

## **POLICY #5.0**

**SUBJECT:** Threat Management and Safety Intervention

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### **I. PURPOSE**

This Policy establishes a process for reporting and reviewing violent behavior and threats to physical safety, which potentially or actually pose a risk to persons on campus or in University programs, and other conduct that substantially disrupts University operations. This Policy is intended to implement the authority and responsibilities of the University President and does not confer any additional rights.

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### **II. REFERENCES**

- A. Southern Utah University [Policy 5.27 Non-Discrimination / Anti-Harassment](#)
  - B. Southern Utah University [Policy 5.60 Sexual Misconduct](#)
  - C. Southern Utah University [Policy 5.61 Abusive Conduct](#)
  - D. Southern Utah University [Policy 6.22 Faculty Due Process](#)
  - E. Southern Utah University [Policy 11.2 Student Conduct Code](#)
  - F. Utah Code [§ 53B-2-106 Duties and responsibilities of the president of a degree-granting institution of higher education -- Approval by board of trustees](#)
  - G. Utah Code [§ 53B-3-101 et seq. Enforcement of Regulations at Institutions](#)
  - H. Utah Code [§ 76-8-701 et seq. Offenses Against the Administration of Government, Colleges and Universities](#)
  - I. Utah Code [§ 78B-7-101 et seq. Protective Orders and Stalking Injunctions](#)
  - J. Utah System of Higher Education [Policy R220 Delegation of Responsibilities to the President and Board of Trustees](#)
  - K. Utah System of Higher Education [Policy R251 Campus Speakers](#)
  - L. Utah System of Higher Education [Policy R253 Campus Discipline](#)
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### **III. DEFINITIONS**

- A. **Employee:** A person employed by Southern Utah University.
- B. **Faculty:** See SUU [Policy 6.0 Definition of Faculty](#).
- C. **Respondent:** The person reported to have engaged in conduct prohibited by this Policy.
- D. **Retaliation:** Any overt or covert act of reprisal, interference, restraint, penalty, intimidation, against any person or group for participating in any way in the process(es) under this Policy. To

be Retaliation, there has to be a causal connection between the conduct/adverse action and the person's participation in the processes under this Policy. Action is generally deemed retaliatory if it would deter a reasonable person in the same circumstances from participating in the process(es) under this Policy.

E. **Student:** See SUU [Policy 11.2 Student Conduct Code](#).

F. **Visitor:** A person who is not an Employee or Student in the relevant context.

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#### IV. POLICY

##### A. Scope of Policy

1. The University President, as the Chief Administrative Officer (as designated under state law), has authority to order a person to leave property owned, operated, or controlled by the University as further described in state law and in this Policy. This Policy delegates that authority (as specified below) as it relates to threats, violent conduct, and conduct that substantially disrupts University operations.

a. Examples of types of conduct that may constitute threats, violent conduct, and/or conduct that substantially disrupts University operations include but are not limited to:

i. When there is reasonable cause to believe that the person intends to or does act to:

A. cause injury to a person;

B. cause damage to property;

C. commit a crime;

D. interfere with the peaceful conduct of the activities of the University;

E. violate any rule or regulation of the institution if that rule or regulation is not in conflict with state law; or

F. disrupt the University, its students, or the University's activities; or

ii. when the conduct is reckless as to whether the person's actions will cause fear for the physical safety of another;

iii. if the person willfully:

A. denies to a student, school official, employee, or invitee lawful:

1. freedom of movement;

2. use of the property or facilities; or

3. ingress or egress to the University's physical facilities;
    - B. impedes a University employee in the lawful performance of the employee's duties; or
    - C. impedes a University student in the lawful pursuit of the student's educational activities.
  2. This Policy implements the President's authority and prohibits threats to physical safety, violent conduct, and conduct that otherwise substantially disrupts University operations. It sets out the process to address reported conduct that is prohibited, as set out below. This Policy applies to all conduct regardless of where it occurs to the extent it poses a risk to University property, operations, or to persons on University property or while otherwise in University programs and activities.
  3. Abusive conduct is distinct from conduct prohibited under this Policy, and is addressed in SUU [Policy 5.61](#). In the event of any conflict, this Policy shall control and supersede to address threats, violent behavior, and substantially disruptive conduct.
  4. Conduct prohibited by this Policy may also be prohibited by other University Policy. As such, applicable University administrators may review conduct under one or more policies, either simultaneously or sequentially, as determined by the University administrators responsible to implement those policies.
    - a. If reported conduct involves a potential violation of SUU [Policies 5.27](#) or [5.60](#), the Director, Equal Opportunity and Clery Compliance Office, shall determine in what order and to what extent the University will implement the relevant policies.
    - b. Likewise, the designated decision-maker under this Policy may implement temporary risk management measures/boundaries under this Policy while conduct is evaluated under this and/or other policies.
  5. Since University conduct processes are entirely separate from criminal or civil litigation, legal outcomes do not affect the University processes nor will pending criminal or civil litigation stop or delay those processes.
- B. **Prohibited Conduct.** The University prohibits Students, Employees, and Visitors from engaging in threats to physical safety, violent conduct, and conduct that substantially disrupts University operations. Such conduct is subject to sanctions and/or risk management measures/boundaries, which are tailored to the circumstances. By way of example, these may include but are not limited to being ordered to leave or remain away from University property or a part of University property, being prohibited from contacting employees or other persons on campus or in University programs, restrictions on status as a student or employee or participation in University activities. Generally, any measures and sanctions will be coordinated with applicable behavioral and conduct codes applicable to the person whose conduct is at issue, if available and as described below. Additionally, Retaliation against someone for participating in any of the processes or collecting information under this Policy is prohibited.

### C. Reporting Required

1. University Employees are required to report threats to physical safety, violent conduct and conduct that substantially disrupts University operations of which they learn about through, or is in any way related to, their job duties. Employees shall make the report in person, over email, or through other designated reporting form to the Chair of the applicable Behavioral Assessment Team.
2. Reporting Protection Order. Each Employee and/or Student who receives a protective or restraining order (may be referred to as a cohabitant protective order, dating violence protective order, sexual violence protective order, or civil stalking injunction) that lists University-owned or -leased premises as a protected area, or otherwise prohibits the Employee or Student from being within a certain proximity or near another University Employee, Student, or Visitor, is required to provide a copy of such order to the Dean of Students (for orders binding Student) and/or the Director of Human Resources (for orders pertaining to all others), as well as the SUU Police Department.
3. Multiple Reporting Obligations. University Employees may have reporting obligations under multiple policies, including this Policy. For example, in the case of a reported sexual assault, an Employee may have obligations to report under this Policy, SUU [Policy 5.27](#), and SUU Policy related to Clery Reporting. Who is required to report varies based on Policy and law. Employees who are required to report must fulfill *all* reporting obligations. And even if an Employee or other person is not required to report, all persons are strongly encouraged to report concerning behavior that potentially poses a physical safety risk to the University or persons on its property or in its programs.

### D. Team Membership

1. The Behavioral Assessment Teams are chaired by:
  - a. Dean of Students or designee (when reported conduct is by a Student).
  - b. Director, Human Resources or designee (when reported conduct is by an Employee).
  - c. Executive Director, Enterprise Risk Management or designee (when reported conduct is by a Visitor).
2. Other standing Team members for all Teams include representatives from:
  - a. University Police.
  - b. Counseling and Psychological Services.
  - c. Office of Legal Affairs, as legal advisor to the Team.
3. Depending on the circumstances, the Team members may also include situational members:
  - a. Provost's Office (for matters related to Faculty).

- b. University Housing (for matters impacting University Housing).
  - c. Office of Equal Opportunity and Clery Compliance (for matters relating to discrimination, harassment and sexual assault or otherwise involving Clery Reportable Crimes [as defined in the Clery Policy]).
  - d. Recreation and Wellness.
  - e. Faculty or members of the appropriate academic department administrators, as needed.
  - f. Other University Employees with knowledge of related circumstances that the Chair determines could assist the Team in evaluating the risk.
4. If any Chair or Team member is unable to participate in the convening of the Team, a delegate may attend or the Team may proceed with the Team members available, based on the particular circumstances of a matter.
- E. Team Assessment, Referrals, and Decisions
1. Upon receipt of a report of threat to physical safety, violent conduct, or substantially disruptive conduct, the Chair makes an initial assessment to determine whether the applicable Team should convene. If based on information available to the Chair, the Chair determines that the reported conduct reasonably could be one or more of the types of prohibited conduct, the Chair will convene the team.
  2. If the report of conduct **by a Student** warrants further review, the Chair promptly convenes Student Behavioral Assessment Team (BAT).
    - a. The Team gathers to share relevant information and assess the existence, if any, and risks presented and potential risk mitigation measures.
    - b. If the Chair of the Team, after receiving input from other Team members, determines that reported conduct, if true, is a threat to physical safety, violent behavior, or substantially disruptive conduct, then the Chair shares the Team's assessment, including sources, reported facts, level of risk if the reported conduct is true and potential risk mitigation measures--all as applicable--with the appropriate administrator (if not part of the BAT) to process under applicable Policy.
    - c. Generally, these matters are referred for processing under SUU [Policy 11.2](#), including that the review and appeal procedures set out in that Policy apply. Additionally, other policies also may apply depending on the nature and circumstances surrounding the conduct. The applicable processes may run simultaneously or sequentially and the review may be conducted for different purposes as set out in those policies. Other applicable policies may include, but are not limited to, SUU [Policy 5.27](#), [Policy 5.60](#), employment policies related to Student Employees (when applicable) or the housing residential contract.

- d. The administrator(s) carrying out responsibilities under SUU [Policy 11.2](#) may (but is not required to) at any time ask the Student Behavioral Assessment Team to reconvene to provide input on additional, new or different information gathered through the processes under SUU [Policy 11.2](#).
  - e. In cases where a Student's threatening, violent, or substantially disruptive behavior is related to a disability, voluntary and involuntary withdrawal procedures and consideration of alternative reasonable accommodations also may apply. The Dean of Students or designee will make the decision to apply such procedures, as applicable, in consultation with the ADA Coordinator or Deputy ADA Coordinator.
3. If the report of conduct **by an Employee** warrants further review, the Chair promptly convenes the Employee Behavioral Assessment Team.
- a. The Team gathers to share relevant information and assess the existence, if any, of the risks and potential risk mitigation measures.
  - b. If the Team concludes that reported conduct, if true, is a threat, violent behavior, or substantially disruptive conduct, then the Supervisor of the Employee-Respondent and the Chair of the Team gather any additional relevant information needed.
  - c. The Supervisor and Chair then meet with the Respondent-Employee to present the relevant information (giving notice) and providing an opportunity to respond. They also provide the Respondent with information about this Policy, as needed.
  - d. The Chair may (but is not required to) reconvene the Team as necessary to receive input about any additional, new, or different information.
  - e. After the meeting and taking into consideration all available relevant information including the Respondent-Employee's response, the Supervisor, in consultation with the Chair, determines whether the Employee-Respondent violated this Policy and if so, what sanctions and/or risk management measures are imposed on the Employee-Respondent.
    - i. The decision is in writing with corresponding reasoning.
    - ii. The Supervisor sends the written decision to the Respondent-Employee as the decision of the University, and such other University officials with a need to know.
  - f. In the event that a Faculty member will be suspended, terminated, or the decision will materially alter the Faculty-Respondent's job duties and/or access to campus based on a violation of this Policy, that Faculty-Respondent may grieve the decision to the Faculty Review Board in accordance with the processes in SUU [Policy 6.22](#). All other decisions of the Supervisor are final decisions on behalf of the University.

- i. The Faculty-Respondent's Notice of Appeal will serve as the Petition for the purposes of SUU [Policy 6.22](#). The Notice of Appeal must meet all of the requirements of a Petition listed in SUU [Policy 6.22](#).
  - ii. The Team Assessment and decision by the Supervisor under this Policy will serve as the Preliminary Investigation or fact-finding as required in SUU [Policy 6.22](#).
- g. In the event that a non-Faculty Employee (determined based on primary scope of duties) will be suspended, terminated, or have their employment terminated or suspended or access to campus materially altered based on a violation of this Policy, that Employee-Respondent may grieve a decision in accordance with the processes listed below. All other decisions of the Supervisor are final decisions on behalf of the University.
  - i. An Employee may request an appeal of the Supervisor's decision by filing a Notice of Appeal with the Cabinet level Vice President (or equivalent) who oversees the Respondent-Employee's department or division.
    - A. The Notice of Appeal must state the basis for appeal and any supporting facts and evidence.
    - B. The Notice of Appeal must be submitted no later than five (5) days following receipt of the Supervisor's written decision.
  - ii. Any sanctions or risk management measures imposed by the Supervisor's decision will be implemented and remain in effect during the pendency of the Appeal.
  - iii. Appeals are not a separate assessment of the facts, and Appeals are not granted on the basis of disagreement with the written decision. A Respondent-Employee may Appeal a decision based only on one or more of the following:
    - A. There was a denial of adequate and fair due process that resulted in a material error;
    - B. The sanction and/or risk management measure imposed was not appropriate for the violation(s) which the Employee was found to have committed; or
    - C. There is new evidence or information that was not reasonably available at the assessment or decision which is reasonably likely to materially affect the outcome of the decision.
  - iv. The Vice President may affirm the decision of the Supervisor, send the matter back for reassessment, or amend the findings and/or sanctions or risk management measures.

- A. The Vice President will provide to the Respondent-Employee a written decision on the appeal within a reasonable timeframe, with an effort to provide it within seven (7) days of receipt of the Notice of Appeal.
      - v. The decision of the Vice President is the final decision of the University and not subject to appeal.
- 4. If the report of conduct **by a Visitor** warrants further review, the Chair convenes the Visitor Behavioral Assessment Team. This Team follows a process as set out below.
  - a. The Team gathers to share relevant information and assess the existence, if any, of the risks and potential risk mitigation measures. If the Team concludes that reported conduct, if true, is a threat, violent behavior, or substantially disruptive conduct, then the Chair of the Team may proceed with the steps below. If the answer is that the reported conduct does not violate this Policy, even if true, the Chair can refer the matter under policies, document to the file the reasoning, or take other steps that the Chair deems are reasonably necessary. The Chair does not contact the alleged Respondent-Visitor for purposes of this Policy or otherwise implement measures or sanctions upon the Respondent-Visitor.
  - b. Chair then meets with the Respondent-Visitor, either in person, via electronic means, or in writing, to present the relevant information (giving notice) and provide an opportunity to respond. The Chair also provides the Respondent-Visitor with information about this Policy, as needed.
  - c. After the meeting (or opportunity for a meeting) and taking into consideration all available relevant information including the Respondent-Visitor's response, the Chair determines whether the Respondent-Visitor violated this Policy and if so, what sanctions and/or risk management measures are imposed on the Respondent-Visitor.
    - i. The Chair may reconvene the Visitor Behavioral Assessment Team for further evaluation, as needed.
    - ii. The Chair's decision is in writing with corresponding reasoning and risk management measures.
    - iii. The Chair sends the written decision to the Respondent-Visitor as the decision of the University, and such other University officials with a need to know.
    - iv. The written decision of the Chair is the decision of the University and is final. There is no appeal of the written decision.
- 5. Notwithstanding the foregoing, if the reported conduct necessitates immediate risk management measures/boundaries or if opportunity to meet with or contact the person whose conduct is at issue is readily available, other than through writing, such that the Chair cannot first meet with the Respondent, the Chair may implement those risk



management measures/boundaries on a temporary basis and provide the Respondent-Visitor with notice and an opportunity to respond to the allegations as soon as practicable.

6. If a person whose access to University campus or activities is restricted and notification has been sent or otherwise provided to that person by an authorized University official, violates that restriction(s) and enters or remains on property that is owned, operated, or controlled by the University, they are subject to arrest and prosecution for criminal trespass, based on state law.
- F. Criteria when Assessing Risk. When assessing the risk, the Team conducts an individualized assessment, considering the reported facts and the following non-exhaustive list of factors (among others):
1. Whether the reported conduct, if true, is a threat to physical safety, violent conduct, or conduct that substantially disrupts University operations;
  2. The nature, duration, and severity of the reported conduct;
  3. The probability that potential injury and/or harm will occur within the University's control;
  4. Whether the person substantially impeded the educational process or functions of other members of the University community;
  5. Whether the circumstances suggest an increased risk that the person will commit an additional act of violence/disruption;
  6. Whether the person has a history of violence or disruption (conviction history, previous school discipline, prior disruptions, escalating conduct, etc.);
  7. Whether the person is alleged to have made threats of further violence against the person(s) impacted or any other individual;
  8. Whether the act of violence was committed by more than one person;
  9. Whether the circumstances suggest there is increased risk of future acts of violence under similar circumstances;
  10. Whether there was use of a weapon or drugs given; and
  11. The age of the person who allegedly experienced the conduct.
- G. Due Process. Under any of the above processes, no final determination is made about whether the person has engaged in threats, violent behavior or substantially disruptive conduct until that person receives notice and an opportunity to be heard in accordance with the applicable Policy, either under this Policy or other applicable Policy, as set out above. Provided however, as set out above and in other applicable Policy, the University retains authority to implement temporary risk management measures/boundaries and provide due process as soon as practicable thereafter.

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## V. RELEVANT FORMS/LINKS

- [How Do I Report an Issue?](#)
- Student voluntary and involuntary withdrawal procedures

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## VI. QUESTIONS/RESPONSIBLE OFFICE

The responsible offices for this Policy are the [Provost's Office](#), [Student Affairs](#), and the [Vice President for Finance and Administration](#), as applicable. For questions about this Policy, contact the [Dean of Students](#), Director of [Human Resources](#), or the Executive Director of [Enterprise Risk Management](#), as applicable.

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## VII. POLICY ADOPTION AND AMENDMENT DATES

**Date Approved:** October 18, 2021 [as temporary authorization]; [December 2, 2021](#) [as permanent authorization]

**Amended:** [July 18, 2022 \[as temporary authorization\]](#); September 23, 2022 [as permanent authorization]

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DO NOT USE