

R262, Student Safety¹

R262-1 Purpose: Every student should have a safe environment in which to learn, study, and excel. If a student experiences sexual misconduct, harassment, or discrimination, they should be treated appropriately in accordance with the law. To that end, the Utah Board of Higher Education (“Board”) and Utah System of Higher Education (“USHE”) institutions shall collaborate to comply with all state and federal laws pertaining to sexual misconduct, harassment, and discrimination; to train and educate faculty, staff, and students about the laws, policies, prevention strategies, and resources addressing sexual misconduct, harassment, and discrimination; and to assess the climate of each campus and the System as a whole.

R262-2 References

- 2.1 Utah Code § 53B-1-402, Establishment of Board – Power, Duties, and Authority - Reports
- 2.2 Utah Code § 53B-2-106, Duties and Responsibilities of the President
- 2.3 Utah Code § 53B-28-401, Campus Safety Plans and Training
- 2.4 Board Policy R265, Transcript Notations
- 2.5 Clery Act, 20 U.S.C. § 1092(f)
- 2.6 Family Educational Rights and Privacy Act
- 2.7 Violence Against Women Act Reauthorization Act of 2022

R262-3 Institution Responsibilities

3.1 USHE institutions shall establish policies and procedures that comply with state and federal laws pertaining to sexual misconduct, harassment, and discrimination, and when practicable, cooperatively establish common, System-wide policies and procedures.

3.2 Institutions shall jointly develop and maintain a method to communicate with other institutions regarding students who have been disciplined for serious violations of institutional policies regarding sexual misconduct, sex discrimination and harassment, in accordance with Board Policy R265, *Transcript Notations* and the Family Educational Rights and Privacy Act.

3.3 Institutions shall conduct a climate survey of students in compliance with federal law requirements.

3.4 Institutions shall develop a campus safety training curriculum that addresses: (1) awareness and prevention of sexual assault, domestic violence, dating violence, or stalking and includes

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information about the institution's and community resources for a victim; (2) bystander intervention; and (3) sexual consent.

3.5 An institution shall require a student organization, in order for the student organization to receive or maintain official recognition by the institution, to annually provide campus safety training, using the curriculum described in subsection 3.4 to the student organization's members.

3.6 Institutions shall coordinate with each other and the Board to comply with sex discrimination and harassment laws by supporting activities of the Board described in R262-4.

3.7 Institutions shall develop campus safety plans that includes the following minimum elements:

3.7.1 Instructions on where an individual can locate the institution's policies and publications related to claims of sexual misconduct, which includes sexual assault, domestic and dating violence, sexual harassment, and stalking;

3.7.2 Institution and community resources for a victim of sexual misconduct;

3.7.3 The rights of a victim of a sexual misconduct, including the measures the institution takes to ensure, unless otherwise provided by law, victim confidentiality throughout all steps in the reporting and response to a covered offense;

3.7.4 How the institution informs the campus community of a crime that presents a threat to the campus community;

3.7.5 Availability, locations, and methods for requesting assistance of security personnel on the institution's campus;

3.7.6 Guidance on how a student may contact law enforcement for incidents that occur off campus;

3.7.7 A description of the efforts that the institution made in the preceding 18 months and expects to make in the upcoming 24 months to improve campus safety measures, including efforts to improve the institution's response to allegations of sexual misconduct and increased and/or improved services to victims of sexual misconduct;

3.7.8 A description of coordination and communication between institution resources and organizations, including campus law enforcement;

3.7.9 A description of the institution’s coordination with local law enforcement or community resources, including coordination related to a student’s safety at an off-campus location; and

3.7.10 How the institution requires a student organization to provide the campus safety training as required by Utah Code section 53B-28-401.

3.8 Institutions may combine their campus safety plan with their Annual Security Report (ASR) required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, 20 U.S.C. § 1092(f), provided the institution’s ASR contains all of the elements specified in 3.7 above. An institution shall prominently post the institution’s campus safety plan on the institution’s website and each of the institution’s campuses and annually update the institution’s campus safety plan.

3.9 Institutions shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees’ November meetings, on crime statistics aggregated by housing facility as described in Utah Code section 53B-28-403(2).

R262-4 Board Responsibilities

4.1 The Board shall provide opportunities for the institutions’ Title IX officers to meet with each other and the Office of the Commissioner of Higher Education—at least annually—to coordinate efforts, review changes to the law, identify best practices, review the institutions’ policies and practices, and provide opportunities for consultation.

4.2 The Board shall provide training opportunities for Title IX officers and other individuals at the institutions who investigate alleged violations of the institutions’ sexual misconduct, harassment, and discrimination policies. The training shall cover areas required by law and other best practices.

4.3 The Board shall provide annual training opportunities for individuals who conduct disciplinary proceedings, including hearing committees that address violations of the institutions’ Title IX policies. The training will cover areas required by law and other best practices.

4.4 The Board shall assist the institutions to identify strategies for preventing sexual harassment, sexual violence, domestic violence, dating violence, and stalking, including outreach and educational activities for students, staff, and faculty.

4.5 The Board shall provide the institutions with other resources and opportunities to help institutions comply with sexual misconduct, harassment, and discrimination laws.