



INTERIM Procedures 340: Required Reporting of Sexual Misconduct

I. Procedures for Identifying Reporting Employees

A. The University has identified the following employee titles as Reporting Employees:

- Academic Titles
 - Provosts, including vice, associate, and assistant provosts, and assistant to the Provost and staff assistant(s);
 - Deans, including associate and assistant deans, and assistant to the dean(s) and staff assistant(s);
 - Department Heads within colleges;
 - Faculty;
 - Teaching Non-Benefitted Positions;
 - Graduate Teaching Assistants;
 - Graduate Research Assistants; and,
 - Postdoctoral Fellows.

- Administrative Titles
 - All members of the Board of Trustees and the Board Secretary;
 - President, including assistant to the president and staff assistant(s);
 - Vice Presidents, including associate and assistant vice presidents, and staff assistant(s);
 - Chancellors, including vice chancellors, and staff assistant(s);
 - Executive Directors, Directors, and associate and assistant directors;
 - Staff Supervisors of employees, as classified in the Human Resources System;
 - All employees within the Office of Equity, including student employees;
 - All employees within the Office of Human Resources, excluding student employees;
 - All employees within 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;
 - All employees within the Office of Risk Management, excluding student employees;
 - Members of the Equity Hearing Council; and,
 - All employees within the Department of Public Safety.

- Student Affairs
 - Vice Presidents, including assistant and associate vice presidents;
 - Executive Directors, Directors, and associate and assistant directors;

- All employees within Student Conduct & Community Standards, excluding student employees;
 - All employees within Student Involvement & Leadership, Student Life, and Fraternity and Sorority Student Life, excluding student employees;
 - Student organization advisors;
 - Campus recreation staff, excluding student employees; and,
 - All employees within Residence Life, including Resident Assistants and other student employees.
- Athletic Titles
 - 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 and tutors, including student employees.
- Campus Security Authorities, excluding those employees who are Designated Confidential Resources.
- A. The Office of Equity, working with relevant campus partners, will compile and maintain a [Reporting Employees list](#) (with names and contact information).
1. Human Resources will assist with cross-referencing the above list of employee titles that are designated as Reporting Employees with USU's employee job title databases.
 2. The USU Department of Public Safety will compile the list of Campus Security Authorities based on Clery Act regulations and will send that list to the Office of Equity by June 15 each year.
 3. Student Involvement will compile a list of all staff advisors to student organizations and will send that list to the Office of Equity by June 15 each year.
 4. Other USU departments may be asked to review or contribute information to the final Reporting Employee list, as appropriate.
 5. The list of Reporting Employees will be reviewed and updated annually by the Office of Equity annually by July 1.

II. Exceptions to Reporting Employee Obligations

- A. There is no reporting obligation for certain designated teams that routinely review health information and/or records pursuant to a limited release of information agreement. This includes teams reviewing an individual's medical, psychological, and other similar treatment records. These teams include: the Eating Disorder Treatment Team and Student Athletic Wellness Team.

III. Procedures for Identifying Designated Confidential Resources

- A. Designated Confidential Resources include:
- [Counseling and Psychological Services \(CAPS\)](#) Office (available in-person on Logan, Brigham City, Salt Lake, and Tooele campuses, as well as remotely throughout the state);
 - [Sexual Assault and Anti-Violence Information Office \(SAAVI\)](#) (when conducting therapy services);
 - [Student Health & Wellness Center](#); and,
 - [USU Eastern Student Counseling Office](#).

IV. Procedures for Identifying Resource Connection Employees

- A. Resource Connection Employees are identified on the list found at the [Reporting Employee Obligations website](#). Generally, student, work study, and wage hourly employees are not considered Resource Connection Employees, with a few exceptions.
- B. The Office of Equity, working with the Office of Human Resources, will compile and maintain a [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.

V. Procedures for Implementing Supportive Measures

- A. Reporting Employees who receive a request for an academic accommodation, or any other type of Supportive Measure, because of a Sexual Misconduct incident must report the disclosure to the Office of Equity as required by USU [Policy 340: Required Reporting of Sexual Misconduct](#) which will then reach out to the individual in order to discuss that accommodation or Supportive Measure. Reporting Employees cannot implement accommodations or Supportive Measures without consulting with the Office of Equity.
- B. Designated Confidential Resource Employees who receive a request for an accommodation, or any other type of Supportive Measure, because of a Sexual Misconduct incident must inform the individual that accommodations and Supportive Measures can only be obtained through the Office of Equity. The Designated Confidential Resource Employee must also provide the individual with information on how to contact the Office of Equity in order to receive that accommodation or Supportive Measure. Designated Confidential Resource Employees cannot implement accommodations or Supportive Measures without consulting with the Office of Equity.

- C. Resource Connection Employees who receive a request for an academic accommodation, or any other type of Supportive Measure, because of a Sexual Misconduct incident must provide information to the individual about the Office of Equity so that person can choose whether they reach out to the office in order to receive an accommodation or Supportive Measure.

VI. 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 the 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.
 - 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 explaining 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 USU [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: Setting Expectations and Managing Performance](#), 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.

VII. Procedures for Training Designated Confidential Resources

- A. Designated Confidential Resources are required to complete all training requirements related to Designated Confidential Resources obligations. 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 USU [Policy 340](#), 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.
 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.
- D. Designated Confidential Resources 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.

VIII. Procedures for Training Resource Connection Employees

- A. 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 are required to complete an annual 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 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 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.
 3. 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.
- B. 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 USU [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.
- C. Resource Connection 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.

IX. Other Employees

- A. Those employees who are not categorized as a Reporting Employee, Designated Confidential Resource, or Resource Connection Employee under USU [Policy 340](#) and these procedures do not have training requirements or reporting obligations. Supervisors and units may request that employees who are not categorized as a Reporting Employee, Designated Confidential Resource, or Resource Connection Employee still receive training about USU [Policies 339](#), [339A](#), and [339B](#).

IX. 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 USU [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 USU [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 USU [Policy 533](#), 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.

Disclosing Party. An individual who provides information about Sexual Misconduct to a University employee.

Employment or Education Program or Activity. All operations of the University, including 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, including University computers and internet networks and digital platforms, and formal and, generally, approved University-sponsored activities by recognized student organizations.

Formal Complaint. A signed document that indicates the University will proceed with an Earlier Resolution or Formal Investigation of Sexual Misconduct. A Formal Complaint may be signed by the Claimant or, for University-driven Formal Investigations, by the Title IX Coordinator.

Grievance Process. The process undertaken by the Office of Equity from the filing of a Formal Complaint through to the resolution of any appeals, which may include a Formal Investigation or an Earlier Resolution.

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.

Relationship Violence. Includes Dating Violence and Domestic Violence.

- **Dating Violence.** Dating violence includes violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Claimant. The existence of such a relationship shall be determined based on a consideration of the following factors: (a) the length of the relationship, (b) the type of relationship, and (c) the frequency of interaction between the persons involved in the relationship.
- **Domestic Violence.** Domestic Violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate

partner of the Claimant, by a person with whom the Claimant shares a child in common, by a person who is cohabitating with or has cohabitated with the Claimant as a spouse or intimate partner, by a person similarly situated to a spouse of the Claimant under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or by any other person against an adult or youth Claimant who is protected from that person's acts under the domestic or family violence laws of the jurisdiction. A criminal charge or conviction is not a predicate for an allegation of Domestic Violence to be brought under this policy.

Reporting Employee. An employee that is required to report all information they receive concerning incidents of Sexual Misconduct to the Title IX Coordinator. See Policy 340: Required Reporting of Sexual Misconduct.

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

Resource Connection Employee. An employee to whom a disclosure of Sexual Misconduct 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](#).

Sex-based. The University considers actions based on someone's sex assigned at birth, gender identity, gender expression, and/or sexual orientation to be sex-based.

Sex-based Stalking. Engaging in a course of conduct directed at a specific person or persons based on sex, that would cause a reasonable person to fear for their safety or for the safety of others or to suffer substantial emotional distress. Stalking may occur in person, by telephone, mail, electronic communication, social media, or any other action, device, or method.

A course of conduct is two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through a third party, follows, monitors, observes, surveils, threatens, intimidates, harasses, or communicates to or about a person, or interferes with a person's property by telephone, mail, electronic communication, social media, or any other action, method, device, or means.

Sexual Assault. Includes any sexual act or attempted sexual act, including Rape, Sodomy, Sexual Assault with An Object, or Fondling, directed against another person without their Consent. This includes instances where the person is incapable of giving Consent because of their age or because of Incapacitation. Sexual Assault also includes unlawful sexual acts, such as Incest and Statutory Rape.

- **Rape.** Sexual intercourse with another person without their Consent.
- **Sodomy.** Oral or anal sexual intercourse with another person without their Consent.

- **Sexual Assault with An Object.** The use of an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person without their Consent.
- **Fondling.** The touching of the private body parts of another person for the purpose of sexual gratification without their Consent.
- **Incest.** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law (e.g., a sibling or parent/child relationship).
- **Statutory Rape.** Sexual intercourse with a person who is under Utah's statutory age of Consent.

Sexual Harassment. Includes Hostile Environment and Quid Pro Quo.

- **Hostile Environment.** Unwelcome sex-based conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to an Employment or Education Program or Activity.
- **Quid Pro Quo.** An Employee's conditioning the provision of a University aid, benefit, or service on a person's participation in unwelcome sexual conduct.

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:

- 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 affect a significant change of employment status, such as hire, fire, promote, reassign with significantly different responsibilities, or make a decision causing a significant change in benefits. Regarding a person who supervises a student, "Supervisor" means a person who assigns job duties, makes decisions about how the student spends their time, or oversees the student's day-to-day tasks.

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 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 USU [Policy 339: Sexual Misconduct in an Employment or Education Program or Activity](#); USU [Policy 339A: Sexual Misconduct outside an Employment or Education Program or Activity](#); USU [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 USU [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, and informing the parties of their rights and obligations under the Grievance Process. The Title IX Coordinator works within the Office of Equity.

See USU [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
1475 Old Main Hill
Room 161
Logan, UT 84322
435-797-1266

Title IX Coordinator

Hilary Renshaw
hilary.renshaw@usu.edu
1475 Old Main Hill
Room 161

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

U.S. Department of Education
Denver Regional Office
303-844-5695
OCR.Denver@ed.gov