

January 11, 2017

MEMORANDUM

TO: State Board of Regents
FROM: David L. Buhler
SUBJECT: Adoption of Regent Policy R262, Student Safety

Issue

Student safety has become an issue of primary concern for institutions of higher education throughout the country, in particular regarding sex discrimination, sexual violence and harassment under Title IX. Although all Utah System of Higher Education (USHE) institutions have in place several policies and practices that address student safety, every student, regardless of the institution they attend, should have a uniformly safe environment in which to learn, study and excel. The Board of Regents may adopt policies and practices to ensure institutions consistently comply with state and federal laws; train and educate the faculty, staff and students about the laws, policies, prevention strategies and resources addressing sexual misconduct and harassment; assess the climate of each campus and the system as a whole; and foster collaboration. Policy R262 establishes a system-wide policy to better ensure a safe learning atmosphere for students throughout Utah.

Background

Institutions of higher education have always made student safety a priority. Recent research, however, has uncovered an increasing trend of sexual assault, harassment and discrimination on and off campuses across the country. In response, the U.S. Department of Education issued guidance to institutions stating that under Title IX, all schools were obligated to address instances of sexual misconduct and discrimination by investigating allegations, taking disciplinary action when warranted, and instituting practices, training and prevention strategies to reduce or eliminate sexual misconduct or discrimination and to, thereby, provide a safe educational environment for students.

Along with issuing guidance the Department of Education, through its Office of Civil Rights, has aggressively investigated schools for failing to implement adequate policies or practices and for mishandling instances of sexual misconduct or discrimination. Schools throughout the country have—with mixed levels of success—attempted to identify and adopt best practices that foster safer environments for students, ensure appropriate due process, and comply with federal and state law.

In Utah, in addition to adhering to the Department's guidance, USHE institutions have endeavored to create safe campuses through institutional policies, training and prevention strategies. The Regents have not yet addressed student safety and Title IX on a system-wide level, which presents an opportunity for the

Regents to:

- help each institution ensure they are in full compliance with the law
- foster collaboration among the institutions for sharing best practices and model policies
- provide training opportunities that will create consistent practices within all institutions
- conduct campus climate surveys that will assess each institution's success at creating a safe environment and also assess the system as a whole, and
- encourage better cooperation with local law enforcement.

The Commissioner's staff has worked closely with each institution's attorneys, Title IX officers, deans of students, and student services vice presidents to craft this policy that addresses system-wide improvements while allowing for institutions to adapt to the unique needs of their campuses.

Commissioner's Recommendation

The Commissioner recommends the Regents approve the adoption of Regent Policy R262, *Student Safety*, effective immediately.

David L. Buhler
Commissioner of Higher Education

DLB/EJH/GTL
Attachments

R262-1. Purpose: Every student should have a safe environment in which to learn, study and excel. If a student is confronted with violence, harassment, or discrimination, he or she should be treated appropriately in accordance with the law. To that end the Board of Regents and its institutions shall collaborate to comply with all state and federal laws pertaining to sexual misconduct, discrimination and harassment; to train and educate the faculty, staff and students about the laws, policies, prevention strategies and resources addressing sexual misconduct and harassment; and to assess the climate of each campus and the system as a whole.

R262-2. References

- 2.1. Utah Code §53B-1-103 (Powers and Authority of the Board of Regents)
- 2.2. Utah Code §53B-2-106 (Duties and Responsibilities of the President)

R262-3. Responsibilities of the Institutions

- 3.1 Institutions shall establish policies and procedures that comply with state and federal laws pertaining to sexual misconduct, discrimination and harassment, and when practicable, cooperatively establish common, system-wide definitions of terms.
- 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 the Family Educational Rights and Privacy Act.
- 3.3 Institutions shall conduct a climate survey of students every two years. Although institutions may tailor the climate survey questions to address individual areas of concern, all institutions shall collaborate with the Commissioner's office to develop common questions for all campuses that may be used to assess the climate of the entire system and among the institutions.
- 3.4 Institutions shall develop and conduct training for faculty, staff, and students about the laws, policies, prevention strategies and resources regarding sexual misconduct, harassment and discrimination.
- 3.5 Institutions shall coordinate with each other and the Board of Regents to comply with sex discrimination and harassment laws by supporting activities of the Board of Regents described in R262-4.

R262-4. Responsibilities of the Board of Regents

- 4.1. The Board of Regents shall provide opportunities for the institutions' Title IX officers to meet with each other and the Commissioner's staff—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 of Regents shall provide training opportunities for Title IX officers and other individuals at the institutions who investigate alleged violations of the institutions' sexual misconduct, discrimination and harassment policies. The training shall cover areas required by law and other best practices.

4.3 The Board of Regents 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 of Regents shall assist institutions to enter into memorandums of understanding with local law enforcement agencies—as allowed by applicable law—to share information, coordinate investigations, and otherwise collaborate to protect students' safety.

4.5 The Board of Regents 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.

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