

Office of Equity Annual Report

August 2020 – July 2021



UtahStateUniversity

CONTENTS

- Our Campus Commitment **2**
- Office of Equity Staff **3**
- Policy **3**
- Process Overview **4**
- Incident Reports to the Office of Equity **8**
- Case Flow **8**
- Case Types **9**
- Case Information **11**
- Training **16**
- Resources **17**
- Appendix: Definitions **18**



OUR CAMPUS COMMITMENT

Dear Aggie Students and Staff,

Thank you for supporting efforts to help create a living, learning, and working environment free from discrimination and sexual misconduct at Utah State University. Over the past year, we have increased our prevention efforts, trained nearly all students and employees concerning healthy relationships and sexual misconduct reporting obligations, provided [supportive measures](#) to those impacted by sexual misconduct and discrimination, and offered a fair and equitable [grievance process](#).

It is a choice to create an inclusive and safe campus community, so thank you for asking for consent, respecting others' boundaries, being an [Upstander](#), and creating a community where sexual misconduct and discrimination are not tolerated.

The purpose of this annual report is to outline the Office of Equity's sexual misconduct and discrimination prevention and response efforts. This annual report includes information about training efforts, incident reports to the Office of Equity and case coordination related to those reports, claimant and respondent demographics, and investigations and the grievance process.

Ultimately, it is up to all members of the Aggie community to help create an inclusive and safe campus, so thank you for all you do to make our working, living, and learning spaces welcoming places. We look forward to continuing this work with all of you!

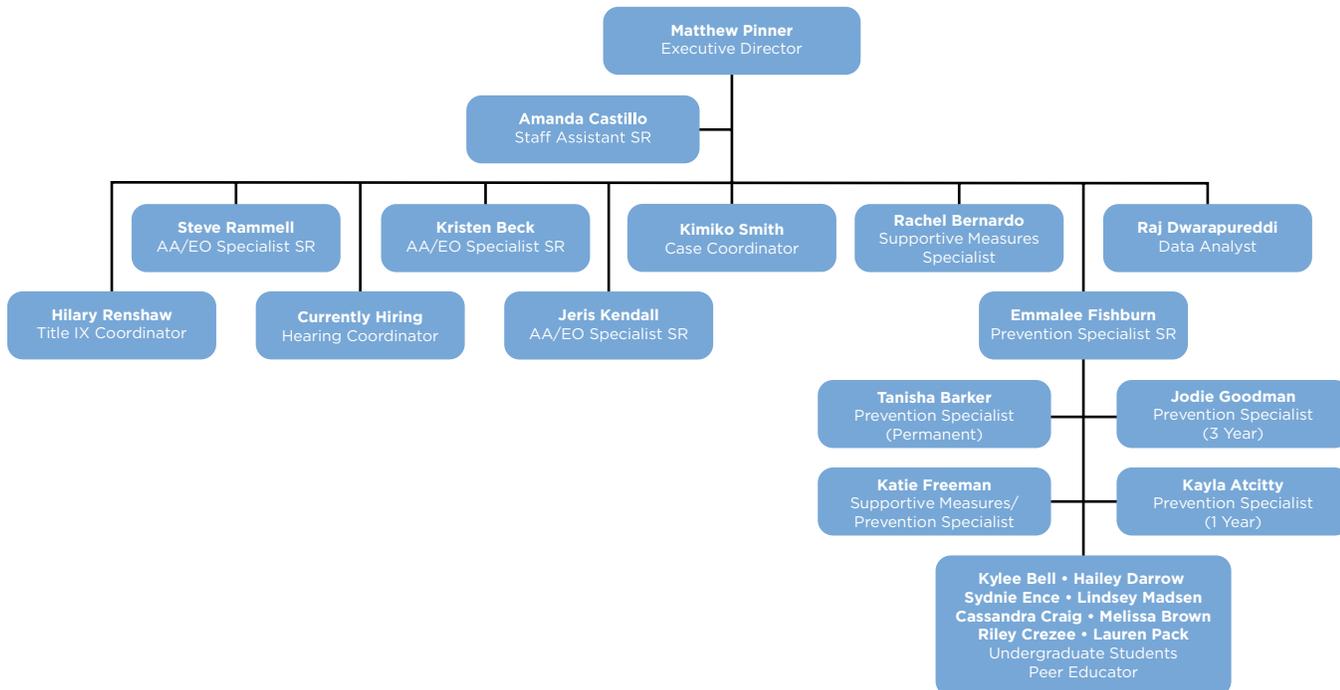
Sincerely,

Hilary Renshaw, USU Title IX Coordinator

OFFICE OF EQUITY STAFF

The Office of Equity uses evidence-based practices to prevent and respond to discrimination and sexual misconduct by offering a fair process to address these behaviors and by providing education, support, and resources. The office helps ensure compliance with related university policy and state and federal law.

The office has five prevention specialists that provide trainings to students and employees. Note, the office has not been fully staffed throughout the last year due to difficulties in hiring qualified individuals. The staff as of February 2022 includes:



POLICY

USU's policies and procedures prohibit: (1) discrimination based on a protected class (including race, color, religion, sex, gender identity or expression, sexual orientation, national origin, age [40 and older], disability, or status as a protected veteran); and, (2) sexual misconduct (including sexual harassment, sexual assault, relationship violence, and sex-based stalking).

Interim USU Policy and Procedures 339/339A/339B (related to sexual misconduct) were published in January 2021. The Office of Equity is in the

process of finalizing these policies and procedures. Additionally, the Office of Equity is updating USU Policy 305 related to discrimination. USU policies and procedures define prohibited behavior, outline reporting options, identify resources and support for students and employees, and explain the grievance process.

Definitions for the policy terms used in this report can be found in the definitions section at the end of the report.

PROCESS OVERVIEW

Anyone can submit an incident report to the Office of Equity. The office then contacts the claimant, provides resources and information about supportive measures, and explains how to file a formal complaint.

If the claimant would like to file a formal complaint and the investigator determines there is jurisdiction to proceed, the claimant may choose to pursue an earlier resolution (previously informal resolution) or formal investigation.

A person can request that no action be taken. This request will be honored as long as there is not a pattern of discrimination or sexual misconduct by the respondent or an immediate threat to campus safety.

If there is a pattern or an immediate threat, the university may proceed with a university-driven investigation. In this situation, the claimant can receive supportive measures without participating in the investigation process.

TERMS & DEFINITIONS

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.

Claimant: A person who is alleged to have experienced conduct that could constitute sexual misconduct.

Respondent: An individual who is alleged to have committed sexual misconduct.

Supportive measures: Non-disciplinary, nonpunitive individualized services offered as deemed appropriate by the Office of Equity based on the circumstances of the incident.

Formal complaint: A signed document that indicates the university will proceed with a formal investigation of sexual misconduct or an earlier resolution. A formal complaint may be signed by the claimant or, for university-driven formal investigations, by the Title IX Coordinator.

Earlier resolution: A process in which parties agree to resolve a formal complaint without completing an investigation and/or hearing. An earlier resolution may be facilitated through arbitration, mediation, restorative justice, or another appropriate method. Such an agreement may include sanctions or other disciplinary measures.

Formal investigation: The evidence-gathering process that begins with the filing of the formal complaint by a claimant and ends when the appeal process is complete. This process includes interviewing parties and witnesses, and gathering other relevant evidence, exculpatory and inculpatory. There is a live hearing, and a panel determines whether or not there is a preponderance of the evidence of a policy violation. The parties can appeal the finding and decision under limited circumstances.

University-driven investigation: An investigation of allegations of sexual misconduct undertaken by the university when, as determined by the safety risk panel, there is an immediate threat to the physical health or safety of a student or other individual(s) arising from the allegations, and/or there are allegations that suggest a pattern of sexual misconduct by a student, employee, or third party over whom the university has control and there is no participating claimant.

OFFICE OF EQUITY ADMINISTRATIVE PROCESS



597 INCIDENT
REPORTS



394
CASES



21 FORMAL
COMPLAINTS
FILED



289 SUPPORTIVE
MEASURES
OFFERED
CASES



81 SAFETY
ASSESSMENTS
COMPLETED
CASES



38 RESPONDENT
EDUCATION
PROVIDED
INDIVIDUAL

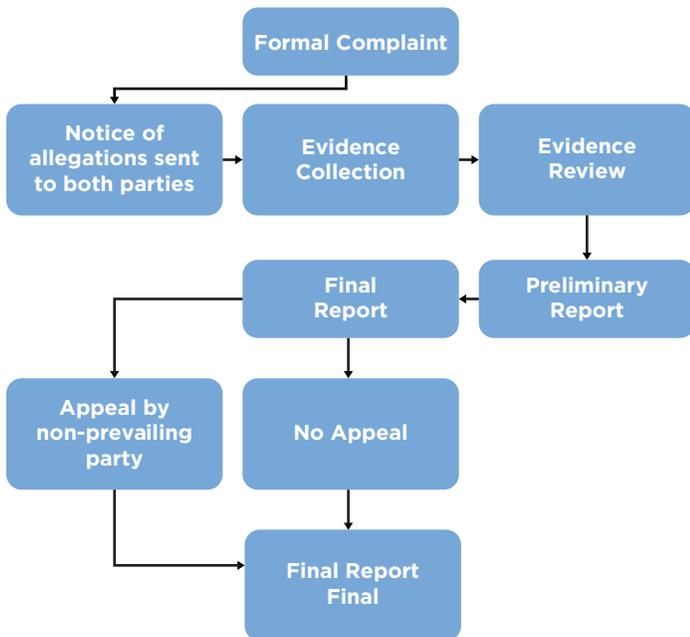


+5 EDUCATION
PROVIDED
GROUPS

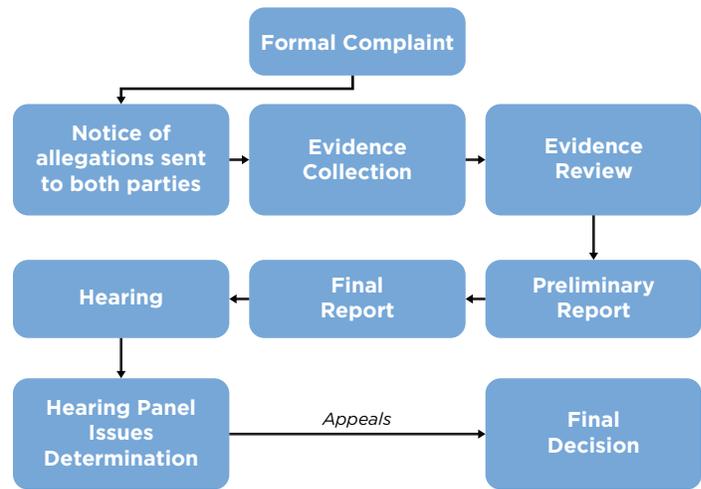
124 SUPPORTIVE
MEASURES
PROVIDED
CASES

GRIEVANCE PROCESS OVERVIEWS

Discrimination Formal Investigation



Sexual Misconduct Formal Investigation



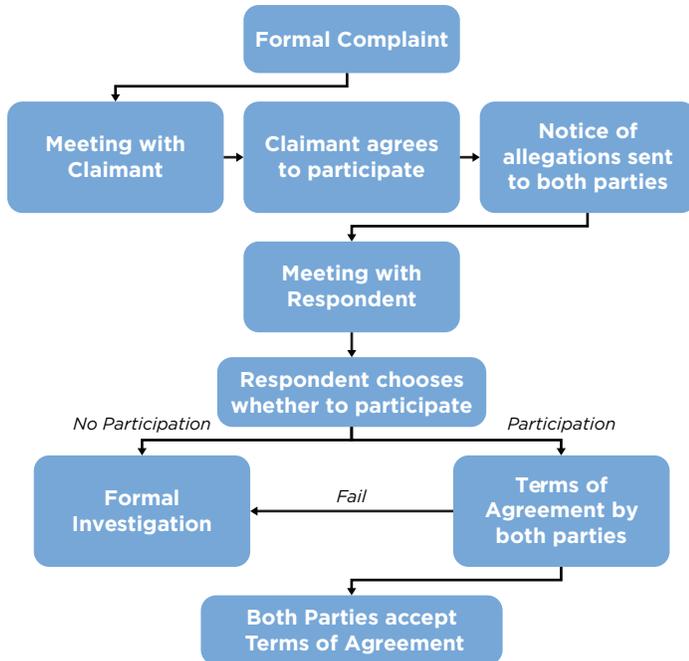
Formal Investigation Sanctions

Sanctions are determined by the appropriate sanctioning authority.

- A student who is found to have violated Policy 339/339A/339B with regard to *sex-based hostile environment or quid pro quo* may be subject to sanctions from a warning up to and including probation.
- A student who is found to have violated Policy 339/339A/339B with regard to *relationship violence or sex-based stalking* may be subject to sanctions from probation up to and including expulsion and the sanction may include a permanent notation on the student’s transcript.
- A student who is found to have violated Policy 339/339A/339B with regard to *sexual assault* may be subject to sanctions from suspension up to and including expulsion and the sanction may include a permanent notation on the student’s transcript.
- An employee who is found to have violated Policy 339/339A/339B may be subject to sanctions from a warning up to and including termination.
- An employee who is found to have violated Policy 305 may be subject to sanctions from a warning up to and including termination of employment.
- A student who is found to have violated Policy 305 may be subject to sanctions from a warning up to and including expulsion with a possible transcript notation.

GRIEVANCE PROCESS OVERVIEWS

Earlier Resolution for Discrimination or Sexual Misconduct



Earlier Resolution Overview

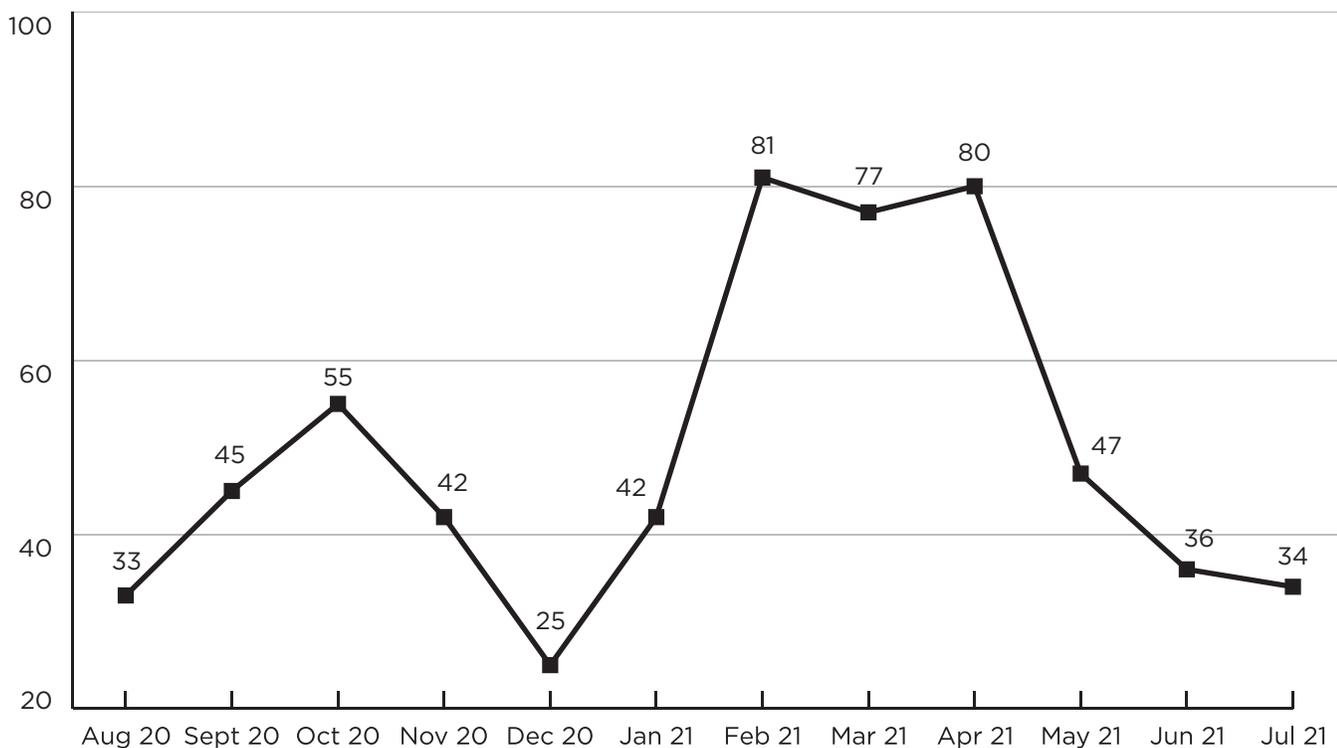
An earlier resolution may include:

- An apology by the respondent, in person or in writing;
- The respondent completes additional sexual misconduct or discrimination training or other related education;
- The respondent completes community service;
- The respondent leaves the university and does not reenroll until the claimant has graduated;
- An admission that the respondent violated Policy 339/339A/339B or 305;
- An agreement to put in place punitive or disciplinary measures, from probation up to expulsion with or without a notation on respondent's transcript for a student respondent, and a warning up to termination for an employee respondent.

INCIDENT REPORTS TO THE OFFICE OF EQUITY

Individuals can report discrimination or sexual misconduct to the Office of Equity online, in person at Old Main 161 on the Logan campus, over the phone at 435-797-1266, or via email to titleix@usu.edu or discrimination@usu.edu. The following graphic shows the number of incident reports received each month by the Office of Equity from August 2020 to July 2021. The timing of a report can be delayed from when an incident occurred.

Incident Reports by Month



CASE FLOW

The Office of Equity received 597 incident reports from August 2020 to July 2021. These incident reports are submitted by reporting employees, students, community members, and others. Individuals can also report anonymously. Anonymous reports do not always contain enough information

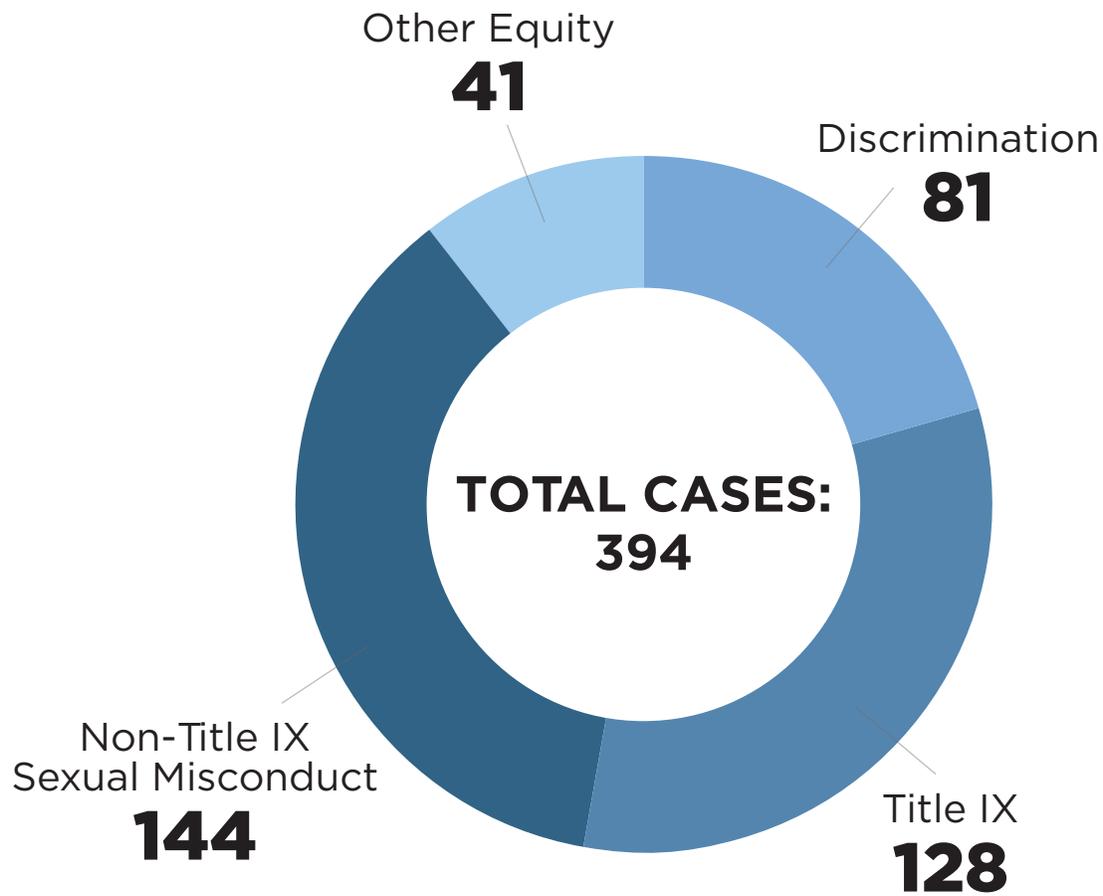
for the Office of Equity to take action. Often there are multiple incident reports submitted to the office about the same incident from different individuals. After accounting for these multiple reports, **there were 394 unique cases from August 2020 to July 2021.**

CASE TYPES

Title IX cases include allegations of sexual misconduct that occur in an employment or education program or activity. Non-Title IX sexual misconduct cases are allegations of sexual misconduct that occur outside an employment or education program or activity (e.g., typically off-campus locations, with a few exceptions).

Discrimination cases are allegations of discrimination based on a protected class. Other Equity cases are incident reports to the Office of Equity that are outside the scope of sexual misconduct or discrimination but may be addressed by other university offices (e.g., Human Resources, Student Conduct).

Case Types



Sexual Misconduct Cases



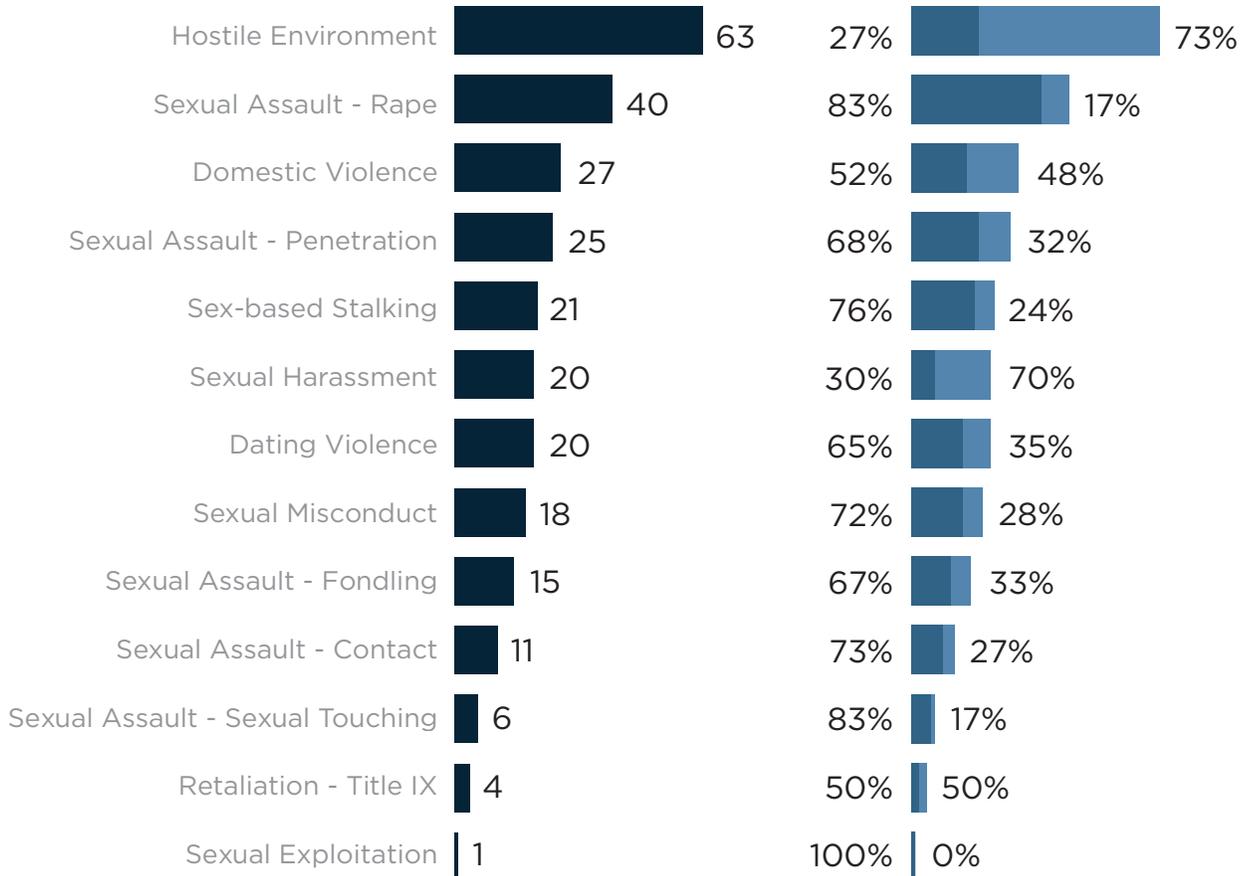
BREAKDOWN OF ALLEGATIONS

For definitions of allegations, visit the [sexual misconduct](#) or [discrimination](#) webpages.

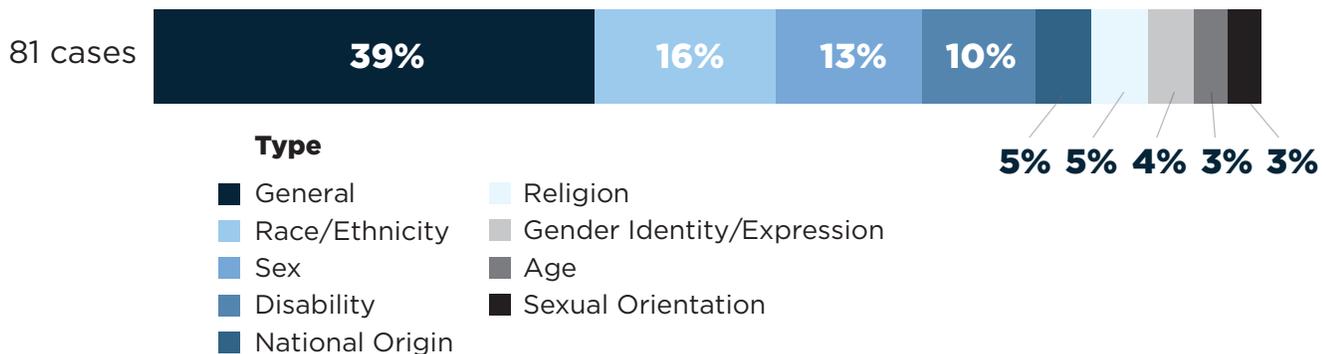
SEXUAL MISCONDUCT

Total Number of Allegations

% of Non-Title IX & Title IX Allegations



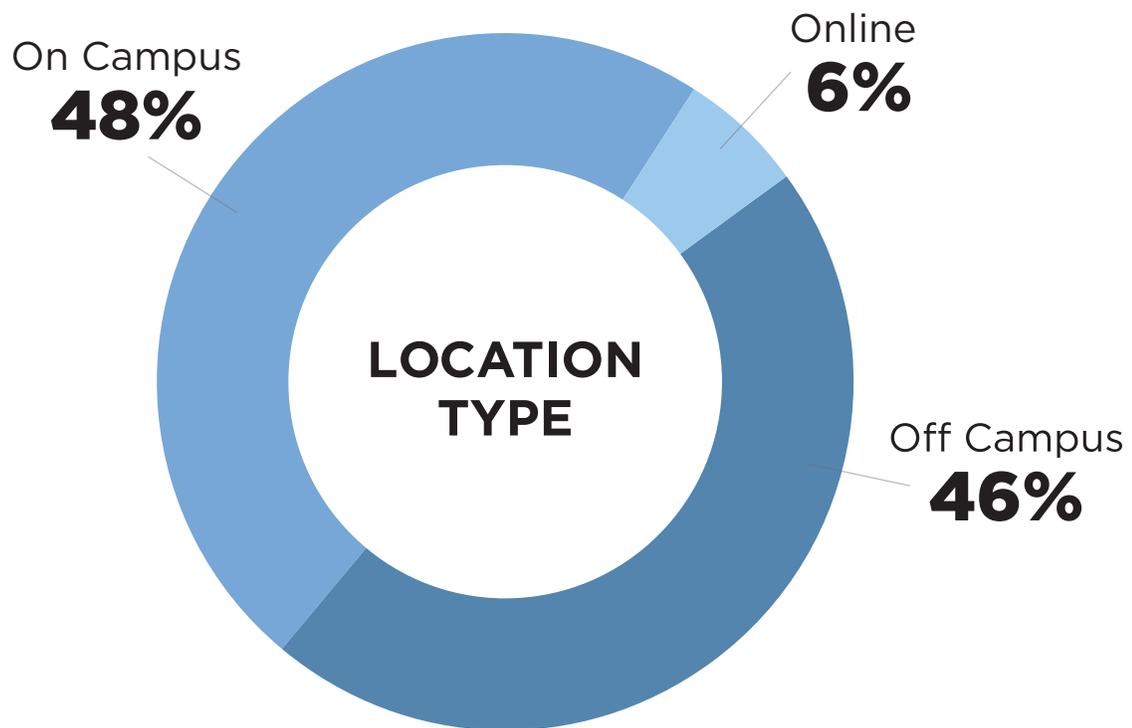
Discrimination Based on a Protected Class



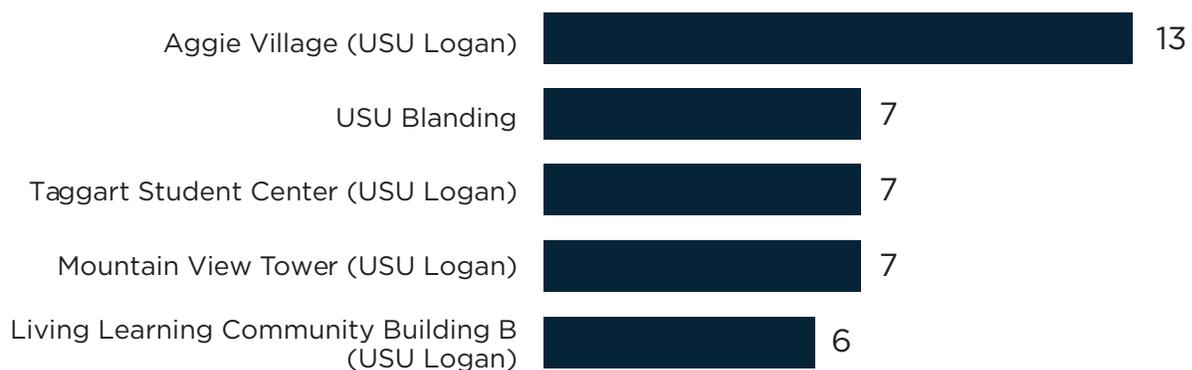
CASE INFORMATION

The information on the following pages includes incident locations (where the alleged discrimination or sexual misconduct occurred), respondent characteristics, claimant characteristics, information about cases involving student and employee respondents, and data about investigations.

Total Number of Cases

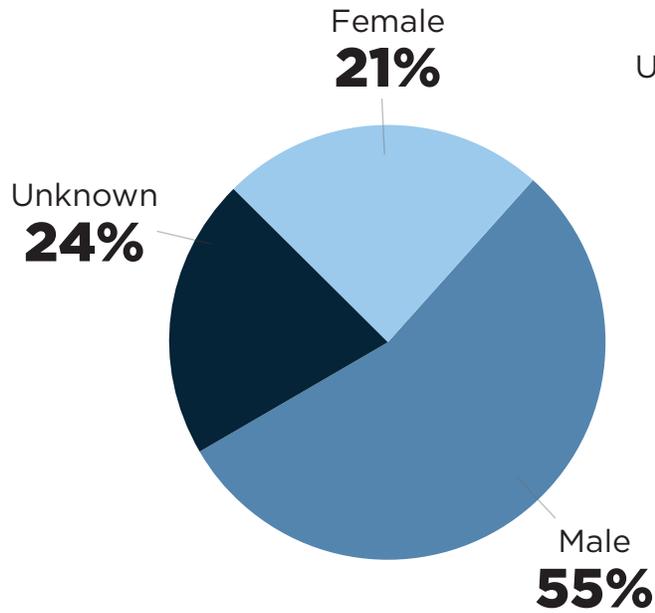


Highest Number of Incident Reports in On-Campus Locations

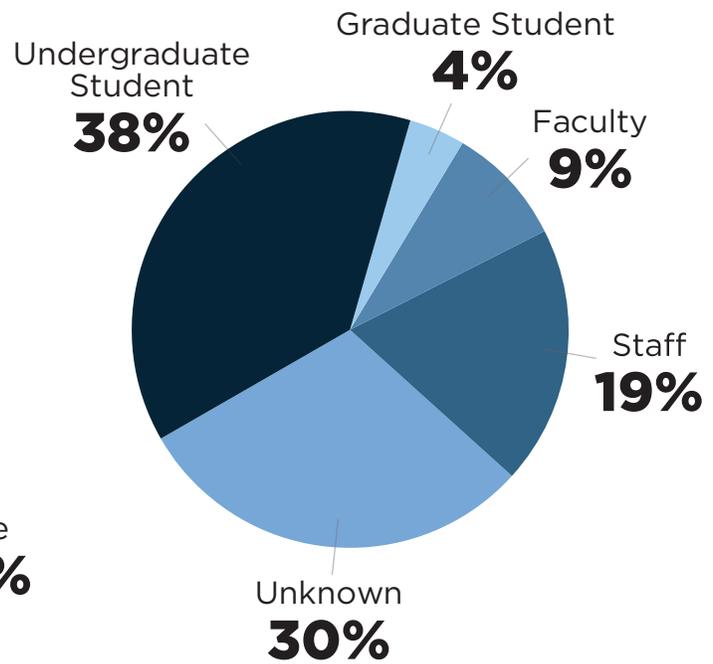


RESPONDENT CHARACTERISTICS (OVERALL)

Gender Identity

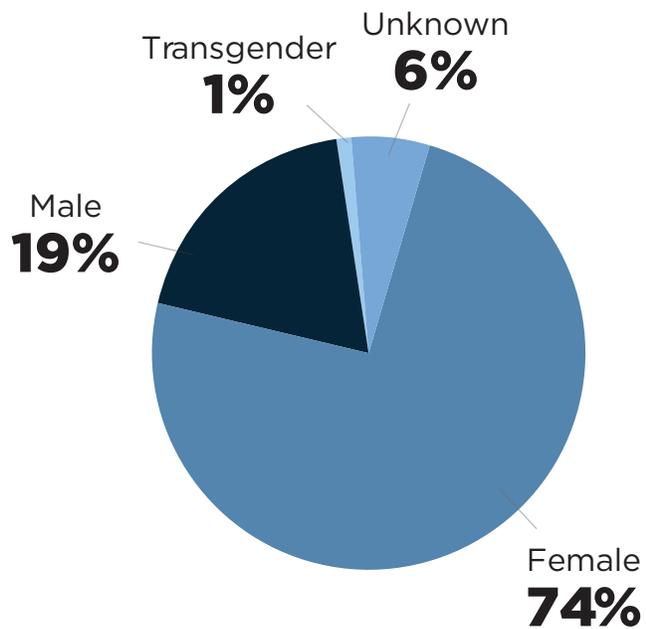


Affiliation with the University

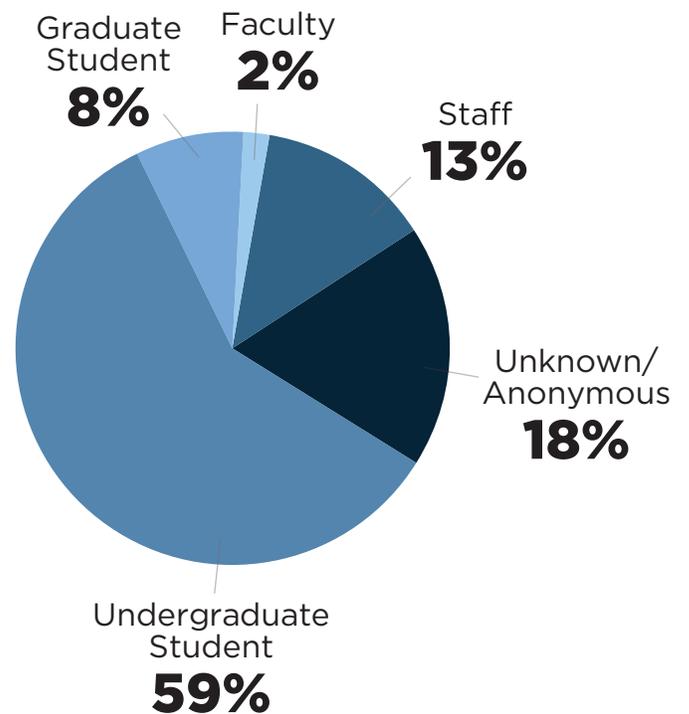


CLAIMANT CHARACTERISTICS (OVERALL)

Gender Identity

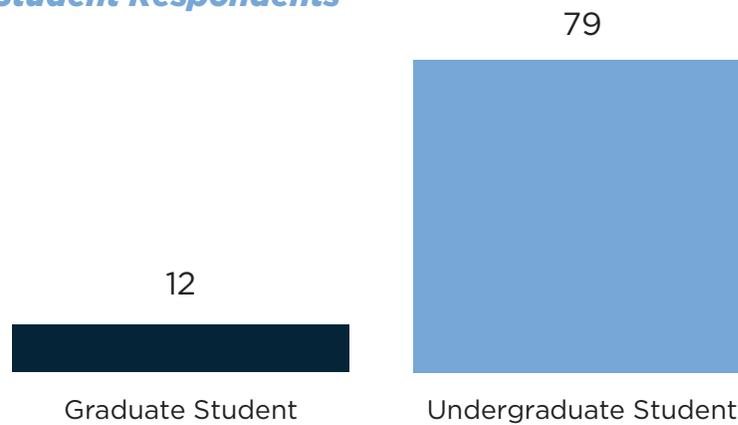


Affiliation with the University



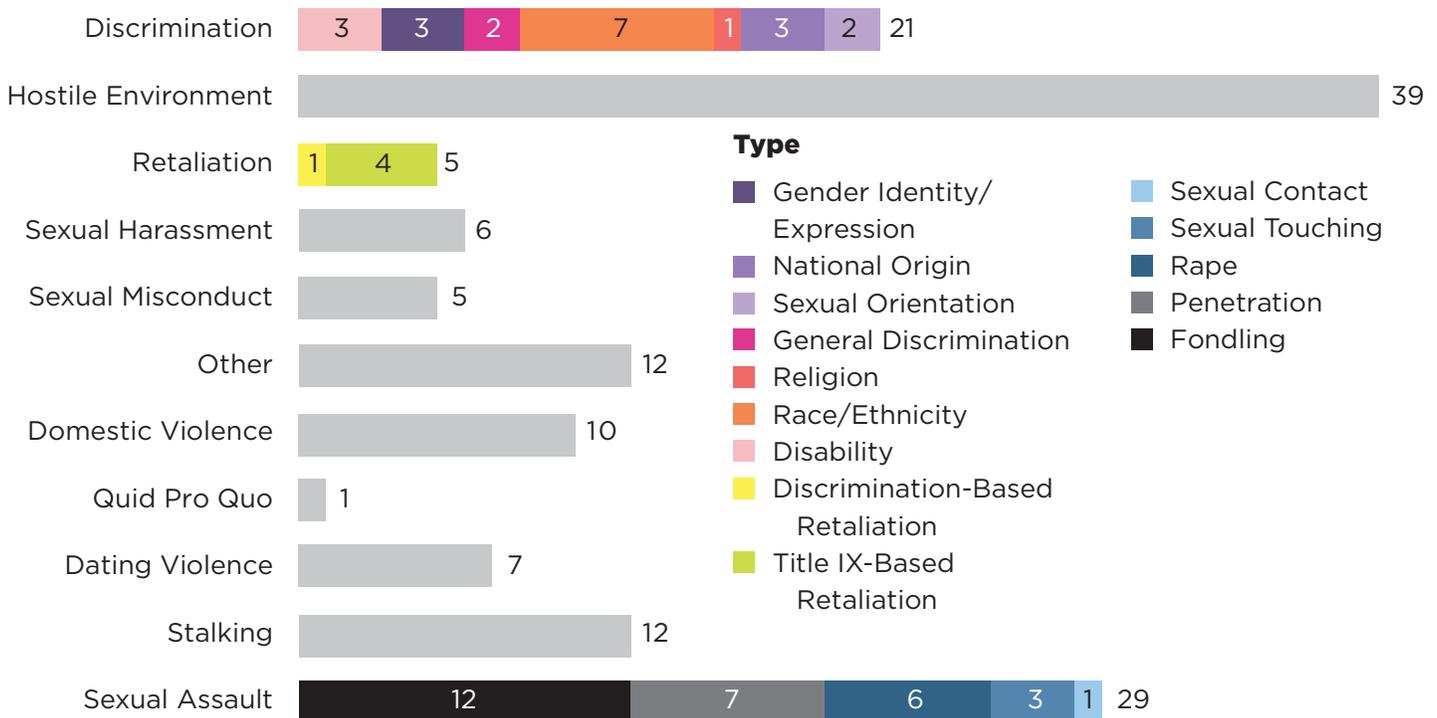
DISCRIMINATION & SEXUAL MISCONDUCT CASES AGAINST STUDENT RESPONDENTS

Classification of Student Respondents



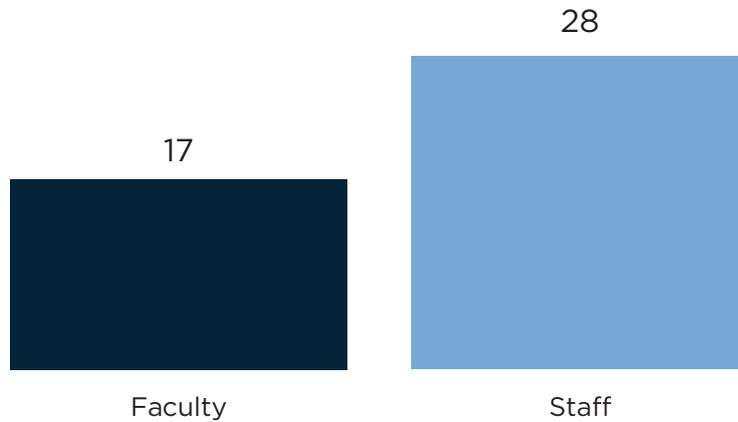
When an individual completes the incident report, they can mark one or more of the allegations listed below. The individual that submitted the report may choose not to provide additional information about the allegation. For definitions of allegations, visit the [sexual misconduct](#) or [discrimination](#) webpages.

Allegations Against Student Respondents



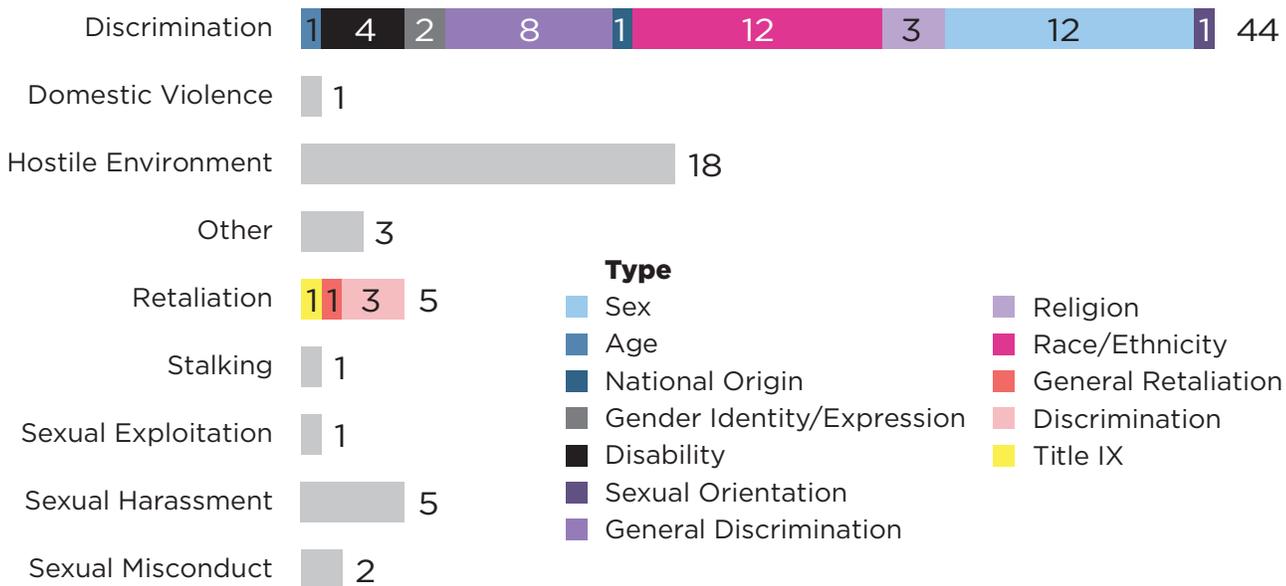
DISCRIMINATION & SEXUAL MISCONDUCT CASES AGAINST EMPLOYEE RESPONDENTS

Classification of Employee Respondents

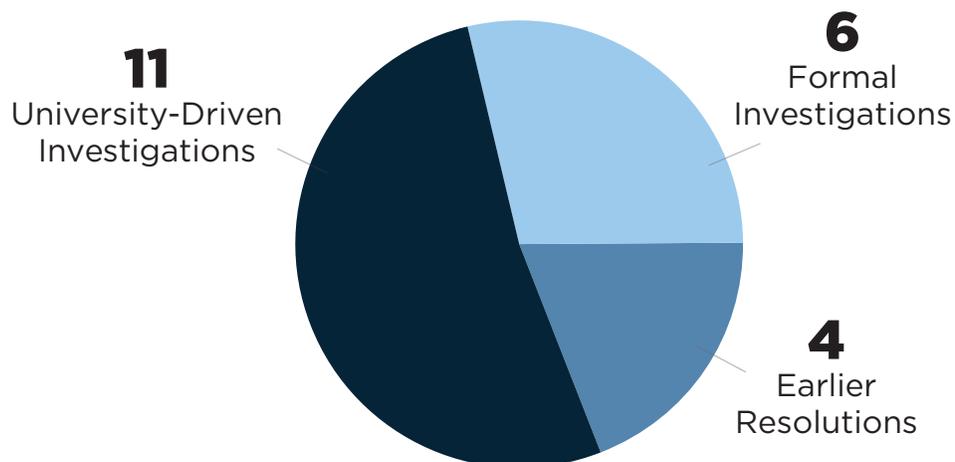


When an individual completes the incident report, they can mark one or more of the allegations listed below. The individual that submitted the report may choose not to provide additional information about the allegation. For definitions of allegations, visit the [sexual misconduct](#) or [discrimination](#) webpages.

Allegations Against Employee Respondents



CASES WITH A FORMAL COMPLAINT



University-Driven Formal Investigation

An investigation of allegations of sexual misconduct undertaken by the university when, as determined by a safety risk panel, there is:

- An immediate threat to the physical health or safety of a student or other individual(s) arising from the allegations, and/or
- There are allegations that suggest a pattern of sexual misconduct by a student, employee, or third party over whom the university has control and there is no participating claimant.

Claimant-Driven Formal Investigation

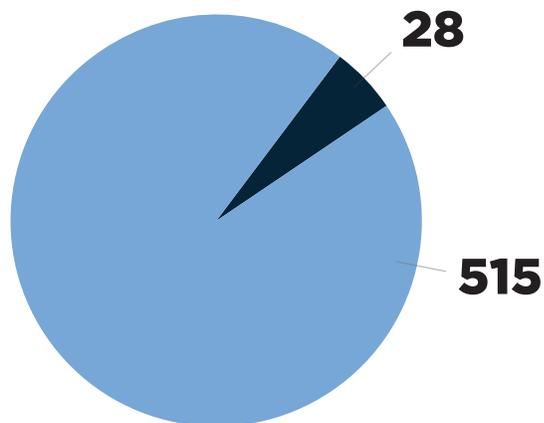
The evidence-gathering process that begins with the filing of the formal complaint by a claimant and ends when the appeal process is complete. This process includes interviewing parties and witnesses, and gathering other relevant evidence, exculpatory and inculpatory. There is a live hearing, and a panel determines whether or not there is a preponderance of the evidence of a policy violation. The parties can appeal the finding and decision under limited circumstances.

Earlier Resolution Process (Formerly Called Informal Resolution)

A process in which parties agree to resolve a formal complaint without completing an investigation and/or hearing. An earlier resolution may be facilitated through arbitration, mediation, restorative justice, or another appropriate method. Such an agreement may include sanctions or other disciplinary measures.

STUDENT & EMPLOYEE TRAININGS

Total Training Sessions Offered to Students and Employees



- In Person
- Live Training on Zoom

Employees

All full-time and part-time employees must complete sexual misconduct (Title IX) reporting obligations training within 60 days of when they are a new employee and once every year thereafter. The training's content is based on an employee's designation as either a reporting employee, designated confidential resource, or resource connection employee.

Students

All new full-time, degree-seeking students at USU must complete sexual misconduct prevention training during their first semester at USU. Students receive ongoing training each year.

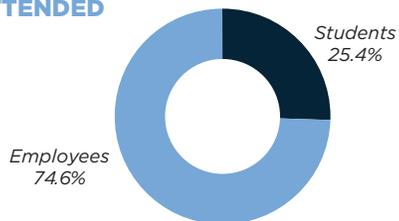
Non-Discrimination Training

The Office of Equity offers various trainings related to non-discrimination (e.g. implicit bias; conducting a diversity, equity, and inclusive informed search; discrimination of a protected class; sex-based discrimination; diversity, equity, and inclusion basics; and power dynamics).

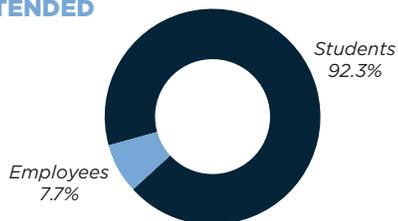
Upstanding Training

"Upstanding" is a bystander intervention approach for the prevention of a variety of problematic situations. The purpose of the Upstanding training is to prepare members of the USU campus community with the skills and knowledge needed to safely and effectively intervene when they sense a threat or potential harm to another.

1341 NON-DISCRIMINATION TRAINING ATTENDED



3102 UPSTANDING TRAINING ATTENDED



9678 SEXUAL MISCONDUCT TRAINING ATTENDED



RESOURCES

The following are on- and off-campus resources that are available to students:

[Office of Equity](#): 435-797-1266

[Sexual Misconduct Resources](#)

[Statewide Resources Map](#)

[Counseling and Psychological Services \(CAPS\)](#):
435-797-1012

[Sexual Assault and Anti-Violence Information Office \(SAAVI\)](#): 435-797-7273

[Disability Resource Center \(DRC\)](#): 435-797-2444

[Center for Persons with Disabilities](#): 435-797-1981

[Student Health and Wellness Center](#):
435-797-1660

[Inclusion Center](#): 435-797-1728

[USU Police](#): 435-797-1939

[CAPSA \(off-campus domestic violence support\)](#):
435-753-2500

[Mental Health Resource Directory for Box Elder, Cache & Rich Counties](#)

[SafeUT Crisis Chat and Tip Line](#): 833-372-3388

The following are on- and off-campus resources that are available to employees:

[Office of Equity](#): 435-797-1266

[Sexual Misconduct Resources](#)

[Aggies Thrive](#): Mental health and other resources including the Employee Assistance Program.

[Suicide Hotline](#): 800-273-8255

[USU Police](#): 435-797-1939

[CAPSA \(off-campus domestic violence support\)](#):
435-753-2500

[Mental Health Resource Directory for Box Elder, Cache, and Rich Counties](#)

DEFINITIONS

Appeal. A request by a party to have a determination and/or a sanction overturned or modified.

Appeal decision. A written decision of an appeal panel granting or denying an appeal of a determination and/or sanction.

Appeal panel. A three-person panel, made up of different members than the hearing panel, assigned to review and decide an appeal of a determination and/or a sanction.

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).

Consent. An understandable exchange of words or actions, which indicate a willingness to participate in mutually agreed upon sexual activity. Consent is an agreement to do the same thing at the same time in the same way. Consent can be withdrawn or modified at any time, as long as it is clearly communicated. Consent cannot be assumed based on silence, the absence of “no” or “stop,” the existence of a prior or current relationship, or prior sexual activity.

Sexual assault occurs when at least one party does not consent to the sexual activity. There is no consent in the presence of coercion, incapacitation, force, or where the sexual activity violates state law relating to age of consent.

Determination. The hearing panel’s written decision following a hearing outlining whether there is a preponderance of the evidence that the respondent violated USU policy.

Earlier resolution. A process in which parties agree to resolve a formal complaint without completing an investigation and/or hearing. An earlier resolution may be facilitated through arbitration, mediation, restorative justice, or another appropriate method. Such an agreement may include sanctions or other disciplinary measures.

Employee. A full-time or part-time university faculty, staff, professional research staff, or post-doctoral fellow. For purposes of this policy, a Student Employee may be designated as both a student and an employee.

Employment or education program or activity. Locations, events, or circumstances in the United States over 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.

Formal investigation. The evidence-gathering process that begins with the filing of the formal complaint by a claimant and ends when the appeal process is complete. This process includes interviewing parties and witnesses, and gathering other relevant evidence, exculpatory and inculpatory. There is a live hearing, and a panel determines whether or not there is a preponderance of the evidence of a policy violation. The parties can appeal the finding and decision under limited circumstances.

Grievance process. The process undertaken by the Office of Equity following the filing of a formal complaint, which may include a claimant- or university-driven earlier resolution or formal investigation.

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.

Preponderance of the evidence. The standard of proof that is used to determine whether a student or employee respondent violated Policy 339/339A/339B. Preponderance of the evidence means that, based on the evidence, it is more likely than not that the respondent committed a policy violation.

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. 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.

Safety risk assessment. An individualized risk

assessment based on the specific facts of one or more incident reports that is conducted to determine whether there is an immediate threat to the physical health or safety of a student, employee, or other individual(s) arising from the allegations.

Safety risk panel. A panel including the Title IX coordinator, Office of Equity executive director, the appropriate administrator, and other necessary individuals convened to complete a panel safety risk assessment.

Sanction. Disciplinary or punitive action taken against a respondent after they are found by the hearing panel to have violated policy.

Sanctioning authority. A university employee or office that has the authority to determine appropriate sanctions. For student respondents, the sanctioning authority is the Director of Student Conduct and Community Standards. For faculty respondents, the sanctioning authority is the Provost. For staff respondents, the sanctioning authority is the respondent's supervisor.

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 a temporary or permanent mental or physical incapacity. 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 types of conduct:

- Relationship violence
- Sexual harassment
- Sexual assault
- Sex-based stalking

Student. A person who is currently registered or enrolled at the university for credit or non-credit-bearing course work.

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.

University-driven investigation. An investigation of allegations of sexual misconduct undertaken by the university when, as determined by the safety risk panel, there is an immediate threat to the physical health or safety of a student or other individual(s) arising from the allegations and/or there are allegations that suggest a pattern of sexual misconduct by a student, employee, or third party over whom the university has control and there is no participating claimant.

