

**R842-1. Purpose:** To prohibit USHE institution employees who hold positions of special trust from sexual conduct with subordinate students.

## R840-2. References

- 2.1. Utah Code Section 63G-7-301
- 2.2. Utah Code Section 76-5-404.1
- 2.2. Regent Policy R121—Regent Functions

## R842-3. Definitions

- 3.1. **“Educational Opportunities”** means a student’s admission to an institution or programs within an institution; receipt of financial aid; assessment of academic performance; placement in academic opportunities such as internships, assistantships; and graduation.
- 3.2. **“Sexual Conduct”** is any sexual relationship or sharing any sexually explicit or lewd communication, image, or photograph.
  - 3.2.1. Sharing sexually explicit or lewd communication, image or photograph does not include any communication, image, or photograph that faculty shares with students as part of a legitimate academic exercise, such as pedagogical requirements for health, science, or art courses.
- 3.3. **“Special trust employee”** means an employee of a higher education institution who is in a position of special trust, as defined in Section 76-5-404.1, with a higher education student.
- 3.4. **“Subordinate student”** means a student of a higher education institution whose educational opportunities could be adversely impacted by a special trust employee.

## R842-4. Policy

- 4.1. Special trust employees shall not engage in sexual conduct with subordinate students.
- 4.2. All special trust employees who are engaging in sexual conduct with a subordinate student at the time of this policy’s effective date shall immediately disclose the relationship to their direct supervisors or be subject to disciplinary action up to and including termination. Institutions shall take appropriate action to bring the conduct into compliance with this policy.

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<sup>1</sup> Approved ....

**4.3.** Institutions may enact policies that adopt matching or more restrictive standards governing sexual relationships between special trust employees and subordinate students. Until an institution establishes a policy, this policy controls.