

# **2023 Public Description of Work for Action Collaborative on Preventing Sexual Harassment in Higher Education**

## **Utah State University**

### **Implementation of an Affirmative Consent Definition**

#### **Relevant Rubric Area(s):**

1. Response: Improved Policies

#### **Description of Work:**

In February 2023, Utah State University updated its sexual harassment policies to include an affirmative definition of consent. This was the first time that the university's consent definition had explicitly included an affirmative standard. The purposes of updating the consent definition were to align with best practices, be more clear about student (and employee) behavior expectations when engaging in sexual activity, and make it easier for hearing panels to make consistent determinations about potential sexual assault policy violations.

Prior to February 2023, USU's sexual harassment prevention efforts focused on educating students about affirmative consent, even though it was not the standard within the university's policies. This difference sometimes led to confusion for students and employees when sexual assault reports went through the grievance process and findings of a policy violation did not occur. The main goal of updating the consent definition was to be more specific and consistent with the university's standards for sexual behavior. Ultimately, the goal is for the affirmative consent definition to lead to more positive sexual experiences and decrease rates of sexual assault at USU.

The updating process began in spring 2022 with a group of stakeholders that included the outreach and prevention coordinator in the university's victim advocacy office (Sexual Assault and Anti-Violence Information office, SAAVI), staff from University Marketing and Communications (UMAC), the Title IX Coordinator, the executive director and senior prevention specialist in the Office of Equity, and legal counsel. The group started by identifying what was missing from the current consent definition and the ways in which students were confused about consent. One element the group decided was necessary in the updated definition of consent was explicit descriptions of non-consensual and consensual behaviors, given that most students who attend USU have not previously received sex education. From there, the group researched consent definitions at other institutions, both in Utah and across the country. The focus of the research was to find both descriptions of the term "affirmative" and example lists of behaviors that are and are not considered "affirmative consent."

The group then compiled a list of elements from those consent definitions to consider for integration into the new USU definition. Once the ideas for new elements had been compiled, the group discussed the pros and cons of those elements. They narrowed down the list to elements that made sense in light of Utah's state consent law and the culture and climate of both the state and the student population at the university. From there, the group refined the new elements and integrated them into the existing consent definition.

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Once the consent definition had been updated, it was brought to the university's implementation and coordinating committee, which is part of the USU sexual assault task force. The group provided feedback about the proposed affirmative consent definition, which was integrated into the draft. Staff members on the Office of Equity's prevention team, including the team's undergraduate peer educators, also provided input on the proposed definition.

The proposed definition was then "pilot tested" during the fall 2022 semester's required sexual harassment prevention trainings for students. It was also used during the "consistent messaging" trainings for employees who regularly talk with students about sexual harassment topics. These two settings confirmed that the proposed definition was more specific, clear, accessible, and consistent for the university community.

The consent definition updating process concluded with following USU's protocols for updating university policies, which resulted in the new policy being published in February 2023. At that time, an email was sent to both students and employees informing them about the updated definition of consent, and other changes that were made to the sexual harassment policies. Hearing panel members were then trained about analyzing evidence based on the updated consent definition, and will continue to receive more training about consent.

Next steps for the definition of consent updating process include continuing to evaluate its effectiveness in conveying behavior expectations and deterring sexual assault behaviors. This evaluation will include reviewing student answers to consent-related questions and discussions during the required trainings, feedback survey data from the required student trainings, sexual harassment campus climate survey data, sexual assault cases reported to the Title IX Coordinator and USU Police, sexual assault cases discussed with university victim advocates and therapists, and hearing panel member training discussions and case decisions/outcomes. Informal evaluations of the new definition will also likely include conversations with students and employees outside of trainings and engagement of the university community with marketing and education campaigns about the new definition.

The affirmative consent definition is consistent with the recommendations in the "response" section of the 2022 Rubric on Areas of Work for Preventing Sexual Harassment in Higher Education because it is an improved policy that is now more specific, clear, accessible, consistent, and shared with the USU community. The updated definition now provides clear, specific, and accessible expectations of behavior.

**Website for further information (if applicable):** <https://www.usu.edu/policies/339/> and [consent.usu.edu](https://www.usu.edu/policies/339/consent.usu.edu)

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