



West Jordan Campus

2020

Campus Safety and Security Report

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CAMPUS SAFETY AND SECURITY REPORT

"In 1990, Congress enacted the *Crime Awareness and Campus Security Act of 1990*, which amended the *Higher Education Act of 1965 (HEA)*. This act required all postsecondary institutions participating in HEA's Title IV student financial assistance programs to disclose campus crime statistics and security information. The act was amended in 1992, 1998, 2000 and 2008. The 1998 amendments renamed the law the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act*. It is generally referred to as the *Clery Act*. On March 7, 2013, the *Violence Against Women Reauthorization Act of 2013 (VAWA)* was signed into law. VAWA includes amendments to the *Clery Act*" (U.S. Department of Education, 2016, p. 1-1).

Broadview University prepares this **Campus Safety and Security** report annually to comply with the *Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)*. Broadview University – West Jordan's campus director/administrator, or designee, is responsible for preparing and disbursing the annual safety and security report. The campus director/administrator, or designee, collects crime statistics from the local law enforcement agency to ensure the published statistics are accurate, and then compiles the data into the campus crime statistics chart. All Clery crime statistics are reported electronically to the Department of Education annually. This report is updated no later than October 1st each year and is sent electronically to students, staff, and faculty. The information can also be found on the Broadview University's website at <https://broadviewuniversity.edu/accreditation-consumer-info/>. The information is also available at any time upon request, including in paper format.

SECURITY POLICY

Broadview University – West Jordan is committed to providing a safe environment for its students and employees.

REPORTING A CRIME OR OTHER EMERGENCY TO CAMPUS STAFF

Students, faculty, staff, guests and community members are encouraged to report all crimes and public safety related incidents to the following administrator in an accurate and timely manner:

Crystal DeWeerd, Campus Administrator

All reported crimes and other security problems are directed to the campus administrator, or designee, for entry into the school crime log. All incident reports filed are voluntary, and are kept confidential in nature, excepting laws governing specific police reports. All crimes will be investigated and when appropriate, may include disciplinary hearings, as well as notification to local law enforcement and the campus community.

Students needing immediate assistance should first report to the front desk. The front desk staff member will immediately convey important information related to the crime to appropriate authorities.

Broadview University does not have licensed counselors or pastoral counselors on staff. Any information that would be reported to a Broadview University official would be held in confidence at the victim's or witness' request.

REPORTING A CRIME TO LAW ENFORCEMENT AGENCIES

Broadview University encourages all members of the campus community to report crimes in an accurate and timely manner to both the campus and local police. School officials and administrators will notify appropriate law enforcement upon being informed of a crime. Non-emergency notifications will be made through the campus director/administrator. Emergency notifications and any crime requiring immediate investigation will be reported directly to the West Jordan Police Department. A record of all reported crimes will be maintained in the office of the campus director/administrator or designee.

Security phone numbers:

West Jordan Police Department	801-256-2000
Emergency	911

TIMELY WARNING OF A CLERY ACT CRIME TO THE CAMPUS COMMUNITY

For any crime that meets *Clery Act* definitions, and is committed within Clery geography, the campus community will be alerted in a manner that is timely and will aid in the prevention of similar crimes. A warning will be issued by the campus director/administrator, or other staff designee, as soon as pertinent information is known, and updates will be provided as additional information becomes available. Warnings and notifications will be sent via email to members of the campus community. Phone calls may also be made to the campus community.

EMERGENCY RESPONSE, NOTIFICATIONS, AND EVACUATION PROCEDURES

Broadview University – West Jordan maintains an ***Emergency Management Plan*** that provides guidance on how to provide immediate response and evacuations in an emergency situation. This document is kept in the campus director/administrator's office. Broadview University – West Jordan will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on the campus, unless notification would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Once an emergency has been reported, the campus director/administrator, or designee, will confirm that the situation is dangerous or a significant emergency by one of the following means:

- Verify that the report is given in good faith and true to the best of the individual's knowledge by discussing with the reporting individual.
- Visually identify if there is a situation of a physical nature by having a leadership team member view the situation.

The campus director/administrator, or designee, will determine the appropriate segment(s) of the campus community or the community at large to receive the notification by asking the following questions:

- Is this a situation that has the potential to cause harm to students, faculty, and/or staff?
- Is there potential that this situation will continue to be a risk for students, faculty, and/or staff?

The campus director/administrator, or designee, will initiate the notification system by one or both of the following:

- Send written/electronic notifications to the appropriate members of the campus community with a copy included in the campus crime log for reference.
- Document all verbal communication, including announcements over the intercom system, and send via email to the appropriate members of the campus community with a copy included in the campus crime log.

The ***Emergency Management Team*** may consist of the following school personnel:

Crystal DeWeerd, Campus Administrator
Berenice Villa, Financial Aid Manager
Terra Vangerven, Student Services Coordinator

At least one announced or unannounced test per year is conducted with a description of the exercise, date, time and type of announcement recorded. In conjunction with the test, the emergency response and evacuation procedures are publicized.

SECURITY OF, AND ACCESS TO, CAMPUS FACILITIES

Offices are open during the following hours:

Monday through Thursday	8:30 a.m. – 6:00 p.m.
Friday	8:30 a.m. – 4:00 p.m.

Only students, employees, and individuals with official school business are allowed in the instructional facilities. Only students, prospective students, employees, and individuals with official school business are allowed in the school complex. Other individuals will be asked to leave and, if necessary, will be escorted from the premises by school personnel. All visitors must check in at the front desk/administrative areas. Staff have keycards to access the building outside of building hours. Lighting, doors, and security measures are routinely checked. Staff and faculty frequently walk through and monitor the building to support the safety and security of the campus and members of the campus community.

CAMPUS STUDENT RESIDENCES AND OFF-CAMPUS STUDENT ORGANIZATIONS

At the present time, the school does not have any campus student residences or off-campus student organizations.

LAW ENFORCEMENT AUTHORITY

The ultimate authority for law enforcement is the local police department. Broadview University – West Jordan does not have campus police or security personnel. Broadview University – West Jordan officials have the authority to contact the police to request assistance in preventing or responding to a crime within or in the immediate vicinity of school facilities. Campus departmental directors are to be considered the security authority on campus. The campus director/administrator, or designee, is the campus coordinator for security issues. The officials at Broadview University have a strong working relationship with the local police and work in partnership to offer students and employees the safest possible environment. Broadview University – West Jordan also maintains a relationship with the state police. In addition to helping to provide a safe environment, another reason to maintain close working relationships with the state and local police are to ensure that the statistics disclosed to students and employees are accurate and to ensure that, should there be a risk to the campus community, Broadview University can issue timely warning reports to the campus community.

NOTIFICATION OF CAMPUS SECURITY PROCEDURES AND CRIME PREVENTION

At the time of enrollment/employment and annually thereafter, students and employees of Broadview University – West Jordan receive information regarding campus security procedures. Crime prevention information is presented at new student orientation. Campus safety information may also be published in the campus newsletter. Additionally, faculty and staff are required to attend all-campus meetings and in-services where topics of safety and crime prevention are also covered.

Students and school employees are encouraged to be responsible for their own security and the security of others. School officials and West Jordan Police officers are available to discourage crime on campus and assist crime victims but individuals should be aware that the best prevention for crime is to avoid at-risk situations. The following simple guidelines can help individuals decrease the potential of being victimized:

- 1) Do not leave personal items unattended or out of sight.
- 2) Do not bring expensive items or larger than necessary amounts of money to school.
- 3) Minimize time spent alone in isolated areas.
- 4) Know where and how to obtain assistance if you need it.
- 5) Safety in numbers - If you have a concern for your personal safety while on campus, see the front desk and an escort will be provided for you.
- 6) Report suspicious and unusual activity to a school administrator or the front desk staff. Front desk staff will immediately pass along this information to the appropriate authorities.
- 7) Lock your car and take the keys with you.

DRUGS AND ALCOHOL POLICY

POLICY ON POSSESSION, USE AND SALE OF DRUGS AND ALCOHOLIC BEVERAGES AND UNDERAGE DRINKING LAWS

Broadview University – West Jordan embraces the spirit of the law that requires a school to provide a drug free campus and work place. As part of our institutional philosophy, we are dedicated to the advancement and well-being of the population we serve. As such, all students and employees are encouraged to abstain from the use of illegal drugs and irresponsible use of alcohol. Broadview University abides by the requirements of the Drug-Free School and Communities Act Amendments of 1989, Public Law 101-226 and requires its students and employees to follow this law.

Broadview University – West Jordan is a drug-free campus and complies with Utah’s underage drinking laws and all federal and state laws. The unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited on any school property or participating in any institutional activity. In addition to prosecution by appropriate civil authorities, students or employees found in violation will be treated as having violated the institution’s student conduct policy and will be subject to disciplinary action up to and including termination from school and/or termination of employment or participating in any institutional activity.

DRUG AND ALCOHOL ABUSE PREVENTION PROGRAM

Drug abuse is the use of natural and/or synthetic chemical substances for non-medical reasons to affect the body and its processes, the mind, and nervous system and behavior. Abuse of drugs can affect a person’s physical health, emotional health and/or social life. Alcohol is the most commonly abused drug in the United States.

The campus leadership team provides referrals and periodic awareness programs on substance abuse for students in need of such services. Additionally, student, faculty and staff are required to observe the local, state and federal regulations regarding the possession, use and sale of alcohol. Failure to abide by these regulations, in accordance with the schools’ code of conduct, may result in disciplinary action up to and including termination.

Each year, the schools prepare a report on drug and alcohol abuse prevention, including a statement of the School’s Drug and Alcohol Abuse Policy. A copy may be obtained from the campus director/administrator, or designee, upon request. Additionally, there is a biennial review done on the drug and alcohol policy that is maintained by the campus director/administrator, or designee. This review includes the number and type of sanctions imposed as a result of drug and alcohol-related violations.

Numerous legal sanctions under local, state and federal laws can be used to punish violators. A student or employee who suspects someone, including herself or himself, may be at risk of drug or alcohol abuse is invited to seek assistance. The campus director/administrator can provide information and is the designated contact person available to hear concerns regarding drug and alcohol abuse. He or she can offer referrals, advice and information on drug and alcohol education and services in the community. Issues discussed with the contact person will be kept confidential.

There are drug or alcohol counseling, treatment and rehabilitation facilities available in our area where you can seek advice and treatment. The internet can be an excellent source for “Drug Abuse Information & Treatment.” The following community resources are available:

Alcoholics Anonymous	https://www.aa.org
Hazelden Treatment Center	800-257-7800
Utah Crisis Line	800-273-8255 (1-800-273-TALK)
Utah Human Services	https://dsamh.utah.gov/

There are also national organizations one can contact for help. The Addiction and Alcohol help line is open 24 hours, 800-244-3171.

The illegal use or abuse of drugs has a very high impact on our society, on crime and on the lives of those close to the user. Drug users resort to actions they would otherwise never consider in order to support their drug habits. The cost of supporting a drug habit

becomes increasingly exhaustive. More importantly, the drug habit has an impact on a person's family, lifestyle, career prospects, physical well-being and self-respect.

Treatment is available. Any person who has concerns or is unsure should seek assistance. Few people who have become dependent on drugs are able to "kick the habit" without professional care.

Danger signals that indicate a possible drug or alcohol problem:

- Uncharacteristic temper flare-ups
- Increased "secret" behavior
- Abrupt changes in mood or attitude
- Getting into a slump at work or school
- Increased borrowing of money
- A completely new set of new friends

Broadview University recommends that anyone observing changes like these in an employee or student immediately notify the campus contact person (campus director/administrator) or anyone else in authority at Broadview University. We will take caution not to wrongly accuse a person suspected of taking drugs. An improper accusation could lead to embarrassment of both the individual and the school.

Once it has been determined by authorities at Broadview University that an individual requires assistance, the individual and his/her family will be advised of the need for help. Records will be maintained of any advising provided to the individual.

Clinics near each campus location can render assistance. The patient is responsible for the expense of treatment. If the individual is in immediate danger of harming either him/herself or others, local law authorities should be contacted immediately.

CONSEQUENCES FOR VIOLATION OF THE DRUG AND ALCOHOL POLICY

As a condition of enrollment or employment, students and employees must abide by the terms of the policy. Employees and students who violate these standards of conduct subject themselves to disciplinary action. Broadview University will take one or more of the following actions within 30 days if a student or employee violates this policy:

- 1) Report the violation to law enforcement officials
- 2) Take the appropriate disciplinary action against the student or employee, up to and including termination
- 3) Require the student or employee to participate in a substance abuse rehabilitation program approved for such purposes by a federal, state or local health, law enforcement or other appropriate agency

Numerous legal sanctions under local, state and federal laws can be used to punish violators. Penalties can range from suspension, revocation and denial of a driver's license to 20-50 years imprisonment without benefit of parole. Property may be seized. Community service may be mandated.

Federal anti-drug laws affect a number of areas. Students could lose eligibility for Title IV federal financial aid and could be denied other federal benefits, such as Social Security, retirement, welfare, health, disability and veteran's benefits. The Department of Housing and Urban Development, which provides funds to states and communities for public housing, has the authority to evict residents and members of their households who are involved in drug-related crimes on or near public housing premises. A business can lose federal contracts if the company does not promote a drug-free environment. Finally, a felony conviction for a drug-related crime may prevent a person from entering certain careers.

Students are reminded that as a result of the 1998 Higher Education Amendments, a drug conviction can disqualify a student for Title IV financial aid. A conviction that was reversed, set aside, or removed from a student's record does not count, nor does one received when the student was a juvenile, unless he or she was tried as an adult. This provision applies to eligibility for the Title IV financial aid from July 1, 2000 on.

For possession of illegal drugs, a student is ineligible for the Title IV financial following the date of conviction for:

- One year for the first offense
- Two years for a second offense
- An indefinite period for three or more offenses

For sale of illegal drugs, a student is ineligible following the date of conviction for:

- Two years for the first offense
- An indefinite time for a second offense

If a student is convicted of both possessing and selling illegal drugs, and the periods of ineligibility are different, the student will be ineligible for the longer period. If a student successfully completes a qualified drug rehabilitation program, she/he regains eligibility on the date of completion. Any further drug convictions will make the student ineligible again.

A qualified drug rehabilitation program must include at least two unannounced drug tests and must satisfy at least one of the following requirements:

- Be qualified to receive funds directly or indirectly from a federal, state, or local government program.
- Be qualified to receive payment directly or indirectly from a federally or state licensed insurance company.
- Be administered or recognized by a federal, state or local government agency or court.
- Be administered or recognized by a federally or state licensed hospital, health clinic or medical doctor.

Students denied eligibility for an indefinite time can qualify for financial aid only after completing a rehabilitation program as described or if a conviction is reversed, set aside or removed from the student's record so that less than two convictions for sale or three convictions for possession remain on the record. In such cases, the nature and dates of the remaining convictions will determine when the student regains eligibility.

If a student regains eligibility during the award year, the change is treated as are other changes eligibility (e.g. attaining permanent resident or citizen status during the award year). Pell and campus-based aid may be awarded for the payment period, Direct loans may be awarded for the period of enrollment, and direct loans may be awarded for the academic year.

Note that regarding drug convictions the student self-certified as to eligibility for aid and completion of a qualified rehabilitation program. A student is not required to verify this information unless there is a discrepancy. Employees, upon being hired by Broadview University, receive a briefing and acknowledge in writing that they understand the provisions of the Drug-Free Workplace Act of 1988. Employees must notify the campus director in writing of a conviction of a criminal drug statute occurring in the workplace within five days after receiving the conviction.

Utah state law is adequate to protect the innocent, but stringent enough to ensure that persons involved with the illegal dealing of drugs or excessive use of alcohol can be adequately sanctioned. For example, a small quantity of illegal drugs found on a person may lead to an arrest; conviction and consequences may include payment for court costs and participation in mandatory community service. A person convicted of possession of drugs with intent to distribute may be imprisoned. Possible consequences of conviction of driving under the influence of alcohol (DUI) include payment of court costs and lawyer's fees, participation in community service, increased cost of automobile insurance, loss of driver's license and prison or jail.

In addition to local and state authorities, the federal government has four agencies engaged in fighting illegal drugs. Those agencies are the Drug Enforcement Agency (DEA), U.S. Customs Service, Federal Bureau of Investigation and the U.S. Coast Guard.

Here are a few legal facts to be aware of regarding illegal drugs: It is a crime to hold someone else's drugs. It is a crime to sell fake drugs. You can be arrested if you are in a house (or school) where people are using drugs, even though you are not using them yourself. A person can be charged with possessing drugs even if they are not physically on the person. Under legal terms of constructive possession, having drugs in a locker, purse, car or house is considered possession.

DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, STALKING, AND REGISTERED SEX OFFENDER INFORMATION

SEXUAL MISCONDUCT/SEXUAL VIOLENCE

Members of an educational community must be able to work in an atmosphere of mutual respect and trust. Any violation of that respect and trust by intimidation or exploitation damages the institution's educational process by undermining the essential freedoms of inquiry and expression, and damages the institution's working environment. Students, instructors, staff and administration must feel personally secure for the mission of the organization to be realized. As a place of work and study, Broadview University should be free of sexual harassment and all forms of sexual intimidation and exploitation. All students, faculty, staff and administrators must be assured that Broadview University will take action to prevent such misconduct and that anyone who engages in such behavior is subject to disciplinary procedures.

STATEMENT OF POLICY

Broadview University prohibits crimes of dating violence, domestic violence, sexual assault, and stalking. It is the policy of Broadview University to prohibit harassment of employees or students on the basis of sex. Prompt investigation of allegations will be made on a confidential basis to ascertain the veracity of complaints, and appropriate corrective action will be taken.

It is a violation of policy for any member of the school community to engage in sexual harassment. It is a violation of policy for any member of the school community to take action against an individual for reporting sexual harassment.

This policy is related to and in conformity with the equal opportunity policy of the school to recruit, employ, retain and promote students and employees without regard to sex, age, race, color, sexual orientation, gender identity, national origin, ethnic origin, physical or mental disabilities, veteran status in any of their academic programs or activities, or creed.

SEXUAL MISCONDUCT PREVENTION PROGRAMS

Broadview University is committed to providing awareness of rape, acquaintance rape, other forcible and non-forcible sex offenses, domestic violence, dating violence, sexual assault, stalking and sexual harassment. Such behaviors are defined as sexual misconduct when there is not a clear indication of mutual consent, defined as intelligent, knowing, and voluntary consent and does not include coerced submission. "Consent" shall not be deemed or construed to mean the failure by the alleged victim to offer physical resistance to the offender. At the point of enrollment or employment, all students and employees of Broadview University receive information to promote awareness of sexual misconduct and violence. In addition, all students and employees receive this information annually.

Broadview University provides regular workshops on preventing the occurrence of sexual assault, rape, acquaintance rape and other forcible and non-forcible sex offenses, domestic violence, dating violence, stalking and sexual harassment.

Victims of sexual assault or rape should follow these recommended steps:

- Go to a safe place following the attack
- Do not shower, bathe or destroy any of the clothing you were wearing at the time of the attack.
- Go to a hospital emergency room for medical care.
- Make sure you are evaluated for the risks of pregnancy and venereal disease.
- A medical examination is the only way to ensure you are not injured and could provide valuable evidence, should you decide to prosecute.
- Call someone to be with you as you should not be alone.
- Reporting the rape to the police is up to you, but understands that reporting a rape is not the same thing as prosecuting a rape.
- Please call the police and report the rape.

BYSTANDER INTERVENTION

Bystander intervention is a powerful tool that can be used to assist in deescalating a potentially harmful situation. We encourage all students to speak out against all forms of sexual violence and to be an advocate for prevention. Minimally, all students are encouraged to model respectful behavior to help promote a supportive educational environment. Should you find yourself a witness to the potential victimization of another, some forms of bystander intervention that you may utilize include:

- **Distract:** Redirect the focus of either party through a distraction to attempt to get the behavior to discontinue
- **Direct:** Confront the harmful behavior directly, so the potential victim is empowered to leave the situation or the perpetrator can make the choice to stop. This can include stepping in to separate the individuals and using assertive language.
- **Delegate:** Request the assistance of others to help take charge of the situation

(adapted from Darley, J.M., & Latane, B. *Journal of Personality and Social Psychology*, 8, 377-383)

RISK REDUCTION

Critical to ending violence and maintaining a safe environment is recognizing and avoiding abusive behavior. Abuse can surface in many ways (emotional, verbal, psychological, sexual, and physical). Some warning signs of abuse area:

- Frequent yelling directed at a partner
- Blaming partner for own faults
- Name-calling
- Consistently accusing partner of infidelity
- Kicking, holding, slapping, and scratching
- Forcible sex (e.g., wanting sex after hitting)

TITLE IX GRIEVANCE POLICY

Students who believe they have been sexually harassed should issue complaints according to the procedures below. The complaints shall remain confidential. If a complaint alleges facts that may constitute sexual harassment on-campus or during an off-campus school event or activity, the complainant and/or an individual on the behalf of the complainant must immediately contact the Title IX coordinator or campus director/administrator for assistance. Advisors, who are individuals representing the complainant and the respondent, are not to reveal the name of the complainant unless they choose to be identified. The Title IX coordinator and campus director/administrator shall have available the names and contact numbers of local law enforcement agencies to be called for immediate help, as appropriate.

Specific circumstances, including the names of any people involved, will not be reported to the involved parties without the written permission of the complainant. Complaints will be resolved quickly, within 60 days, or the institution will notify all parties in writing regarding the short-term, good cause delay and will be kept informed of the status of their complaints during the process.

No retaliatory actions may be taken against any person because they make such a complaint or against any member of the school community who serves as an advisor or advocate for any party in such a complaint. No retaliatory actions may be taken against any member of the school community merely because they have been the subject of such a complaint. Students who witness or report an incident of sexual harassment in good faith will not be penalized by the institution for admitting in the report to a violation of the institution's student conduct policy on the personal use of drugs and alcohol.

A student who files a complaint should do so with the Title IX coordinator or campus director/administrator. The complaint should be reported as soon as possible and should be as specific and detailed as possible. There are no statute of limitations for filing a complaint; however, the complainant must be attending or attempting to attend at the time of filing the complaint. The complaint shall remain

confidential unless permission to release identifying information by the complainant is granted or the decision makers are unable to investigate the claim adequately without full disclosure of the confidential information. The Title IX coordinator is responsible to discuss availability of supportive measures for both the complainant and the respondent with or without a formal complaint being filed. Supportive measures may include but are not limited to, extension of deadlines, modification of class schedule, campus escort services, increase campus security or monitoring, and/or mutual restrictions of contact between the parties. The Title IX coordinator must consider the complainant's wishes with respect to supportive measures and provides an explanation to the complainant for the process of filing a complaint.

All formal complaints will be investigated by a trained, designated campus investigator who does not have conflict of interest or bias for or against the parties involved. Written notice of the allegations are sent to both parties upon receipt of a formal complaint, at which time the school begins the investigation process. In the event the respondent is an immediate threat to anyone's physical health or safety, the respondent may be suspended immediately or placed on administrative leave if the respondent is a school employee. During the investigation, the complainant or respondent of the complaint are entitled to the same opportunities and rights and have equal opportunity to be accompanied by a support person or advisor of the individual's choice.

Once all evidence has been gathered and completed, including interviews and meetings, an investigative report is prepared which summarizes all the evidence found and is sent to both parties simultaneously. The parties are allowed 10 days to review and respond in writing to the designated campus investigator. The school must consider the responses before finalizing the investigative report. The finalized investigative report is provided to both parties 10 days prior to a scheduled hearing.

If a formal complaint is dismissed, a hearing is no longer required. There are reasons a complaint may be dismissed, including but not limited to, conduct does not meet the definition of sexual harassment or did not occur on-campus or during an off-campus school event or activity, the conduct did not occur in the United States, the complainant withdrew the formal complaint, or the respondent is no longer enrolled or employed by the school. The dismissal can be appealed by either party. Both parties may voluntarily agree in writing to an informal resolution, or mediation, as long as it does not involve an employee. The school provides a facilitator, who is does not have conflict of interest or bias, to oversee the informal resolution. Either party has the right to withdraw from the informal resolution process at any time prior to final resolution and has the right to resume the formal investigative process.

The hearing participants include both parties, their advisors, witnesses and the organization's decision makers. Any party or witness has the right to choose not to participate in the hearing. If they choose not to participate, the decision makers exclude their statements made prior to the hearing. During the hearing, each party must be represented by an advisor, which is solely for the purpose of conducting the cross-examination. Neither party is allowed to personally question or cross-exam anyone. If a party arrives to the hearing without an advisor, the school will provide one. Advisors for the parties must be allowed to cross-examine the other party and witnesses in real-time. The organization's decision makers will determine the relevancy of questions prior to the parties' or witnesses' response. Hearings may be held with each party in a separate room upon request through the use of audio-visual technology and is recorded.

The decision makers must objectively evaluate the evidence, reach conclusions on the respondent's responsibility of the alleged harassment, and determine if the evidence is relevant and meets the standard of evidence. The organization's decision makers utilize preponderance of evidence to determine the final outcome of the complaint. The decision makers issue a written determination, describing the violated policy, and providing a description of the procedural steps, findings of fact, conclusions drawn, statement and rationale of the determination of responsibility, disciplinary sanctions imposed if found responsible, supportive measures provided, and the right to appeal on a permissible bases. The written determination will be released simultaneously and separately to both parties. An appeal must be in writing and the school notifies both parties of the appeal. The other party has the right to respond in writing to the appeal. The organization's decision makers review the statements provided by both parties. The decision makers issue a written determination, which is final.

Annual recordkeeping and reporting will be performed in a manner so as to withhold identifying information about the parties involved. Documentation of the complaint, investigation and findings, and determination will be maintained by the organization.

RIGHTS OF HARASSMENT AND SEXUAL MISCONDUCT VICTIMS

In addition to the procedures outlined in this policy, any victim of sexual misconduct or violence has additional privacy rights and recourses. No member of the school community shall in any way discourage solicitation of these privacy rights and recourses and all members of the school community should cooperate with the complainant's pursuit of these additional remedies.

Victims of sexual misconduct/violence have the option to notify appropriate law enforcement authorities or to decline campus notification to such authorities. If a victim so chooses, campus officials will assist the victim in notifying appropriate authorities. The schools' contact person is the campus director/administrator, or designee, who is available to assist students, including identifying off-campus counseling or mental health services. The institution will provide the victim with advocacy resources, in written format, along with their rights and options.

Angie Norbeck, Title IX Coordinator / 651-447-8287 / anorbeck@broadviewuniversity.edu

Crystal DeWeerd, Campus Administrator / 385-429-9138 / cdeweerd@broadviewuniversity.edu

Victims can also contact:

Emergency - 911

First Call for Help – 211

Rape and Sexual Assault Crisis Line – 1-888-421-1100

Rape Recovery Center – 801-467-7273

Utah Domestic Violence Link Line – 1-800-897-LINK (5465)

Crime Victim Reparations (Utah) – 801-238-2360 or 1-800-621-7444

West Jordan Police Department - 801-256-2000

Before and after the investigation process all victims will be treated with dignity. The institution will not suggest that the victim was at fault for the crime nor will the campus authorities suggest different actions in order to avoid the crime. The victim may decide when to repeat the description of the assault.

Where orders of protection, no contact orders, restraining orders, or similar law orders have been issued by a criminal, civil, or tribal court, Broadview University will honor such orders. Similarly, Broadview University reserves the right to issue orders of disallowing access to the campus and facilities owned by the school. During and after the process of the investigation the institution will cooperate with the law enforcement agency, at the request of the victim, including the victim having no contact with the subject of the complaint, such as transferring the student into different sections of classes or providing the student with an alternative schedule. Victims who choose to transfer to another postsecondary institution will be provided contact information along with resources at the new postsecondary institution. The victim, upon request, can have a description of the incident as reported to the institution provided to him or her for the new postsecondary institution.

RECOMMENDED CORRECTIVE ACTION

Any student who is found to have engaged in the sexual misconduct or violence of a member of the educational community will be sanctioned appropriately up to and including permanent expulsion from school. Sanctions may include actions such as conduct warning, probation, and/or taking time off from school or training.

The school will make every effort to support both the complainant and the subject of the complaint through supportive measures, including extension of deadlines, modification of class schedule, campus escort services, increase in campus security or monitoring, and/or mutual restrictions of contact between the parties.

Corrective action will be taken only by the vice president of operations, the president or designee. In the event that the president is the subject of the complaint, a previously identified designee of the president may take corrective action.

ADVISING CAMPUS COMMUNITY ABOUT SEX OFFENDERS

For information regarding registered sex offenders, students can go to the following web address:

http://www.communitynotification.com/cap_office_disclaimer.php?office=54438.

Students are encouraged to use this website for information. Any questions regarding navigation of the website or a secure environment for viewing the website should be directed to the campus director/administrator, or designee.

FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

Broadview University – West Jordan maintains numerous records regarding its students and is committed to protecting the privacy of its students and the confidentiality of student records.

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights include:

- 1) The right to inspect and review the student’s education records within 45 days of the day the institution receives a request for access. The student, or in the case of the student being a minor, the parent, should submit to the registrar, academic services department, or other appropriate official, written requests that identify the record(s) they wish to inspect. The institution will make arrangements for access and notify the student of the time and place where records may be inspected.
- 2) The right to request amendment of the student’s education records that the student believes are inaccurate or misleading. When asking the institution to amend a record that the student believes is inaccurate or misleading, the student should write the campus director, clearly identify the part of the record the student wants changed and specify why it is inaccurate or misleading. If the institution decides not to amend the record as requested by the student, the institution will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding hearing procedures will be provided to the student along with notification of the right to a hearing.
- 3) The right to consent to disclosures of personally identifiable information contained in the student’s education records, except to the extent that FERPA authorizes disclosure without consent. Exceptions to consent of disclosure include the following:
 - Disclosure to officials with legitimate educational interests: A school official is a person employed by the institution in an administrative, supervisory, academic, research or support staff position; a person or company with whom the institution has contracted (such as an accrediting body, attorney, auditor, or collection agent); or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks. A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibility.
 - Disclosure, without the written consent or knowledge of the student or parent, of personally identifiable information from the student’s education records to the Attorney General of the United States or to the Attorney General’s designee in response to an ex parte order in connection with the investigation or prosecution of terrorism crimes specified in sections 2332b(g)(5)(B) and 2331 of title 18, U.S. Code. The institution is not required to record the disclosure of such information in the student’s file. Further, if the institution has provided this information in good faith in compliance with an ex parte order issued under the amendment, it is not liable to any person for the disclosure of information.
 - Disclosure, without the written consent or knowledge of the student or parent, of information from a student’s education records in order to comply with a lawfully issued subpoena or court order in the following three contexts:

- Grand Jury Subpoena: The institution may disclose education records to the entity or persons designated in a federal grand jury subpoena. In addition, the court may order the institution not to disclose to anyone the existence or context of the subpoena or the institution's response.
 - Law Enforcement Subpoena: The institution may disclose education records to the entity or persons designated in any other subpoena issued for a law enforcement purpose. As with federal grand jury subpoenas, the issuing court or agency may, for good cause shown, order the institution not to disclose to anyone the existence or contents of the subpoena or the institution's response. Notification requirements and recordation requirements do not apply.
 - All Other Subpoenas: The institution may disclose information pursuant to any other court order or lawfully issued subpoena only if the school makes a reasonable effort to notify the parent or eligible student of the order or subpoena in advance of compliance, so that the parent or student may seek protective action. The institution will record all requests for information from a standard court order or subpoena.
 - Disclosure, without the written consent or knowledge of the student or parent, of information in education records to "appropriate parties in connection with an emergency, if knowledge of the information is necessary to protect the health and safety of the student or other individuals." Imminent danger to student or others must be present.
- 4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by the college to comply with the requirements of FERPA. The name and address of the office that administers FERPA is Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue Southwest, Washington, D.C. 20202-4605.

CAMPUS CRIME STATISTICS

Broadview University – West Jordan

OCCURRENCES OF CRIMES ON CAMPUS OR PUBLIC PROPERTY						
Following are the number of crimes reported to campus authorities or local police agencies for the three most recent calendar years.						
Type of Crime	On-Campus	Public Property#	On-Campus	Public Property#	On-Campus	Public Property#
	2017		2018		2019	
CRIMINAL OFFENSES						
Criminal Homicide - Murder/Non-negligent manslaughter	0	0	0	0	0	0
Criminal Homicide – Manslaughter by Negligence	0	0	0	0	0	0
Sexual Assault - Rape	0	0	0	0	0	0
Sexual Assault - Fondling	0	0	0	0	0	0
Sexual Assault - Incest	0	0	0	0	0	0
Sexual Assault - Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0
Burglary	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
HATE CRIMES that show evidence of prejudice as defined below*						
	0	0	0	0	0	0
VAWA OFFENSES						
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0
ARRESTS						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations (<i>Does not include drunkenness or driving under the influence</i>)	0	0	0	0	0	0
DISCIPLINARY ACTIONS: The number of persons referred for disciplinary action for crimes (<i>Does not include disciplinary actions that were strictly for school policy violations. If the disciplinary action was the result of an arrest, it is not included here; the violation is counted as 1 arrest.</i>)						
Weapons: Carrying, Possessing, etc.	0	0	0	0	0	0
Drug Abuse Violations	0	0	0	0	0	0
Liquor Law Violations (<i>Does not include drunkenness or driving under the influence</i>)	0	0	0	0	0	0
UNFOUNDED CRIMES**	0		0		0	
* For any crimes reported above or any other crime involving arson, simple assault, larceny-theft, intimidation or destruction/damage/vandalism of property reported to local police agencies or to a campus security authority, that manifest evidence that the victim was intentionally selected because of the victim's actual or perceived race, gender, gender identity, national origin, religion, sexual orientation, ethnicity, or disability, the crime report will reflect this as a potential motive in the crime. If a hate crime occurs, the crime will be reported by type of prejudice.						
** If a reported crime is investigated by law enforcement authorities and found to be false or baseless, the crime is unfounded. Only sworn or commissioned law enforcement personnel may unfound a crime. <i>Includes all criminal offenses, hate crimes, domestic violence, dating violence, or stalking incidents that have been unfounded. Arrests and disciplinary actions cannot be unfounded.</i>						
# Public Property means the public areas immediately adjacent to the campus. These crimes did not occur directly on the school premises.						
Our institution does not have any on-campus student housing facilities or any non-campus buildings or property.						

CRIME CATEGORIES

Criminal Offenses (also referred to as primary crimes) – Criminal homicide, including murder and non-negligent manslaughter, and manslaughter by negligence; sexual assault (also referred to as sex offenses), including rape, fondling, incest, and statutory rape; robbery; aggravated assault; burglary; motor vehicle theft; and arson.

Hate Crimes – Any of the above-mentioned offenses, and any incidents of larceny-theft, simple assault, intimidation, or destruction/damage/vandalism of property that were motivated by bias.

VAWA Offenses – Any incidents of domestic violence, dating violence and stalking. Sexual assault is also a VAWA offense but is included in the criminal offenses category for *Clery Act* reporting purposes.

Arrests and Referrals for Disciplinary Action for weapons – carrying, possessing, etc. Law violations, drug abuse violations and liquor law violations.

Unfounded Crime – A reported crime is investigated by law enforcement authorities and found to be false or baseless.

CRIME DEFINITIONS

Crime definitions are from the *U.S. Department of Education (2016)*.

CRIMINAL OFFENSES

CRIMINAL HOMICIDE

- **Murder and Non-negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
- **Manslaughter by Negligence** - The killing of another person through gross negligence

SEXUAL ASSAULT (SEX OFFENSES)

- **Rape** – The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- **Fondling** – The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of this/her age or because of his/her temporary or permanent mental incapacity.
- **Incest** – Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- **Statutory Rape** – Sexual intercourse with a person who is under the statutory age of consent.

Consent – Sexual offenses against the victim without consent of victim - Circumstances, see Utah Code Ann. §76-5-406

<https://le.utah.gov/xcode/Title76/Chapter5/76-5-S406.html>

ROBBERY

The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

AGGRAVATED ASSAULT

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

BURGLARY

The unlawful entry of a structure to commit a felony or a theft.

MOTOR VEHICLE THEFT

The theft or attempted theft of a motor vehicle.

ARSON

Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.

HATE CRIMES

A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

- **Race** – A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual Orientation is the term for a person's physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.
- **Gender** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing makeup. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity** – A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term "race" in that "race" refers to a grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.
- **National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.
- **Disability** - A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For Clery Act purposes, Hate Crimes include the following offenses motivated by bias:

- **Murder and Non-negligent Manslaughter** - The willful (non-negligent) killing of one human being by another.
- **Sexual Assault (Sex Offenses)** - Including rape, fondling, incest, and statutory rape

- **Robbery** - The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
- **Aggravated Assault** - An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
- **Burglary** - The unlawful entry of a structure to commit a felony or a theft.
- **Motor Vehicle Theft** - The theft or attempted theft of a motor vehicle.
- **Arson** - Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
- **Larceny-Theft** - The unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.
- **Simple Assault** - An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** - To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Destruction/Damage/Vandalism of Property** - To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

VAWA OFFENSES

Dating Violence - Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence - A felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim;
- By a person with whom the victim shares a child in common;
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred;
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking - Engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others; or suffer substantial emotional distress.

- **Course of conduct** - Two or more acts, including, but not limited to, acts in which the stalker directly, 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** - A reasonable person under similar circumstances and with similar identities to the victim.
- **Substantial emotional distress** - Significant mental suffering or anguish that may, but does not necessarily require medical or other professional treatment or counseling.

ARRESTS AND REFERRALS FOR DISCIPLINARY ACTION

Arrest – Persons processed by arrest, citation or summons.

Referred for disciplinary action – The referral of any person to any official who initiates a disciplinary action of which a record is established and which may result in the imposition of a sanction.

Weapons: Carrying, Possessing, Etc. - The violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

Drug Abuse Violations - The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Liquor Law Violations - The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

UNFOUNDED CRIME

A reported crime is investigated by law enforcement authorities and found to be false or baseless.

REFERENCES

U.S. Department of Education, Office of Postsecondary Education, *The Handbook for Campus Safety and Security Reporting, 2016 Edition*, Washington, D.C., 2016