

SEXUAL MISCONDUCT POLICIES AND PROCEDURES DOCUMENT
FOR FACULTY, STAFF, AND STUDENTS

University of Wyoming

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SECTION 1: INTRODUCTION AND POLICY

A. Purpose and Scope.

The University of Wyoming is committed to maintaining a respectful, safe, and non-threatening environment for its faculty, staff, students, contractors, and visitors (“University community”), and will address and resolve all complaints of sexual misconduct.

This document sets forth resources available to University community members, describes prohibited conduct, and establishes procedures for responding to incidents of sexual misconduct.

B. Policy.

Pursuant to University Regulations 1-5 (Civil Rights Discrimination) and 8-256 (Sexual Misconduct involving Students), sexual misconduct is expressly prohibited and will not be tolerated. Sexual misconduct incorporates a range of behaviors including dating violence, domestic violence, hostile environment sexual harassment, sexual assault, sexual exploitation, sexual harassment, stalking, and any other conduct of a sexual nature that is nonconsensual.

C. Jurisdiction.

This policy applies to sexual misconduct that is committed by any member of the University community when the misconduct occurs: (1) on University property, or (2) off University property, if in connection with a University or University-recognized program or activity. Additionally, the University may have an obligation to respond to student-on-student sexual harassment that initially occurred off school grounds, outside a school’s education program or activity, if the student files a complaint with the school.

D. Distribution.

This policies and procedures document is available in hard copy (Dean of Students’ Office, Knight Hall Room 128) and electronically (<http://www.uwyo.edu/generalcounsel/>).

E. Notice of Nondiscrimination.

The University does not discriminate on the basis of sex in its education programs and activities, and is required by Title IX not to discriminate in such a manner. Questions regarding Title IX may be referred to the University’s Title IX Coordinator or to the United States Department of Education Office of Civil Rights. Questions concerning Title IX may be referred to the University Title IX Coordinator, Oneida D. Blagg, in person (Bureau of Mines Building, Room 318), by telephone (307-766-5228), or by email (oblagg@uwyo.edu).

SECTION 2: REPORTING POLICIES AND PROCEDURES

A. Reporting options.

Complainants, Reporters, and Respondents have a number of reporting options on and off campus. Individuals should be aware of confidentiality and reporting requirements when discussing their concerns (as described below).

1. Reporting to the University.

a. Office of Diversity and Employment Practices.

The Office of Diversity and Employment Practices responds to reports of suspected violations of (1) Title IX of the Education Amendments of 1972, as amended; (2) Title VII of the Civil Rights Act of 1964, as amended; (3) UW Regulation 1-5 (Civil Rights Discrimination); and (4) UW Regulation 1-44 (Violence in the Workplace). Reports can be made:

- i. By telephone (307-766-5228);
- ii. In person (Bureau of Mines Building, Room 318) (subject to University business hours); or
- iii. By email (oblagg@uwyo.edu).

b. Dean of Students.

The Dean of Students Office responds to reports of suspected violations of the *Student Code of Conduct*, which includes complaints related to sexual misconduct. Reports can be made:

- i. By telephone (307-766-3296);
- ii. In person (Knight Hall, Room 128) (subject to University business hours);
or
- iii. By email (dos@uwyo.edu).

c. Residence Life and Dining Services.

The Office of Residence Life and Dining Services (RLDS) responds to reports of suspected violations of the *RLDS Rights & Responsibilities Handbook*. Reports to RLDS will be forwarded to the Dean of Students Office. Reports can be made:

- i. By telephone (307-766-3175);
- ii. In person (lower level of Washakie Center) (subject to University business hours);
- iii. In person to a Residence Coordinator, Assistant Property Manager, a Resident Assistant, or an Apartment Living Assistant; or
- iv. By email (reslife-dining@uwyo.edu).

2. Reporting to law enforcement.

In addition to reporting incidents to the University, Complainants and Reporters are strongly encouraged to report the incident to law enforcement. The STOP Violence Coordinator is available to assist students wishing to report to law enforcement, whether anonymously or not.

There are four law enforcement agencies in Albany County:

- a. **University of Wyoming Police Department (UWPD)**
Phone: Non-emergency Dispatch: 307-766-5179
Address: 1426 E. Flint St, Laramie, WY 82071
Website: www.uwyo.edu/uwpd
Email: uwpd@uwyo.edu
- b. **City of Laramie Police Department (LPD)**
Phone: Non-emergency Dispatch: 307-721-2526
Address: 620 Plaza Court, Laramie, WY 82073
Website: <http://ci.laramie.wy.us/index.aspx?nid=97>
- c. **Albany County Sheriff's Office (ACSO)**
Phone: Non-emergency Dispatch: 307-721-2526
Address: 525 Grand Ave, Suite 101, Laramie, WY 82070
Website: <http://www.co.albany.wy.us/sheriff.aspx>
- d. **Wyoming State Highway Patrol**
Phone: 307-777-4321
Address: 5300 Bishop Blvd, Cheyenne, WY 82009
Website: <http://www.whp.dot.state.wy.us/home.html>

There are three ways to file a report with a law enforcement agency:

- a. Calling the applicable phone number listed above;
- b. Walking in to the police department and asking to speak to an officer; or
- c. Submitting information in writing via email (UWPD only).

Individuals unsure about which law enforcement agency to report to are encouraged to report to UWPD. UWPD will assist in referring the individual to another agency, if necessary.

In most cases, when UWPD receives a report of sexual misconduct involving a student, they will notify the following University units: the Division of Student Affairs, the Dean of Students Office, Residence Life and Dining Services, the Office of Diversity and Employment Practices, the Office of General Counsel, and Athletics (if applicable). The notification to these departments will usually include identifiable information about the Complainant, Respondent, and/or Reporter (if applicable). In most cases, when UWPD receives a report of sexual misconduct involving an employee or third party, they will notify the Office of General Counsel and the Office of Diversity and Employment Practices. The notification to these departments will usually include identifiable information about the Complainant, Respondent, and/or Reporter (if applicable).

3. **Anonymous reporting.**

Individuals may submit anonymous reports to UWPD in one of three ways:

- a. Silent Witness: <http://www.uwyo.edu/uwpd/crimereporting-info/silent-witness.html>

- b. Confidential Sexual Assault Report Form:
<http://www.uwyo.edu/uwpc/crimereporting-info/sexassault-info.html>
- c. Text Tips to UWPD: Text the keyword UWYO and a message to 847411 (Tip411).

Individuals may also submit anonymous reports to the STOP Violence Program (307-766-3434 or stopviolence@uwyo.edu).

B. Reporting obligations and confidentiality.

Aside from the exceptions listed below, individuals should assume that information about an incident shared with a UW employee will be reported to the Dean of Students Office, the Office of Diversity and Employment Practices, and UWPD. While the University will treat information it has received with appropriate sensitivity, the University has certain mandatory reporting obligations under federal and state law:

1. Title IX of the Education Amendments Act of 1972.

Title IX of the Education Amendments Act of 1972 protects individuals from discrimination based on sex in education programs or activities which receive federal financial assistance. Under Title IX, the University has a responsibility to take immediate and effective steps to respond to sexual violence and/or sexual harassment. Title IX mandatory reporters are required to notify the Office of Diversity and Employment Practices of any allegation of sexual misconduct. Mandatory reporters at the University include every administrative officer, dean, director, department head, supervisor, and all instructional personnel.

Questions concerning Title IX should be referred to UW's Title IX Coordinator, Oneida D. Blagg (307-766-5228 or oblagg@uwyo.edu) or the U.S. Department of Education, Office for Civil Rights (<http://www2.ed.gov/about/offices/list/ocr/index.html>).

2. Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

The Clery Act requires the University to disclose crime statistics for certain crimes that occur on campus, in unobstructed public areas immediately adjacent to or running through the campus, and at certain non-campus facilities including Greek housing and remote classrooms. For purposes of the Clery Act, Campus Security Authorities (CSAs) are required to report suspected violations of this policy to UWPD for statistical purposes. Such reports are confidential and do not include identifying information.

CSAs include the University President, Vice Presidents, Deans of the colleges, Associate Deans of the colleges, Department heads, and UWPD; Dean of Students, DOS Judicial Officer, DOS Victim Advocate, DOS Greek Life Coordinator, Residence Life and Dining Services Director, RLDS Judicial Officers, and Resident Assistants and Area Coordinators; the ASUW President; the University Director of Athletics, Assistant ADs, Head Coaches, and Assistant Coaches; Director and Associate Director of the Wyoming Union; Director of Human Resources; Director of Diversity and Employment Practices; Director, Student Educational Opportunity and Associate Director, University Disability

Support Services; Director, University Counseling Center; Director, Risk Management and Safety; Associate Dean, International Programs; the Registrar; Director of Admissions; Student Health Services Director (unless acting in a clinical role); Directors of off-campus facilities owned, operated, or controlled by the UW; and faculty advisors to active Registered Student Organizations (RSOs).

Questions concerning the Clery Act should be referred to the UWPD Chief of Police (307-766-5179 or uwpd@uwyo.edu).

Any report of sexual misconduct to the University's STOP Violence Coordinator, the University's Counseling Center, or the University's Student Health Services (or other mental health counselors, medical professionals, victim advocates, or clergy members) is confidential by law and will not be reported to the Title IX Coordinator or other entities unless there is concern for the immediate health and safety of any individual or when a minor is involved in an incident of abuse. Information about an incident of sexual assault, domestic and dating violence, or stalking does not automatically meet the threshold of "immediate health and safety."

C. Prohibition against retaliation.

The University prohibits retaliating against those who file a complaint or third-party report, or otherwise participate in the investigative and/or disciplinary process. The University will take disciplinary action in accordance with University regulations if any retaliation occurs.

D. Amnesty.

The University will not sanction a student under the University's disciplinary procedures for underage drinking if the alcohol use is revealed in a good-faith report of sexual misconduct, domestic and dating violence, or stalking.

E. Preservation of information and materials.

If an individual is unsure about reporting to the University and/or law enforcement, the University strongly encourages the individual to take certain steps to preserve information and materials. These steps include:

1. Preserving any materials connected to the incident(s), including but not limited to text messages, emails, voicemails, letters, and photos of injuries or property damage.
2. Writing down a complete account of the incident(s). Such account can assist in memory recall.
3. If applicable, obtaining a sexual assault forensic examination. This examination can be obtained at Iverson Memorial Hospital and the cost of the exam is covered by the State, regardless of whether or not the complainant chooses to report to law enforcement.

SECTION 3: INVESTIGATION POLICIES AND PROCEDURES

In cases of alleged sexual misconduct, the University will review and respond in a prompt and equitable manner, as required by Title IX.

A. Protection orders, no contact orders, trespass orders, and other similar lawful orders.

The University respects the terms of any lawful order issued by a court, and will support and assist University community members protected by such an order. University community members are encouraged to provide a copy of the order to UWPD and the University Dean of Students (if the individual is a student) or UWPD and the University Human Resources Department (if the individual is an employee).

B. Students.

In most cases, when the Respondent is a student, the reported violation of this policy will be addressed by the Dean of Students Office according to the *Student Code of Conduct*, which is available at <http://www.uwyo.edu/dos/judicial>.

C. Employees and third parties.

When the Respondent is an employee or third party, the reported violation of this policy will be addressed by the Office of Diversity and Employment Practices according to University Regulations 1-5 (Civil Rights Discrimination) and 1-44 (Violence in the Workplace). For additional information, see <http://www.uwyo.edu/diversity/complaints/>.

D. Role of the Title IX Coordinator.

The Title IX Coordinator is responsible for coordinating the investigation of complaints related to sexual misconduct. As described above, if the Respondent is an employee or third party, the Title IX coordinator (or designee) will conduct the investigation. If the Respondent is a student, the Title IX coordinator (or designee) will review the Dean of Students' process and final outcome, and make recommendations for additional remedies, if necessary.

SECTION 4: EDUCATION AND TRAINING

The University offers education and training to students, faculty, and staff that promotes the prevention and awareness of sexual misconduct.

A. Students.

Prevention programming for students is primarily provided by the STOP Violence Program in collaboration with UWPD, RLDS, and the Office of Diversity and Employment practices, and includes:

1. Online training for all incoming freshmen;
2. Training for new students at new student orientation, the *Cowboy Connect* transition to college program, and/or within the residence halls during the first half of the fall semester;
3. Ongoing campus-wide awareness programming for the University community, including at least one campus-wide program during the fall and spring semesters;
4. Ongoing small group programs;
5. Involvement in primary prevention peer education work;
6. Bystander Intervention Training (facilitated by DOS);
7. Rape Aggression Defense Systems (RADS) Self Defense Training (provided by UWPD); and
8. UWPD Adopt-A-Cop Program.

Additional prevention programming for students is provided by the Division of Student Affairs and other academic offices, including but not limited to, the Department of Women and Gender Studies, Fraternity and Sorority Life, the University Counseling Center, and the Dean of Students. For more information on student training opportunities, contact the STOP Violence Program at 307-766-3434.

B. Employees.

The University provides training in accordance with Title IX of the Education Amendments Act of 1972, as amended and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended by the Campus SaVE Act. For more information on employee training opportunities, contact the Office of Diversity and Employment Practices at 307-766-5228 or the Human Resources Department at 307-766-5484.

SECTION 5: RESOURCES

A. Immediate assistance.

The following entities are **advocates and counselors** who can provide an immediate confidential response in a crisis situation:

- 1. University Counseling Center** (on campus)
 - a. **Phone:** 307-766-2187 and 307-766-8989 (after hours emergencies)
 - b. **Website:** <http://www.uwyo.edu/ucc/>
- 2. STOP Violence Program** (on campus)
 - a. **Phone:** 307-766-3434
 - b. **Website:** <http://www.uwyo.edu/stop/>
- 3. Albany County SAFE Project** (off campus)
 - a. **Phone:** 307-745-3556 (24 hours)
 - b. **Website:** <http://www.safeproject.org/>
- 4. Ivinson Memorial Hospital Behavioral Health Unit** (off campus)
 - a. **Phone:** 307-742-0285 (24 hours)
 - b. **Website:** http://www.ivinsonhospital.org/getpage.php?name=behav_health&sub=Services

The following entities are **campus safety, law enforcement, and other first responders**, who can provide immediate assistance in a crisis situation:

In all emergency situations, individuals should call 911 for immediate assistance.

- 1. University of Wyoming Police Department (UWPD)** (on campus)
 - a. **Phone:** Non-emergency Dispatch: 307-766-5179
 - b. **Website:** www.uwyo.edu/uwpd
- 2. City of Laramie Police Department (LPD)** (off campus)
 - a. **Phone:** Non-emergency Dispatch: 307-721-2526
 - b. **Website:** <http://ci.laramie.wy.us/index.aspx?nid=97>
- 3. Albany County Sheriff's Office (ACSO)** (off campus)
 - a. **Phone:** Non-emergency Dispatch: 307 721-2526
 - b. **Website:** <http://www.co.albany.wy.us/sheriff.aspx>
- 4. Wyoming Highway Patrol** (off campus)
 - a. **Phone:** 307-777-4321
 - b. **Website:** <http://www.whp.dot.state.wy.us/home.htm>

The following entities are **health care options** for someone needing immediate medical assistance:

1. **Student Health Service** (on campus)
 - a. **Phone:** 307-766-2130
 - b. **Address:** 1st Floor, Student Health/Cheney International Center Building
 - c. **Website:** <http://www.uwyo.edu/shser/>
 - d. **Email:** studenthealth@uwyo.edu

2. **Ivinson Memorial Hospital** (off campus)
 - a. **Phone:** 307-742-2142 ext. 3322 or 307-742-0285 (24 hours)
 - b. **Address:** 255 N. 30th Street, Laramie, Wyoming 82072
 - c. **Website:** http://www.ivinsonhospital.org/getpage.php?name=behav_health&sub=Services

3. **Care United Medical Center** (off campus)
 - a. **Phone:** 307-721-1794
 - b. **Address:** 3810 Grand Avenue., Laramie, Wyoming 82070
 - c. **Website:** <http://www.urgentcareoflaramie.com/>

B. Ongoing assistance.

The following entities can provide **ongoing counseling, advocacy and support:**

1. **STOP Violence Program** (on campus)
 - a. **Phone:** 307-766-3434
 - b. **Website:** <http://www.uwyo.edu/stop/>

2. **University of Wyoming Counseling Center** (on campus)
 - a. **Phone:** 307-766-2187
 - b. **Address:** Room 341, Knight Hall
 - c. **Email:** uccstaff@uwyo.edu
 - d. **Website:** <http://www.uwyo.edu/ucc/>

3. **Psychology Clinic** (on campus)
 - a. **Phone:** 307-766-2149
 - b. **Address:** Room 307, Biological Sciences Building
 - c. **Email:** psyc.uw@uwyo.edu
 - d. **Website:** www.uwyo.edu/psychology/psychology-clinic

4. **Counselor Education Training Clinic** (on campus)
 - a. **Phone:** 307-766-6820
 - b. **Address:** Room 44, Education Building
 - c. **Email:** cetc@uwyo.edu
 - d. **Website:** <http://www.uwyo.edu/profstudies/counseling/counseling-services.html>

5. **University of Wyoming Law School Domestic Violence Legal Assistance Project** (on campus)

- a. **Phone:** 307-766-3747
 - b. **Address:** Law School Annex, Laramie Wyoming 82071
 - c. **Email:** dvlap@uwyo.edu
 - d. **Website:** <http://www.uwyo.edu/law/experiential/clinics/legal-services-dv.html>
- 6. Student Health Service** (on campus)
- a. **Phone:** 307-766-2130
 - b. **Address:** 1st Floor, Student Health/Cheney International Center Building
 - c. **Email:** studenthealth@uwyo.edu
 - d. **Website:** <http://www.uwyo.edu/shser/>
- 5. Albany County SAFE Project** (off campus)
- a. **Phone:** 307-745-3556 (24 hours)
 - b. **Website:** <http://www.safeproject.org/>
- 7. Peak Wellness Center** (off campus)
- a. **Phone:** 307-745-8915 (24 hours)
 - b. **Address:** 1263 North 15th Street Laramie, WY 82072
 - c. **Website:** <http://peakwellnesscenter.org/>
- 8. Legal Aid of Wyoming, Inc.** (off campus)
- a. **Phone:** 877-432-9955
 - b. **Website:** <http://www.lawyoming.org/>

The University Office of Diversity and Employment Practices and the University Dean of Students Office can assist with implementing interim measures to ensure the safety and wellbeing of individuals, such as academic accommodations or changes in work schedules. These measures are available to individuals regardless of whether the individual reports to law enforcement and without the need to wait for the outcome of a *Student Code of Conduct* hearing or Title IX investigation. Students should contact the Dean of Students Office at 307-766-3296. Employees should contact the Office of Diversity and Employment Practices at 307-766-5228.

C. Additional resources.

Safe Ride

<http://www.uwyo.edu/tap/transit/saferide.html>

UW Student Code of Conduct

www.uwyo.edu/dos/files/docs/2013-2014%20CODE%2007May2013.docx

UW Regulation 1-5: Civil Rights Discrimination

<http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-5.pdf>

UW Regulation 1-44: Violence in the Workplace

<http://www.uwyo.edu/generalcounsel/files/docs/uw-reg-1-44.pdf>

Title II, Americans with Disabilities Act of 1990, as amended
http://www.ada.gov/regs2010/titleII_2010/titleII_2010_regulations.htm#title2regs

Title VII of the Civil Rights Act of 1964, as amended
<http://www.eeoc.gov/laws/statutes/titlevii.cfm>

Title IX of the Education Amendments Act of 1972, as amended
http://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

APPENDIX A: DEFINITIONS

A. Complainant. The party who brings or initiates a complaint against a member of the University community.

B. Consent. A freely and affirmatively communicated willingness to participate in particular sexual activity or behavior, expressed either by words or clear, unambiguous actions.

Behaviors that do not communicate consent include, but are not limited to:

1. Past consent does not imply future consent
2. Lack of protest or resistance;
3. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another
4. Silence
5. Coercion, force, or threat of either invalidates consent

The following people are unable to give consent:

1. Persons who are asleep or unconscious
2. Persons who are incapacitated due to the influence of drugs, alcohol, or medication
3. Persons who are unable to communicate consent due to a mental or physical condition
4. Persons who are under the legal age of consent.

Source: University Student Code of Conduct (www.uwyo.edu/dos/_files/docs/2014-2015%20Code%20of%20Conduct.pdf) and White House Task Force Checklist for Campus Sexual Misconduct Policies (<https://www.notalone.gov/assets/checklist-for-campus-sexual-misconduct-policies.pdf>).

C. Domestic and Dating Violence. Conduct that includes:

1. Physically abusing, threatening to physically abuse, attempting to cause or causing physical harm or acts which unreasonably restrain the personal liberty of any household member;
2. Placing a household member in reasonable fear of imminent physical harm;
3. Causing a household member to engage involuntarily in sexual activity by force, threat of force or duress; and/or
4. Intentionally interfering with a household member's ability to meet academic obligations.

Source: University Student Code of Conduct (www.uwyo.edu/dos/_files/docs/2014-2015%20Code%20of%20Conduct.pdf)

D. Hostile environment sexual harassment. Unwelcome conduct of a sexual nature that is sufficiently serious that it affects an individual's ability to participate in or benefit from an education program or activity, or creates an intimidating, threatening or abusive educational environment. *Source:* U.S. Department of Education Office for Civil Rights

(<http://www2.ed.gov/about/offices/list/ocr/qa-sexharass.html>) and UW Regulation 1-5 (www.uwyo.edu/generalcounsel/_files/docs/UW-Reg-1-5.pdf).

E. Intimidation. Intentional behavior that would cause a reasonable person to fear that he/she is in danger of injury or harm.

F. Reporter. An individual who reports a possible violation of this Policy.

G. Respondent. The party against whom a complaint is brought or initiated.

H. Retaliation. An adverse action or threat made in reprisal against any individual who participates as an actual or potential party, witness or representative relating to a report under this policy. *Source:* UW Regulation 1-5 (www.uwyo.edu/generalcounsel/files/docs/UW-Reg-1-5.pdf).

I. Sexual assault. Any type of sexual contact or behavior that occurs without the explicit consent of the recipient. *Source:* United States Department of Justice (<http://www.ovw.usdoj.gov/sexassault.htm>).

J. Sexual exploitation. When a person for any purpose, knowingly:

1. Causes, induces, entices, coerces or permits a child to engage in, or be used for, the making of child pornography;
2. Causes, induces, entices or coerces a child to engage in, or be used for, any explicit sexual conduct;
3. Manufactures, generates, creates, receives, distributes, reproduces, delivers or possesses with the intent to deliver, including through digital or electronic means, whether or not by computer, any child pornography; or
4. Possesses child pornography (except as outlined in Wyoming Statute 6-4-303 (b)(iv)).
Source: Wyoming Statute 6-4-303 (<http://legisweb.state.wy.us/titles/statutes.htm>).

K. Sexual harassment. Unwelcome sexual advances, requests for sexual favors, sexually motivated physical conduct, or other verbal or physical conduct or communication of a sexual nature. *Source:* UW Regulation 1-5 (www.uwyo.edu/generalcounsel/files/docs/UW-Reg-1-5.pdf).

L. Sexual misconduct. Sexual misconduct incorporates a range of behaviors including dating violence, domestic violence, hostile environment sexual harassment, sexual assault, sexual exploitation, sexual harassment, stalking, and any other conduct of a sexual nature that is nonconsensual.

M. Stalking related to sexual misconduct. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

1. Fear for his or her safety or the safety of others; or
2. Suffer substantial emotional distress.

Source: Proposed definition in the Violence Against Women Reauthorization Act of 2013 (VAWA) (<http://www.ifap.ed.gov/dpccletters/GEN1413.html>).

N. University community. Faculty, staff, students, contractors, and visitors of the University.