# TITLE IX / SEXUAL MISCONDUCT

## PROCESS

During the initial conversation with the Title IX Coordinator, you will be advised on your rights and options, including informal resolutions when appropriate.

Throughout the process, every effort is made to protect the individual bringing the complaint from reprisals and to protect the accused from irresponsible complaints.

The reporting party may choose to end an informal process at any time and submit a formal grievance.

### What’s the difference between “formal” and “informal” Title IX Complaints?

<table>
<thead>
<tr>
<th><strong>Formal Complaint</strong></th>
<th><strong>Informal Complaint</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>● Full investigation with a neutral, trained investigator as the fact finder, with the possibility for a hearing panel if appealed.</td>
<td>● Limited or no investigation; no adjudication unless a formal complaint is filed at a later time.</td>
</tr>
<tr>
<td>● A formal determination of whether or not sexual misconduct has occurred; may lead to disciplinary action (student expulsion, suspension, probation, reprimand, employee discipline, or dismissal, etc.) and/or other remedies as available in informal complaints.</td>
<td>● Focused on a remedy desired by the complainant agreed to by the respondent (a warning conversation with the respondent, a no-contact agreement, counseling, a change in courses, etc.).</td>
</tr>
<tr>
<td>● Documentation: preserved in confidential university records; depending on findings, sanctions may be recorded in respondent’s file.</td>
<td>● Documentation: preserved in confidential university records only.</td>
</tr>
<tr>
<td>● Must be initiated within 1 year from the last conduct.</td>
<td>● May be initiated at any time a person is uncomfortable.</td>
</tr>
<tr>
<td>● With some exceptions, completed within 60 days.</td>
<td>● Can often occur within a week or two.</td>
</tr>
<tr>
<td>● Under limited circumstances, action or inaction may be appealed once.</td>
<td>● Can be reopened as necessary to address ongoing or emergent issues.</td>
</tr>
<tr>
<td></td>
<td>● Does not preclude a subsequent formal complaint at the request of complainant.</td>
</tr>
</tbody>
</table>
STUDENT GRIEVANCE/APPEAL

To file a formal grievance, a written statement and documentation should be provided to the Title IX Coordinator or Deputy Coordinator conducting the investigation. The Title IX Coordinator or investigating administrator will determine the merit of the written statement. In cases of sexual harassment or sexual violence, an effort will be made to immediately notify both parties to refrain from communication or contact to avoid the appearance of reprisals.

If the grievance is not dismissed and is within the scope of the institution’s grievance process, the Title IX Coordinator or Deputy Coordinator will interview all parties relevant to the complaint and review all information and documentation relevant to the grievance.

The Title IX Coordinator or Deputy Coordinator will consult with other university offices as necessary in reaching a decision regarding the written grievance. The investigating administrator will prepare a written report of their findings, conclusions, and actions to be taken, if any, and will determine with whom to share the report. Both parties will be notified simultaneously of the outcome in writing; including information related to appeals.

INFORMATION FOR COMPLAINANTS

Complainants will be treated fairly and with respect before, during, and after the investigation or disciplinary process. Complainants will be informed of the University’s disciplinary process and possible outcomes. The University will communicate substantive and, when warranted, procedural developments regarding an investigation. The University may investigate the incident(s) in question and take appropriate responsive action to ensure that the educational environment is free of discrimination and to prevent a hostile environment—and, if appropriate, remedy the effects of the alleged harassment on the complainant. Note that mediation is not an appropriate remedy for any allegation of violence.

Complainants are strongly encouraged to seek counseling and support available through campus resources, such as the UVU Health Center or other local resources.

Complainants may request changes to academic situations and/or enforcement of no-contact/restraining orders, and will be notified as to what reasonable modifications are available.

Complainants may choose an advisor to accompany them to any meetings with Office of Student Conduct staff, investigators, or to hearings. The advisor’s role in any meeting is limited to quietly conferring with the respondent through written correspondence or whisper. An advisor may play a more substantial role in a due process hearing with the hearing panel.

The University understands that sexual misconduct is often not witnessed by others and that reports of sexual misconduct are not always substantiated by evidence. Therefore, individuals should not be discouraged from reporting sexual misconduct under this policy simply because there is a lack of evidence. However, any member of the University community who knowingly files a false complaint, provides false information under this policy, or intentionally misleads university officials who are investigating or reviewing a complaint of alleged sexual misconduct is subject to disciplinary action.
INFORMATION FOR RESPONDENTS

Respondents will be treated fairly with respect before, during, and after the investigation or disciplinary process. Respondents will be informed of the University’s disciplinary process and possible outcomes. The University will communicate substantive and, when warranted, procedural developments regarding an investigation. As the alleged behavior may also be criminal in nature, a respondent may be subject to a criminal investigation by the appropriate law enforcement agency concurrent with the University’s investigation.

Respondents can expect a presumption of innocence throughout the disciplinary process unless and until they are found responsible for a violation of this policy.

Respondents have the right to (and are encouraged to seek) counseling and support available through campus resources, such as the UVU Health Center or other local resources.

Respondents may request changes to academic courses and/or enforcement of no-contact/restraining orders, and will be notified as to what reasonable modifications are available.

Respondents may choose an advisor to accompany them to any meetings with Office of Student Conduct staff, investigators, or to hearings. The advisor’s role in any meeting is limited to quietly conferring with the respondent through written correspondence or whisper. An advisor may play a more substantial role in a due process hearing with the hearing panel.

ADDITIONAL INFORMATION

For further information on the grievance process related to employee sexual misconduct, see UVU’s Sexual Harassment and Consensual Relationships and Grievance Policy.

For further information on the grievance process related to student sexual misconduct see UVU’s Student Rights and Responsibilities Code.

The Director for Equal Opportunity and Affirmative Action serves as the University’s Title IX officer, whose primary task is to ensure compliance with federal Title IX regulations regarding gender discrimination and complaint resolution. Please contact:

Laura Carlson, Acting Director & Title IX Coordinator
Affirmative Action/Equal Opportunity
800 W University Avenue – Orem, UT 84058 (BA 203a)
TEL: 801-863-7590
FAX: 801-863-5587
Email: lcarlson@uvu.edu