

Utah College of Dental Hygiene

Title IX Policy: Prohibition of Sex Discrimination and Harassment

Effective Date: July 2025

Approved By: Office of the President

Title IX Coordinator Contact Information

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Purpose

The purpose of this policy is to affirm the Utah College of Dental Hygiene's commitment to providing an educational environment free from discrimination on the basis of sex, sexual orientation, gender identity, and gender expression, in accordance with Title IX of the Education Amendments of 1972 and U.S. Department of Education regulations.

Scope

This policy applies to all students, faculty, staff, and third parties involved in any Utah College of Dental Hygiene program or activity, both on-campus and off-campus.

Prohibited Conduct

The Utah College of Dental Hygiene prohibits the following under Title IX:

- Sexual harassment, including quid pro quo and hostile environment harassment.
- Sexual assault, dating violence, domestic violence, sexual violence and stalking.
- Discrimination based on sex, sexual orientation, gender identity, or gender expression.

1. Definitions

- **Sexual Misconduct:** Sex-Based Discrimination that encompasses a range of behaviors including Sexual-Based Harassment, Intimate Partner Violence, Sexual Exploitation, Sexual Violence, Nonconsensual Sexual Contact, and Nonconsensual Sexual Penetration. Sexual Misconduct also includes the crimes of dating violence, domestic violence, sexual assault and stalking as defined by state and federal law.
- **Sexual Harassment:** Conduct on the basis of sex that satisfies one or more of the following:
 - Quid pro quo harassment by a Utah College of Dental Hygiene employee.
 - Unwelcome conduct that is so severe, pervasive, and objectively offensive that it denies a person equal access to the College's education program or activity.
 - Sexual assault, dating violence, domestic violence, or stalking as defined by the Clery Act.
- **Sex-based Discrimination:** Conduct on the basis of sex that satisfies one or more of the following:
 - Quid pro quo Harassment. An employee, faculty member, agent, or other person authorized by UCDH to provide an aid, benefit, or service under UCDH Programs or Activities explicitly or implicitly conditioning the provision of such aid, benefit, or service upon a person's participation in unwelcome sexual conduct;
 - Hostile Environment Harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits or denies a person's ability to participate in or benefit from UCDH Programs or Activities (i.e., creates a hostile environment). Whether a hostile environment has been created is a fact-specific inquiry that includes consideration of the following:

- a. the degree to which the conduct affected the Complainant's ability to access UCDH Programs or Activities;
 - b. the type, frequency, and duration of the conduct;
 - c. the Parties' ages, roles within UCDH's Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
 - d. the location of the conduct and the context in which the conduct occurred; and other sex-based harassment in UCDH Programs or Activities.
- **Consent:** (when used in reference to the issue of whether a Complainant did or did not agree to allow a Respondent to engage in certain conduct) means affirmative, unambiguous, and voluntary agreement.
- **Sexual Violence:** any physical sexual act perpetrated against a person's will or when a person is incapable of giving Consent.
- **Stalking:** engaging in a course of conduct that is (i) directed at a specific person that (ii) would cause a reasonable person to (a) fear for the person's safety or the safety of others or (b) suffer substantial emotional distress. For purposes of this definition:
 - Course of conduct means two or more acts, including but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person or interferes with a person's property.
 - Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
 - Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily, require medical or other professional treatment or counseling.
 - Any conduct that would constitute stalking, as defined in Utah law at Utah Code Ann. §76-5-106.5 or in federal law at 34 U.S.C. 12291(a)(8), constitutes Stalking for purposes of UCDH Policy.
- **Supportive Measures (Amendment 2024):** Non-punitive, individualized services available to both the complainant and the respondent designed to restore or preserve equal access to the College's education program or activity, protect the safety of all parties, and deter further harassment. These services may be offered before, during, or after the filing of a formal complaint.

2. Reporting Process

Don't ignore it. Early efforts to control a potentially harassing situation are important. Sometimes you can stop such behavior by telling the person directly that you are uncomfortable and want it to stop.

Report it. If you are uncertain about whether or not you are experiencing sexual harassment, are hesitant to tell the person you are uncomfortable yourself, or if efforts to stop a problem have not worked; Individuals are encouraged to report violations of this policy to the Title IX Coordinator. Reports can be made in person, by mail, by telephone, or by email. Anonymous reports are permitted, however it may limit the institution's ability to respond. All Utah College of Dental Hygiene employees are mandatory reporters, except those designated as confidential resources, such as outside counseling services.

3. Grievance Process

- **Formal Complaint:** A formal complaint must be filed by the complainant or signed by the Title IX Coordinator to initiate an investigation.
- **Investigation:** The College will conduct a thorough, impartial, and equitable investigation. Both parties will have equal opportunity to present witnesses and evidence.
- **Live Hearing:** A live hearing with cross-examination is required for cases involving allegations of sexual harassment. The hearing may be conducted virtually to accommodate the needs of the parties involved.

2024 Update:

- The new regulation allows for the use of **trauma-informed questioning** during the hearing, recognizing the impact of trauma on memory and behavior.
 - **Cross-examination** may now be conducted by an advisor of the party's choice, which can include an attorney. If a party does not have an advisor, the Utah College of Dental Hygiene will provide one at no cost.
- **Appeals Process:** Both the complainant and respondent have the right to appeal decisions made in the grievance process. Grounds for appeal include procedural irregularity, newly discovered evidence, and bias or conflict of interest.

4. Retaliation Prohibition

Retaliation against anyone who reports sex discrimination, harassment, or participates in an investigation is strictly prohibited. Any acts of retaliation will result in disciplinary action, up to and including termination or expulsion.

5. Confidentiality

The Utah College of Dental Hygiene will maintain the confidentiality of Title IX complaints to the extent possible, consistent with the need to investigate and resolve issues. However, information may be disclosed as required by law.

6. Amendments to Policy (2024 Update)

- **Jurisdictional Clarifications:** The 2024 updates clarify that Title IX applies to all educational programs and activities that receive federal funding, whether they occur on or off-campus.
- **Expanded Protections for LGBTQIA+ Students:** The 2024 amendments further affirm protections for students on the basis of sexual orientation, gender identity, and gender expression. Gender-based harassment includes harassment for failing to conform to stereotypical gender norms.
- **Restorative Justice Option:** In appropriate cases, the Utah College of Dental Hygiene offers a **restorative justice model** as an alternative resolution process, allowing for voluntary mediation between parties to resolve disputes before escalating to formal hearings.

7. Prevention and Training

The Utah College of Dental Hygiene will conduct regular mandatory training on Title IX for all employees and students, focusing on:

- How to identify and report incidents of sex discrimination and harassment.
- Understanding trauma-informed practices.
- Upholding the rights of both complainants and respondents.

8. Consequences for Violations

Violations of this policy may result in disciplinary action, including but not limited to suspension, expulsion, or termination of employment. The College disciplinary process will include a prompt, fair and impartial investigation and resolution process. This process provides that:

- If the accuser and the accused both attend UCDH, both have the opportunity to have others present during the disciplinary proceedings.
- The accuser and the accused will be notified simultaneously in writing of the outcome and results of any disciplinary proceedings.

For more information on the Cleary Act, Drug and Alcohol abuse, etc. Go to: [Consumer Information](#)

U.S. Secretary of Education Betsy DeVos took historic action May, 2020 to strengthen Title IX protections for survivors of sexual misconduct and to restore due process in campus proceedings to ensure all students can pursue an education free from sex discrimination.

KEY 2020 PROVISIONS

The Department of Education's new Title IX regulation which are effective August 14th, 2020

Defines sexual harassment to include sexual assault, dating violence, domestic violence, and stalking, as unlawful discrimination based on sex.

Provides a consistent, legal sound framework on which survivors, the accused, and schools can rely

Requires schools to offer clear, accessible options for any person to report sexual harassment

Empowers survivors to make decisions about how a school responds to incidents of sexual harassment

Requires the school to offer survivors support measures, such as no-contact orders

Restores rights to written notice of allegations, the right to an advisor, the right to submit, cross-examine, and challenge evidence at a live hearing

Shields survivors from having to come face-to-face with the accused during a hearing and from answering questions posed personally by the accused

Requires schools to select one of two standards of evidence, the preponderance of the evidence standard or the clear and convincing evidence standard – and to apply the selected standard evenly to proceedings for all students and employees, including faculty

Provides “rape shield” protections and ensures survivors are not required to divulge any medical, psychological, or similar privileged records

Requires schools to offer equal right to appeal for both parties to a title IX Proceeding

Gives schools flexibility to use technology to conduct Title IX investigations and hearings remotely

Protects students and faculty by prohibiting schools from using Title IX in a manner that deprives students and faculty of rights guaranteed by the First Amendment

KEY 2024 PROVISIONS

Anonymous Reporting

Expanded Protections for LGBTQIA+ Students

Supportive Measures

Respondent Rights and Neutrality

Trauma-Informed Practices

Clarified Definitions for Prohibited Conduct

Clear Information on Formal Complaint Process

RESOURCES FOR TITLE IX ASSISTANCE IN UTAH

Utah Department of Human Services (DHS) – Division of Child and Family Services (DCFS)

- Purpose: Provides support for survivors of sexual abuse and other forms of harassment, including counseling, crisis intervention, and protective services.
- Contact Information: Website: DCFS Utah Phone: 1-855-323-3237 (24-hour reporting line)

Utah Coalition Against Sexual Assault (UCASA)

- Purpose: UCASA provides direct services, resources, and advocacy for survivors of sexual assault. They also offer training and support for educational institutions to ensure compliance with Title IX regulations.
- Contact Information: Website: [UCASA](#) Phone: 1-866-878-2272 (Statewide Sexual Violence Crisis Line)

Utah Office for Victims of Crime (UOVC)

- Purpose: Offers victim compensation, resources, and legal assistance to individuals affected by violent crime, including sexual violence and harassment under Title IX.
- Contact Information: Website: UOVC Phone: 1-800-621-7444

Legal Aid Society of Salt Lake

- Purpose: Provides low-cost or free legal assistance for victims of domestic violence, sexual harassment, and assault, including issues that fall under Title IX.
- Contact Information: Website: [Legal Aid Society of Salt Lake](#) Phone: 801-328-8849

Utah System of Higher Education (USHE)

- Purpose: Oversees and ensures compliance with Title IX regulations for public higher education institutions across Utah. They can provide guidance on how universities implement Title IX policies and handle grievances.
- Contact Information: Website: [USHE](#) Phone: 801-646-4784

Disability Law Center (DLC)

- Purpose: Utah's DLC provides legal advocacy for individuals with disabilities, including addressing discrimination in education under Title IX.
- Contact Information: Website: [Disability Law Center](#) Phone: 1-800-662-9080

Utah State Bar Lawyer Referral

- Services: Provides referrals to licensed attorneys in Utah for sexual misconduct and Title IX cases.
- Contact Information: Website: Utah State Bar Lawyer Referral Phone: 801-531-9077

American Civil Liberties Union of Utah (ACLU)

- Purpose: The ACLU of Utah offers legal advocacy and education regarding civil rights violations, including Title IX violations related to discrimination based on sex, gender identity, and sexual orientation.
- Contact Information: Website: [ACLU of Utah](#) Phone: 801-521-9862

Rape Recovery Center

- Purpose: Provides comprehensive support services, including counseling, advocacy, and legal advice for survivors of sexual assault, harassment, and other Title IX-related incidents.
- Contact Information: Website: [Rape Recovery Center](#) Phone: 801-467-7273 (24-hour Crisis Line)

Utah Legal Services

- Services: Offers free legal advice and representation for low-income individuals in Utah, including support for sexual misconduct or assault cases.
- Contact Information: Website: [Utah Legal Services](#) Phone: 1-800-662-4245

LGBTQ+ Advocacy Organizations

Students from LGBTQ+ communities who experience sexual misconduct may seek an advisor with experience in supporting LGBTQ+ survivors.

- Equality Utah - Services: Provides legal referrals and advocacy for LGBTQ+ individuals facing discrimination or harassment.
- Contact Information: Website: [Equality Utah](#) Phone: 801-355-3479

Utah County Attorney's Office Victim Assistance Program

- Services: Offers support to victims of crime, including crisis intervention, advocacy, and help navigating the criminal justice system. They assist with protective orders, victim impact statements, and compensation for victims of crime.
- Contact Information: Website: [Utah County Victim Assistance](#) Phone: 801-851-8026
Location: 100 East Center Street, Suite 2100, Provo, UT 84606

Utah County Sheriff's Office Victim Advocate Program

- Services: Provides advocacy and support for victims of domestic violence, sexual assault, and other crimes. They assist with safety planning, protective orders, and referrals to counseling services.
- Contact Information: Website: [Utah County Sheriff's Office](#) Phone: 801-851-8343
Location: 3075 N Main St, Spanish Fork, UT 84660

Center for Women and Children in Crisis (CWCIC)

- Services: Offers advocacy, crisis intervention, emergency shelter, and support services for survivors of domestic violence and sexual assault. They provide legal advocacy, counseling, and support groups.
- Contact Information: Website: [CWCIC](#) 24-Hour Crisis Line: 801-377-5500
Location: Provo, UT (Exact location is confidential for safety reasons)

Provo Police Department Victim Services

- Services: Offers victim advocacy, including help with protective orders, court accompaniment, crisis intervention, and referrals to community resources.
- Contact Information: Website: [Provo Police Victim Services](#) Phone: 801-852-6375
Location: 48 S 300 W, Provo, UT 84601

The Utah Domestic Violence Coalition (UDVC)

- Services: Provides emotional support, counseling, and advocacy for victims of domestic violence and sexual assault. They have a statewide crisis line, and they refer survivors to local support centers that provide therapy and advocacy.
- Contact Information: Website: [UDVC](#) Phone: 1-800-897-5465 (Statewide 24-hour Crisis Line)

The Family Support Center

- Services: Offers free and low-cost counseling for individuals and families affected by trauma, including survivors of sexual misconduct and assault. They provide trauma therapy and emotional support to help survivors process their experiences and heal.
- Contact Information: Website: [Family Support Center](#) Phone: 801-955-9110
Locations: Various locations across Utah

South Valley Services (SVS)

- Services: SVS offers free counseling services and emotional support for victims of domestic violence and sexual misconduct. They provide crisis intervention, trauma-informed care, and support groups.
- Contact Information: Website: [South Valley Services](#) Phone: 801-255-1095 (24-hour Crisis Line)
Location: West Jordan, UT