures; and third, to gather evidence that could aid criminal prosecution.

Dixie Regional Medical Center is the location in Washington County where sexual assault exams are completed.

If the victim is under the age of 18, the Washington County Children’s Justice Center is also an option for a sexual assault exam.

PRESERVATION OF EVIDENCE:

After an incident of sexual assault, it is important to seek medical attention as soon as possible. It is important that a victim of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past 96 hours so that evidence of criminal wrongdoing may be preserved. Any evidence collected should be kept in paper bags. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries, and take steps to address concerns of pregnancy and/or sexually transmitted infections/diseases.

Victims of sexual assault, domestic violence, dating violence, and stalking are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs, or other copies of documents, if they have any, that would be useful to police, University investigators, and hearing boards. Although the University strongly encourages all members of its community to report violations of the law and DSU policy to law enforcement, it is the victim’s choice whether or not to make such a report, and victims have the right to decline involvement with the police. Violence Against Women’s Act allows for a free sexual assault examination at Dixie Regional Medical Center without requiring any law enforcement notification. Whether a victim reports the crime to the police or not, if the alleged offender is a member of the University community, the victim has a right to proceed to seek discipline against the offender.

ACCOMMODATIONS AND PROTECTIVE MEASURES

The University Police, Title IX Office, and DSU Health and Wellness Center, are available to all victims to provide information about personal safety. Utah Crime Victim’s Rights and Utah Crime Victim’s Compensation Fund and other information are also available upon request. The Title IX Coordinator can assist the victim with accommodations including, but not limited to: class schedule changes, workplace accommodations, withdrawal procedures, or campus housing relocation. Protective measures and accommodations are available to a victim upon request, regardless if they choose to report the crime.

PROTECTIVE ORDERS can be sought through the Fifth District Court located at 206 W. Tabernacle St., St. George, UT 84770.

TITLE IX PROCEDURES

The Procedures for resolving reports against students and employees involving sexual and gender-based harassment and other forms of interpersonal violence can be found in DSU’s Policy 154 and can be found here: dixie.edu/wp-content/uploads/formidable/52/154.pdf.

Rights of Complainants and Respondents:
You can expect the following during a Title IX investigation:

• Prompt, fair and equitable resolution of all allegations of prohibited conduct
• Privacy as afford to under campus policy and state law
• Freedom from retaliation
• The investigation to be conducted by officials who are trained no less than annually
• To have an advisor of your choice be present to any meeting or proceedings
• To be notified, in writing or the results of a disciplinary proceeding
• To be notified in writing information related to appealing disciplinary proceedings
• To be notified in writing of any changes in the results of a disciplinary proceeding
• To be notified in writing when the results of any disciplinary proceeding is final

Upon request, the results of any disciplinary proceeding against a student accused of a crime of violence or non-forcible sex offense may be may to the victim or the next of kin of a victim.

**DISCIPLINARY PROCEDURES**

• Description of each type of proceeding for discipline for staff, faculty, students for Domestic Violence, Sexual Assault or Stalking: PG 85, XII
• Steps, timeline, decision making process: PG 85, XII
• How to file a complaint: PG 82, XII.7.1
• Standard of evidence: PG 92, XII.4
• List of sanctions for staff, faculty and students: PG. 72, X23.1, X23.2
• Protective Measures that can be offered to a victim: PG: 76, X.27
The Clery Act defines the crimes of dating violence, domestic violence, sexual assault, and stalking as follows:

**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. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition –

- Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

**Domestic Violence:** A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabiting with, or has cohabited with, the victim as a spouse or intimate partner;
- 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;
- 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.

**Sexual Assault:** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

**Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental capacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

**Stalking:** engaging in a course of conduct direct 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 in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to about a person or interferes with a person's property.
- Reasonable Person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial Emotional Distress means significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.
UTAH DEFINITIONS
OF DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

**Dating Violence 78B-7-402(4):**

“Dating Violence” means:

a. 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

b. 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.

**Domestic Violence 77-36-1(4):**

“Domestic Violence” means 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:

- **(A) Aggravated assault,** as described in Section 76-5-103;
- **(B) Assault,** as described in Section 76-5-102;
- **(C) Criminal homicide,** as described in Section 76-5-201;
- **(D) Harassment,** as described in Section 76-5-106;
- **(E) Electronic communication harassment,** as described in Section 76-9-201;
- **(F) Kidnapping,** child kidnapping, or aggravated kidnapping, as described in Sections 76-5-301, 76-5-301.1, and 76-5-302;
- **(G) Mayhem,** as described in Section 76-5-105;
- **(H) Sexual offenses,** as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and Section 76-5b-201, Sexual Exploitation of a Minor;
- **(I) Stalking,** as described in Section 76-5-106.5;
- **(J) Unlawful detention or unlawful detention of a minor,** as described in Section 76-5-304;
- **(K) Violation of a protective order or ex parte protective order,** as described in Section 76-5-108;
- **(L) Any offense against property described in Title 76, Chapter 6, Part 1, Property Destruction, Part 2, Burglary and Criminal Trespass, or Part 3 Robbery**;
- **(M) Possession of a deadly weapon with intent to assault,** as described in Section 76-10-507;
- **(N) Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle,** as described in Section 76-10-508;
- **(O) Disorderly conduct,** as defined in Section 76-9-102, if a conviction of disorderly conduct is the result of a plea agreement in which the defendant was originally charged with any of the domestic violence offense otherwise described in this Subsection (4). Conviction of disorderly conduct as a domestic violence offense, in the manner described in this Subsection (4)(o), does not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Section 921, and is exempt from the provisions of the federal Firearms Act, 18 U.S.C. Section 921 et seq.; or

- **(P) Child abuse** as described in Section 76-5-109.1.

**Sexual Assault:** An offense that meets the definition of rape, fondling, incest or statutory rape as used by the State of Utah.

- **Rape - 76-5-402:** a person commits rape when the actor has sexual intercourse with another person without the victim’s consent.

- **Object Rape - 76-5-402.2:** a person [commits object rape] who, without the victim's consent, causes
the penetration, however slight, of the genital or anal opening of another person who is 14 years of age or older, by any foreign object, substance, instrument, or device, including a part of the human body other than the mouth or genitals, with the intent to cause substantial emotional or bodily pain to the victim or with the intent to arouse or gratify the sexual desire of any person.

Fondling - 76-5-404: (Forcible Sexual Abuse in Utah) A person commits forcible sexual abuse (Fondling) if the victim is 14 years of age or older and, under circumstances not amounting to rape, object rape, sodomy, or attempted rape or sodomy, the actor touches the anus, buttocks, or any part of the genitals of another, or touches the breast of a female, or otherwise takes indecent liberties with another, or causes another to take indecent liberties with the actor or another, with intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, without the consent of the other, regardless of the sex of any participant.

Incest - 76-7-102:
(2)(A) An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:
   (I) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or
   (II) provides a human egg or seminal fluid under Sub. (2)(b)(v).

(B) Conduct referred to under Subsection (2)(a) is:
   (I) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person
   (II) the insertion or placement of the provider’s seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
   (III) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid in the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
   (IV) a woman 18 years of age or older who:
      (A) Knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and
      (B) Knows that the seminal fluid is that of a person with whom she has kinship as a related person; or
   (V) providing the actor’s sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of person who is a related person.

Statutory Rape - 76-5-401: (Unlawful Sexual Activity with a Minor in Utah)
(1) For purposes of this section “minor” is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred.

(2) A person commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section 76-5-402, object rape, in violation of Section 76-5-402.2, forcible sodomy, in violation of Section 76-5-403, or aggravated sexual assault, in violation of Section 76-5-405, the actor:
A. Has sexual intercourse with the minor;

B. Engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or

C. Causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.

**Stalking - 76-5-106.5**

(2) 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:

(A) to fear for the person's own safety or the safety of a third person; or

(B) to suffer other emotional distress.

(3) A person is guilty of stalking who intentionally or knowing violates:

(A) a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions; or

(B) a permanent criminal stalking injunction issued pursuant to this section.
CONSENT

STATE OF UTAH DEFINITION

In Utah consent is defined by statute 76-5-406. Sexual offenses against the victim without consent of victim – Circumstances.

An act of sexual intercourse, rape, attempted rape, rape of a child, attempted rape of a child, object rape, attempted object rape, object rape of a child, attempted object rape of a child, sodomy, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse, sexual abuse of a child, attempted sexual abuse of a child, aggravating sexual abuse of a child, attempted aggravated sexual abuse of a child, or simple sexual abuse is without consent of the victims under any of the following circumstances:

(1) The victim expresses lack of consent through words or conduct;

(2) The actor overcomes the victim through the actual application of physical force or violence;

(3) The actor is able to overcome the victim through concealment or by the element of surprise;

(4)(A)(I) The actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the time that the actor has the ability to execute this threat; or

(II) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat;

(B) As used in this Subsection (4), “to retaliate” includes threats of physical force, kidnapping, or extortion.

(5) The actor knows the victim is unconscious, unaware that the act is occurring, or physically unable to resist;

(6) The actor knows that as a result of mental disease or defect, or for any other reason the victim is at the time of the act incapable either of appraising the nature of the act or of resisting it;

(7) The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim’s spouse;

(8) The actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim’s knowledge;

(9) The victim is younger than 14 years of age;

(10) The victim is younger than 18 years of age and at the time of the offense the actor was the victim’s parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim as defined in Section 76-5-404.1;

(11) The victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2) or (4); or

(12) The actor is a health profession or religious counselor, as those terms are defined in this Subsection (12), the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested; for purposes of this Subsection (12):
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(A) “health professional” means an individual who is licensed or who holds himself or herself out to be licensed, or who otherwise provides professional physical or mental health services, diagnosis, treatment, or counseling including, but not limited to, a physician, osteopathic physician, nurse, dentist, physical therapist, chiropractor, mental health therapist, social service worker, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychiatric mental health nurse specialist, or substance abuse counselor; and

(B) “religious counselor” mean a minister, priest, rabbi, bishop, or other recognized member of the clergy.

DIamx STATE UNIVERSITY DEFINITIONS OF CONSENT

Consent is knowing, voluntary, and clear permission by word or action to engage in mutually agreed upon sexual activity. Since individuals may experience the same interaction in different ways, it is the responsibility of each party to make certain that the other has consented before engaging in the activity. For consent to be valid, there must be a clear expression in words or actions that the other individual consented to that specific sexual conduct. Consent can be withdrawn once given, as long as the withdrawal is clearly communicated.

Consent to some contact (such as kissing or fondling) cannot be presumed to be consent for other sexual activity (such as intercourse). A current or previous dating relationship is not sufficient to constitute consent. The existence of consent is based on the totality of the circumstances, including the context in which the alleged incident occurred and any similar previous patterns that may be evidence.

Force is the use of physical violence and/or imposing on someone physically to gain sexual access. Force also includes threats, intimidation (implied threats), and coercion that overcomes resistance or produces consent (e.g. “have sex with me or I’ll hit you.” “Okay, don’t hit me, I’ll do what you want.”).

Coercion is unreasonable pressure for sexual activity. Coercive behavior differs from seductive behavior based on the type of pressure someone uses to get consent from another. When someone makes clear to you that they do not want sex, that they want to stop, or that they do want to go past a certain point of sexual interaction, continued pressure beyond that point can be coercive.

NOTE: Silence or the absence of resistance alone is not consent. There is not a requirement on a party to resist the sexual advance or request, but resistance is a clear demonstration of non-consent. The presence of consent is not demonstrated by the absence of resistance. Sexual activity that is forced is by definition nonconsensual, but non-consensual sexual activity is not by definition forced.

Incapacitation: A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious for any reason, including due to alcohol or other drugs. An individual who engages in sexual activity when the individual knows, or should know, that the other person is physically or mentally incapacitated has violated policy.

It is not an excuse that the responding party was intoxicated and, therefore, did not realize the incapacity of the reporting party.

Incapacitation is defined as a state where someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). This policy also covers a person whose incapacity results from mental disability, involuntary physical restraint and/or from the taking of incapacitating drugs.
No victim is EVER to blame for being assaulted or abused. Unfortunately, studies show that a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warning signs of abusive behavior, and how to reduce the risk of a potential attack.

**WARNING SIGNS OF ABUSIVE BEHAVIOR**

Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury maybe the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe and long lasting. Warning signs of dating and domestic violence include:

- Being afraid of your partner.
- Constantly watching what you say to avoid a "blow up."
- Feelings of low self-worth and helplessness about your relationship.
- Feeling isolated from family or friends because of your relationship.
- Hiding bruises or other injuries from family and friends.
- Being prevented from working, studying, going home, and/or using technology, (including your cell phone).
- Being monitored by your partner at home, work, or school.
- Being forced to do things you don’t want to do.

**HELP REDUCE YOUR RISK AND AVOID POTENTIAL ATTACKS**

- Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- Consider making a report with University Police and/or the Title IX Director.
- Consider getting a protection from a restraining order from a local judge or magistrate.
- Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends and family members about ways you can be supported.
- Trust your instincts—if something doesn’t feel right in a relationship, speak up or end it.

**SEXUAL ASSAULT PREVENTION**

- Be aware of rape drugs.
- Try not to leave your drink unattended.
- Only drink from un-opened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people who you trust.
- Avoid giving out your personal information (phone number, address, social media accounts) to strangers.
number, where you live, etc.). If someone asks for your number, take his/her number instead of giving out yours.

PREVENTION AND EDUCATION PROGRAMS

DSUPD SELF-DEFENSE AWARENESS AND FEMALE EMPOWERMENT (S.A.F.E) CLASS

Dixie State University Police Department offers an eight-hour course covering self-protection and self-defense. The class is offered to Dixie State University faculty, staff, and students. The purpose and goal of the class focuses on awareness, assault prevention, risk reduction, strategies and avoidance in conjunction with defensive training tactics.

The S.A.F.E. class will help educate and train women specifically on how to defend themselves physically from assaults. The classes are for women only and are taught by Dixie State University Police Officers and Staff. The S.A.F.E. class is an 8 hour course broken down into four 2 hour classes.

FALL
Class 1 – Wednesday, August 26, 2020 – 5:00pm-7:00pm
Class 2 – Friday, August 28, 2020 – 5:00pm-7:00pm
Class 3 – Wednesday, September 2, 2020 – 5:00pm-7:00pm
Class 4 – Friday, September 4, 2020 – 5:00pm-7:00pm

SPRING
Class 1 – Wednesday, January 13, 2021 – 5:00pm-7:00pm
Class 2 – Friday, January 15, 2021 – 5:00pm-7:00pm
Class 3 – Wednesday, January 20, 2021 – 5:00pm-7:00pm
Class 4 – Friday, January 22, 2021 – 5:00pm-7:00pm

TRAVELING AROUND CAMPUS – WALKING

• Take major, public paths rather than less populated shortcuts.
• Avoid dimly lit places and talk to campus services if you believe that lights need to be installed in an area.
• Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.

Bystander Intervention and other intervention resources can be located on the DSU Title IX webpage at: titleix.dixie.edu/education-and-prevention/.

Bystander intervention better equips men to express their discomfort. This strategy provides community members with the awareness, skills, and ability to challenge social norms in their community that support sexual assault.

SEX OFFENDERS REGISTRY

The “Campus Sex Crimes Prevention Act” is a federal law enacted on October 28, 2000 that provides for the tracking of convicted, registered sex offenders enrolled as students at institutions of higher education, or working or volunteering on campus.

This Act amends the Family Educational Rights and Privacy Act of 1974 (FERPA) to clarify that nothing in that Act may be construed to prohibit an educational institution from disclosing information provided to the institution concerning registered sex offenders and required the Secretary of Education to take appropriate steps to notify educational institutions that disclosure of this information is permitted.
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The Utah Department of Public Safety (DPS) is the official Utah internet source for Sex Offender Registration information. The Sex Offender Registration open record information is extracted from the DPS Sex Offender Registration Database. The DPS maintains files based on registration information submitted by criminal justice agencies and represents a statewide source of information on the Sex Offender’s website. A link to the DPS public website can be found on the University Police website: publicsafety.dixie.edu.

Information may also be obtained from:

Washington County Attorney’s Office: 435-634-5723
Utah Department of Corrections: 801-545-5500
DSU Campus Police: 435-236-4000
POLICIES OR RULES
ON ELECTRICAL APPLIANCES, SMOKING, AND OPEN FLAMES IN A STUDENT HOUSING FACILITY

The following list of policies address portable electrical appliances, smoking, and open flames in DSU student housing facilities:

**Fire Hazard:** Open flames (e.g., candles, incense, kerosene lamps, etc.) and candle warmers are not permitted in Housing facilities. This policy includes, but is not limited to, candles/incense that have not been lit, have the wicks removed, and/or are being used for decorative purposes. Items such as electric irons and curling irons must have an automatic shut-off feature.

**Dangerous Items:** Firearms, ammunition, fireworks, incendiaries, combustible fuel or material (e.g., propane, kerosene, etc.), hazardous/dangerous chemicals, explosives, or other potentially dangerous weapons/items are prohibited, unless otherwise authorized by law. The Housing Office reserved the right to determine if an item is dangerous.

**Smoking:** Smoking is not permitted in any Housing facility, or within 25 feet of building entrances, exits, air intakes, and/or windows. Since the Housing facilities are residential areas, residents of on-campus housing agree to smoke only in designated smoking areas.

**Prohibited Items:** Appliances or devices with heating elements (e.g., hot plates, toaster/toaster ovens, coffee makers, grills, rice cookers, woks, etc.) that do not have automatic shutoff features are prohibited. Small countertop appliances, with automatic shut-off features that are engaged at all times, are only allowed in units with kitchens, but are prohibited in bedrooms. Extension cords are not allowed in student housing facilities. Grounded power strips with overload shut-off capabilities are allowed, but must be plugged directly into an outlet (chaining of extension cords or power strips is prohibited). Electric heaters and personal air conditioners are not permitted.

**PROCEDURES FOR EVACUATION IN CASE OF FIRE**

When a building alarm is activated (automatically or manually), Housing and Resident Life staff should:

- Notify residents to evacuate (ensure that individuals with disabilities are aware and receive assistance to evacuate if necessary).
- Call 911 and other Housing/University personnel and be prepared to give specific information regarding self, the building, and the alarm.
- Inform emergency response personnel of any special needs students who may need assistance with evacuating.
- Assist in keeping students in designated evacuation areas until otherwise notified.

If a student hears a fire alarm, or sees smoke/flames in their room/building, they are to leave quickly if it is safe to exit:

- If there is smoke in the room/apartment, he/she is to keep low to the floor
- He/she is to close all the doors as they leave
- He/she is to leave the door(s) unlocked
- If possible, and safe to do so, he/she is to take his/her room/apartment key(s) and ID with him/her

**REPORTING ALL FIRES**

Housing and Resident Life staff and residents will report all fires to the University Fire Marshal and University Police Department. This includes any fire that is extinguished by residents or staff.
Emergency – 911
Josh Thayn, Fire Marshal – 435.652.7855
DSU Police Dispatch – 435-627-4300
After-hours Resident Assistant – 435.632.0166
Seth Gubler, Campus View Suites I – 435-879-4703 (office)
303-517-7349 (cell)
Rashida Laumatia, Nisson Towers – 435-652-7572 (home)
435-817-0355 (cell)
Siera Butler, Abby, Chancellor, Morgan, Dixie View – 435-879-4289 (home)
760-496-8832 (cell)

• 2020-2021 Temporary Fire Evacuation Area: Campus View Courtyard

Morgan Apartments:
• S/W Field of Greater Zion Stadium

FIRE SAFETY EDUCATION AND TRAINING PROGRAMS
• RA's and RM's participate in a fire extinguisher training exercise each year during fall staff training.
• RA's discuss fire safety with residents each semester during their community meetings.
• The Resident Life Handbook provides residents policies and instructions regarding fire safety.

The Abby Apartments evacuation area is:
• The empty street behind the grass area in front of Abby

The Campus View Suites I
• Campus View 2020-2021 Temporary Fire Evacuation Area: “President’s Grove” – Area in between Browning and old Science Building

The Chancellor Apartments evacuation area is:
• The St. George Community Church parking lot, which is located one block directly south of Chancellor

The Dixie View Apartments:
• S/W Parking Lot of the North Plaza

The Nisson Towers and Shiloh Hall evacuation area is
Daily, the DSU fire alarm detection system is monitored onsite and through the alarm monitoring company to mitigate alerts within the system. This includes: smoke detectors, heat detectors, duct detectors, pull stations, and A/V systems. When the DSU fire alarm detection system is activated it notifies the monitoring company who notifies Washington County dispatch which dispatches St. George Fire Department (SGFD) and DSU Police to the fire alarm location. The alarm company will notify two (Fire Marshal/designee, Power Plant/designee) ERT members for response. For adequate response additional authorized ERT’s may also monitor, be notified, or respond. DSU has established a Risk & Safety Committee which meets quarterly to promote a safe campus environment for all students, faculty, staff, and visitors to the campus. All are encouraged to send campus safety concerns to Josh Thayn, Executive Director of Event Services, Risk Management & Safety at jthayn@dixie.edu.

In addition, DSU Fire Marshal, Chief of Police, and AVP for Facilities Management conduct an annual campus walk through during evening hours to ensure lighting and safety concerns are addressed. Annually, DSU fire alarm detection system is inspected as required, this includes fire extinguishers, sprinkler systems, hood systems, and pumps. In addition, RA’s and RM’s participate in a fire extinguisher training exercise during the Fall staff training. RA’s discuss fire safety with all residents each semester during their community meetings. The Residents Life Handbook provides residents polices and instructions regarding fire safety. All DSU colleges, departments, and student clubs interested in fire and life safety training are encouraged to contact Josh Thayn, Executive Director of Event Services, Risk Management, & Safety to schedule training for their group. The DSU Community Emergency Response Team (CERT) program educates volunteers about disaster preparedness and trains them in basic disaster response skills, such as fire safety, light search and rescue, disaster medical operations, CERT organization and maintains a fully equipped CERT trailer which is inspected annual. DSU CERT members meet throughout the for training and conducts emergency evacuation training. DSU Policy 401: Environmental, Occupational Health & Safety and Policy 422: Emergency Management (EM) can be found at dixie.edu/policylibrary.