An incident report is made involving sexual misconduct
(sexual harassment, sexual assault, relationship violence, or sex-based stalking)

**FIRST:** Is the claimant a student, employee, or participating in a university program or activity?

**YES**
- Supportive measures and connection to on- and off-campus resources

**NO**
- Connection to off-campus resources

**SECOND:** Is the respondent a student, employee, or third-party over whom the university has control?

**YES**
- No further action taken unless there is a threat to campus safety

**NO**
- Options available to claimant

**THIRD:** Did the incident occur either:
(1) in a university employment, educational, or sponsored activity or
(2) occur off-campus but is creating a hostile environment in a university employment, educational, or sponsored activity

**NO**
- No further action taken unless there is a threat to campus safety

**YES**
- Formal complaint
- Informal Resolution
- Formal investigation

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**Report incidents of sexual misconduct** to the USU Title IX Coordinator at any time at [equity.usu.edu/report](http://equity.usu.edu/report).

Reports may also be made during business hours by calling 435-797-1266, by visiting the Office of Equity in Old Main, Room 161 at the Logan campus, or via email at titleix@usu.edu.
DEFINITIONS

- **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).

- **Formal Investigation**: The information and evidence-gathering process that begins with the filing of the Formal Complaint and ends when the Investigation Report is issued. Formal Investigations, conducted by the Office of Equity Investigator, include interviewing parties and witnesses, and gathering other relevant evidence, exculpatory and inculpatory. The Formal Investigation may be University or Claimant-driven.

- **Informal Resolution**: A process in which parties agree to resolve a Formal Complaint without completing an investigation and/or hearing. An Informal Resolution may be facilitated through arbitration, mediation, restorative justice, or another appropriate method. Such an agreement may include Sanctions or other disciplinary measures.

- **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.

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

- **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.

- **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 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.

- **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.

RELEVANT POLICIES

Interim policies 339, 339A and 339B are available at [www.usu.edu/equity/policies-procedures](http://www.usu.edu/equity/policies-procedures).