

# 2021 Noorda College of Osteopathic Medicine Annual Campus Safety and Security Report



**Noorda College of Osteopathic Medicine  
122 East 1700 South  
Provo, Utah 84606**

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## INTRODUCTION

The Annual Campus Safety and Security Report is designed to provide students and employees with information concerning personal safety, campus security, and the institutional policies of conduct and behavior. Adherence to these established policies and ethical behavior helps Noorda College of Osteopathic Medicine (Noorda-COM) foster and maintain a safe environment, free from exploitation, intimidation and any misconduct, and that which supports its educational mission and maximum development and goal achievement for all employees.

This report is prepared in compliance with the federal safety regulations, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistic Act (Clery Act), and the Noorda-COM campus safety and security policies. This report also includes the required changes in disclosure pursuant to The Violence Against Women Reauthorization Act of 2013 (VAWA) addressing the crimes of dating violence, domestic violence, and stalking.

This report is prepared on an annual basis by the Director of Facilities / Operations with inputs from the Noorda-COM Safety and Security Committee. The crime statistics disclosed in this report are based upon incidents reported to the local enforcement agencies that have jurisdiction over the school's Clery geography and from the landlord's Campus Security Officer.

The link to this report - <https://www.Noorda-COM.org/cleryreport/> is sent via email to all current students, faculty and staff, to keep them fully informed of crimes that may pose a serious or continuing threat to the campus community; and to provide updated and specific guidelines relating to personal and campus safety.

Any inquiries regarding this report or any request for a paper copy should be sent to the Director of Facilities / Operations via email at [security@Noorda-COM.org](mailto:security@Noorda-COM.org).

Located in Provo, Utah, Noorda College of Osteopathic Medicine (Noorda-COM) offers an innovative and unique medical education approach. Noorda-COM provides 21st-century medical students a curricular model blending active, small group learning with advanced laboratory experiences and research opportunities while also emphasizing school and life balance with a commitment to health and wellness. Noorda-COM focuses on preparing future residency-ready physicians committed to providing patient-centered healthcare. The Commission on Osteopathic College Accreditation granted Noorda-COM Pre-Accreditation status in December 2020. <https://Noorda-COM.org>

## CODE OF CONDUCT AND BEHAVIOR STANDARDS

Noorda-COM strictly adheres to established policies of conduct and ethical behavior expected of student, faculty, staff and administration. These policies were developed to maintain an atmosphere conducive to effective education of students and to attain utmost professional growth of staff.

The details of policies of conduct and behavior and the university honor code are in:

1. The Student Catalog – specific for students, available through this link: [Catalog-2021-2022-V2.1.pdf \(Noorda-COM.org\)](#)
2. The Employee Handbook – specific for employees, available via email to all employees as well as a hard copy located in the HR Department.

The above specific links are sent to students upon admission, and to the staff upon hiring.

All students and employees should have signed a document indicating that:

- a. They have read and understand all the information contained in their Handbook;
- b. That they agree and abide by the rules and regulations contained therein, which are not limited to the University Honor Code.
- c. That they are aware of the consequences of violations of specific policies and standards.

Noorda-COM recognizes that its campus is a community of scholars, consisting of professional students, program directors, faculty, research mentors, practicum mentors, proctors, staff and administrators, who are already committed to the highest codes of behavior and ethics. Therefore, it is anticipated that few issues, if at all, will arise.

Noorda-COM reserves the right to dismiss a student, or suspend or terminate an employment, for any violation of the university code of conduct and behavior standards.

## NOORDA COLLEGE of OSTEOPATHIC MEDICINE CAMPUS

The Noorda College of Osteopathic Medicine's campus is located in beautiful, picturesque Provo, Utah. Provo is consistently ranked among the best places in the country to live, work, and play. Provo and Utah Valley are noted for entrepreneurship and quality education.

Located in Provo, Utah, Noorda College of Osteopathic Medicine (Noorda-COM) offers an innovative and unique medical education approach. Noorda-COM provides 21st-century medical students a curricular model blending active, small group learning with advanced laboratory experiences and research opportunities while also emphasizing school and life balance with a commitment to health and wellness. Noorda-COM focuses on preparing future residency-ready physicians committed to providing patient-centered healthcare. The Commission on Osteopathic College Accreditation granted Noorda-COM Pre-Accreditation status in December 2020. <https://Noorda-COM.org>

Noorda-COM campus is located in Building 1, 3, and 5 of the Timpanogos Tech Center at 122 East 1700 South, Provo, Utah.

Noorda-COM *does not* provide on-campus housing. Students enrolled in the residential programs reside in local housing owned and operated outside of the College's purview.

## CAMPUS SECURITY AND ACCESS

Noorda-COM Campus Facilities / Operations Director issues photo ID badges to students and employees. ID badges are electronically read allowing access to the buildings and some internal spaces.

During business hours, Noorda-COM is open to students and employees who are required to use their ID badge to access spaces beyond the reception area. Physical keys are issued to authorized personnel for internal offices.

During non-business hours or extended periods of closing, employees and students may access the university with ID badges, however, student access is limited to study areas and certain classrooms.

Individuals without an ID badge are not authorized to enter the College. During normal working hours, contractors, guests, and visitors must check in with the receptionists to obtain a temporary ID or visitor sticker. In some cases, visitors must be accompanied by authorized individuals.

Contact numbers are prominently posted on the entry doors to the lobby for emergencies occurring during non-business hours.

## CAMPUS SAFETY, CONTINUITY AND RISK MANAGEMENT

Campus safety of students and employees, risk management, including continuity of operations are major priorities of Noorda-COM. Policies and procedures relating to risk management, general safety, contingency plan, how to respond, who to contact and other vital information in case of emergencies or situations are detailed in the Risk Management Handbook.

All employees have access to the Risk Management Section of the Employee Handbook which is sent electronically to each employee upon hire, as well as through a hard copy located in the HR department.

All students may access the Student Risk Management Section of the Catalog through this link [Catalog-2021-2022-V2.1.pdf \(Noorda-COM.org\)](#)

As members of the Noorda-COM community, students and employees are expected to adhere to all related policies and procedures and to take appropriate safety measures to prevent unnecessary incidents.

## LAW ENFORCEMENT AND SECURITY

Noorda-COM does not have a police department inside the campus and relies upon the Provo City Police Department for law enforcement and security related issues.

The property manager of Building 1, 3, and 5 of the Timpanogos Tech Center provides security TV monitors 24 hours per day and unarmed security officers 24 hours per day, 7 days per week. The phone numbers for the security officer is listed on the back of all student ID cards.

To promote and maintain campus safety and security, the college has designated the Director of Facilities / Operations as the college's point of contact to serve as the primary emergency response person and information contact for the campus.

## EMERGENCY RESPONSE NOTIFICATION

Noorda-COM utilizes an Emergency Notification System, DialMyCalls. This Emergency Notification System (ENS) is a multimodal mass notification system that allows a member of the Crisis Response Team to send time sensitive notifications and messages to the mobile phones, home phones, and email of all employees and students.

The Crisis Response Team consists of the following, and must be notified in the event of an emergency situations:

- President – 808-489-0088
- Chief Financial Officer – 409-392-4311
- Associate Dean for Student Affairs – 417-529-7159
- Vice-President for Institutional Advancement – 702-239-9955
- Director of Facilities / Operations - 801-230-8272

Emergencies include bomb threats, threats of violence - including shooting, hostage situations, medical emergencies, fire, earthquake, inclement weather, and chemical, biological and radioactive spills.

## EMERGENCY EVACUATION

Once confirmed by a member of the Emergency Notification Team that an event warrants evacuation of the campus, the Director of Facilities / Operations will be notified and assume their responsibilities without delay. Should an incident or threat extend beyond the campus, the Provo Police Department will be notified, and determine if the adjacent community should be evacuated.

## TIMELY WARNING NOTICE

If a situation arises, either on or off campus, that in the judgment of a member of the Crisis Response Team it constitutes an ongoing or continuing threat, the Emergency Notification System (ENS) will be activated.

Depending on the circumstances of the situation, a member of the Crisis Response Team may request that a notice be posted on the University website at [www.Noorda-COM.org](http://www.Noorda-COM.org) providing the college community with more immediate information. In addition, bulletins or notices may be posted in common areas on campus.

Anyone with information warranting a timely warning should report the circumstances to a member of the Crisis Response Team.

In addition to the Emergency Notification System, Noorda-COM may issue a timely warning to inform the campus community of potential threats against which they can take preventive measures. The situations where a timely warning may be issued include any and all Clery Act crimes, within the geographic area of Noorda-COM, that are reported to members of the Crisis Response Team, to onsite security around the Timpanogos Tech Campus, or the Human Resources Department.

If a timely warning is released, it will include the individual or office issuing the warning, context as to why it is important to the campus community, and may be posted or released through numerous avenues, including but not limited to short classroom interruptions by campus officials, website updates, Canvas updates, and distribution of written notices.

## POLICY STATEMENTS

Noorda-COM operates based on established policies of conduct and ethical behavior of students, faculty, and administration. Adherence to these established policies help Noorda-COM ensure orderly operations, provide the best possible educational and work environment, and protect the interest and safety of everyone in the campus community.

The following policy statements are intended to inform the campus community about Noorda-COM's specific policies, procedures, programs, and resources as well as information about channels for victims of crimes to seek recourse.

**ALCOHOL POLICY** In accordance with Utah State statutes, possession, sale and/or consumption of alcoholic beverages on campus is prohibited regardless of age. Any person associated with or visiting the University and/or its premises is prohibited from distributing or consuming alcoholic beverages while on campus property.

Therefore, alcoholic beverages are not permitted anywhere on the campus, including the grounds and parking lots. Alcohol use is not permitted by students or faculty while attending class related activities associated with Noorda-COM (i.e. clinical settings, research data collection, etc.)

A student or an employee in violation of this policy is subject to disciplinary action, which may include suspension, or expulsion, or termination of employment.

Noorda-COM encourages anyone who may have alcohol concerns to consider contacting the following help services available nationwide:

- Alcoholic Anonymous – 801-375-8620 (Provo) or visit [www.utahvalleyaa.org](http://www.utahvalleyaa.org)
- Al-Anon – 888-425-2666, or visit <http://www.al-anon.alateen.org>

**SMOKING POLICY.** Noorda-COM is committed to the promotion of healthy behaviors. Therefore, tobacco and nicotine use in any form are not permitted inside any of the college building. For information relating to smoking and its effects, or if anyone needs help on how to quit smoking, call or visit the website of:

- The Foundation for a Smoke Free America – 310-471-0303 or 310-577-9828 or <http://www.antismoking.org/quitting.htm>

**DRUG ABUSE AND AWARENESS POLICY** The Drug-Free Schools and Communities Act of 1989 (Public Law 101-226) requires institutions receiving financial assistance to implement, and enforce, drug abuse prevention policies and programs.

Noorda-COM prohibits the unlawful manufacture, distribution, dispensation, sale, possession, or use of illicit drugs by students on its property, and at any school activities. Any violation of this policy will

result in appropriate disciplinary actions, up to and including student expulsion, or employment termination. Where it is apparent that a violation of the law has occurred, law enforcement authorities will be notified.

In certain cases, students may be referred to counseling sources and/or substance abuse help centers. If such referral is made, continued enrollment will be subject to successful completion of any prescribed counselling or treatment program. Students who believe they have a substance abuse problem and are seeking treatment may contact the Director of Student Services for referral assistance. All such matters will be handled confidentially.

Noorda-COM encourages anyone who needs help on drug abuse issues to contact or visit the websites of the following help services:

- Drug Addiction Crisis and Referral Hotline – 1-888-268-9124 or <http://www.drug-rehabs.com/addiction>
- Cocaine Anonymous – 310-559-5833 or <http://www.ca.org/>
- Narcotics Anonymous – 818-700.0700 or <http://www.na.org/>

*Violations of Noorda-COM alcohol, tobacco, and drug-free environment policy are subject to disciplinary action as defined under the Conduct and Behavior section of the Student Handbook, and under the Rules of Conduct section of the Employee Handbook.*

**SEXUAL ASSAULT AND TITLE IX POLICY** Noorda-COM Code of Conduct for students, and Rules of Conduct for employees require all students and employees to respect the personal rights of others and to obey the law. Any violation of another individual's rights to be free from forcible and non-forcible sex offenses constitutes a serious violation of the established honor codes which may result in termination of employment, suspension, or dismissal from the university.

Noorda-COM prohibits the crimes of sexual assault, sexual harassment, dating violence, domestic violence, and stalking as defined by the Clery Act, state law, federal Title IX policy, and Noorda-COM Policy. Noorda-COM also strives to prevent other non-contact sex-related offenses including exhibitionism, voyeurism, stalking and obscenities, or harassment via phone calls, text-messages, e-mails, etc. These crimes should be reported to the Title IX Coordinator (see below) and/or the Provo Police Department.

For information or for reporting of sexual harassment in the workplace or in academics, contact either one of the following:

- Title IX Coordinator – 801-376-6004 or by email at [tahill@Noorda-COM.org](mailto:tahill@Noorda-COM.org)
- Associate Dean for Student Affairs – 417-529-7159
- Director of Facilities / Operations – 801-230-8272
- Director of Human Resources – 208-339-1861
- Campus Security Officer – 385-285-6258

For more information on sexual assault, refer to the following:

- The Center for Women & Children in Crisis – offers 24-hour crisis counseling and support to victims of rape and sexual assault. The 24-hour hotline is 801-377-5500.

- Crisis Line of Utah County – helps callers in crisis and provides emergency referrals. The 24-hour phone number is 1-801-226-4433.
- Advocacy Center for Crime Victims and Children – <http://advocacycntr.org/> this will link to various resources throughout the nation.
- National Center for Victims of Crime – serves individuals, families and communities harmed by crime and helps victims rebuild their lives – <http://victimsofcrime.org>
- Violence Against Women, from the U.S. Department of Health and Human Services – [www.womenshealth.gov/violence-against-women/](http://www.womenshealth.gov/violence-against-women/) - they provide information of all types of violence against women.

**NONDISCRIMINATION TITLE IX, AND CIVIL RIGHTS POLICY** In the conduct of its affairs, Noorda-COM does not discriminate against any person on the basis of race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, disability, marital status or any other characteristics protected by applicable law.

Complete details of definitions, jurisdiction, and the grievance process for discrimination, harassment, or assault concerns can be found in the Noorda-COM Employee Handbook.

Discrimination, harassment, and sexual misconduct is unwelcome at Noorda-COM, and any incident relating to these behaviors should be reported to appropriate parties so that it can be investigated, remedied and addressed to both stop the offense and limit or eliminate further harm to Noorda-COM students, staff and visitors.

**REGISTERED SEX OFFENDER INFORMATION** In accordance with the Federal Campus Sex Crimes Prevention Act (CSCPA) and the Utah Sex Offender Registration Act, notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution. This information is available at the Provo City Police Department.

*Information regarding registered sex offenders residing within a specific Utah geographic location can be accessed via the Utah Department of Corrections website: <http://corrections.utah.gov/>*

**GUN POLICY** Lawful possession of any firearm is restricted to the employee’s locked vehicle in the parking lot. Law enforcement officers are not subject to the restriction of firearms in the campus. Possession, use, or sale of weapons, firearms, or explosives on work premises, while operating Noorda-COM machinery, equipment, or vehicles for work-related purposes, or while engaged in Noorda-COM business or within its premises is prohibited. This policy applies to all students and employees including but not limited to, those who have a valid permit to carry a firearm. Individuals who are aware of violations or threats or violations of this policy are required to report such violations or threats of violations to the following:

- Director of Facilities / Operations – 801-230-8272
- Director of Human Resources – 208-339-1861

**COVID 19 RETURN TO WORK POLICY**

The COVID 19 Return to Campus Plan was developed by Noorda-COM in response to the COVID-19 pandemic and to create guidance for when and how students and employees will return to the campus. Regular updates are sent to students, faculty and staff for the latest information. For more detailed

information, or topics not covered in this summary, see the full Return to Campus Plan located here [October COVID-19 Update – Noorda College \(Noorda-COM.org\)](#) . This document, and the guidance provided therein, was developed under the following guiding principles:

1. Ensuring the health, safety, and welfare of students and employees.
  - Slowing the spread of COVID-19.
  - Protecting the health of individuals at risk for severe COVID-19 illness.
  - Preferring working from home for high-risk individuals.
  - Considering working on campus for employees who encounter difficulties working from home.
2. Providing high-quality education, regardless of the pandemic.
3. Implementing continuous monitoring, evaluation, and communication.
4. Returning to campus is both time- and situation-dependent.
  - Refer to the Dependencies section in the full Return to Campus Plan for details of the dependencies included for consideration in decision making. Noorda-COM plan aligns with local, state, and national directives. This plan also follows the guidance and best practices published by the Center for Disease Control (CDC), state, and local health departments.

The University will communicate updates and additional information to students and employees, as necessary, in response to changing circumstances.

## CRIME STATISTICS

In compliance with the requirements of the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, Noorda-COM compiled and reports the following crime statistics within a 200' diameter of the Timpanogos Tech Campus where Noorda-COM is currently holding classes. The statistics were grouped together into criminal offenses, hate crimes, VAWA offenses, arrests and referrals for disciplinary action.

The data includes all reports of offenses provided by the Provo City Police Department, Timpanogos Tech Center Property Manager, and the Noorda-COM Director of Facilities / Operations. The statistics may or may not accurately reflect the actual crime and may be indicative of the efficiency of the Provo Police in following up on the reports. In a very limited circumstances, the crime reports that were “unfounded” may have been removed from the report and subsequently withheld from the crime statistics. This, however, may have been done only by commissioned law enforcement personnel for reporting purposes.

Crimes												
All Crimes Reported	Campus Totals				Non-University Bldgs.				Public Property			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
<b>Criminal Offenses</b>	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Murder/Non-Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

Crimes												
Hate Crimes Reported	Campus Totals				Non-University Bldgs.				Public Property			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
<b>Offense Type</b>	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Murder/Non-Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Negligent	0	0	0	0	0	0	0	0	0	0	0	0
Forcible Sex Offense	0	0	0	0	0	0	0	0	0	0	0	0
Non-Forcible Sex	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Arrests	0	0	0	0	0	0	0	0	0	0	0	0
Illegal Weapons	0	0	0	0	0	0	0	0	0	0	0	0
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

Crimes												
Hate Crimes by Category	Campus Totals				Non-University Bldgs.				Public Property			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
Category of Prejudice	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Race	0	0	0	0	0	0	0	0	0	0	0	0
Gender	0	0	0	0	0	0	0	0	0	0	0	0
Gender Identity	0	0	0	0	0	0	0	0	0	0	0	0
Religion	0	0	0	0	0	0	0	0	0	0	0	0
Sexual Orientation	0	0	0	0	0	0	0	0	0	0	0	0
Ethnicity	0	0	0	0	0	0	0	0	0	0	0	0
Disability	0	0	0	0	0	0	0	0	0	0	0	0
National Origin	0	0	0	0	0	0	0	0	0	0	0	0

Arrests												
Arrests	Campus Totals				Non-University Bldgs.				Public Property			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
Offense Type	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

Non-Arrest Disciplinary Actions												
Non-Arrest Disciplinary Actions	Campus Totals				Non-University Bldgs.				Public Property			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
Offense Type	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Illegal Weapons Possessions	0	0	0	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0	0	0	0

Statistics For Violence Against Women												
Statistics for Violence Against Women	Campus Totals				Non-University Bldgs.				Public Property			
	2020	2019	2018	2017	2020	2019	2018	2017	2020	2019	2018	2017
VAWA Offenses	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total	Total
Domestic Violence	0	0	0	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0	0	0	0

## CRIME DEFINITIONS

The above statistics were compiled in accordance with the definition used by the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. These definitions are provided below.

### CRIMINAL OFFENSES

**Criminal Homicide.** These offenses are separated into two categories:

- a. Murder and Non-negligent Manslaughter is defined as the *willful (non-negligent) killing of one human being by another*. Murder also include any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime.
- b. Manslaughter by Negligence is defined as the killing of another person through gross negligence. In other words, this offense is something that a reasonable and prudent person would not do.

**Sexual Assault (Sex Offenses) – Forcible.** Any sexual act directed against another person, forcibly and/or against that persons' will, or not forcibly or against the person's will where the victim is incapable of giving consent, including:

- Any sexual act directed against another person,
- without the consent of the Complainant,
- including instances in which the Complainant is incapable of giving consent.<sup>1</sup>

**Non-Forcible Sex Offense** is a sexual contact, sexual intercourse, or the unlawful behavior or conduct intended to result in sexual gratification without force or threat of force and where the victim is incapable of giving consent, to include:

- Incest:
  - Non-forcible sexual intercourse,
  - between persons who are related to each other,
  - within the degrees wherein marriage is prohibited by Utah law.
- Statutory Rape:
  - Non-forcible sexual intercourse,
  - with a person who is under the statutory age of consent (18 in Utah).

Dating Violence, defined as:

- violence,
- based on sex,
- committed by a person,
- who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.
  - The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship,

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<sup>1</sup> This definition set is not taken from SRS/NIBRS verbatim. ATIXA and Noorda-COM has substituted Complainant for "victim," has removed references to his/her throughout, has defined "private body parts," has removed the confusing and unnecessary term "unlawfully," and has inserted language clarifying that the University interprets "against the person's will" to mean "non-consensually." These are liberties ATIXA and Noorda-COM believe are important to take with respect to the federal definitions.

the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition—

- 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, defined as:

- violence,
- based on sex,
- committed by a current or former spouse or intimate partner of the Complainant,
- by a person with whom the Complainant shares a child in common, or
- by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or
- by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of the State of Utah or
- by any other person against an adult or youth Complainant who is protected from that person's acts under the domestic or family violence laws of the State of Utah.

\*To categorize an incident as Domestic Violence, the relationship between the Respondent and the Complainant must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have or have had an intimate relationship.

Stalking, defined as:

- engaging in a course of conduct,
- based on sex,
- 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.

For the purposes of this definition—

- Course of conduct means two or more acts, including, but not limited to,
- acts in which the Respondent 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 means a reasonable person under similar circumstances
- and with similar identities to the Complainant.
- Substantial emotional distress means significant mental suffering or
- anguish that may but does not necessarily require medical or other professional treatment or counseling.

**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.

Included in this classification are: the manufacture, sale, transporting, furnishing, possession, etc. of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor

to a minor or intemperate person; underage possession; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and attempts to commit any of these offenses.

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

**Illegal Weapons Possession.** 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.

Included in this classification are: the manufacture, sale, or possession of deadly weapons; carrying deadly weapons-concealed or openly; using, manufacturing, etc. of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of these offenses.

**Robbery** is 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. Robbery has the following essential elements:

- a. Committed in the presence of a victim (usually the owner or person having custody of the property).
- b. Victim is directly confronted by the perpetrator.
- c. Victim is threatened with force or put in fear that force will be used.
- d. Involves theft or larceny.

*Theft or larceny* is defined as the unlawful taking, carrying, leading or riding away of property from the possession or constructive possession of another.

**Aggravated Assault** is 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.

Included in this classification are: assaults or attempts to kill or murder; poisoning (including the use of date rape drugs); assault with a dangerous or deadly weapons; maiming mayhem; assault with explosives; assault with disease (as in cases when the offender is aware that he or she is infected with a deadly disease and deliberately attempts to inflict the disease by biting, spitting, etc).

**Burglary** is the unlawful entry of a structure to commit a felony or a theft. The following offenses are classified as burglary:

- a. Offenses that are classified by local law enforcement agencies, as burglary (any degree); unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit larceny; housebreaking; safecracking; and all attempts at these offenses.
- b. Forcible Entry. All offenses where force of any kind is used to unlawfully enter a structure for the purpose of committing a theft or felony.

- c. Unlawful Entry – No Force. The entry of a structure in this situation is used by an unlocked door or window. The element of trespass to the structure is essential in this category.
- d. Attempted Forcible Entry. A situation where a forcible entry into a locked structure is attempted but not completed.

**Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle. This classification includes:

- a. Theft of any self-propelled vehicle that runs on land, surface and not on rails, such as sport utility vehicles, automobiles, trucks, buses, motorcycles, motor scooters, trail bikes, mopeds, all-terrain vehicles, self-propelled motor homes, snowmobiles, golf carts and motorized wheelchairs.
- b. All incidents where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned. Joyriding is also included in this category.

**Arson** is 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.

Included in this classification are: only fires determined to have been willfully or maliciously set; attempts to burn; any fire that investigation determines to meet the UCR definition of Arson regardless of the value of any property damage; incidents where an individual willfully or maliciously burns his or her own property.

## HATE CRIMES

**Hate Crime** is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. There are many possible categories of bias, however, the Clery Act requires specific disclosure of the following categories:

**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 distinguished them as a distinct division of humankind, e.g. Asians, Blacks or African Americans, whites.

**Religion.** A preformed negative opinions 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 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 expectation of society, e.g. woman dressed in traditionally male clothing or a man wearing a

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 a 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 also include the following offenses: murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, arson, larceny-theft, simple assault, intimidation and destruction/damage/vandalism of property.

#### VIOLENCE AGAINST WOMEN ACT (VAWA) OFFENSES

The Violence Against Women Reauthorization Act of 2013 required some amendments in the Jeanne Clery Disclosure of Campus Security and Campus Crime Statistics Act, also known as the Clery Act, to address crimes of dating violence, domestic violence, sexual assault, and stalking. The amended regulations took effect on July 15, 2015.

Pursuant to the requirements of this Act, the following definitions are provided for information purposes and to serve as a reference if, and when there would be an investigation of alleged violation:

**Sexual Misconduct.** As defined by the Clery Act, sexual misconduct encompasses a range of behavior used to obtain sexual gratification *without the consent* of another or at the expense of another. Sexual misconduct includes sexual harassment, sexual assault, and any conduct of a sexual nature that is *without consent*, or has the effect of threatening, or intimidating the person against whom such conduct is directed. Any sexual act directed against another person, *without consent* of the victim, including instances where the victim is *incapable of giving consent* is considered a criminal offense.

**Consent.** There is no single legal definition of consent, as each state sets its own definition, either in law or through court cases. Generally, consent, in relation to sexual act maybe in the following ways:

- **Affirmative consent:** The person express overt actions or words indicating agreement to sexual acts.
- **Freely given consent:** The person uses his/her own free will, without being coerced, induced, forced or threatened.
- **Capacity to consent:** The individual has the capacity or legal ability to consent. A person’s capacity or ability to legally consent to a sexual activity can be based on several factors such as: age,

developmental disability, intoxication, physical disability, relationship with the victim or perpetrator, unconsciousness, vulnerable adults. The capacity to consent varies from state to state.

***Under Utah statutory law, sexual offenses “without consent” of the victim arise when:***

- The victim expresses lack of consent through words of conduct.
- The actor overcomes the victim through the actual application of physical force or violence.
- The actor is able to overcome the victim through concealment or by the element of surprise.
- The actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceived at the time that the actor has the ability to execute this threat.
- The actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, the victim believes at the time that the actor has the ability to execute this threat (i.e. threats of physical force, kidnapping, or extortion).
- The actor knows the victim is unconscious, unaware that the act is occurring, or physically unable to resist.
- The actor knows that because of mental disease or defect, or for any other reason the victim is at the time of the act is incapable either of appraising the nature of the act or resisting it.
- The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim’s spouse.
- The actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim’s knowledge.
- The victim is younger than 14 years of age.
- The victim is younger than 18 years of age at the time of the offense the actor was the victim’s parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim.
- The victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three (3) years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2) or (4), or
- The actor is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance of the victim could not reasonably be expected to have been manifested (Utah Code Ann. ss. 79-5-406).

Frequently, victims and their attackers know each other. Individuals should be aware that acquaintance rape is a serious crime. Rape of any kind is a crime of violence and is never the victim’s fault. *The lack of verbal or physical resistance because of force, or threat, or intimidation, does not represent consent.*

For more information relating to the State of Utah’s definition of consent please browse through this link: [https://le.utah.gov/xcode/Title76/Chapter5/76-5-S406.html?v=C76-5-S406\\_2015051220150512](https://le.utah.gov/xcode/Title76/Chapter5/76-5-S406.html?v=C76-5-S406_2015051220150512)

**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. For purposes of this definition:

- 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.

Note that for purposes of complying with the requirements of this section and ss 668.41, any incident meeting the above definition is considered a crime pursuant to the Clery Act Reporting.

**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, or
- 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.

To categorize an incident as Domestic Violence, the relationship between the perpetrator and the victim must be more than just two people living together as roommates. The people cohabitating must be current or former spouses or have an intimate relationship.

*Note: For Purposes of complying with the requirements of this section and ss 668.41, any incident meeting the above definition is considered a crime pursuant to the Clery Act Reporting.*

**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.

For purposes of this definition:

- *Course of conduct* means two or more acts, including but not limited to, acts in which the stalker directly or indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- *Reasonable person* means a reasonable person under similar circumstances and with similar identities to the victim.
- *Substantial emotional distress* means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

*Note: For purposes of complying with the requirements of this section and ss 668.41, any incident meeting the above definition is considered a crime pursuant to the Clery Act Reporting.*

**Sexual Harassment.** Uninvited and unwelcomed verbal or physical behavior of a sexual nature especially by a person in authority toward a subordinate (such as an employee or student) that tends to create a hostile or offensive work environment.

**Other Sexual Offenses:** Other behaviors that are considered violations of the University Honor Code and of the law includes exhibitionism, voyeurism, making or sending obscene communications either by phone call, text messages, emails or through social media such as Facebook, Instagram, Twitter, Pinterest or blogs. While no physical attack may have been carried out, these incidents must be promptly reported to the local police or enforcement authorities.

- *Exhibitionism.* The act or practice of exposing one's genitalia to another for the purpose of obtaining sexual gratification or stimulation or to shock or cause offense to another.
- *Voyeurism.* The act or practice of obtaining sexual gratification or stimulation by visual means. An example of this would be a window peeper.
- *Obscene Communications.* Harassment through obscene electronic communications (emails, phone calls, text messages, or through social media) which are generally intended to shock or intimidate the victim or to sexually gratify the perpetrator.

## ARRESTS AND DISCIPLINARY REFERRALS

This classification includes the number of arrests and the number of persons referred for disciplinary action for violating the law on weapons (carrying, possessing, etc.); drug abuse violations; and liquor law violations.

**Arrest** for Clery Act purposes is defined as persons processed by arrest, citations, or summons. Arrests are classified as follows:

- Those persons arrested and released without a formal charge being placed against them. Note that an arrest has occurred when a law enforcement officer detains an adult with the intention of seeking charges against the individual for specific offense(s) and a record is made for the detention.
- Juveniles taken into custody or arrested but merely warned and released without being charged. A juvenile should be counted as "arrested". A juvenile should be counted as "arrested" when the circumstances are such that if the individual were an adult, an arrest would have been counted.
- Any situation where a young person, in lieu of actual arrest, is summoned, cited or notified to appear before the juvenile court, or similar official for violation of the law.
- Only violations by young person's where some police or official action is taken beyond a mere interview, warning, or admonishment.

*Note: Noorda-COM campus community consists of adult professionals, therefore juvenile arrests do not apply.*

**Referred for Disciplinary Action** is defined as 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.

The referral may but does not have to originate with the police. The process involves the following three criteria:

- The official receiving the referral must initiate a disciplinary action,
- A record of the action must be established, and
- The action may, but does not have to, result in a sanction.

A disciplinary action can be initiated in an informal as well as formal manner. It can include an interview or an initial review of names submitted to an official. The same applies to sanctions. It can formal or informal, punitive, or educational.

**Unfounded Crimes.** For Clery Act purposes, a crime is classified as unfounded only after a full investigation by a sworn or commissioned law enforcement personnel. A crime is considered unfounded only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless.

If a crime is unfounded, it is excluded in the Clery Act statistics and is removed from any previously reported statistics for a crime category.

## CRIME PREVENTION AND AWARENESS PROGRAM

Following the mandates of the Clery Act amendments put in place by Section 304(a)(5) of the reauthorization of the Violence Against Women Act of 2013, Noorda-COM has established an ongoing primary prevention and awareness program intended to prevent and address any form of misconduct, abuse or violence, including sexual assault and relationship violence; and/or to reduce the impact of these behaviors or crimes to the students and employees.

The above cited Clery Act amendments was effective July 1<sup>st</sup>, 2015. The final regulations also require including the definition of the following terminologies:

**Awareness Programs.** Awareness programs means community-wide or audience-specific programming, initiatives, and strategies that increase audience knowledge and share information and resources to prevent violence, promote safety, and reduce perpetration.

**Primary Prevention Programs.** Primary prevention programs means programming initiatives, and strategies informed by research or assessed for value effectiveness, or outcome that are intended to stop dating violence, domestic violence, sexual assault, and stalking, before they occur through the promotion of positive and healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

**Ongoing Prevention and Awareness Campaigns.** This refers to prevention programs that are sustained over time focused on increasing awareness and prevention on of issues relevant to sexual assault, dating violence, sexual assault and stalking. To have an impact, ongoing prevention programs must be frequent and consistent, and part of the student and staff experience within the campus community. The campaign may include information about what constitutes sexual assault, dating violence, domestic violence, stalking, understanding what constitute a consent and recognizing perpetrators misbehavior.

**Bystander Intervention.** As defined by VAWA, bystander intervention is the “safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault, or stalking. Bystander intervention includes *recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.*”

**Risk Reduction.** VAWA defines “risk reduction” as the “options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety, and to help individuals and communities address conditions that facilitate violence”. Risk reduction programs eNoorda-COM passes a variety of risk behaviors and must address such attitudes and behaviors to prevent perpetration. An example would be addressing student’s drinking and the role alcohol plays on sexual assault situations.

**Proceeding.** Proceeding is defined as all activities related to a non-criminal resolution of an institutional disciplinary complaint, including but not limited to, fact-finding investigations, formal or informal meetings, and hearings. Proceeding does not include communications and meetings between officials and victims concerning accommodations or protective measures to be provided to a victim. Proceeding covers the institution’s procedures for campus disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking. The proceeding also described anticipated timelines, the decision-making process, and the detail on how an individual can file a complaint.

**Standard of Evidence.** Different legal proceedings have different standard of evidence. The most common standards are “preponderance of the evidence”, “clear and convincing evidence”, and “beyond a reasonable doubt”.

1. Preponderance of Evidence is the lowest standard of proof. This means that a student or an employee will be found in violation of the Noorda-COM rules of conduct and honor code if the evidence demonstrate that it is “more likely than not” that the alleged violation occurred. This can also mean that the accusing party must have at least 51% of the evidence on their side.
2. Clear and Convincing Evidence is the middle standard of proof. It requires that the accusing party must have significantly more than 50% of the evidence on their side.
3. Proof Beyond Reasonable Doubt is the highest standard of proof. This is usually the standard use in all criminal cases. This evidence is one of the strongest safeguards people have when accused of a crime.

*Note: For purposes of this requirement, Noorda-COM uses **preponderance of the evidence** as its standard evidence when investigating complaints, allegations, and infractions.*

**Result.** Result is defined as any initial, interim, and final decision by any official or entity authorized to resolve disciplinary matters within the institution. The result must include any sanctions imposed by the institution and the explain how the evidence and information support the result and sanctions. Note that compliance of this provisions does not constitute a violation of section 444 of the General Education Act (20 U.S.C. 1232g), commonly known as the Family Education Rights and Privacy Acts of 1974 (FERPA).

**In compliance with the above requirements, below are the college’s ongoing prevention and awareness program:**

- **Resources Training**

Students and employees are provided with a two-hour session once a year on “discrimination, bias, and cultural sensitivity”. Content training includes, sexual harassment, sexual misconduct, sexual assault, sexual exploitation, Utah State Code 76-5-406 (on sexual offenses against the victim without consent of the victim), the Jean Clery Act, alcohol and drugs, discrimination and retaliation, ADA, VAWA (including domestic violence, dating violence, stalking and psychological abuse), and available support services and resources in Utah.

Residential students, through the Professionalism and Sensitivity Committee’s work, are mandated to attend online prevention and awareness program on domestic violence, dating violence, stalking and other related issues. The same online prevention and awareness program are sent to limited residency students.

- **Shared Responsibilities – Students and Employees**

As members of the Noorda-COM community, students and employees are expected to adhere to appropriate safety measures, by being aware of personal conduct that could impact their own safety and wellness. General safety rules and precautionary measures are provided in the College Handbook - [October COVID-19 Update – Noorda College \(Noorda-COM.org\)](#) and in the Employee Handbook – issued to each employee upon hire, as well as located in the Human Resources Department.

It is everyone’s responsibility to observe and practice general safety rules, and to promptly report suspicious behavior, or suspicious-looking individuals or any incident to a member of the Crisis Response Team or to an administrator.

- **Institutional Equity**

Discrimination, harassment, and sexual misconduct is unwelcome at Noorda-COM, and everyone in the campus community is encourage to report any incident or issue to appropriate parties so that it can be investigated, remedied, and addressed to stop the offense, limit or eliminate further harm.

Internal reports may be sent to the Director of Human Resources via email [dlsorensen@Noorda-COM.org](mailto:dlsorensen@Noorda-COM.org) by completing the reporting form located in the HR Department, or by calling the Noorda-COM Discrimination Reporting Hotline at 385-378-5502.

- **Alcohol and Other Drug Prevention Education.**

Noorda-COM provides mandated, yearly Drug Free Schools and Communities Act-compliance training on alcohol and other drugs, including effect, addiction, impact in school and workplace environments, and prevention and intervention strategies, through the Office of Institutional Equity.

- **Confidential Reporting**

Noorda-COM respects the confidentiality of the victim of the alleged offender(s). Noorda-COM encourages everyone who is a witness or a victim to any non-emergency incident, or crime to report them to the Campus Security Officer, by calling 801-230-8272, or via email [daevans@Noorda-COM.org](mailto:daevans@Noorda-COM.org).

All reports will be acted upon promptly while every effort is made by Noorda-COM to preserve the privacy of reports. Reports may also be anonymous. Anonymous reports will be investigated to determine if remedies can be provided.

Witnesses or victims of a crime who do not want to pursue action within the university, or the criminal justice system may still want to consider making a *confidential report*. The purpose of confidential report is to document an incident while keeping the matter confidential but allowing the university or the police to take steps to ensure the future safety of students and employees. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution.

Note that all campus employees are considered mandatory reporters for sexual discrimination, harassment, and assault under campus Title IX and equity resolution policies. This means that all such violations of campus policy be reported to the Institutional Equity Officer. For more information, see the Nondiscrimination, Non-harassment, Conduct, and Equity Resolution Handbook.

- **Bystander Intervention**

Noorda-COM recognized that its campus community consists of professional and responsible adults, who are confident to act when a need arises, or if they recognize situations that maybe of potential harm.

Noorda-COM not only encourages but also empowers its campus community to act and report any incident or issue through confidential reporting, or through the proper university channels, or to call 911 or an enforcement authority for immediate assistance. Bystander intervention training is also provided through a mandated, yearly Title IX compliance and education program, including bystander basics, definitions of sexual harassment and violence, and skills training, through the Office of Institutional Equity.

## REPORTING CRIMES

Noorda-COM is committed to an environment in which students, faculty, staff, and guests are free from all forms of harassment, exploitation, or any form of misconduct. However, campus safety is a shared responsibility. Therefore, everyone is encouraged to foster a safe learning and working environment by exercising common precautions and crime prevention measures to mitigate crime vulnerability, offensive conduct, and criminal activity on campus.

Each member of the campus community is strongly encouraged to promptly report any concern and all crimes that may occur on campus or on adjacent public properties. Therefore, whether you are a victim or a bystander, or has knowledge of any misconduct or crime report them to the following security enforcers:

## PROVO CITY POLICE DEPARTMENT

The Provo City Police Department is the primary contact for reporting campus crimes. As reported, the police will gather evidence and investigate an alleged crime if the victim requests their services. Therefore, for reporting and evidence-gathering purposes, it is important that the police are contacted as soon as possible after an incident.

- For emergencies, call 911.
- For non-emergency situations, contact the Provo City Police Department at 801-852-6210.

The Utah State Division of Emergency Management may also be contacted at 801-538-3400.

## CAMPUS SECURITY AUTHORITIES

Any criminal incident within the campus or on adjacent public properties may be reported to:

- The Timpanogos Tech Center – Security Officer at 385-285-6258
- Director of Facilities / Operations: Doug Evans at 801-230-8272 or report it via [security@Noorda-COM.org](mailto:security@Noorda-COM.org)

*Note: A QR Code with links to contact numbers for emergency situations are printed on the back of student ID badges.*

## PROCEDURES TO FOLLOW IN CASES OF SEXUAL ASSAULT, DATING VIOLENCE, DOMESTIC VIOLENCE AND STALKING

Noorda-COM is committed to creating and maintaining an environment in which students, faculty, and staff can work and study in an environment free from harassment and exploitation. Noorda-COM does not tolerate sexual assault or harassment of any kind. Such behavior is prohibited by state law and university policy. Noorda-COM will take whatever action necessary to prevent, rectify and, if necessary, discipline behavior that violates the university policy and the law.

Noorda-COM recommends the following actions and procedures in cases of sexual assault, dating violence, domestic violence, and stalking:

### Ensure Safety

Your safety is important. Therefore, it is recommended that you go to a safe place, whether it be your home, a friend's home, or with a family member.

If off campus, dial 911 or call the Provo City Police Department at 801-852-6210.

Prompt reporting facilitates the victim receiving immediate medical assistance, counseling and other support services. If the victim desires, the University will provide assistance in notifying the appropriate law enforcement authorities.

You may contact the following:

Director of Student Affairs	417-529-7159
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(Title IX Coordinator)	801-376-6004
Director of Facilities / Operations	801-230-8272
Manager of Human Resources	208-339-1861
Campus Safety Officer	385-285-6258

Confidential reports may also be made to the Noorda-COM Discrimination Hotline, at 385-378-5502.

Sexual assault victims may also call the national Sexual Assault Hotline – 800-656-HOPE (4673), which will connect them to their local crisis center, who then can provide information on the nearest medical facility and in some instances, send an advocate to accompany victims through the evidence collection process. Details can be found through this link: <https://www.rainn.org/about-national-sexual-assault-telephone-hotline>

Sexual assault victims may also reach out to Utah Rape and Assault Crisis Line at 1-888-421-1100.

For victims of dating or domestic violence, you may call Utah Domestic Violence at 1-800-897-LINK (5465).

These lines are open 24 hours a day, seven days a week.

### **Seek Medical Attention**

Seek medical attention even if you think you were not hurt. If sexually assaulted, it is recommended that the victim seek *forensic examination* even if the victim has not yet decided to report the crime. This may be performed at a hospital or in a health care facility, by a sexual assault nurse practitioner (SANE), or a sexual assault forensic examiner (SAFE), or another medical professional. The victim deserves and needs special attention to ensure that they are medically safe and protected, and to collect and preserve evidence so that if the victim chooses to report the crime to the law enforcement authorities, they have access to stored evidence.

### **Preserve Evidence**

In the event of sexual assault, dating violence, domestic violence, or stalking, it is important to preserve and collect evidence for criminal prosecution and/or to obtain a protective order.

In a sexual assault, victims should make every effort to save anything that might contain perpetrator's DNA, therefore, a victim is encourage not to bathe or shower, use the restroom, douche, brush teeth, wash hands, change clothes, comb hair, clean up the crime scene or move anything that the offender may have touched. These can help in collecting evidence that may be useful if the victim chooses to report the assault to law enforcement later.

While the victim has the right to accept or decline any or all part of the forensic examination, it is important to remember that critical evidence maybe missed if not collected or analyzed. Knowing that the evidence has been preserved, it will be available to aid in criminal prosecution, if the victim will later pursue it.

Because forensic evidence can be lost as time progresses, the victim should also be informed at the time of exam as to the length of time the forensic evidence may be stored or retained as well as how it will be

later disposed. Collected forensic evidence is labeled “Jane Doe Rape Kit” to protect the identity of the victim.

In cases of other sexual offenses, evidence preservation may come in the form of photograph of any injuries or property damage, preserving copies of communications such as text messages, emails, voicemail recordings, identifying potential witnesses, or document the chronology of incidents. Evidences must be kept or stored in a safe place or by using a technology that is not readily accessible to or subject to destruction by the perpetrator.

*NOTE: Pursuant to the Violence Against Women and Department of Justice Reauthorization Act of 2005, a state may not “require a victim of sexual assault to participate in the criminal justice system or cooperate with law enforcement in order to be provided with a forensic medical exam, reimbursement for charges incurred on account of such an exam, or both.” Under this law, a state must ensure that victims have access to an exam free of charge or with a full reimbursement, even if the victim decides not to cooperate with law enforcement investigators. Essentially, this law allows victims time to decide whether or not to pursue their case. A sexual assault is a traumatic event and some victims are unable to decide in the immediate aftermath.*

*The State of Utah through the Utah Office for Victims of Crime (UOVC) provides financial compensation for victims of crime, administers and monitors Victim of Crime Act Compensation and Assistance grants and Violence against Women grants, networks, victim services across the state, provides enhanced training and provides staff support to the Utah Council on Victims of Crime.*

*Victims of crime may contact UOVC for financial assistance and/or other necessary assistance following this link [https://justice.utah.gov/Crime/cvr\\_vawa.html](https://justice.utah.gov/Crime/cvr_vawa.html) or by calling 801-238-2360 or 800-621-7444.*

### **Other Resources**

For more information or help regarding sexual assault, you may refer to the following:

- The Center for Women & Children in Crisis offers 24-hour crisis counseling and support to victims of rape and sexual assault. The 24-Hour Hotline is 801-377-5500.
- Crisis Line of Utah County helps callers in crisis and provides emergency referrals. The 24-hour phone number is 1-801-226-4433.
- United Way of Utah County offers a program entitled Abuse, Neglect and Sexual Assault Therapy. The contact number for this program is 801-373-0210.
- Advocacy Center for Crime Victims and Children- <http://advocacycntr.org/> provides links to various resources throughout the nation.
- National Center for Victims of Crime- serves individuals, families and communities harmed by crime and helps victims rebuild their lives. <https://victimsofcrime.org>
- Violence Against Women, from the U.S. Department of Health and Human Services, [www.womenshealth.gov/violence-against-women/](http://www.womenshealth.gov/violence-against-women/) provides information on all types of violence against women.

### **Removal of Threat**

In cooperation with law enforcement, either the Director of Human Resources or Director of Student Affairs will take necessary steps to alleviate any continued danger or threat. If the accused is either

another student or co-worker, proper disciplinary steps will be taken. If necessary, for protection purposes, accommodations can be made to place employee or students (the accused and the accuser) in separate work locations or classes to avoid further conflict or threat. Professional and cleric counseling can also be made available if so requested.

### **Protective Orders due to Domestic Abuse, Dating Violence and Stalking**

If you are a victim of domestic abuse, dating violence or stalking, you may seek a protective order from the Utah State Court.

There is no fee for requesting a protective order. To get a protective or injunction order:

1. Go to the district court and request an application.
2. Fill out the necessary forms. Write the most recent incidents of violence and physical harm you suffered. Be specific, include details and dates.
3. Sign the forms in front of the court clerk.
4. A judge will review your application
5. Service of process. The abuser must be served with a notice of hearing and with any protective order that a judge has granted you.
6. Court hearing. At the hearing, you have the chance to testify in court and present evidence and witnesses to prove the abuse and harassment you experience. The abuser is also allowed to present the evidence and testify in the hearing to defend himself/herself. You may want to get a lawyer to represent you at the hearing, especially if you think that the abuser will have one.

For more information regarding seeking a protective order in Utah, visit <https://www.utcourts.gov/resources/forms/protectorder/information.html> or call the domestic violence hot line - toll free 800-897-5465.

### **REPORTING MISCONDUCT, EQUITY RESOLUTION PROCEDURES AND SANCTIONS**

Sexual misconduct, harassment and discrimination is unwelcome at Noorda-COM, and should be reported to the appropriate parties so that it can be investigated, remedied, and addressed to avert the offense and eliminate further harm to students, staff and visitors.

Any student or staff who feels that he/she/they has a sexual harassment complaint or matter to discuss has the option to either:

- Report the problem directly to the Institutional Equity Officer (the Noorda-COM Title IX Compliance Officer), the HR Director or the Dean.
- Confidential reporting, through a licensed professional counselor, on or off-campus, local or state assistance agencies, or through a clergy or chaplains.
- File a formal report.

Complaints, allegations, and infractions are resolved through the Equity Resolution Process (ERP). The ERP consists of members who are trained in the resolution process and can serve in any of the following roles (based on appointment):

- Provide sensitive intake for and initial advice pertaining to allegations.
- Serve in the mediation or restorative justice role in conflict mediation.
- Investigate allegations.

- Act as process advisors or advocates to those involved in the ERP.
- Recommend proactive policies and serve in an educative role for the campus community.

Following receipt of complaint or notice of report of misconduct, the following steps are carried out:

1. Preliminary Inquiry, to determine if there is reasonable cause to believe that there is a violation, to determine if the allegations are verifiable and if there is evidence of violence, threat, pattern, predation, and/or weapon. The inquiry is typically one to three days in duration.
2. Interim Remedies, intended to address the short-term effects of harassment, discrimination, and/or retaliation
3. Formal Investigation conducted when a reasonable cause exists. Noorda-COM uses *preponderance of the evidence* to determine whether a policy violation is more likely than not.
4. Resolution. A conflict resolution is typically used for less serious offenses and only when both parties agree to conflict resolution. Administrative resolution is used for more serious offenses.
5. Sanctions determined considering the nature, severity of, and circumstances surrounding the violation.

Noorda-COM affirms its commitment to promote fairness and equity, and that all complaints, allegations or infractions are resolved.

To serve as guidelines and reference, Noorda-COM has put together a ***Nondiscrimination, Nonharassment, Conduct & Equity Resolution Process Handbook***. The handbook sets out in detail the reporting procedures, equity resolution process, remedial actions, investigation procedures, preponderance of evidence, resolutions, and sanctions. The handbook also detailed information regarding proceedings for campus disciplinary action in cases of alleged dating violence, domestic violence, sexual assault and stalking, as well as the timelines and the decision-making process.

The Employee Handbook is updated every year and is located in the Noorda-COM Human Resources Department, as well as distributed to each employee upon hire. The campus community is notified once the handbook is posted and are encouraged to read the handbook for awareness and better understanding of nondiscrimination, harassment and equal opportunity and the corresponding federal policy and guidance as adopted and enacted by Noorda-COM.

*Note: Noorda-COM compliance with the requirements for institutional procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, and stalking, does not constitute a violation of the Family Educational Rights and Privacy Act (FERPA).*

#### **Information on Registering a Complaint with a State:**

Noorda-COM makes every effort to assist students in meeting their educational goal, and for staff to achieve their utmost professional goals. Noorda-COM offer internal dispute resolution options as set out in the Nondiscrimination, Nonharassment, Conduct & Equity Resolution Process Handbook, by thoroughly investigating the facts relating to any concern or grievance. However, should anyone from the campus community needs additional assistance or resources, the following state agencies may be contacted:

- Utah Division of Consumer Protection 160 East 300 South Salt Lake City, UT 84111.  
<http://consumerprotection.utah.gov/>

- Nevada Commission on Postsecondary Education 3663 East Sunset Road Suite 202 Las Vegas, NV 89120. [http://red.nv.gov/Content/Compliance/File\\_a\\_Complaint/](http://red.nv.gov/Content/Compliance/File_a_Complaint/)
- Arizona State Board for Private Postsecondary Education 1400 West Washington Street Room 260 Phoenix, AZ 85007. <https://ppse.az.gov/content/student-complaint-procedure>
- California Bureau of Private Postsecondary Education P.O. Box 980818 West Sacramento, CA 95798-0818. [http://www.bppe.ca.gov/forms\\_pubs/complaint.pdf](http://www.bppe.ca.gov/forms_pubs/complaint.pdf)
- Colorado Department of Higher Education 1560 Broadway, Suite 1600 Denver, CO 80202. <http://highered.colorado.gov/Academics/complaints/default.html>
- Idaho State Board of Education Attn: State Coordinator for Private Colleges and Proprietary Schools 650 West State Street P.O. Box 83720 Boise, ID 83720-0037.
- New Mexico Higher Education Department 2048 Galisteo Santa Fe, NM 87505. [http://www.hed.state.nm.us/programs/abe\\_student\\_complaint\\_form.aspx](http://www.hed.state.nm.us/programs/abe_student_complaint_form.aspx)
- Office for Civil Rights (OCR), U.S. Department of Education  
400 Maryland Avenue, SW, Washington, DC 20202-1100  
Customer Service Hotline #: 800.421.3481  
Facsimile: 202.453.6012  
TDD#: .877.521.2172  
Email: [OCR@ed.gov](mailto:OCR@ed.gov)  
Web: <http://www.ed.gov/ocr>

## GENERAL GUIDELINES ON OTHER POTENTIAL CRIMES, THREATS OR SITUATIONS

### FIRE SAFETY

In case of fire, the priority is protecting the health and safety of students, employees, and any visitors. If an evacuation is necessary, all buildings are equipped with emergency lighting and lighted exit signs. Exit route and evacuation diagrams are posted in hallways and/or classrooms.

Hallways must always remain clear and unobstructed. If an evacuation has been ordered, notify those in neighboring offices, conference rooms and classrooms. When exiting the building, make sure rooms are evacuated and assist persons with disabilities. After exiting the building, assemble near the entrance sign in front of Building “3” and assist in accounting for employees and students. Students and employees in Building “1” should assemble in the parking lot south of the building. Students and employees in Building “5” should assemble in the parking lot south east of the building. Students and employees must await clearance by Noorda-COM Administration before reentering any building.

The fire extinguishers located on each floor of the College may be used on any fires. They are inspected regularly by the property manager and annually by safety company, State Fire.

Fire burns because of three elements: ignition, fuel and oxygen. Take away any of these elements and the fire maybe extinguished.

When fighting a fire, the basic techniques are:

1. Attempt to extinguish or control the fire by using the nearest fire extinguisher. The extinguishers are in either hanging on wall hooks or stored in wall-mounted metal boxes with glass doors. The locations of the fire extinguishers are on maps posted around the building.

2. To use the extinguisher, hold it upright and do the following:
  - P – Pull the pin
  - A – Aim the nozzle at the base of the fire.
  - S – Squeeze the trigger
  - S – Sweep from side to side at the base of the fire.
3. If it is impossible to subdue the fire, doors should be closed to confine the fire to one area and the building evacuated.
4. If there is time, place wet linens or blankets at the base of the doors to help confine the smoke and fire.
5. If the smoke is too thick to see, crawl on hand and knees beneath the smoke to safety. Never open a door that feels hot to the touch.

### RANDOM SHOOTING

If gun shots are heard, individuals should go into the nearest office or room, lock or barricade the door, and hide. If possible, call “911” and notify either a faculty member, the Student Services personnel, or a receptionist.

### VIOLENCE, THREATS, AND HOSTILE ACTS

In the event of a real or potential hostile act, threatening situation, or confrontation, call 911 and a member of the Crisis Response Team immediately:

- President – 808-489-0088
- Chief Financial Officer – 409-392-4311
- Associate Dean for Student Affairs – 417-529-7159
- Vice-President for Institutional Advancement – 702-239-9955
- Director of Facilities / Operations - 801-230-8272

### PHONE AND BOMB THREATS

When you received a call that may involve a bomb threat:

- Remain calm.
- Speak slowly to the caller.
- Prolong the conversation as long as possible by asking questions
- Note the exact time
- Be alert for background noises which might give a clue to the origin of the call.
- Note distinguishing voice characteristics, such as age and gender of the caller, accent, or tone of voice.
- Ask questions about the bomb, such as “where is it?”, “what does it look like?”, “when will it explode?”
- Note the exact time that the caller hung up and immediately notify either the receptionist or a member of the Emergency Notification Team.

### SUSPICIOUS PACKAGES, OBJECTS, LETTERS, OR POSSIBLE BIOLOGICAL MATERIALS

- Report any suspicious objects to either a receptionist or a member of the Emergency Notification Team
- Leave the package or object where it is, do not touch it

- Leave the room and prevent others from entering the area.

#### ON-SITE THREATS OF VIOLENCE OR HOSTILE ACTS

- Remain calm
- Speak slowly to the individual (s)
- When able, call 911 and a member of the Emergency Notification Team
- If unable to use the phone, contact a co-worker, and ask that individual to call 911 and a member of the Emergency Notification Team.

#### HOSTAGE SITUATIONS

If a hostage situation occurs, move away from the scene quickly and warn others if possible. Call 911 and a member of the Crisis Response Team immediately. Afterwards, do not give any information to public media. The President of Noorda-COM or a designee will handle public relations.

A hostage should remember:

- Do not be a hero.
- Accept your situation, be prepared to wait and be patient.
- Follow the captor's instructions.
- Do not speak unless spoken to and only if necessary. Try to be friendly if possible, but not phony. Do not be argumentative; try to put forth a cooperative attitude.
- Do not make suggestions to the hostage taker.
- If there is a chance to escape, do so.
- Be observant and try to memorize the number of captors, their descriptions and conversations, weapons carried, etc. Try to be observant of physical characteristics of the captors: size, distinguishing features, accents, etc.
- If permitted to speak on the phone, be prepared to answer only "yes" or "no" to questions asked by the police.
- If a rescue is taking place or shooting is heard, lie on the floor keep hands on head, and do not make any sudden movements.

#### INCIDENT REPORTS

Any of the above crimes, threats, or situations, require that an Incident Report form be completed and submitted to the Safety and Security Committee. The following guidelines must be adhered to:

- Any incident involving a visitor, student, or employee must be documented on an Incident Report form within 24 hours and submitted to the Safety and Security Committee.
- Statements or conjectures regarding possible liability, fault or responsibility should not be made. All questions should be referred to the administration.  
All incident reports are reviewed by the Safety and Security Committee on quarterly basis to identify any contributing factors that may need to be resolved to prevent future incidents.

## SUMMARY

Noorda-COM strives to ensure the safety and well-being of its students, faculty, staff and visitors at all times. While the intent of this report is to notify students, staff and faculty and report any crimes or related incidents, it should be noted that the College has also in place two Risk Management Plans, one for students, and one for employees. The plans are designed to deal with incidents, crises, and emergencies. Both plans are on file and be accessed on the University website or through the HR Department. This is also distributed to all new employees and students upon arrival.

It should also be noted that the campus community consists of professionals, many of which are licensed healthcare practitioners and trained in various aspects of healthcare, who has knowledge and skills in the event of medical emergency. In addition, majority of personnel are required to maintain training in CPR.

The Director of Human Resources monitors the emergency skill qualifications of all personnel and is responsible for providing and tracking necessary trainings.

## APPENDIX A: RESOURCE PHONE NUMBERS

<b>EMERGENCY:</b> Police, Medical and Fire Emergencies Timpanogos Tech Center – Security Officer Utah State Division of Emergency Management	911 385-285-6258 801-538-3400
<b>Non-Emergency:</b> • Provo Police • Highway Patrol	801-852-6210 801-234-8285
<b>Noorda-COM Internal Resources:</b>	
• Director of Student Affairs	417-529-7159
• Title IX Coordinator	801-376-6004
• Director of Facilities / Operations	801-230-8272
• Director of Human Resources	208-339-1861
• Campus Security Officer	385-375-8724
• Director of Academic Affairs	303-250-6934
<b>External Help and Resources:</b>	
• Utah Valley Regional Medical Center	801-373-7850
• Intermountain Springville InstaCare	801-429-1250
• Blue Rock Medical Clinic	801-375-2177
• Riverwoods Urgent Care Center	801-229-2011
• Center for Women and Children in Crisis	801-377-5500
• Crisis Line of Utah County	801-226-4433
• Utah Domestic Violence Information line	1-800-897-5465
• Utah Rape and Assault Crisis Line	1-888-421-1100
• Utah Office for Victims of Crime (UOVC)	801-238-2360 or 800-621-7444
• United Way of Utah County	801-374-2588
• Poison Control Center	800-222-1222
• Red Cross	801-373-8580
• Road Conditions (Utah)	511
• Road Conditions (outside Utah)	866-511-8824
• Drug Addiction Crisis and Referral Hotline	1-844-289-0879
• Cocaine Anonymous	310-559-5833
• Narcotics Anonymous	818-700-0700
• Alcoholic Anonymous - Utah	801-375-8620
• Al-Anon	888-425-2666
• The Foundation for a Smoke Free America	310-471-0303