

University of Kentucky

Interim Guidelines for Handling Student/Student Allegations Sexual Assault, Stalking, or Relationship Violence

March 1, 2009

Introduction

The University policy prohibiting Sexual Assault, Stalking, or Relationship Violence is established as *Administrative Regulation 6:2*. <http://www.uky.edu/Regs/files/ar/ar6-2.pdf>

Due to the personal nature of cases involving student/student allegations of sexual assault, stalking, or relationship violence, these interim guidelines are adopted by the President to assure the rights of students who allege sexual assault, stalking, or relationship violence (“the Complainant”) and the student(s) accused of the violation (the “Accused Student”). **These interim guidelines are effective until the Board of Trustees adopts final procedures.**

Allegations of sexual assault, stalking, or relationship violence by a student(s) against another student(s) shall be handled in accordance with the rules and procedures established by the Code of Student Conduct and the following guidelines:

1) **Burden of Proof / Standard for Disciplinary Decision-Making**

The burden of proof shall rest on the Complainant, and the standard of proof shall be a “preponderance of the evidence” (more likely than not) standard.

2) **Training**

Prior to handling allegations of sexual assault, stalking, or relationship violence, the Dean of Students, his or her designee(s), and Disciplinary Hearing Officers shall receive training in investigative techniques, sexual misconduct, and relationship violence. The training shall be coordinated by the Vice President for Student Affairs, or his/her designee.

3) **Investigation**

When conducting an investigation of an allegation of sexual assault, stalking, or relationship violence, the Dean of Students, or his/her designee shall interview the Complainant, Accused Student, and all witnesses, gather all relevant data, and determine whether or not there is sufficient support for a charge of a violation of University regulations.

4) Disciplinary Hearings

a. All hearings shall be private, with the Accused Student having no option of requesting a public hearing. Witnesses shall be excluded from all hearings, except for the period of their testimony. Unless other accommodations are made in accordance with section c (below), the Complainant and the Accused Student may attend the hearing and each may be accompanied by one advisor. (*Code of Student Conduct, Article II, Sections 22-23*).

b. Evidence of a victim's prior sexual conduct shall not be admissible unless fairness to the Accused Student requires consideration of such evidence, as determined by the presiding Disciplinary Hearing Officer.

c. The Disciplinary Hearing Officer may accommodate concerns for the personal safety, well-being, and/or fears of confrontation of the Complainant, Accused Student, or other witness during the hearing by providing separate facilities, by using a visual screen, and/or by permitting participation by telephone, videophone, closed circuit television, video conferencing, videotape, audiotape, written statement, or other means, where and as determined in the sole judgment of the Disciplinary Hearing Officer to be reasonable and appropriate.

5) Confidentiality

a. All who are involved in the complaint, investigation, hearing, appeal, and reporting processes are obliged to maintain confidentiality of the proceedings and the outcome, except as otherwise specifically provided in the Code of Student Conduct and these guidelines.* Copies of judicial records shall not be released to outside sources without written consent of the subject of such record, except as may be required by law.

b. The University shall take reasonable measures to ensure the confidentiality of the proceedings and records. The University may disclose otherwise confidential information when required by law, or when authorized by law and necessary to protect the safety or well-being of the University community members or to preserve the integrity of proceedings under the Code of Student Conduct.

c. Notification of the offender's violations, penalties, and remedies shall be sent as directed by the Dean of Students, Hearing Officer, or University Appeals Board to the University officials necessary to make the penalties and remedies effective, and to other persons who might provide counseling assistance to the offender. Such University officials and other persons are obliged to maintain confidentiality in accordance with the Code of Student Conduct and these guidelines.

* Violations of confidentiality will be dealt with under the appropriate existing, applicable University regulation(s) or policy(s).