



## **INTERIM Procedures 340: Required Reporting of Sexual Misconduct**

### **I. Procedures for Identifying Reporting Employees**

A. The following employee titles have been identified as Reporting Employees by the University:

- Academic Titles
  - Provosts, including vice, associate, and assistant provosts;
  - Deans, including associate and assistant deans;
  - Department Heads within colleges; and,
  - Faculty advisors to student organizations or groups.
- Administrative Titles
  - All members of the Board of Trustees (including student, faculty, and staff members) and the Board Secretary;
  - President;
  - Vice Presidents, including associate and assistant vice presidents;
  - Chancellors, including vice chancellors;
  - Executive Directors, Directors, and associate and assistant directors;
  - All positions within the Office of Equity, including student employees;
  - All positions within the Office of Human Resources, excluding student employees;
  - Attorneys in the Office of General Counsel, when information is disclosed outside of the attorney-client relationship and/or is not protected by attorney-work product protections;
  - Members of the Equity Hearing Council; and,
  - University Police Officers.
- Student Affairs
  - Vice Presidents, including assistant and associate vice presidents;
  - Executive Directors, Directors, and associate and assistant directors;
  - All positions within Student Conduct & Community Standards, excluding student employees;
  - All positions within Student Involvement & Leadership, Student Life, and Fraternity and Sorority Student Life, excluding student employees; and,
  - All positions within Residence Life, including Resident Assistants and other student employees.
- Athletic Titles

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- Athletic Director; including Deputy Athletic Director, executive, associate, or assistant athletic directors;
  - All NCAA and NJCAA intercollegiate coaches, including assistant coaches, and operations coordinators;
  - Team coaches for club sports; and,
  - Athletic trainers and academic mentors, including student employees.
- Supervisors of Employees
    - A direct supervisor of other employees is required to report information relating to Sexual Misconduct that occurs in the workplace if the supervisor directly supervises either the individual who experienced the Sexual Misconduct or the person who allegedly engaged in the Sexual Misconduct.
  - Campus Security Authorities
- B. The Office of Equity, working with the Office of Human Resources, will compile and maintain a [Reporting Employees list](#) (with names and contact information). The Reporting Employees list will be created by cross-referencing the above list of employee titles that are designated as Reporting Employees with USU's employee job title databases.
1. The USU Department of Public Safety will assist with compiling the list of Campus Security Authorities based on Clery Act regulations. The Office of Equity will request an updated list every year.
  2. Other USU departments may be asked to review the final Reporting Employee list, as appropriate.
  3. The list of Reporting Employees will be reviewed and updated annually by July 1 by the Office of Equity.

**II. Procedures for Identifying Designated Confidential Resources**

- A. Designated Confidential Resources are identified in Policy 340: Required Reporting of Sexual Misconduct.
- B. Confidential Employees who receive a request for an accommodation or Supportive Measure because of a Sexual Misconduct experience must refer the individual to the Office of Equity in order to receive that accommodation or Supportive Measure. Confidential Employees cannot implement that accommodation or Supportive Measure without consulting with the Office of Equity.

**III. Procedures for Identifying Resource Connection Employees**

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- A. Resource Connection Employees are those employees who are not identified as Reporting Employees or Designated Confidential Resources and are listed in the Resource Connection Employee list found [here](#).
- B. Resource Connection Employees who receive a request for an accommodation or Supportive Measure because of a Sexual Misconduct experience must refer the individual to the Office of Equity in order to receive that accommodation or Supportive Measure. Resource Connection Employees cannot implement that accommodation or Supportive Measure without consulting with the Office of Equity.
- C. The Office of Equity, working with the Office of Human Resources, will compile and maintain [Resource Connection Employees list](#) (with names and contact information).
  - 1. Other USU departments may be asked to review the final Resource Connection Employee list as appropriate.
  - 2. The list of Resource Connection Employees will be reviewed and updated annually by July 1 by the Office of Equity.

**IV. Procedures for Training Reporting Employees**

- A. Reporting Employees are required to complete all training requirements related to Reporting Employee obligations. Reporting Employee trainings will be facilitated by an Office of Equity Prevention Specialist, or their designee.
  - 1. Reporting Employees are required to complete an annual in-person (or via videoconference, where applicable) training. Trainings will be approximately 60-90 minutes.
    - i. The training content will differ based on whether the Reporting Employee is a new employee or a returning employee.
    - ii. A survey to measure what was learned and to solicit feedback about the training will be given immediately after the training and an additional survey will be emailed to Reporting Employees approximately 1-2 weeks after they have participated in a training.
  - 2. Reporting Employee training compliance details will be coordinated through the University's online Learning Management System (LMS).
    - i. Automated emails will be sent to all Reporting Employees through the LMS with information about how to RSVP for a training session at the start of the training period. Additional emails will be sent regularly during the training period to Reporting Employees who have not RSVP'd for or attended a training session.
      - 1. Reporting Employees will be expected to RSVP in advance for a training session.

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2. Supervisors will receive regular emails during the training period about Reporting Employees who have and have not completed the training.
    - ii. Attendance at the Reporting Employee training sessions will be taken through a combination of methods, most typically through printed RSVP lists and electronic sign-in options.
    - iii. Attendance will be added to the LMS after each training session is complete. It is possible that training attendance records may also be added to other employee record management systems.
  3. Reporting Employees are responsible for reviewing and acting upon communication from the Office of Equity and/or their supervisor about the required training.
  4. Reporting Employees are responsible for communicating with their supervisor and the Office of Equity if they are unable to participate in the required training by the designated deadline and at the designated frequency, and why.
- B. Supervisors, in collaboration with the Office of Equity and Human Resources, must ensure all Reporting Employees complete required training.
1. Supervisors are responsible for reviewing and understanding Policy 340, knowing which of their employees is a Reporting Employee, and asking for clarification from the Office of Equity if they are uncertain who is classified as a Reporting Employee.
  2. Supervisors are responsible for ensuring that Reporting Employees are aware of, understand, and have the tools and time within their regular workday necessary to complete the required training.
  3. Supervisors are responsible for communicating with Reporting Employees who have not completed the required training by the designated deadline and at the designated frequency.
  4. Supervisors will receive regular emails from the Office of Equity and Human Resources until their employees comply with this requirement.
- C. Reporting Employees and supervisors who fail to complete the training requirements above may be subject to disciplinary action under USU Policy 311, if they are a non-faculty staff member, or USU Policy 407, if they are a faculty member.

**V. Procedures for Training Designated Confidential Resources**

- A. Designated Confidential Resources are required to complete all training requirements related to Designated Confidential Resources obligations.

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Designated Confidential Resource trainings will be facilitated by an Office of Equity Prevention Specialist, or their designee.

1. Designated Confidential Resources are required to complete an annual in-person (or via videoconference, where applicable) training. Trainings will be approximately 60-90 minutes.
    - i. A survey to measure what was learned and to solicit feedback about the training will be given immediately after the training and an additional survey will be emailed to Designated Confidential Resources approximately 1-2 weeks after they have participated in a training.
  2. Designated Confidential Resources training compliance details will be coordinated through the use of the LMS.
    - ii. Automated emails will be sent to all Designated Confidential Resources through the LMS with information about how to RSVP for a training session at the start of the training period.
    - iii. Attendance at the Designated Confidential Resources training sessions will be taken through a combination of methods, most typically through printed RSVP lists and electronic sign-in options.
    - iv. Attendance will be added to the LMS after each training session is complete. It is possible that training attendance records may also be added to other employee management systems.
  3. Designated Confidential Resources are responsible for reviewing and acting upon communication from the Office of Equity and/or their supervisor about the required training.
  4. Designated Confidential Resources are responsible for communicating with their supervisor and the Office of Equity if they are unable to participate in the required training by the designated deadline and at the designated frequency.
- B. Supervisors, in collaboration with the Office of Equity and Human Resources, must ensure all Designated Confidential Resources complete required training.
1. Supervisors are responsible for reviewing and understanding Policy 340: Required Reporting of Sexual Misconduct, knowing which of their employees is a Designated Confidential Resource, and asking for clarification from the Office of Equity if they are uncertain who is classified as a Designated Confidential Resource.
  2. Supervisors are responsible for ensuring that Designated Confidential Resources are aware of, understand, and have the tools and time within their regular workday necessary to complete the required training.

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3. Supervisors are responsible for communicating with Designated Confidential Resources who did not complete the required training by the designated deadline and at the designated frequency.
  4. Supervisors will receive regular emails from the Office of Equity and Human Resources until their employees comply with this requirement.
- C. Designated Confidential Resources and supervisors who fail to complete the training requirements above may be subject to disciplinary action under Policy 311: Corrective Action, if they are a non-faculty staff member, or USU Policy 407: Academic Due Process – Sanctions and Hearing Procedures, if they are a faculty member.
- D. Resource Connection Employees are required to complete all training requirements related to Resource Connection Employee obligations. Resource Connection Employee trainings will be facilitated by an Office of Equity Prevention Specialist, or their designee.
1. Resource Connection Employees who are in an instructional role are required to complete an annual in-person (or via videoconference, where applicable) training. Trainings will be approximately 60-90 minutes.
    - i. Training content will differ based on whether the Resource Connection Employee is a new employee or a returning employee.
    - ii. A survey to measure what was learned and to solicit feedback about the training will be given immediately after the training and an additional survey will be emailed to Resource Connection Employees approximately 1-2 weeks after they have participated in a training.
  2. Resource Connection Employees who are not in an instructional role are required to complete an annual online training. Trainings will be approximately 30-60 minutes.
    - i. Training content will differ based on whether the Resource Connection Employee is a new employee or a returning employee.
    - ii. A survey to measure what was learned and to solicit feedback about the training will be given immediately after the training and an additional survey will be emailed to Resource Connection Employees approximately 1-2 weeks after they have participated in a training.
  3. Resource Connection Employee training compliance details will be coordinated through the use of the LMS.
    - i. Automated emails will be sent to all Resource Connection Employees through the LMS with information about how to RSVP

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for an in-person training session or how to access the online training at the start of the training period.

- ii. Attendance at the Resource Connection Employee in-person training sessions will be taken through a combination of methods, most typically through printed RSVP lists and electronic sign-in options. Completion of the online training will be tracked through the LMS.
  - iii. Attendance will be added to the LMS after each in-person training session is complete. It is possible that training attendance records may also be added to other employee management systems.
4. Resource Connection Employees are responsible for reviewing and acting upon communication from the Office of Equity and/or their supervisor about the required training.
  5. Resource Connection Employees are responsible for communicating with their supervisor and the Office of Equity if they are unable to participate in the required training by the designated deadline and at the designated frequency.
- E. Supervisors, in collaboration with the Office of Equity and Human Resources, must ensure all Resource Connection Employees complete the required training.
1. Supervisors are responsible for reviewing and understanding Policy 340, knowing which of their employees is a Resource Connection Employee, and asking for clarification from the Office of Equity if they are uncertain who is classified as a Resource Connection Employee.
  2. Supervisors are responsible for ensuring that Resource Connection Employees are aware of, understand, and have the tools and time within their regular workday necessary to complete the required training.
  3. Supervisors are responsible for communicating with Resource Connection Employees who did not complete the required training by the designated deadline and at the designated frequency.
  4. Supervisors will receive regular emails from the Office of Equity and Human Resources until their employees comply with this requirement.
- F. Resource Connection Employees and supervisors who fail to complete the training requirements above may be subject to disciplinary action under Policy 311: Corrective Action, if they are a non-faculty staff member, or USU Policy 407: Academic Due Process – Sanctions and Hearing Procedures, if they are a faculty member.

**VI. Other Employees**

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- A. Those employees that are not categorized as a Reporting Employee, Designated Confidential Resource, or Resource Connection Employee under Policy 340 and these procedures do not have training requirements or reporting obligations. Examples include custodians, employees in dining services, etc.

**VII. Definitions**

**Advocate.** An individual who is employed or volunteers for the University, acts under the supervision of SAAVI's director, and has completed at least 40 hours of training in counseling and assisting victims who have experienced Sexual Misconduct.

**Campus Security Authority.** As defined by [Policy 533](#): Public Safety, Response, and Reporting, a Campus Security Authority is any employee of the University's Public Safety Department; any individual who has responsibility for campus security but who is not an employee of the Public Safety Department, such as an individual who is responsible for monitoring entrance into University property; any individual or organization specified in Policy 533 as those to which students and employees should report criminal offenses; and any official of the University who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings. If such an official is a Pastoral Counselor, as defined below, or professional counselor, as outlined in this Policy, the official is not considered a Campus Security Authority when acting as a Pastoral or professional counselor.

**Claimant.** A person who is alleged to have experienced conduct that could constitute Sexual Misconduct. Referred to as "complainant" in 34 C.F.R. § 106.30 (2020).

**Designated Confidential Resources.** The University's professional counselors, non-professional counselors, and advocates. They provide critical support services to campus community members in a confidential setting and do not share disclosures of Sexual Misconduct with the Title IX Coordinator or with law enforcement unless they receive express permission to do so from the Claimant.

**Employment or Education Program or Activity.** Locations, events, or circumstances in the United States in which the University has substantial control over both the Respondent and the context in which the Sexual Misconduct occurs. Employment or Education Program or Activity includes all off-campus buildings owned or controlled by a recognized student organization and includes the University's computer and internet networks and digital platforms.

**Formal Complaint.** A signed document that indicates the University will proceed with a Formal Investigation of Sexual Misconduct. A Formal Complaint may be signed by the Claimant or by the Title IX Coordinator.



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**Incident Report.** A report of alleged Sexual Misconduct filed online, via email, by phone, by mail, or in-person to the Office of Equity, Title IX Coordinator, or a Reporting Employee.

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

**Reporting Employee.** Any employee designated as such by Policy 340: Required Reporting of Sexual Misconduct. Employees identified as Reporting Employees are required to report all information they receive concerning incidents of Sexual Misconduct to the Title IX Coordinator.

**Respondent.** An individual who is alleged to have committed Sexual Misconduct.

**Resource Connection Employee.** An employee who is neither a Reporting Employee nor a Designated Confidential Resource. Sexual Misconduct disclosures made to a Resource Connection Employee will not automatically result in an Incident Report to the Title IX Coordinator or a further University response. However, a Resource Connection Employee will provide information about [support services and reporting options](#). Most employees are Resource Connection Employees.

**Sexual Misconduct.** Referred to as “sexual harassment” in 34 C.F.R. § 106.30 (2020). Sexual Misconduct is conduct on the basis of sex including one or more of the following types of conduct:

- Relationship Violence;
- Sexual Harassment;
- Sexual Assault; and
- Sex-based Stalking.

**Supervisor.** A person who has the power to take tangible employment actions against an employee, *i.e.*, to effect a significant change of employment status, such as to hire, fire, promote, reassign with significantly different responsibilities, or make a decision causing a significant change in benefits.

**Supportive Measures.** Non-disciplinary, non-punitive individualized services offered as deemed appropriate by the Office of Equity based on the circumstances of the incident and without fee or charge to the Claimant and/or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Such measures are designed to restore or preserve equal access to the University’s Employment or Education Program or Activity without unreasonably burdening the other party and include measures designed to protect the safety of all parties or the University’s educational environment, and/or to deter Sexual Misconduct. Supportive Measures may include but are not limited to counseling, extensions of deadlines or

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other academic course-related adjustments, work or class schedule changes, campus security or law enforcement escort services, mutual no-contact orders, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

**Title IX Coordinator.** The person designated to coordinate the University's efforts to implement and monitor compliance with the University's Sexual Misconduct policies, including Policy 339: Sexual Misconduct in an Employment or Education Program or Activity; Policy 339A: Sexual Misconduct outside an Employment or Education Program or Activity; Policy 339B: Sexual Misconduct in a Study Abroad Program and with federal Title IX law and regulations more generally. The Title IX Coordinator works within the Office of Equity. As set forth in Policy 339: Sexual Misconduct in an Employment or Education Program or Activity, the Title IX Coordinator is responsible for promptly responding to Incident Reports of alleged Sexual Misconduct, coordinating effective implementation of Supportive Measures, and informing Claimants of their option to file a Formal Complaint. The Title IX Coordinator works within the Office of Equity.

See Policy 339: Sexual Misconduct in an Employment Education Program or Activity for a complete list of definitions, including definitions for each form of Sexual Misconduct.

## **RESOURCES**

### **Non-Discrimination Statement**

In its programs and activities, including in admissions and employment, Utah State University does not discriminate or tolerate discrimination, including harassment, based on race, color, religion, sex, national origin, age, genetic information, sexual orientation, gender identity or expression, disability, status as a protected veteran, or any other status protected by University policy, Title IX, or any other federal, state, or local law. The following individuals have been designated to handle inquiries regarding the application of Title IX and its implementing regulations and/or USU's non-discrimination policies:

#### **Executive Director of the Office of Equity**

Alison Adams-Perlac  
[alison.adams-perlac@usu.edu](mailto:alison.adams-perlac@usu.edu)  
1475 Old Main Hill  
Room. 161  
Logan, UT 84322  
435-797-1266

#### **Title IX Coordinator**

Hilary Renshaw  
[hilary.renshaw@usu.edu](mailto:hilary.renshaw@usu.edu)  
1475 Old Main Hill  
Room 161

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435-797-1266

For further information regarding non-discrimination, please visit <https://equity.usu.edu/>,  
or contact:

U.S. Department of Education  
Office of Assistant Secretary for Civil Rights  
800-421-3481  
[OCR@ed.gov](mailto:OCR@ed.gov)

U.S. Department of Education  
Denver Regional Office  
303-844-5695  
[OCR.Denver@ed.gov](mailto:OCR.Denver@ed.gov)