

May 8, 2019

MEMORANDUM

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

Issue

Senate Bill 134, *Campus Safety Amendments* directs the Board to establish minimum requirements for an institution's campus safety plan, identify resources an institution may use to develop a campus safety training, and report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee on the System's progress toward improving campus safety.

Background

During the 2019 session, the Legislature worked with the Board and the institutions to develop legislation to ensure uniform standards of safety at all system schools. Additionally, the Legislature directed the institutions to develop training on sexual assault awareness and require student organizations to annually provide the training to their members as a requirement for the student organization to receive or maintain official recognition by the institution.

The revisions to R262 include: the minimum required elements for institutions' campus safety plans; a report on efforts related to the institution's increased response in providing services to victims of a covered offense that the institution made in the preceding 18 months, and that the institution expects to make in the upcoming 24 months; and a provision for identifying and sharing safety training curriculum resources among institutions.

Commissioner's Recommendation

The Commissioner recommends the Regents approve the revisions to regent policy R262, *Student Safety*.

David L. Buhler
Commissioner of Higher Education

DLB/GL

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)
- 2.3. [Utah Code §53B-28-301 \(Campus Safety Amendments\)](#)
- 2.4. [Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act or Clery Act, 20 U.S.C. § 1092\(f\)](#)

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.
- 3.6. [Institutions shall develop campus safety plans that includes the following minimum elements:](#)

3.6.1. 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.

3.6.2. Institution and community resources for a victim of sexual misconduct.

3.6.3. 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.

3.6.4. How the institution informs the campus community of a crime that presents a threat to the campus community.

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

3.6.6. Guidance on how a student may contact law enforcement for incidents that occur off campus.

3.6.7. 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.

3.6.8. A description of coordination and communication between institution resources and organizations, including campus law enforcement.

3.6.9. 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.

3.6.10. How the institution requires a student organization to provide the campus safety training as required by Utah Code Section 53B-28-301(5).

3.7. 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 3.6 above.

3.8. Institutions shall annually provide the Board of Regents updated campus safety plans by October 1.

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.

4.7. The Board of Regents shall identify and provide resources that institutions may use to develop campus safety training curricula.

4.8 The Board of Regents shall report annually to the Education Interim Committee and the Law Enforcement and Criminal Justice Interim Committee, at or before the committees' November meetings, system efforts to increase student safety under this policy, including each institution's campus safety plans.

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