

ENSIGN

COLLEGE

2025 Annual Security Report

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Resource Phone Numbers

Police and Church Security Department

- All Emergency Calls 911
- Church Security Department Emergency Line (801) 240-2771
- Church Security Department Non-Emergency..... (801) 240-2661
- Highway Patrol..... (801) 887-3800
- Homeland Security (Utah Office)..... (801) 538-3400
- Salt Lake City Police Non-Emergency Dispatch..... (801) 799-3000

Alcohol and Drug Abuse Counseling

- Alcoholics Anonymous of Central Salt Lake (801) 484-7871
- Alcoholism Treatment Center – House of Hope (801) 487-3276
- Beacon Health (Employee Assistance Program) (844) 280-9629

Counseling and Victim Assistance

- Child Abuse Reporting 24 Hour (800) 678-9399
- Family Services (The Church of Jesus Christ)(801) 422-7620
- Family Justice Center..... (801) 236-3370
- Crime Victim Reparation..... (801) 238-2360
- Domestic Violence Information (800) 897-5465
- Ensign College Counseling Office (801) 524-8128
- Ensign College Title IX Office (801) 524-8157

- Family Support Center (Salt Lake County) (801) 487-7778
- Valley Mental Health (Emergency)..... (801) 483-5444
- Rape Recovery Center (801) 467-7273
- Suicide Prevention Hotline (801) 483-5444
- Women’s Resource Center..... (801) 581-8030
- YWCA Battered Women’s Shelter..... (801) 537-8600

Health Care

- Alta View Hospital (801) 501-2600
- Intermountain Medical Center (801) 507-7000
- Jordan Valley Medical Center (801) 561-8888
- Lakeview Hospital..... (801) 299-2200
- Lone Peak Hospital (801) 545-8000
- LDS Hospital (801) 408-1100
- University Medical Center (801) 581-2121
- Riverton Hospital (801) 285-4000
- Salt Lake Regional Hospital (801) 350-4111
- St. Mark’s Hospital (801) 268-7111

Other Hazards

- Poison Control Center (800) 222-1222
- Utah Road Conditions (866) 511-8824

Introduction

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a 19-year-old Lehigh University student who was raped and killed in her dorm room in 1986. The law was originally enacted in 1990 as the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965.

The Clery Act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions about where to attend school. The Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus

crime statistics and security information. Among other requirements, higher education institutions subject to the law must do the following:

- collect, report, and disseminate crime data;
- develop policy statements regarding campus safety;
- provide educational programs and campaigns on campus safety and crime prevention;
- prepare and distribute an annual security report;
- issue campus timely warnings and emergency notifications to the campus community; and
- submit crime statistics to the U.S. Department of Education.

To request a printed copy of this report, please contact the Clery Coordinator during college business hours, typically Monday through Friday 8:00 a.m. – 5:00 p.m., except for devotionals and college holidays and breaks.

Preparation of Annual Security Report Crime Statistics

Ensign College issues this report in compliance with the following federal campus safety laws:

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f)
- Drug and Alcohol Abuse Prevention, 20 U.S.C. § 1011i(a)(1)

This document is designed to provide students and employees with information concerning personal safety and college policies and to comply with federal law. The Ensign College Clery Coordinator prepares and publishes the report annually by compiling updated policy information and relevant crime data maintained by the Church Security Department, reported by campus security authorities, and provided by local law enforcement. For additional information or to submit changes and corrections to this report, please contact the Clery Coordinator, David Brooksby, at (801) 524-8157 or email to dbrooksby@ensign.edu.

Collecting Crime Data and Reporting Procedures

The Clery Act requires colleges and universities to annually disclose statistics for certain reported crimes in certain areas and categorize them based on the following criteria:

- the type of crime reported,
- the year in which the crime was reported,
- and the geographic location where the reported crimes occurred.

For purposes of the Clery Act, relevant geographic locations include campus areas of the Triad Center that are owned or controlled by Ensign College and frequented by students, and public property within or immediately adjacent to campus (Clery Geography). Ensign College does not have any non-campus buildings or property, nor does it officially recognize student organizations with non-campus facilities. Therefore, all off-campus locations, including all student residences, are policed by local law enforcement, and student criminal activity occurring in off-campus locations is not reflected in this report's crime statistics.

Reported Crime Sources

The Clery Coordinator collects statistics for this report from the following sources for the years 2022-2024:

- The Church Security Department
- Campus Security Authorities (CSAs)
- EthicsPoint: Ensign College's Compliance Hotline (a confidential, anonymous hotline)
- Salt Lake Police Department

The crime statistics in the crime statistics tables contain the number of Clery Act Crimes reported for each category of criminal offenses for a three-year period.

Clery Act Crimes means arson, aggravated assault, burglary, dating violence, domestic violence, fondling, incest, motor vehicle theft, murder, manslaughter, rape, robbery, statutory rape, and stalking; intimidation, larceny, simple assault, and vandalism motivated by bias; and arrests and referrals for campus disciplinary actions for violations involving drugs, alcohol, and weapons. The Appendix contains the definitions for all Clery Act Crimes. The reported crime statistics may or may not reflect the number of crimes

actually committed on campus; however, they do accurately record the number of Clery Act Crimes reported to CSAs or to local law enforcement.

Crime Log

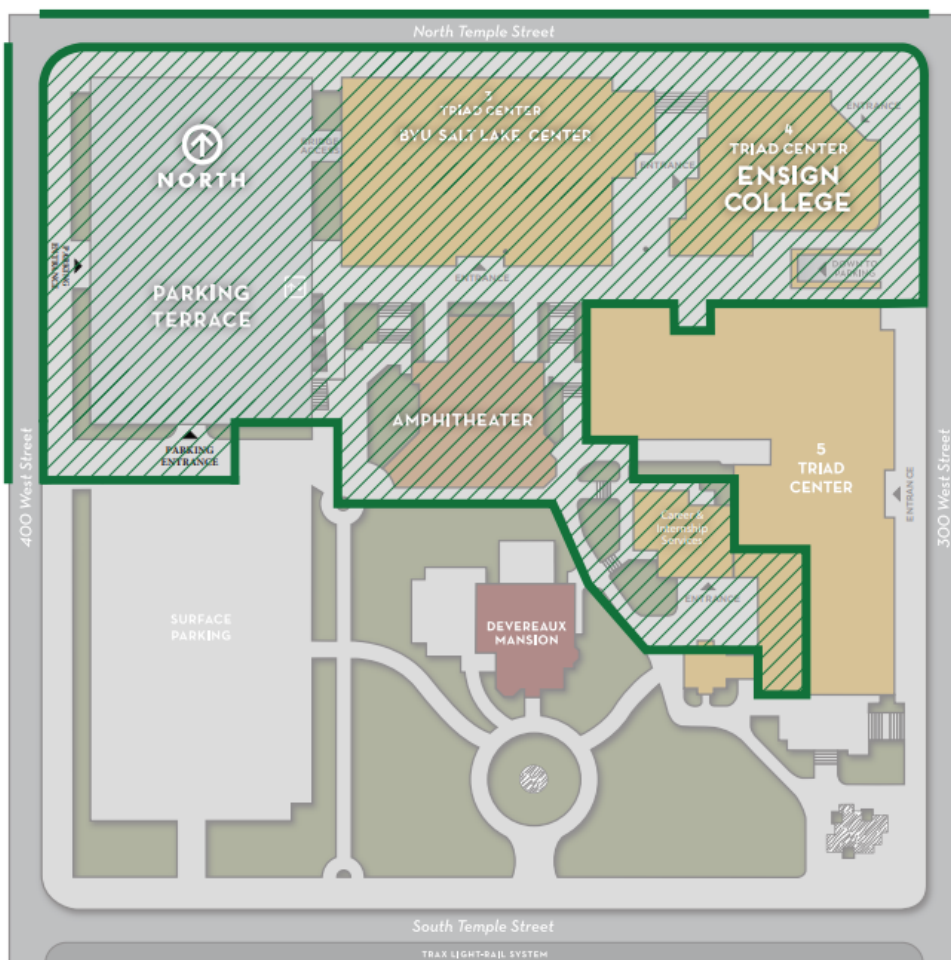
In addition to requiring the disclosure of crime statistics in the annual security report, the Clery Act also requires Ensign College to record all criminal incidents and alleged criminal incidents that are reported to the Church Security Department. To comply with this requirement, the Church Security Department reports data from its daily crime log to the Clery Coordinator to maintain a daily crime log specific to Ensign College's Clery Geography. The crime log contains reported incidents that include the nature, date, time, general location, and disposition, if known, of crimes that occur within the Clery Geography. This log can be obtained by making a request to the Clery Coordinator, David Brooksby, at (801) 524-8171 or email to dbrooksby@ensign.edu. Criminal activity reported to Church Security is entered in the crime log within two business days of receiving a report. To ensure the confidentiality of victims, the crime log does not include personally identifiable information.

More information about Church Security, reporting a crime, preventing crimes, criminal situations, emergencies, notifications, procedures, safety considerations, and victim resources can be found throughout this report.

Ensign College Clery Geography Map



Clery Geography Map



Locations not specified on map

- Underground parking P1, P2, P3
- The Summit in 5 Triad Center
- First and third Floor of 3 Triad Center (EC2 and BYU Salt Lake Center Spaces)

Changes to Clery Geography

Given their similar Clery requirements, the same sponsoring organization, geographic location, and occasional shared space, Ensign College and the BYU Salt Lake Center chose to adopt the same Clery geography starting January 1, 2025. This involved adopting the 1st and 3rd floors of 3 Triad Center and adjacent sidewalks into the college's Clery Geography.

Disclosure of Crime Statistics

The crime statistics in the following tables, which are categorized using the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Program (UCR) definitions, contain the number of crimes reported for each category of criminal offenses for a three-year period. These categories include hate crimes, Violence Against Women Act (VAWA) offenses, arrests, and disciplinary referrals. Together, the crimes in these four categories are referred to as Clery Act Crimes. "Crime Definitions" in the Appendices contains the definitions for all Clery Act Crimes.

Although the Clery Act requires institutions to use the UCR for defining and classifying crimes, it does not require Clery Act crime reporting to meet all UCR standards. The reported crime statistics may or may not reflect the number of crimes actually *committed* on campus; however, they do accurately record the number of crimes reported to the Reported Crime Sources (see above).

The crime statistics included below do not contain any personally identifiable information.

Reported Crime Statistics (2022 – 2024)

Criminal Offenses

Criminal Offenses	Campus Totals			Public Property		
	2022	2023	2024	2022	2023	2024
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	5	0	0	0	0
Incest	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0
Robbery	0	0	0	0	0	0
Aggravated Assault	0	1	0	1	0	0
Burglary	0	2	2	0	0	0
Motor Vehicle Theft	1	6	4	0	0	0
Arson	0	0	0	0	0	0

Criminal Offenses – Non-Campus Property: There is no data for non-campus property because Ensign College does not own or control any properties or facilities that fall under this geographic category.

Hate Crimes

Hate Crimes	Campus Totals			Public Property		
Year Reported	2022	2023	2024	2022	2023	2024
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Rape	0	0	0	0	0	0
Fondling	0	0	0	0	0	0
Incest	0	0	0	0	0	0
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
Simple Assault	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0
Destruction/ Damage/ Vandalism of Property	0	0	0	0	0	0

Hate Crimes – Non-Campus Property: There is no data for non-campus property because Ensign College does not own or control any properties or facilities that fall under this geographic category.

VAWA Offenses

VAWA Offenses	Campus Totals			Public Property		
Year Reported	2022	2023	2024	2022	2023	2024
Domestic Violence	0	0	0	1	0	0
Dating Violence	0	0	1	0	0	0
Stalking	1	2	2	0	0	0

VAWA – Non-Campus Property: There is no data for non-campus property because Ensign College does not own or control any properties or facilities that fall under this geographic category.

Arrests

Arrests	Campus Totals			Public Property		
Year Reported	2022	2023	2024	2022	2023	2024
Weapons Law Violations	1	0	1	1	0	1
Drug Law Violations	0	0	1	3	2	2
Liquor Law Violations	0	0	0	1	1	0

Arrests – Non-Campus Property: There is no data for non-campus property because Ensign College does not own or control any properties or facilities that fall under this geographic category.

Disciplinary Referrals

Disciplinary Referrals	Campus Totals			Public Property		
	2022	2023	2024	2022	2023	2024
Weapons Law Violation	0*	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0

* This data category was reported correctly in the 2023 Campus Safety & Security Survey as 0 but was reported incorrectly in initial versions of the 2023 and 2024 Annual Security Reports as 1. This data category has been corrected in the 2023 and 2024 reports and is reported correctly here.

Disciplinary Referrals – Non-Campus Property: There is no data for non-campus property because Ensign College does not own or control any properties or facilities that fall under this geographic category.

Unfounded Crimes

During the years covered in this report, no reported Clery Act Crime was determined to be “unfounded” by sworn or commissioned law enforcement personnel. Therefore, Ensign College did not withhold any reports of Clery Act Crimes from the 2022 – 2024 reported crime statistics.

Policies

The following are the college's policies regarding aspects of campus safety, as required by 28 U.S.C. § 1092(f) and 34 C.F.R. § 668.46:

- Clery Act Policy
- Clery Act Procedures
- Sexual Harassment Policy
- Sexual Harassment Grievance Procedures (Title IX)
- Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence)
- Drug-Free School Policy

Full text of each policy is provided below. Digital versions of these policies can be found at policy.ensign.edu

Clery Act Policy

As part of its commitment to develop capable and trusted disciples of Jesus Christ, Ensign College strives to create a safe campus environment and adhere to all federal campus safety laws, including

- Jeanne Clery Campus Safety Act (Clery Act), 20 U.S.C. § 1092(f)
- Drug and Alcohol Abuse Prevention, 20 U.S.C. § 1011i(a)(1)

The college's Clery Act compliance program encompasses these laws and their implementing regulations. For more information about the college's Clery Act compliance program, see ensign.edu/clery.

Definitions

For purposes of this policy, key terms are defined in the [Clery Act Procedures](#) and as follows:

Campus Security Authority (CSA) means

1. any Church Security Department employee or independent contractor;
2. any individual who has responsibility for campus security but who is not a Church Security Department employee or independent contractor;
3. any TWEN CSA (see definition below); and
4. any college official who has significant responsibility for student and campus activities, including, but not limited to, campus security, and student discipline.

Church Security Department means the Church Security Department of The Church of Jesus Christ of Latter-day Saints, which Ensign College has contracted to provide security services to its campus.

Clery Act Crimes means arson, aggravated assault, burglary, Dating Violence, Domestic Violence, fondling, incest, manslaughter, motor vehicle theft, murder, rape, robbery, statutory rape, and Stalking; intimidation, larceny, simple assault, and vandalism motivated by bias against the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability; arrests and referrals for campus disciplinary actions for violations involving drugs, alcohol, or weapons; and Hazing.

Clery Act Geography means

- buildings and property that are part of the college's campus,
- non-campus buildings and property owned or controlled by Ensign College that are used in direct support of or in relation to its educational purposes and are frequently used by students, and
- public property within or immediately adjacent to and accessible from campus.

For a list of buildings and property within the Clery Act Geography, see ensign.edu/clery.

TWEN CSA (Timely Warning and Emergency Notification CSA) means any individual or campus unit specified in Ensign College's Annual Security Report as an individual or campus unit to which students and employees should report criminal offenses for the purposes of making timely warning reports and the annual statistical disclosure. For a complete list of TWEN CSAs, see [Clery Act Procedures](#), Section 3, Crime Reporting for Timely Warnings and the Annual Disclosure of Crime Statistics.

Campus Safety

Campus safety requires the active participation of all college community members, including employees, students, volunteers, program participants, and visitors.

Criminal acts are contrary to the teachings of the college's sponsoring institution, The Church of Jesus Christ of Latter-day Saints, and the [Church Educational System Honor Code](#). As part of the college's Clery Act compliance program, the college prohibits anyone from committing any criminal act within the Clery Act Geography. The college may take action under the law and college policies to address any acts governed by this policy.

Federal Campus Safety Laws

To fulfill federal campus safety law requirements, this policy encompasses all of the following:

1. Timely Warnings
2. Annual Disclosure of Crime Statistics
3. Crime Reporting for Timely Warnings and the Annual Disclosure of Crime Statistics

4. Security of and Access to Campus Facilities
5. The Church Security Department
6. Reporting Crimes to Law Enforcement and the Church Security Department
7. Off-Campus Student Organizations
8. Emergency Response and Evacuation Notification Procedures
9. Preventing Sex Crimes
10. Responding to Sex Crimes
11. Victims of Sex Crimes
12. Hazing

The implementing procedures for these items are set forth in the [Clery Act Procedures](#).

Campus Security Authorities (CSAs)

Each CSA plays a critical role in the college's Clery Act compliance program. As detailed in the

[Clery Act Procedures](#), each CSA timely relays

- all reports of a Clery Act Crime that might pose a threat to a student or employee to a TWEN CSA (unless the CSA is a TWEN CSA);
- all reports of a situation that might involve an immediate threat to the health or safety of a student or employee occurring on the campus to a TWEN CSA (unless the CSA is a TWEN CSA);
- all reports of Hazing, as directed in the [Clery Act Procedures](#); and
- all reports of a Clery Act Crime that may have occurred within Ensign College's Clery Act
- Geography to the Clery Coordinator in the college's annual crime statistics.

The Clery Coordinator identifies and trains CSAs to facilitate CSA compliance with federal requirements. For more information about Ensign College CSA responsibilities, see ensign.edu/clery.

Clery Act Procedures

As part of its Clery Act compliance program, the college adheres to the following procedures as required by federal law and by the [Clery Act Policy](#).

These procedures supplement other college policies and procedures to fulfill federal campus safety policy requirements (see, e.g., [Drug-Free School Policy](#)¹, and [Sexual Harassment Policy](#)²).

Definitions

For purposes of these procedures, key terms are defined in the [Clery Act Policy](#) and as follows:

College Property means the buildings and property owned, operated, or controlled by the college in the United States [e.g., 4 Triad Center, 3 Triad Center (floors 1 and 3), and The Summit and The Carriage House located in or as part of 5 Triad Center].

Dating Violence means violence, including but not limited to sexual or physical abuse or the threat of such abuse, 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 is determined based on a consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship.

Domestic Violence means 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 similarly situated to a spouse of the victim, or by any other person against a victim who is protected from that person's acts under applicable domestic or family violence laws.

Emergency Notification means a report to the campus community, or to a segment or segments of the campus community, regarding a confirmed significant emergency or dangerous situation occurring on campus involving an immediate threat to the health or safety of students or employees.

Emergency Notification Situation means circumstances that require the issuance of an Emergency Notification.

Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that (i) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a Student Organization; and (ii) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical or psychological injury.

Pastoral Counselor means a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor means a person whose official responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification. This includes professional counselors who are not employees of the college but are under contract or otherwise under the direction of the college to provide counseling.

Sexual Assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the Federal Bureau of Investigation's Uniform Crime Reporting program.

Sex Crime means an act of Dating Violence, Domestic Violence, Sexual Assault, or Stalking.

Stalking means engaging in two or more acts, whether in person or electronic, directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or to suffer substantial emotional distress.

Student Organization means an organization in which two or more of the members are continuing students that (1) is established or recognized by the college, or (2) meets on college property with the college's implied or explicit consent at the time of an alleged Hazing incident involving that organization or its members.

Timely Warning means a report to the campus community of a Clery Act Crime in the Clery Act Geography that is reported to a TWEN CSA or to the

Church Security Department when the college considers that crime to represent a threat to students or employees.

Timely Warning Situation means circumstances that require the issuance of a Timely Warning.

Timely Warning and Emergency Notification (TWEN) Committee means a committee operating under a Timely Warning and Emergency Notification Committee charter.

1. Timely Warnings³

Employees in various college offices monitor the campus to identify Timely Warning Situations. Reports of possible Timely Warning Situations are relayed promptly to TWEN CSAs by CSAs (unless the CSA is a TWEN CSA) and through college processes.

When a TWEN CSA receives information about a possible Timely Warning Situation, that TWEN CSA immediately relays the information to the relevant campus's TWEN Committee. The TWEN Committee then decides whether a Timely Warning is required, in accordance with the procedures described in the TWEN Committee charter.

Each time the TWEN Committee decides whether or not to issue a Timely Warning, it will document in writing that decision and promptly share that documentation with the Clery Coordinator.

When the TWEN Committee determines that a Timely Warning is required, it issues a Timely Warning in a manner that

- is timely;
- withholds as confidential the names and other identifying information of victims; and
- aids in the prevention of similar crimes.

The college is not required to provide a Timely Warning with respect to a Clery Act Crime reported to a Pastoral Counselor or a Professional Counselor acting in that capacity.

2. Annual Disclosure of Crime Statistics⁴

A CSA must report any alleged Clery Act Crime that may have occurred within the Clery Act Geography using the form available at ensign.edu/clery.

College employees use CSA reports to compile crime statistics each year as required by the Clery Act. These statistics are

- disclosed annually to current employees and students,
- disclosed to prospective employees and students,
- submitted annually to the U.S. Department of Education; and
- made publicly available at ensign.edu/clery.

3. Crime Reporting for Timely Warnings and the Annual Disclosure of Crime Statistics⁵

Anyone, including a victim or a witness of a Clery Act Crime, may use the college's hotline (<https://www.ensign.edu/compliance-hotline>) to submit an anonymous report of an alleged Clery Act Crime occurring within the Clery Act Geography for inclusion in the annual disclosure of crime statistics. (See Annual Disclosure of Crime Statistics section above.)

As described in Section 6, Reporting Crimes to the Church Security Department, all crimes should be reported to the Church Security Department. For the purposes of making Timely Warnings and the annual disclosure of crime statistics, the following is a list of the titles of each TWEN CSA or organization to which students and employees should report Clery Act Crimes that are alleged to have occurred within Ensign College's Clery Geography:

- Church Security Department
- Senior Director of Accessibility, Reporting, & Safety; Title IX Coordinator
- Vice President of Student Experience and Retention
- Dean of Student Affairs
- Chief Risk and Compliance Officer

4. Security of and Access to Campus Facilities⁶

As described in the [Banning Policy](#), the college retains the right to restrict access to college property.

The Church Security Department regularly patrols campus facilities.

College-owned, -operated, or -controlled facilities are secured in ways appropriate to each facility. When making facility maintenance decisions, college employees consider the security of each facility and prioritize security considerations.

Ensign College does not own, operate, or control any student housing residences or facilities.

5. Church Security Department⁷

The Church Security Department maintains public safety services at a level of quality consistent with other headquarters facilities of The Church of Jesus Christ of Latter-day Saints and agreeable with Ensign College. The Church Security Department has overall responsibility for all campus security, which is continuously maintained on a 24-hour, seven-days-per-week basis. It maintains written records as required to ensure compliance with law applicable to both the Church Security Department and Ensign College, interfaces with the Salt Lake City Police Department to handle and resolve all police cases and incidents and obtain data required for governmental reports of Ensign College, recommends opportunities for continuous improvement, and provides Ensign College with a report of any security-related incidents having taken place within Ensign College's Clery Geography.

6. Reporting Crimes to Law Enforcement and the Church Security Department⁸

The college encourages accurate and prompt reporting to law enforcement of all crimes that occur, including by others when the victim of a crime elects not to, or is unable to, make such a report. Immediate reporting allows law enforcement to identify crimes and situations that pose an immediate or ongoing threat to the campus community and prevent future crime.

Individuals should report crimes that occur on the Ensign College campus to the Church Security Department and crimes that occur elsewhere to the relevant local law enforcement agency. CSAs must relay reports of Clery Act Crimes that may have occurred within Ensign College's Clery Act Geography through appropriate processes. Employees must also comply with other crime-reporting obligations they may have under the law or other college policies, e.g.,

- [Nondiscrimination and Equal Opportunity Policy](#)

- [Employee Conduct Policy](#)
- [Sexual Harassment Policy](#)

7. Off-Campus Student Organizations⁹

The college does not recognize off-campus student organizations; therefore, it has not adopted any campus safety policies related to off-campus student organizations.

8. Emergency Response and Evacuation Notification Procedures¹⁰

Employees in various college offices monitor campus to identify and relay information about possible Emergency Notification Situations in accordance with their campus unit policies and procedures. In addition, CSAs are required to relay information about possible Emergency Notification Situations immediately and directly to a TWEN CSA (unless the CSA is a TWEN CSA).

Once a threat or potential threat has been identified by a TWEN CSA, the TWEN CSA immediately relays the information regarding the threat or potential threat to the TWEN Committee. The TWEN Committee then evaluates all reasonably available information to determine whether there is an Emergency Notification Situation.

If the TWEN Committee confirms there is an Emergency Notification Situation, the TWEN Committee issues an Emergency Notification in accordance with the Emergency Notification Procedure described below.

If the TWEN Committee confirms there is not an Emergency Notification Situation, the TWEN Committee documents in writing the information that led to its decision not to issue an Emergency Notification and promptly shares that documentation with the Clery Coordinator.

Emergency Notification Procedure and Employees and Campus Units Responsible for Emergency Notifications

Upon confirmation of any significant emergency or dangerous situation involving an imminent threat to the health or safety of the campus community, the following communication resources and procedures will be used.

Personnel within the Church Security Department, Headquarters Facilities, and/or the Salt Lake City Police Department will confirm the magnitude and scope of an emergency. Upon confirming that an event warrants immediate

notification of the campus community, the TWEN Committee or the Church Security Department's Global Security Operations Center will approve the activation of the InformaCast emergency notification system. Without delay and taking into account the safety of the campus community, the TWEN Committee will stream alerts, information, and reassurance messages through the InformaCast system and the college's web channels, unless issuing a message would, in the judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Evacuation and/or shelter-in-place alert directions will be given. If time allows, administrators of the following campus offices may be consulted as to the activation of the InformaCast system: Marketing and Communication, the BYU Office of General Counsel, and Church Risk Management.

Disseminating Emergency Information to the Larger Community

Should the incident or threat impact the larger community, the Salt Lake City Police Department will determine whether Salt Lake City residents should be alerted.

Emergency Response and Evacuation Procedure Tests

On a semiannual basis, the mass e-mail and personal cell phone elements of the InformaCast system is tested. The test is unannounced. A record is made of each test, including a description, the date and time of the test, and whether it was announced or unannounced. The college publicizes its emergency notification procedures in conjunction with the testing of the InformaCast system.

Under the direction of the Clery Coordinator, and working in conjunction with the Church Security Department and Headquarters Facilities Department, evacuation drills are conducted on an annual basis. A record is made for each drill that includes a description, the location, date, time, and whether the drill was announced or unannounced.

9. Preventing Sex Crimes¹¹

The college offers programs to prevent Sex Crimes and to promote awareness of Sex Crimes.

These programs include

- training for employees and all individuals involved in administering the Sexual Harassment Grievance Procedures, as required by the Sexual Harassment Policy
- training for all incoming students and new employees on
 - the college's prohibition on Sex Crimes (see the [Sexual Harassment Policy](#))
 - the definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
 - the definition of "consent" in reference to sexual activity in Utah
 - a description of safe and positive options for bystander intervention
 - information on risk reduction, which means 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
 - the [Sexual Harassment Policy](#) and the [Sexual Harassment Grievance Procedures](#)
- awareness programs, which means events, initiatives, and strategies that aim to share information and resources to prevent violence, promote safety, and reduce the occurrence of Sex Crimes
- ongoing prevention and awareness campaigns, which means marketing or outreach efforts that aim to prevent and raise awareness of Sex Crimes
- primary prevention programs, which means events, initiatives, and strategies that aim to foster healthy and safe relationships and thereby prevent Sex Crimes

For descriptions of programs to prevent Sex Crimes offered by the college in the most recent calendar year, see the Annual Security Report available at ensign.edu/clery.

10. Responding to Sex Crimes¹²

College employees respond to allegations of Sex Crimes (1) that involve members of the campus community or participants in college programs or activities or (2) that occurred within the Clery Act Geography in accordance with the relevant college policies, including the following:

- [Church Educational System Honor Code](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Employee Conduct Policy](#)
- [Sexual Harassment Policy](#)

These policies and any implementing procedures describe

- the type of disciplinary proceeding(s) used by the college;
- the steps, anticipated timelines, and decision-making process for the type of disciplinary proceeding(s); and
- the process to file a disciplinary complaint.

The college determines which policy to apply and therefore which proceeding to use based on (1) the circumstances of an allegation of a Sex Crime and (2) those circumstances' relationship to the scope of each policy.

The [Sexual Harassment Policy](#) describes

- the standard of evidence used during a college disciplinary proceeding arising from an allegation of a Sex Crime;
- the possible sanctions that the college may impose following the results of any college disciplinary proceeding for an allegation of a Sex Crime; and
- the range of protective measures that the college may offer to the victim following an allegation of a Sex Crime.

11. Victims of Sex Crimes¹³

A victim of a recent Sex Crime should (a) preserve evidence and (b) report the Sex Crime.

(a) Preserve Evidence

Preserving evidence may assist law enforcement agencies investigating reports of Sexual Assault and may be helpful in obtaining protective orders. In addition to immediately contacting law enforcement, a victim of a Sex Crime should take any of the following actions that might preserve evidence:

- taking screen shots of relevant texts, social media posts, emails, or other digital evidence
- not deleting texts, social media posts, emails, or other digital evidence
- not bathing, showering, or using toothpaste or mouthwash
- not washing clothing, bed sheets, pillows, or other potential evidence

(b) Report the Sex Crime

A victim of a Sex Crime who chooses to report the Sex Crime should report to law enforcement and campus authorities as detailed in the [Sexual Harassment Policy](#).

The college protects the confidentiality of victims of Sex Crimes and other necessary parties as described in the [Sexual Harassment Policy](#). The college completes publicly available record keeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. The college maintains as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures or to respond to legal allegations made against the institution.

The college provides written notification to students and employees about existing services available for victims, both within the institution and in the community, including existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid at <https://www.ensign.edu/victim-resources>.

When contacted by a victim, the Title IX Office provides written notification to each victim about options for, available assistance in, and how to request supportive measures, including protective measures or changes to academic, transportation, and working situations. The college makes these accommodations or provides these protective measures if the victim requests

them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

When a student or employee reports to the Title IX Office that the student or employee has been a victim of a Sex Crime, whether the offense occurred on or off campus, the Title IX Office provides the student or employee a written explanation of

- the student's or employee's rights and options, as described in this section (Section 11, Victims of Sex Crimes), and
- a written explanation of the procedures for institutional disciplinary action in cases of alleged Sex Crimes (see above Section 10, Responding to Sex Crimes).

12. Hazing¹⁴

Hazing is a violation of the [Church Educational System Honor Code](#).

Reporting Incidents of Hazing

Individuals aware of possible incidents of Hazing report these incidents to local law enforcement, if Hazing is unlawful in that jurisdiction (see Information on Local, State, and Tribal Hazing Laws subsection below), or to the Clery Coordinator using the form available at <https://www.ensign.edu/hazing>.

Process Used to Investigate Incidents of Hazing

The college investigates alleged incidents of Hazing according to the following:

- for students, the [Honor Code Investigation and Administrative Review Process](#)
- for employees, the [Employee Corrective Action and Termination Policy](#)

Information on Local, State, and Tribal Laws on Hazing

There are no applicable local laws on Hazing in Salt Lake City.

Utah criminalizes Hazing and similar conduct. See Utah Code Ann. § 76-5-107.5.

There are no applicable tribal laws on Hazing.

Prevention and Awareness Programs Related to Hazing

The college provides prevention and awareness programs related to Hazing. The college's

Hazing prevention and awareness programs

- are research informed;
- are designed to reach students, staff, and faculty;
- include the college's policies on Hazing, the process used to investigate such incidents of Hazing, and information on applicable local, state, and tribal laws on Hazing; and
- include primary prevention strategies intended to stop Hazing before Hazing occurs (e.g., skill building for bystander intervention, information about ethical leadership, the promotion of strategies for building group cohesion without Hazing).

Campus Hazing Transparency Report

As required by the Clery Act, the college publishes a Campus Hazing Transparency Report (CHTR) that summarizes findings concerning any Student Organization established or recognized by the college that is found to be in violation of the college's standards of conduct related to Hazing. The CHTR is publicly available on the public website of the college and is updated not less frequently than two times each year, unless the college does not have a finding of a Hazing violation since the most recent update.

The CHTR includes, for the period beginning on the date on which the CHTR was last published and ending on the date on which such update is submitted, each incident involving a Student Organization for which a finding of responsibility is issued relating to a Hazing violation, including

- the name of such Student Organization;
- a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the college, and any sanctions placed on the Student Organization by the college, as applicable; and
- the dates on which

- the incident was alleged to have occurred;
- the investigation into the incident was initiated; the investigation ended with a finding that a Hazing violation occurred; and
- the college provided notice to the Student Organization that the incident resulted in a Hazing violation.

The CHTR does not include any personally identifiable information, including any information that would reveal personally identifiable information, about any individual student in accordance the Family Educational Rights and Privacy Act and the [Access to Student Records Policy \(FERPA\)](#).

In a prominent location on the public website of the college, such as <https://www.ensign.edu/hazing>, the college publishes the CHTR, including

- a statement notifying the public of the annual availability of statistics on Hazing in the ASR, including a link to the ASR;
- information about the college's policies relating to Hazing and applicable local, state, and tribal laws on Hazing; and
- the information included in each required update, which information is maintained for a period of five calendar years from the date of publication of such update.

The college does not develop the CHTR until the college has a finding of a Hazing violation and does not update the CHTR if the college does not have a finding of a Hazing violation.

[1] 20 U.S.C. § 1092(f)(1)(H), (i)(1)(D); 34 C.F.R. §§ 668.46(b)(8)–(9), 668.49(b)(6).

[2] 20 U.S.C. § 1092(f)(8)(B)(v)–(vii), (C); 34 C.F.R. § 668.46(b)(11)(iii)–(v), (vii).

[3] 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(i).

[4] 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(ii).

[5] 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(iv).

[6] 20 U.S.C. § 1092(f)(1)(B)–(C); 34 C.F.R. § 668.46(b)(3)–(4).

[7] 20 U.S.C. § 1092(f)(1)(C); 34 C.F.R. § 668.46(b)(4).

[8] 20 U.S.C. § 1092(f)(1)(C); 34 C.F.R. § 668.46(b)(4).

[9] 20 U.S.C. § 1092(f)(1)(G); 34 C.F.R. § 668.46(b)(7).

[10] 20 U.S.C. § 1092(f)(1)(J)(i); 34 C.F.R. § 668.46(b)(13), (g)(2), (g)(5)–(6).

[11] 20 U.S.C. § 1092(f)(8)(B)(i)–(ii); 34 C.F.R. § 668.46(b)(11)(i), (b)(11)(vi), (k)(1)(iii).

[12] 20 U.S.C. § 1092(f)(8)(A)(ii), (B)(iv); 34 C.F.R. § 668.46(b)(11)(ii), (b)(11)(vi), (k).

[13] 20 U.S.C. § 1092(f)(8)(B)(iii); 34 C.F.R. § 668.46(b)(11)(ii).
[14] Stop Campus Hazing Act, Pub. L. No. 118-173 (2024).

Sexual Harassment Policy

STATEMENT OF POLICY:

All forms of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, are contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the [Church Educational System Honor Code](#). Ensign College (EC) prohibits sexual harassment by its personnel and students, and in all of its education programs or activities.

I. DEFINITIONS

Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Consent means a voluntary agreement to engage in sexual activity and is determined by all the relevant facts and circumstances. An act is without consent of a Complainant under any of the following circumstances:

- the Complainant expresses lack of consent through words or conduct
- the Respondent overcomes the Complainant through the actual application of physical force or violence
- the Respondent is able to overcome the Complainant through concealment or by the element of surprise
- the Respondent coerces the Complainant to submit by threatening to retaliate against the Complainant or any other person and the Complainant believes at the time that the Respondent has the ability to execute this threat
- the Respondent knows the Complainant is unconscious, unaware that the act is occurring, or is physically unable to resist
- the Respondent knows or reasonably should know that the Complainant has a disability that renders the Complainant unable to appraise the nature of the act, resist the act, understand the possible consequences to the Complainant's health or safety, or appraise the nature of the relationship between the Respondent and the Complainant
- the Respondent knows that the Complainant participates because the Complainant mistakenly believes that the Respondent is someone else

- the Respondent intentionally impaired the Complainant's ability to appraise or control his or her conduct by administering any substance without the Complainant's knowledge
- the Complainant is younger than 14 years of age
- the Complainant is younger than 18 years of age and at the time of the alleged act the Respondent was the Complainant's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust (such as teacher, counselor, or ecclesiastical leader) in relation to the Complainant
- the Complainant is 14 years of age or older, but younger than 18 years of age, and the Respondent is more than three years older than the Complainant and entices or coerces the Complainant to submit or participate
- the Respondent 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 Complainant reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the Complainant could not reasonably be expected to have been manifested

Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent may be initially given but may be withdrawn through words or conduct at any time prior to or during sexual activity.

Dating Violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

Domestic Violence means a violent act 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, by a person similarly situated to a spouse of the Complainant, or by any other person against a victim who is

protected from that person's acts under state domestic or family violence laws.

Education Program or Activity means all of a school's operations, and EC's Education Program or Activity includes all locations, events, or circumstances over which the college exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

Locations include both on-campus locations and off-campus buildings owned or controlled by EC. Off-campus locations that are not subject to substantial control by the college, such as EC-preferred off-campus housing, are not within EC's Education Program or Activity. EC will consider factors such as whether the college funded, promoted, or sponsored the event or circumstance in which the alleged off-campus Sexual Harassment occurred in determining whether it occurred in EC's Education Program or Activity.

Formal Complaint means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that EC investigate the Sexual Harassment allegation.

Party means a Complainant or a Respondent.

Respondent means an individual who is alleged to be the perpetrator of conduct that could constitute Sexual Harassment.

Responsible Employee means a college employee who is obligated to report Sexual Harassment to the Title IX Coordinator. Ensign College has designated employees in the following positions as Responsible Employees: president, vice president, assistant to the president, managing director, director, manager, dean, department chair, program chair, faculty, and all employees with roles and responsibilities pertaining to the administration of Title IX.

Sexual Assault means any sexual act directed against the Complainant without the Complainant's Consent. Sexual Assault includes fondling, incest, rape, sexual assault with an object, sodomy, and statutory rape.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

- an EC employee or faculty member conditions the provision of an aid, benefit, or service of EC on an individual's participation in unwelcome sexual conduct

- unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to EC's Education Program or Activity
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking

Stalking means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Both in-person and electronic stalking are prohibited.

Supportive Measures means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or a Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are measures designed to restore or preserve equal access to EC's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the college's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work locations, deferments, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Coordinator means the person authorized by EC to coordinate the college's efforts to comply with its responsibilities under Title IX and to institute corrective measures on behalf of the college.

II. REPORTING

A Sexual Harassment report may be made by any person who believes that Sexual Harassment may have occurred that requires EC's response. The person reporting need not be the Complainant.

A. Mandatory Reporting for Responsible Employees

A Responsible Employee who becomes aware of Sexual Harassment committed by college personnel or students or occurring in EC's Education Program or Activity must report all relevant information to the Title IX Coordinator.

A Responsible Employee who receives a report of Sexual Harassment committed by college personnel or students or occurring in EC's Education Program or Activity should inform the reporting individual that the employee must report the incident to the Title IX Coordinator, and the employee must then promptly make the report. A Responsible Employee who knowingly fails to report relevant information to the Title IX Coordinator as required by this paragraph may be subject to disciplinary action. A Responsible Employee who receives the information as part of a confidential communication in the context of a professional or otherwise privileged relationship (e.g., the Responsible Employee was the reporting person's physician, therapist, lawyer, ecclesiastical leader, or spouse) does not have a reporting obligation under this policy.

B. Where to Report

To ensure that the college has the information necessary to respond appropriately to complaints, reports of Sexual Harassment must be made to the Title IX Coordinator. EC has actual knowledge of alleged Sexual Harassment only when its Title IX Coordinator receives a report. Reports may be made in person, by mail, by telephone, or by electronic mail, at the following locations:

Ensign College Title IX Office 906

95 N 300 W

Salt Lake City, UT 84101

(801) 524-8157

titleix@ensign.edu

This information is also located on the Title IX Office's website: ensign.edu/title-ix. Reports may be made at any time, including during non-business hours, although in-person reports may be made only during regular business hours. In addition, individuals may submit reports, including anonymous reports, through [EthicsPoint](#), the college's 24-hour hotline provider, by telephone at 888-238-1062, or by submitting information online [here](#).

C. Timing

Reports of Sexual Harassment should be made to the Title IX Coordinator as soon as possible. However, Supportive Measures are available to Complainants regardless of when a report is made.

D. Formal Complaints of Sexual Harassment

Unless a Formal Complaint is filed, a report of Sexual Harassment will not initiate any type of grievance process or result in any disciplinary action against an individual who is alleged to be the perpetrator of Sexual Harassment (Respondent) under this policy. Only a filed Formal Complaint will initiate a process that could result in discipline against a Respondent.

The grievance process is initiated by (1) a Complainant filing a Formal Complaint document with the Title IX Coordinator alleging Sexual Harassment by a Respondent and requesting that EC investigate the Sexual Harassment allegation or (2) the Title IX Coordinator signing and issuing a Formal Complaint.

A Formal Complaint should clearly and concisely describe the incident(s), including the identities of the Parties involved in the incident(s), if known; the conduct allegedly constituting Sexual Harassment; and the date and location of each alleged incident constituting Sexual Harassment, if known.

Filed by Complainants

Unlike a report of Sexual Harassment, Formal Complaints may not be filed anonymously. A Complainant's Formal Complaint must contain the Complainant's physical or electronic signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

Signed by Title IX Coordinator

Generally, the college will honor a Complainant's request that the college not conduct an investigation. However, if the Complainant is unwilling to file a Formal Complaint and the Title IX Coordinator determines that a failure to investigate would prevent the college from meeting its responsibility to provide students and employees with an environment free from Sexual Harassment, the Title IX Coordinator may initiate an investigation by signing a Formal Complaint. The Title IX Coordinator will inform the Complainant prior to signing a Formal Complaint, and the college will provide the Complainant

with all notices required under the applicable procedures, but the Complainant is not required to respond or participate in any manner.

When the Title IX Coordinator initiates a grievance by signing a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party to the grievance and must comply with the impartiality requirements and all other standards required of individuals involved in administering processes under this policy.

III. COLLEGE RESPONSE TO SEXUAL HARASSMENT

Upon receiving a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant identified in the report to discuss and provide written information about the availability of Supportive Measures; consider the Complainant's wishes with respect to Supportive Measures; inform the Complainant that Supportive Measures are available with or without the filing of a Formal Complaint; and explain the process for filing a Formal Complaint, including possible sanctions the college may impose after determining the Respondent's responsibility for Sexual Harassment.

If the report includes allegations of Sexual Violence, the Title IX Coordinator will also provide the Complainant with written information about the following:

- the importance of preserving evidence that may be necessary to prove a crime or obtain a protective order
- law enforcement options, including the Complainant's options to
 - notify local police, with the assistance of the Title IX Office if the Complainant so chooses; or
 - decline to notify law enforcement authorities
- the Complainant's rights regarding protective orders or similar orders issued by a criminal or civil court
- existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on campus and in the community

A. Supportive Measures

As part of the college's response to any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss and provide written notice of the availability of Supportive Measures, with or without the filing of a Formal Complaint, and will discuss and provide written notice of the Formal Complaint process. The college will maintain as confidential any Supportive Measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the college to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures for the Complainant and, as appropriate, for the Respondent.

Supportive Measures will be offered to both the Complainant and the Respondent as the Title IX Coordinator deems appropriate and as such measures are reasonably available.

The college may remove a Respondent from EC's Education Program or Activity on an emergency basis if it determines that an immediate threat to the physical health or safety of any student or other individual arising from the Sexual Harassment allegations justifies immediate removal pending further investigation and disposition. (See Banning Policy.) In such cases, the college will conduct an individualized safety and risk analysis and will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Human Resources may also place a non-student employee Respondent on administrative leave during the pendency of a formal or informal grievance process under this policy and its procedures.

B. Notice of Applicable Procedures

If a Complainant elects to file a Formal Complaint against a Respondent, the Title IX Coordinator will also notify the Respondent and provide the Complainant and Respondent with a written explanation of the grievance resolution processes used for institutional disciplinary actions. The college will not impose any disciplinary sanctions or other actions against a Respondent that are not Supportive Measures prior to making a determination regarding responsibility under the applicable resolution process.

The Title IX Coordinator will follow the [Sexual Harassment Grievance Procedures \(Title IX\)](#) to respond to Formal Complaints of Sexual Harassment

against a person in the United States who is participating in or attempting to participate in the college's Education Program or Activity, as required by federal regulations promulgated under Title IX of the Education Amendments Act of 1972.

The Title IX Coordinator will follow the [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#) to respond to Formal Complaints of Sexual Violence against an EC employee or student that do not fall under federal Title IX regulations because the allegations in the Formal Complaint did not occur in the United States or did not occur within EC's Education Program or Activity.

Other Formal Complaints of Sexual Harassment received by the Title IX Coordinator will be jointly evaluated by the Title IX Coordinator and the Compliance Office to ensure the college provides an appropriate response under applicable college policies and procedures.

C. Sanctions

Sanctions for violating this policy may include the following:

- For an employee: verbal counseling, written warning, final written warning, probation, reassignment, demotion, reduction in pay, suspension, restriction on officially representing the college, termination of employment, and a ban from campus. Any disciplinary sanction imposed on an employee Respondent and the reason for the sanction may also be noted on the employee's employment record.
- For a student: notice, warning, probation, suspension withheld, short suspension, suspension, restriction on officially representing the college, expulsion, and a ban from campus. Any disciplinary sanction imposed on a student Respondent and the reason for the sanction may also be noted on the student's academic transcript and Honor Code file. Any sanction imposed on a student Respondent may include an educational action plan prescribed and administered through the Honor Code Office. If the Respondent is a student employee, possible sanctions include all sanctions applicable to students and all sanctions applicable to employees.
- For a Respondent who is neither a student nor an employee: limitation or termination of any agreement or association between the college and the Respondent and a temporary or complete ban of the

Respondent from all or any part of the campus or other college property.

IV. Overlapping Complaints and Concurrent Investigations or Processes

If the Sexual Harassment allegations arise out of the same facts or circumstances, the Title IX Coordinator may consolidate Formal Complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party.

Likewise, if a Formal Complaint includes multiple allegations of Sexual Harassment that do not arise out of the same facts or circumstances or that are not subject to discipline under the same college policies or procedures, the college may address them separately. And if a Formal Complaint includes allegations of Sexual Harassment together with allegations of other misconduct or violations of college policy, the college may address the allegations of Sexual Harassment under the [Sexual Harassment Grievance Procedures \(Title IX\)](#) or the [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#) and may refer allegations not subject to these procedures to the appropriate office or unit of the college, subject to any applicable confidentiality provisions and amnesty protections, which will still be in force.

The Title IX Coordinator will provide written notice to all affected Parties of any decision to consolidate the allegations in any Formal Complaint(s) or to address them separately.

An investigation or resolution of a Formal Complaint will not be suspended pending the conclusion of a criminal investigation or any other investigation, including another college investigation. However, the fact-finding portion of the investigation may be delayed temporarily to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when the criminal charges are based on the same allegations that are being investigated under this policy and its procedures. In addition, if the college determines the issues raised in a Formal Complaint may be relevant to its determination in another investigation or another process that is simultaneously pending at the college, the other investigation or process may be suspended until this process and any appeal are concluded.

Although the findings and conclusions of one investigation will not necessarily determine the outcome of any other, any information or findings

developed in any college or external investigation may be shared with and considered in any other college investigation.

V. Informal Resolution

The Parties may resolve a Formal Complaint through an informal resolution process that allows the Parties to forego all or some of the formal grievance process. The goal of informal resolution is to conclude the matter to the satisfaction of the Parties quickly and confidentially and to protect the safety of all Parties and the college's educational environment.

Either Party may ask the Title IX Coordinator to facilitate an informal resolution process at any time before a Respondent is determined to be responsible for Sexual Harassment; however, the college will not offer or facilitate an informal resolution process until

- a Formal Complaint has been filed;
- all Parties have received a written notice of allegations; and
- all Parties have provided their voluntary, written consent to the informal resolution process.

Informal resolution may encompass a broad range of conflict resolution strategies, including but not limited to arbitration, mediation, restorative justice, or any other process acceptable to the Parties and the college.

Participation in an informal resolution process is never required as a condition of enrollment or employment or as a precondition to any Party's right to an investigation and adjudication of Formal Complaints of Sexual Harassment or any other right provided as part of the formal resolution provisions set forth in this policy and its procedures. At any time prior to signing a written agreement of informal resolution, a Party may withdraw from the informal resolution process and resume the Formal Complaint resolution process described in this policy and its procedures. The college will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Parties who reach an informal resolution must sign a written agreement documenting the terms and conditions for dismissing the Complainant's Formal Complaint and releasing the Parties' claims against each other and against the college based on the allegations in the Formal Complaint and

notice of allegations. The written agreement of informal resolution must also be approved and signed by the Title IX Coordinator or by her or his designee.

The Title IX Coordinator will ensure that any person who facilitates an informal resolution process does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and is trained as set forth below.

VI. CONFIDENTIALITY, NON-RETALIATION, AMNESTY, and LENIENCY

EC exists to provide an educational environment consistent with the ideals and principles of the restored gospel of Jesus Christ. [The Church Educational System Honor Code](#) and its observance by the campus community are essential components of EC's mission. The college will not tolerate Sexual Harassment, and anyone found to have committed Sexual Harassment is not entitled to amnesty.

Being a victim of Sexual Harassment is never a violation of the [Church Educational System Honor Code](#). The college strongly encourages the reporting of all incidents of Sexual Harassment to the Title IX Coordinator so that Supportive Measures can be offered to Complainants and Sexual Harassment can be prevented and addressed.

A. Confidentiality

The college will keep confidential the identity of any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of Sexual Harassment, any Respondent, and any witness; except as required by law, as necessary to carry out this policy, or as may be permitted by the Confidentiality of Student Records (FERPA) Policy.

B. Nonretaliation

EC prohibits retaliation by anyone, including any college disciplinary office. Retaliation means intimidation, a threat, coercion, or discrimination—including discipline of an individual for honor code violations that do not involve Sexual Harassment but arise out of the same facts or circumstances as a report of Sexual Harassment—for the purpose of interfering with any right or privilege secured by this policy or because the individual has made a report or complaint, testified, or assisted or participated or refused to participate in any manner in an investigation, proceeding, or hearing under

this policy. However, the college may discipline a Responsible Employee who fails or refuses to forward a complaint of Sexual Harassment or provide any relevant information to the Title IX Office in violation of this policy.

Any materially adverse action or course of conduct taken against a person could be the basis for a retaliation claim if the conduct would deter a reasonable person from complaining about Sexual Harassment, but normally, petty slights, minor annoyances, and simple lack of good manners will not create that deterrence and are insufficient to establish a retaliation claim.

EC students and personnel agree to be honest as part of their commitment to live by the [Church Educational System Honor Code](#). Making a materially false statement in bad faith during a grievance proceeding is grounds for discipline. Imposing discipline, or filing reports seeking to impose discipline, for such a false statement does not constitute retaliation prohibited under this policy. However, a college determination that the Respondent was or was not responsible for Sexual Harassment, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. For example, the fact that a Respondent who denies his or her responsibility for Sexual Harassment is determined to be responsible for the Sexual Harassment does not necessarily mean that the Respondent has made a materially false statement in bad faith. Likewise, a determination that a Respondent is not responsible for Sexual Harassment, as alleged by the Complainant, does not necessarily mean that the Complainant's allegation was a materially false statement made in bad faith.

Individuals who feel that they have been subjected to retaliation under this policy should report the incident to the Title IX Coordinator, who will follow applicable disciplinary procedures to investigate and address complaints of retaliation.

C. Amnesty

Anyone, including a Complainant, who reports an incident of Sexual Harassment will not be disciplined by the college for any related honor code violation arising out of the same facts or circumstances as the report unless a person's health or safety is at risk. Students may be entitled to additional amnesty under certain circumstances, as provided by the Utah Campus Sexual Violence Act. However, with Complainants or witnesses who have violated the honor code, the college may offer and encourage support,

counseling, or education efforts to help students and benefit the campus community.

D. Leniency

To encourage the reporting of Sexual Harassment, the college will also offer leniency to Complainants and witnesses for other honor code violations that are not related to the incident but which may be discovered as a result of the investigatory process. Such violations will generally be handled so that the student can remain in school while appropriately addressing these concerns.

In applying these principles, the college may consider the facts and circumstances of each case, including the rights, responsibilities, and needs of each of the involved individuals.

VII. TRAINING

The college is committed to educating members of the campus community on Sexual Harassment prevention and response. Training on this policy is required for all personnel. All supervisors are responsible to ensure that personnel within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will ensure that all individuals involved in administering the [Sexual Harassment Grievance Procedures \(Title IX\)](#) receive training on the following:

- the definition of Sexual Harassment;
- the scope of EC's Education Program or Activity;
- how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Those involved in administering the [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#) will receive annual training on the issues related

to Sexual Violence and how to conduct an investigation and decision-making process that protects the safety of victims and promotes accountability.

VIII. DISCLOSING RELATIONSHIPS

To avoid the possibility or appearance of Sexual Harassment, personnel and students should avoid dating, romantic, or amorous relationships where a power differential exists. Examples of these relationships include, but are not limited to, a professor or teaching assistant involved in a relationship with his or her student, or a supervisor involved in a relationship with a subordinate employee. If such a relationship exists and both parties want to continue the relationship, the supervisor(s) of both parties must be informed of the relationship, must document the disclosure of the relationship, and must confirm with each of the parties independently that the relationship is voluntary and not unwelcome to either party. However, as a general rule, dating, romantic, or amorous relationships should not be entered into or continued while one individual in the relationship has the power to either reward or penalize the other in work or in school.

Sexual Harassment Grievance Procedure (Title IX)

Ensign College (EC) prohibits Sexual Harassment. (See [Sexual Harassment Policy](#).) As described in the [Sexual Harassment Policy](#), the college will respond to allegations of Sexual Harassment by offering Supportive Measures designed to restore or preserve a Complainant's equal access to EC's Education Program or Activity. The college will also follow the applicable grievance process before imposing any disciplinary sanctions or other actions against a Respondent that are not Supportive Measures.

The following procedures describe the college's equitable, fair, prompt, and impartial response to Formal Complaints of Sexual Harassment occurring against a person in the United States who is participating in or attempting to participate in an EC Education Program or Activity, as required by federal regulations under Title IX of the Education Amendment Act of 1972.

The Title IX Coordinator will follow the [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#) to respond to Formal Complaints of Sexual Violence against an EC employee or student that does not fall under federal Title IX regulations because the allegations in the Formal Complaint did not occur in the United States or did not occur within EC's Education Program or Activity.

1. Investigation

The college will investigate allegations in a Formal Complaint as follows:

1.1 Preliminary Investigation and Dismissal

The college will investigate the allegations in a Formal Complaint and will dismiss the Formal Complaint with regard to any alleged conduct that

- would not constitute Sexual Harassment, even if proved;
- did not occur in EC's Education Program or Activity; or
- did not occur against a person in the United States.

Dismissal for any of the foregoing reasons precludes any subsequent Formal Complaint alleging the same factual allegations. However, a Complainant may file another Formal Complaint against the same Respondent based on new or additional factual allegations.

The Title IX Coordinator may dismiss the Formal Complaint or any of its allegations or may suspend an investigation if at any time during the investigation or hearing

- a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein;
- the Respondent is not or is no longer enrolled at or employed by EC; or
- specific circumstances prevent the Investigator from gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint.

Dismissal of a Formal Complaint does not preclude action against the Respondent under the [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#), [Church Educational System Honor Code](#), Banning Policy, or other college policies applicable to the conduct.

Upon a dismissal required or permitted pursuant to this subsection, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Parties. A determination to dismiss allegations of a Formal Complaint may be appealed as provided in these procedures.

If a Formal Complaint is dismissed or an investigation is suspended because the Respondent is not or is no longer enrolled at or employed by EC, the college may reopen the investigation if the Respondent enrolls, re-enrolls, reapplies, or applies for work at the college or any organization owned, controlled, or sponsored by The Church of Jesus Christ of Latter-day Saints. If a Formal Complaint is reopened, the Title IX Coordinator will promptly notify the Parties, and the Parties will be entitled to the same rights and responsibilities as set out in these procedures.

1.2 Selection of the Investigator

Upon receiving or signing a Formal Complaint of Sexual Harassment, the Title IX Coordinator will promptly deliver the Formal Complaint to an EC employee, employee of another Church Educational System institution, or independent contractor selected by the Title IX Coordinator to investigate the allegations in the Formal Complaint (Investigator). The Title IX Coordinator will ensure that

any individual selected as an Investigator has received training in the previous 12 months on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as provided in these procedures, and meets all other standards required of individuals involved in administering this grievance process (Grievance Administrators) under these procedures.

1.3 Notice of Allegations

Upon receipt of a Formal Complaint, the Investigator will promptly collect the information necessary to prepare a written Notice of Allegations and will provide the notice to the known Parties at least five business days prior to the Respondent's initial interview. The Notice of Allegations will include the following:

- notice of the allegations potentially constituting Sexual Harassment, including the identities of the Parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of each alleged incident constituting Sexual Harassment (if known)
- notice of the college's formal and informal grievance resolution processes
- a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination as to whether the Respondent is responsible for Sexual Harassment (Determination Regarding Responsibility) will be made only after the grievance process is complete
- notice to the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney
- notice to the Parties that they may inspect and review evidence
- notice prohibiting any Party from knowingly making false statements or knowingly submitting false information during the grievance process, and informing the Parties that those actions constitute a material violation of the [Church Educational System Honor Code](#) commitment to "be honest"
- notice prohibiting any Party from engaging in retaliation (see [Sexual Harassment Policy](#))

A Party who wishes to file a Formal Complaint of Sexual Harassment or other violation of the Sexual Harassment Policy against another Party or individual based on allegations arising out of the same facts or circumstances identified in the Notice of Allegations must file the Formal Complaint within 15 business days of receiving the Notice of Allegations or becoming aware of the facts on which the Formal Complaint is based, whichever is later. Allegations in any Formal Complaint received under this paragraph may be consolidated or separated as provided in the Sexual Harassment Policy.

If, in the course of an investigation, the Investigator decides to investigate Sexual Harassment allegations about the Complainant or Respondent that are not included in the Notice of Allegations, the Investigator must provide all known Parties with a supplemental Notice of Allegations as to the additional allegations.

1.4 Information Gathering

The Investigator will provide an equal opportunity for the Parties to identify witnesses, including fact and expert witnesses, and to provide other information, whether the information tends to show the Respondent's responsibility for Sexual Harassment or tends to show the Respondent is not responsible. The Investigator may ask the Parties to provide this information in a written statement and/or through live interview(s). The Investigator will not restrict the ability of either Party to discuss the allegations under investigation with others or to gather and present relevant information, but the Parties are reminded that any discussions may not violate any protective orders then in force and must not include intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by the [Sexual Harassment Policy](#) or these procedures.

The Investigator will presume that the Respondent is not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process. The Investigator will seek to collect information sufficient for the individual or individuals assigned to make a Determination Regarding Responsibility (Decision Maker(s)) to reach a determination based on the preponderance of the evidence (i.e., evidence sufficient to show that the determination is more likely than not to be true).

The Investigator will consider all relevant information—including information tending to show the Respondent’s responsibility for Sexual Harassment and information tending to show the Respondent is not responsible—from the Parties or from other sources, including college records. However, the Investigator will not interview a Party’s ecclesiastical leader, physician, psychiatrist, psychologist, lawyer, or other professional or paraprofessional acting or assisting in that capacity; nor will the Investigator access, consider, disclose, or otherwise use records that are made or maintained in connection with the confidential communication with or treatment by any such person, unless the Investigator obtains that Party’s voluntary, written consent to do so for a grievance process under these procedures. The Investigator will not intentionally require, allow, rely on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the Party holding the privilege has waived the privilege.

1.5 Investigation Record

The Investigator will create a record (Investigation Record) consisting of all information obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether the Investigator thinks the information is relevant. Prior to completing the investigative report, the Investigator will send the Investigation Record to each Party and the Party’s advisor, if any, through a file-sharing platform that provides the Parties with read-only access and maintains the confidentiality of the transmitted data.

Each Party and advisor must maintain the confidentiality of all information shared with them during the proceedings, must use such information only for purposes of these procedures, and must not further distribute or disclose this information. The college may restrict further access to the Investigation Record and seek appropriate sanctions against a Party or an advisor who violates a confidentiality obligation under these procedures. The Investigation Record will remain available to the Parties and their advisors until the conclusion of the grievance process.

1.6 Final Written Response

After the Investigator sends the Investigation Record to the Parties, they will have 10 business days to submit a written response, which the Investigator will consider prior to completing the Investigative Report. Any written

response and any additional evidence provided in connection with a Party's final written response will be added to the Investigation Record.

1.7 Investigative Report

At the conclusion of the investigation, the Investigator will create an investigative report (Investigative Report) that

- identifies the allegations potentially constituting Sexual Harassment and the Respondent's responses to each allegation;
- describes the procedural steps taken from the receipt of the Formal Complaint through the conclusion of the investigation, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence;
- impartially summarizes the relevant evidence;
- makes any recommendations the investigator deems appropriate; and
- provides the name and contact information of the Decision Maker(s).

The Investigator will simultaneously send the Investigative Report to the Title IX Coordinator and to each Party and each Party's advisor, if any, and will include the Investigative Report as part of the Investigation Record.

The Investigator will, in good faith, attempt to conclude the investigation and issue an Investigative Report within 90 calendar days of receiving the Formal Complaint of Sexual Harassment. If, as a result of the complexity of a case or other good cause—including considerations such as the absence of a Party, a Party's advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities—the investigation cannot reasonably be concluded within the 90-day period, the Investigator will provide the Complainant and the Respondent with written notice of the delay and the reason for the delay or extension.

2. Hearing

After receiving the Investigative Report, the Title IX Coordinator will schedule a live hearing and will provide written notice of the time and place of the hearing to each Party and the Party's advisor, if any. The hearing must take place at least 10 business days after the Investigative Report is delivered to the Parties and should take place within 45 calendar days after the

Investigative Report is delivered unless it is delayed by unavoidable circumstances, such as the unavailability of the Parties, Decision Maker(s), Investigator, or key witnesses.

2.1 Live Hearings

The Decision Maker(s) will ensure that the hearing is conducted impartially. Live hearings will either be conducted with all Parties physically present in the same room or with the Parties located in separate rooms with technology enabling the Decision Maker(s) and Parties to simultaneously see and hear the Party or the witness answering questions. In the Decision Maker(s)'s discretion, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In these circumstances, the Decision Maker(s) may impose conditions on the person(s) appearing virtually to ensure the integrity of the process.

Any Party wishing to be physically separated from the other Party during the hearing, or any Party requesting that any witness be permitted to appear virtually at a live hearing, must submit a written request to the Title IX Coordinator at least 10 business days before the date of the hearing so the Title IX Coordinator can make the appropriate arrangements.

The Title IX Office will arrange for an audio or audiovisual recording, or transcript, of the hearing to be made and will make the recording or transcript available within the Investigation Record for the Parties' inspection and review after the hearing.

2.2 Decision Maker(s)

The hearing will be held before a Decision Maker, or panel of Decision Makers, as designated by the Title IX Coordinator. Generally, one of the following will be designated as a Decision Maker:

- For a student Respondent, the dean of student affairs or designee authorized by the dean of student affairs to impose all sanctions provided under these procedures
- For an employee Respondent, the director of human resources or designee authorized by the director of human resources to impose all sanctions provided under these procedures

However, the Title IX Coordinator may designate a different Decision Maker, or panel of Decision Makers as needed. A Decision Maker may be an EC employee, an employee of another Church Educational System institution, or an independent contractor.

Neither the Title IX Coordinator nor the Investigator may serve as a Decision Maker.

Where the Title IX Coordinator designates a panel of Decision Makers, the following apply:

- The Title IX Coordinator will designate a Presiding Decision Maker who may independently decide questions of relevance or other procedural questions.
- The Decision Makers must unanimously agree on all points in the written Determination Regarding Responsibility, however, the Presiding Decision Maker may independently decide questions of relevance or other procedural questions.

The Title IX Coordinator will ensure that any individual designated as a Decision Maker receives training or has received training in the previous 12 months on any technology to be used at a live hearing and on issues of relevance of questions and evidence—including when questions and evidence about the complainant’s sexual predisposition or prior sexual behavior are not relevant—and meets all other standards required of Grievance Administrators under these procedures.

2.3 Written Submissions

After receiving the investigative report and no fewer than 10 business days before the hearing, the Parties must provide a written submission to the Decision Maker(s) that includes the following:

- the Party’s written response, if any, to the Investigative Report
- the name and contact information of any witnesses the Party intends to call at the hearing and the substance of the witnesses’ anticipated statements

- the name and contact information of the Party's chosen advisor for the hearing

If a Party does not identify their chosen advisor in their written submission, the Title IX Coordinator will, without fee or charge to the Party, appoint an advisor for that Party and, at least five business days prior to the hearing, provide the advisor's name and contact information to the Parties.

The Decision Maker(s) will review the Parties' written submissions and, at least five business days prior to the hearing, forward the written submissions to the other Party.

2.4 Opening and Closing Statements

The Decision Maker(s) may ask the Complainant and the Respondent to make a brief statement at the opening and/or closing of the hearing. The Decision Maker(s) may limit the time for these statements but will give each Party an equal opportunity to make any statements at the hearing.

2.5 Investigation Record

The Investigation Record will be available to the Decision Maker(s) and the Parties during the hearing, and each Party will be given equal opportunity to refer to information in the Investigation Record during the hearing, including for purposes of cross-examination. Physical or documentary information not included in the Investigation Record will not be admissible during the hearing unless the Presiding Decision Maker determines that the information was not reasonably available to the Party seeking its admission during the investigation.

2.6 Witnesses

The Decision Maker(s) and the Parties may ask the Investigator and any witness who has provided a statement to the Investigator in the Investigation Record to answer questions at the hearing. The college will make reasonable allowance for EC students and employees to participate in a Sexual Harassment hearing, if necessary, during regular school or work hours. However, the college will not compel any Party or witness to participate in a hearing.

If a Party or witness does not attend or does not submit to cross-examination at the hearing, the Decision Maker(s) may still, at the Decision Maker(s)'s

discretion, rely on any relevant statement of that Party or witness in reaching a Determination Regarding Responsibility. The Decision Maker(s) may not draw any inference about the Determination Regarding Responsibility based solely on a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions, including any inference that a Respondent's absence or refusal to answer questions implies his or her responsibility for the Sexual Harassment alleged or that a Complainant's absence or refusal to answer implies that the Respondent is not responsible for the Sexual Harassment alleged by the Complainant.

2.7 Direct and Cross-Examination of Parties and Witnesses

The Decision Maker(s) may ask any relevant questions of any Party or witness at the hearing, including the Investigator. The Decision Maker(s) will permit each Party's advisor to ask the Parties and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Any cross-examination at the live hearing will be conducted directly, orally, and in real time by a Party's advisor and never by a Party personally. If a Party does not have an advisor present at the live hearing, the college, without fee or charge to that Party, will provide an advisor of the college's choice to conduct cross-examination on behalf of that Party.

2.8 Relevance

Only relevant questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Presiding Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the Complainant's sexual predisposition or prior sexual behavior are not relevant and may not be asked, unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove consent.

2.9 Determination Regarding Responsibility

The Decision Maker(s) will objectively evaluate all evidence relevant to the allegations in the Notice of Allegations—including both information tending to show the Respondent's responsibility for Sexual Harassment and

information tending to show the Respondent is not responsible—and must unanimously determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent is responsible for Sexual Harassment. The Decision Maker(s) will not require, allow, rely on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the privilege has waived it. The Decision Maker(s) will presume that the Respondent is not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process and will not base any credibility determinations on a person's status as a Complainant, Respondent, or witness. It is the responsibility of the Decision Maker(s) to ensure that the burden of proof is met with regard to any Determination Regarding Responsibility of Respondent.

Within 10 business days of the hearing, the Decision Maker(s) will issue a written Determination Regarding Responsibility to the Parties. The Determination Regarding Responsibility must include the following:

- identification of the allegations potentially constituting Sexual Harassment and the Respondent's responses to each allegation
- description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held
- findings of fact supporting the Determination Regarding Responsibility
- conclusions regarding the application of the Sexual Harassment Policy to the facts
- a statement of, and rationale for, the result as to each allegation, including
- a Determination Regarding Responsibility
- any disciplinary sanctions the college imposes on the Respondent
- whether remedies designed to restore or preserve equal access to EC's Education Program or Activity will be provided to the Complainant

- the procedures and permissible bases for the Complainant and Respondent to appeal and the date the determination becomes final.

Remedies provided by the Decision Maker(s) may include Supportive Measures and disciplinary sanctions against the Respondent as detailed in the [Sexual Harassment Policy](#). The Title IX Coordinator is responsible for effectively implementing any remedies in conjunction with college units and management personnel authorized to implement such remedies.

The Presiding Decision Maker will promptly and simultaneously send a copy of the written Determination Regarding Responsibility to the Parties and their advisors and will provide copies to the Title IX Coordinator and the Investigator. The Determination Regarding Responsibility becomes final 11 business days after it is delivered to the Parties, unless an appeal is filed within 10 business days of the Parties receiving the written determination. If an appeal is timely filed, the Reviewer's Determination Regarding Responsibility becomes final on the date that the appeal decision is provided to the Parties. The Parties' access to the Investigation Record will terminate as soon as the Determination Regarding Responsibility becomes final, and any further access will be only as permitted by the [Confidentiality of Student Records Policy \(FERPA\)](#) or as required by law.

3. Appeal

Either Party may appeal a Determination Regarding Responsibility and the dismissal of a Formal Complaint or any of its allegations.

The appealing Party must submit a written appeal to the Title IX Office within 10 business days of receiving the Determination Regarding Responsibility or notice of dismissal. The written appeal is limited to five pages, exclusive of exhibits, and must identify at least one of the following grounds as the basis for the appeal:

- A procedural irregularity affected the outcome of the matter.
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter. This new evidence and an explanation of both why it was unavailable at the time the Determination Regarding Responsibility was made and its potential impact must be included in the appeal.

- The Title IX Coordinator, Investigator, or any Decision Maker had a conflict of interest, a bias for or against Complainants or Respondents generally, or a preexisting bias against the individual Complainant or Respondent that affected the outcome of the matter.

The Title IX Coordinator will send a copy of the written appeal to the other Party, who may file a written opposition to the appeal. The opposition must be sent to the Title IX Office within 10 business days of receiving the written appeal and is limited to five pages, exclusive of exhibits.

The Title IX Coordinator will send a copy of the opposition to the appealing Party for reference, as no further opposition or statements will be accepted.

The Title IX Coordinator will send the Determination Regarding Responsibility, written appeal, and any written opposition to a designated appeal reviewer (Reviewer) for review and will provide the Reviewer with access to the Investigation Record. Neither the Title IX Coordinator nor any person designated as an Investigator or Decision Maker in a matter may be designated as a Reviewer of the same matter. The Reviewer of a determination will generally be the vice president of student and college services. However, if the vice president of student and college services was a Decision Maker or if a conflict of interest exists, the Title IX Coordinator will designate another member of the President's Executive Council (PEC) to act as the Reviewer.

The Reviewer will not interview the Parties or consider any information outside the Investigation Record and the written appeal and opposition of the Parties.

Within 30 calendar days of receiving the appeal, the Reviewer will simultaneously provide the Parties and the Title IX Coordinator with a written Determination Regarding Responsibility upholding, reversing, or amending all or part of the original Determination Regarding Responsibility and providing the Reviewer's rationale for the result. If the Reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the Reviewer will advise the Parties as to when the appeal decision will be provided. The Reviewer's Determination Regarding Responsibility is final, and no further review will be allowed.

4. General Provisions

4.1 Impartiality

Grievance Administrators—including the Title IX Coordinator, Investigators, Decision Maker(s), and Reviewers—will presume the Respondent is not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process. Grievance Administrators will strive to objectively evaluate all relevant evidence, including both information tending to show the Respondent's responsibility for Sexual Harassment and information tending to show the Respondent is not responsible. No Grievance Administrator may participate in the grievance process if he or she has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Determinations regarding any person's credibility may not be based on the person's status as a Complainant, Respondent, or witness.

4.2 Confidentiality

Parties to the investigation of a Formal Complaint are not restricted from discussing the allegations under investigation, especially as necessary to gather and present relevant evidence. However, given the sensitive nature of Sexual Harassment allegations and the potential for damage to the Parties' personal reputations, all participants in the grievance process, including individuals who have made a report of Sexual Harassment, Complainants, Respondents, advisors, and witnesses, are requested to keep the allegations and investigation proceedings confidential insofar as possible. Any use or dissemination of information relating to the allegations or investigation that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the [Sexual Harassment Policy](#) or these procedures is prohibited retaliation.

Records kept by the college relating to Sexual Harassment allegations are not publicly available, but in the event the college is required to make any records publicly available, any identifying information about the Parties will be redacted, to the extent permissible by law, to protect the Parties' confidentiality.

4.3 Advisors

An investigation under these Procedures is an internal college student or employment disciplinary matter. Nevertheless, Parties may invite an advisor

of their choice to accompany them to any meeting or proceeding related to the investigation or resolution of a Formal Complaint. The advisor may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide advice and support. The college will not typically change scheduled meetings to accommodate an advisor's inability to attend. Individuals may elect to change their advisor during the investigative process and are not required to use the same advisor throughout the process.

An advisor may attend for purposes of observation but will not be permitted to represent a Party, to respond to questions posed to the Party they advise, or to otherwise participate in any meeting or proceeding that may take place under these procedures, except during live hearings as provided in these procedures. Advisors are subject to campus rules and are expected to refrain from interference with the college investigation and resolution process. Advisors are not permitted to contact or ask the other Party or any witness questions other than as permitted during the live hearing.

Although all Parties have the same opportunity to have an advisor present during any grievance proceeding, the college cannot guarantee equal advisory rights when it comes to advisors (e.g., if one Party selects an attorney as their advisor, but the other Party does not have or cannot afford an attorney, the college is not obligated to provide one). However, if a Party does not have an advisor present at the live hearing, the college will provide, without fee or charge to that Party, an advisor of the college's choice to conduct cross-examination of the other Party and witnesses on behalf of that Party. If the advisor provided by the college is an attorney, he or she will not have an attorney-client relationship with the Party, and their communications will not be subject to an attorney-client privilege. However, the college will treat the communications as confidential.

4.4 Notice, Delivery of Documents, and Extensions of Time

The college will provide any Party whose participation is invited or expected written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

Delivery of notice occurs when a Party receives documents in person, when they are sent by email to the Party's email address on file with the college, or three business days after they are posted by U.S. Mail to the Party's residential address on file with the college.

A Party may ask the Title IX Coordinator or designee for an extension of any deadline imposed by these procedures. The Title IX Office will grant the extension only for good cause with written notice to the other Party of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities.

4.5 Record Keeping

The college will maintain the following records for a period of at least seven years:

- records of any actions, including any Supportive Measures, taken in response to a report or Formal Complaint of Sexual Harassment. In each instance, the college must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to its Education Program or Activity. If the college does not provide a Complainant with Supportive Measures, then the college must document the reasons why the response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the college in the future from providing additional explanations or detailing additional measures taken.
- records of any informal resolution, including any written agreement of informal resolution
- records of each Sexual Harassment investigation, including any Determination Regarding Responsibility and any audio or audiovisual recording or transcript created during the live hearing, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to EC's Education Program or Activity
- records of any appeal and the result therefrom
- all materials used to train Grievance Administrators (which the college will also make publicly available on the [Title IX website](#))

Sexual Harassment Grievance Procedure (Non-Title IX Sexual Violence)

Ensign College (EC) prohibits Sexual Harassment. (See [Sexual Harassment Policy](#).) As described in the [Sexual Harassment Policy](#), the college will respond to allegations of Sexual Harassment by offering Supportive Measures designed to restore or preserve a Complainant's equal access to EC's Education Program or Activity. The college will also follow the applicable grievance process before imposing any disciplinary sanctions or other actions against a Respondent that are not Supportive Measures.

The following procedures describe the college's equitable, fair, prompt, and impartial response to Formal Complaints of Sexual Violence against an EC employee or student that do not fall under federal Title IX regulations because the allegations in the Formal Complaint did not occur in the United States or did not occur within EC's Education Program or Activity.

The Title IX Coordinator will follow the [Sexual Harassment Grievance Procedures \(Title IX\)](#) to respond to Formal Complaints of Sexual Harassment occurring against a person in the United States who is participating in or attempting to participate in EC's Education Program or Activity, as required by federal regulations under Title IX of the Education Amendments Act of 1972.

1. Investigation

The college will investigate allegations in a Formal Complaint as follows:

1.1 Preliminary Investigation and Dismissal

The college will consider the allegations in a Formal Complaint and will dismiss the Formal Complaint with regard to any alleged conduct that would not constitute Sexual Violence, even if proved. Dismissal for this reason precludes any subsequent Formal Complaint alleging the same factual allegations. However, a Complainant may file another Formal Complaint against the same Respondent based on new or additional factual allegations.

If, at any time after the filing of a Formal Complaint, it is determined that the allegations constitute Sexual Harassment that is subject to Title IX, the Formal Complaint will be addressed under the [Sexual Harassment Grievance Procedures \(Title IX\)](#).

The Title IX Coordinator may also dismiss a Formal Complaint or may suspend an investigation if a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein or if specific circumstances prevent gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint.

Upon a dismissal, the Title IX Coordinator will simultaneously send written notice of the dismissal and the reason for the dismissal to the Parties. Dismissal of a Formal Complaint does not preclude action against the Respondent under the [Church Educational System Honor Code](#), Banning Policy, or other college policies applicable to the conduct.

1.2 Selection of the Investigator

Upon receiving or signing a Formal Complaint, the Title IX Coordinator will deliver it to an EC employee, employee of another Church Educational System institution, or independent contractor selected by the Title IX Coordinator (Investigator) to investigate the allegations in the Formal Complaint.

1.3 Notice of Allegations

Upon receipt of a Formal Complaint, the Investigator will collect the information necessary to prepare a written Notice of Allegations and will provide the notice to the known Parties at least five business days before the Respondent's initial interview. The Notice of Allegations will include the following:

- notice of the allegations potentially constituting Sexual Violence, including the identities of the Parties involved in the incident (if known), the conduct allegedly constituting Sexual Violence, and the date and location of each alleged incident constituting Sexual Violence (if known)
- notice of the college's formal and informal grievance resolution processes
- notice to the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney
- notice prohibiting any Party from knowingly making false statements or knowingly submitting false information during the grievance

process, and informing the Parties that those actions constitute a material violation of the [Church Educational System Honor Code](#) commitment to “be honest”

- notice prohibiting any Party from engaging in retaliation

A Party who wishes to file a Formal Complaint against another Party or individual based on allegations arising out of the same facts or circumstances identified in the Notice of Allegations must file the Formal Complaint within 15 business days of receiving the Notice of Allegations or becoming aware of the facts on which the Formal Complaint is based, whichever is later. Allegations in any Formal Complaint received under this paragraph may be consolidated or separated as provided in the [Sexual Harassment Policy](#).

If, in the course of an investigation, the Investigator decides to investigate allegations of Sexual Violence about the Complainant or Respondent that are not included in the Notice of Allegations, the Investigator will provide all known Parties with a supplemental Notice of Allegations as to the additional allegations.

1.4 Information Gathering

The Investigator will provide an equal opportunity for the Parties to identify witnesses, including fact witnesses, and to provide other information, whether the information tends to show the Respondent’s responsibility for Sexual Violence or tends to show the Respondent is not responsible. The Investigator may ask the Parties to provide this information in a written statement and/or through live interview(s). The Investigator will not restrict the ability of either Party to discuss the allegations under investigation with others or to gather and provide relevant information to the Investigator, but the Parties are reminded that any discussions may not violate any protective orders then in force and must not include intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by the [Sexual Harassment Policy](#) or these procedures.

The Investigator will seek to collect information sufficient for the individual or individuals (Decision Maker(s)) assigned to make findings of fact and reach a determination as to whether the Respondent engaged in Sexual Violence (Determination Regarding Responsibility) based on the preponderance of the

evidence (i.e., evidence sufficient to show that the determination is more likely than not to be true).

The Investigator will consider all relevant information—including information tending to show the Respondent’s responsibility for Sexual Violence and information tending to show the Respondent is not responsible—from the Parties or from other sources, including college records. However, the Investigator will not interview a Party’s ecclesiastical leader, physician, psychiatrist, psychologist, lawyer, or other professional or paraprofessional acting or assisting in that capacity; nor will the Investigator access, consider, disclose, or otherwise use records that are made or maintained in connection with the confidential communication with or treatment by any such person, unless the Investigator obtains that Party’s voluntary, written consent to do so for a grievance process under these procedures. The Investigator will not intentionally require, allow, rely on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the Party holding the privilege has waived the privilege.

1.5 Investigation Record

The Investigator will create a record (Investigation Record) consisting of all information obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether the Investigator thinks the information is relevant.

1.6 Investigative Report

At least 10 business days before the conclusion of the investigation, the Investigator will create a report (Preliminary Investigative Report) that

- identifies the allegations potentially constituting Sexual Violence and the Respondent’s responses to each allegation;
- describes the procedural steps taken following the receipt of the Formal Complaint, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence;
- impartially summarizes the relevant evidence;
- makes recommended findings of fact; and

- makes any other recommendations the investigator deems appropriate.

The Investigator will simultaneously send the Preliminary Investigative Report and the Investigation Record to each Party and each Party's advisor, if any, through a file-sharing platform that provides the Parties with read-only access and maintains the confidentiality of the transmitted data.

Each Party and advisor must maintain the confidentiality of all information in the Preliminary Investigative Report and the Investigation Record, must use this information only for purposes of these procedures, and must not further distribute or disclose this information. The college may seek appropriate sanctions against a Party or an advisor who violates a confidentiality obligation under these procedures.

After the Investigator sends the Preliminary Investigative Report and Investigation Record to the Parties, they will have 10 business days to submit a written response, which the Investigator will consider prior to finalizing the Investigative Report. Any written response and any additional evidence provided in connection with a Party's written response will be added to the Investigation Record. After the deadline for the Parties to submit their written responses to the Preliminary Investigative Report and Investigation Record has passed, the Investigator will promptly finalize the Investigative Report and send it and the Investigation Record to the Decision Maker(s).

The Investigator will, in good faith, attempt to conclude the investigation and issue the Investigative Report and Investigation Record to the Decision Maker(s) within 90 calendar days of receiving the Formal Complaint of Sexual Violence. If, as a result of the complexity of a case or other good cause—including considerations such as the absence of a Party, a Party's advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities—the investigation cannot reasonably be concluded within the 90-day period, the Investigator will provide the Complainant and the Respondent with written notice of the delay and the reason for the delay or extension.

2. Determination Regarding Responsibility

The Title IX Coordinator will designate a Decision Maker or panel of Decision Makers. Generally, one of the following will be designated as a Decision Maker:

- For a student Respondent, the dean of student affairs or designee authorized by the dean of student affairs to impose all sanctions provided under these procedures
- For an employee Respondent, the director of human resources or designee authorized by the director of human resources to impose all sanctions provided under these procedures

However, the Title IX Coordinator may designate a different Decision Maker, or panel of Decision Makers as needed. A Decision Maker may be an EC employee, an employee of another Church Educational System institution, or an independent contractor.

Neither the Title IX Coordinator nor the Investigator may serve as a Decision Maker. However, the Title IX coordinator will serve as a non-voting resource to assist the Decision Maker(s).

The Decision Maker(s) will objectively evaluate all evidence in the Investigative Report and Investigation Record, and, by a majority vote, make a Determination Regarding Responsibility based on the preponderance of evidence. At the Decision Maker(s)'s discretion, the Investigator may be invited to respond to questions about the Investigative Report and the Investigation Record. The Decision Maker(s)'s discussions with the Investigator and the Decision Maker(s)'s deliberations will be closed to the Parties and their advisors. Remedies provided by the Decision Maker(s) may include Supportive Measures and disciplinary sanctions against the Respondent as detailed in the [Sexual Harassment Policy](#).

Within 60 calendar days of the Investigator's transmission of the Preliminary Investigative Report and the Investigation Record, the Decision Maker(s) will simultaneously issue a written Determination Regarding Responsibility to the Parties and their advisors, if any, and the Title IX Coordinator.

The Determination Regarding Responsibility must include the following:

- findings of fact supporting the Determination Regarding Responsibility
- conclusions regarding the application of the [Sexual Harassment Policy](#) to the facts
- a statement of, and rationale for, the result as to each allegation, including

- a Determination Regarding Responsibility
- any disciplinary sanctions the college imposes on the Respondent
- the procedures and permissible bases for the Complainant and Respondent to appeal and the date the Determination Regarding Responsibility becomes final

The Parties will be simultaneously notified of any delay in issuing the Determination Regarding Responsibility and the reason for the delay and of any changes to the Determination before it becomes final.

The Title IX Coordinator is responsible for coordinating the implementation of any remedies identified in the Determination Regarding Responsibility with the college units and management personnel authorized to implement the remedies.

3. Appeal

A Party who is unsatisfied with the Decision Maker(s)'s Determination Regarding Responsibility (Appealing Party) or notice of dismissal may submit an appeal within 10 business days of receiving the Determination Regarding Responsibility or notice of dismissal. An appeal is not a reconsideration of the case but is limited to the contents of the notice of dismissal or the Determination Regarding Responsibility, Investigative Report, and the Investigation Record. The Appealing Party must show at least one of the following:

- A procedural irregularity affected the outcome of the matter.
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter. This new evidence and an explanation of both why it was unavailable at the time the Determination Regarding Responsibility or dismissal was made and its potential impact must be included in the appeal.
- The Title IX Coordinator, Investigator, or any Decision Maker had a conflict of interest, a bias for or against Complainants or Respondents generally, or a preexisting bias against the individual Complainant or Respondent that affected the outcome of the matter.

An appeal may not exceed five pages in length and must be submitted to the Title IX Coordinator, who will send a copy of the appeal to the non-appealing Party (Non-appealing Party) and advisor, if any. The Non-appealing Party will have 10 business days after the delivery of the appeal to provide a response, which may not exceed five pages in length, to the Title IX Coordinator. The Title IX Coordinator will promptly send the appeal and response, if any, to a designated appeal reviewer (Reviewer) for review.

The Reviewer will generally be the vice president of student and college services. However, if the vice president of student and college services was a Decision Maker or if a conflict of interest exists, the Title IX Coordinator will designate another member of the President's Executive Council (PEC) to act as the Reviewer.

Neither the Title IX Coordinator nor any person designated as an Investigator or Decision Maker in a matter may be designated as a Reviewer of the same matter.

The Reviewer will not interview the Parties or consider any information outside the dismissal notice or the Determination Regarding Responsibility, the Investigative Report, and the Investigation Record.

Within 30 calendar days of receiving the appeal, the Reviewer will simultaneously provide the Parties and the Title IX Coordinator with a written Determination Regarding Responsibility upholding, reversing, or amending all or part of the original Determination Regarding Responsibility and providing the Reviewer's rationale for the result. If the Reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the Reviewer will simultaneously advise the Parties as to when the appeal decision will be provided. The Reviewer's Determination Regarding Responsibility is final, and no further review will be allowed.

The Title IX Coordinator is responsible for coordinating the implementation of the Reviewer's Determination Regarding Responsibility with the college units and management personnel authorized to implement the actions. In cases where the Reviewer's Determination Regarding Responsibility results in reinstatement to the college or resumption of privileges, all reasonable attempts will be made to restore the Respondent's prior status.

4. General Provisions

4.1 Impartiality

These procedures will be conducted by individuals who do not have a conflict of interest or bias for or against the Complainant or the Respondent.

4.2 Confidentiality

Parties to the investigation of a Formal Complaint are not restricted from discussing the allegations under investigation, especially as necessary to gather and present relevant evidence. However, given the sensitive nature of Sexual Violence allegations and the potential for damage to the Parties' personal reputations, all participants in the grievance process, including individuals who have made a report of Sexual Violence, Complainants, Respondents, advisors, and witnesses, are requested to keep the allegations and investigation proceedings confidential insofar as possible. Any use or dissemination of information relating to the allegations or investigation that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the [Sexual Harassment Policy](#) or these procedures is prohibited retaliation.

Records kept by the college relating to Sexual Harassment allegations (including Sexual Violence allegations) are not publicly available, but in the event the college is required to make any records publicly available, any identifying information about the Parties will be redacted, to the extent permissible by law, to protect the Parties' confidentiality.

4.3 Advisors

An investigation under these Procedures is an internal college student or employment disciplinary matter. The Parties may invite an advisor of their choice to accompany them to meetings related to the investigation or resolution of a Formal Complaint of Sexual Violence that the Parties are invited to attend. The advisor may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide advice and support. The college will not typically change scheduled meetings to accommodate an advisor's inability to attend. Individuals may elect to change their advisor during the investigative process and are not required to use the same advisor throughout the process.

An advisor may attend for purposes of observation but will not be permitted to represent a Party, to respond to questions posed to the Party they advise, or to otherwise participate in any meeting or proceeding that may take place under these procedures. Advisors are subject to campus rules and are expected to refrain from interference with the college investigation and resolution process. Advisors are not permitted to contact the other Party or any witness.

The college will not provide an advisor for a party. Although all Parties have the same opportunity to have an advisor present, the college cannot guarantee equal advisory rights when it comes to advisors (e.g., if one Party selects an attorney as their advisor, but the other Party does not have or cannot afford an attorney, the college is not obligated to provide one).

4.4 Notice, Delivery of Documents, and Extensions of Time

Any Party whose participation is invited or expected in proceedings described in these procedures will receive written notice of the date, time, location, participants, and purpose of the proceeding, which will be provided in sufficient time for the Party to prepare to participate.

Delivery of documents occurs when a Party receives documents in person, when they are sent by email to the Party's email address on file with the college, or three business days after they are posted by U.S. Mail to the Party's residential address on file with the college.

A Party may ask the Title IX Coordinator or designee for an extension of any deadline imposed by these procedures. The Title IX Office, in consultation with the Investigator, Decision Maker(s), or Reviewer, will grant the extension only for good cause with written notice to the other Party of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a Party, a Party's advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities.

4.5 Record Keeping

The college will maintain records related to the application of these procedures for a period of at least seven years.

Drug-Free School Policy

Ensign College (the “College”) encourages an academic environment that promotes the health, safety, and welfare of all College members. As a condition of enrollment or employment, the College requires that all students and personnel abide by a personal commitment to the Church Educational System Honor Code (“Honor Code”), which includes abstaining from the possession, use, or distribution of illegal drugs or alcohol, and abstaining from the intentional misuse or distribution of any prescription or legal drugs without specific medical authorization. These prohibitions apply both on and off campus.

The Drug-Free Schools and Communities Act Amendments of 1989 provides that, as a condition of receiving federal funds under any federal program, a higher education institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of drugs and alcohol by students and personnel.¹ To comply with this law and further its commitment to support society’s effort to eliminate drug and alcohol abuse, the College has adopted this Drug-Free School Policy to supplement the Honor Code. If there is a conflict between this policy and the Honor Code, the Honor Code will be the controlling document.

This Drug-Free School Policy should not be confused with the College’s Drug-Free Workplace Policy, which is designed to comply with the Drug-Free Workplace Act of 1988 and which governs the workplace environment of College personnel engaged in research sponsored by the federal government.

Drug Prevention Program

The College has adopted and implemented a drug prevention program for its students and College personnel. This program includes annual distribution in writing to each student— regardless of the length of the student’s program of study—and to all personnel the following information: (1) the standard of conduct expected of students and personnel in relation to the possession, use, or distribution of drugs and alcohol; (2) the standard of conduct related to the misuse of prescription drugs, alcohol, and tobacco; (3) a description of the applicable legal sanctions under state and federal law that may arise from the unlawful possession or distribution of drugs; (4) a description of the health risks associated with the use of illegal drugs; (5) a description of the College’s substance abuse counseling and treatment resources available to

students and personnel; and (6) a clear statement of the disciplinary sanctions that may be imposed upon students and personnel for violations of the College's Drug-Free School Policy.

Disciplinary Sanctions for Drug Violations

Personnel or students found to be knowingly possessing, using, or distributing illegal drugs, alcohol, or tobacco are subject to College disciplinary action and, if applicable, to legal sanctions pursuant to federal, state, or local law. A student or employee who violates this policy or the related prohibitions on drug, alcohol, and tobacco use in the Honor Code will be subject to applicable disciplinary sanctions up to and including dismissal from the College or termination of employment.

The College will determine the appropriate sanction(s) on a case-by-case basis and may consider all of the circumstances involved, including, but not limited to, the following factors: (1) whether the violation constitutes a first offense; (2) the scope and duration of the individual's drug, alcohol, or tobacco use; (3) whether the individual has requested assistance to obtain substance abuse treatment; and (4) any other efforts the individual has undertaken to correct the misconduct, such as counseling with an ecclesiastical leader about the drug, alcohol, or tobacco use. In applicable cases, discipline may involve referral to local law enforcement for criminal prosecution.

Individuals involved in the unintentional misuse of prescription drugs are not subject to the sanctions stated in this policy, but rather are encouraged to seek assistance through professional resources.

Available Drug Counseling and Treatment

The College supports student and personnel participation in programs to prevent the abuse of illegal drugs, prescription drugs, alcohol, and tobacco. The College's counseling office is available for students and can help refer them to professionals in the community for long-term assistance.

The general College prevention program of information dissemination, consultation, and referral is available as follows:

- The College will educate students and personnel about the detrimental effects of illegal drugs, misuse of prescription drugs, alcohol, and tobacco through the College's annual Clery Act Campus Security Report ("Security Report") publication and distribution. Additional

educational training for those who request the service may consist of College sponsored workshops, seminars, and lectures as determined appropriate by the Dean of Students and approved by College administration.

- A description of the health risks associated with any particular drug (i.e., physical and psychological addiction; physical, psychological, and spiritual deterioration; disease; and death) may be obtained from the College's annual Security Report, which is available online or can be requested in hard-copy form from Director of Human Resources.
- The College recognizes that potential legal sanctions may accompany an individual's use of drugs. The applicable legal sanctions under federal, state, or local law may include significant fines and imprisonment. A summary of applicable legal sanctions from the unlawful use of drugs may be obtained from the College's annual Security Report, which is available online or can be requested in hard-copy form from the Clery Officer.
- Students involved in the intentional use of drugs, alcohol, or tobacco may seek counseling from the Manager of Counseling for possible referral to an outside medical provider. All discussions will be handled in a confidential manner to the extent permitted by law.

The College supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems. Persons aware of those with substance abuse problems enrolled at or employed by the College are encouraged to act responsibly by consulting with the Dean of Students, Human Resources Director, or by submitting a report through the Compliance Hotline. Remaining silent or waiting until a situation has escalated is unwise and often dangerous.

Biennial Drug-Free School Program Review

In conjunction with the submission of the College's annual security disclosure report, the Director of Human Resources and the Dean of Students review the College's substance abuse prevention program to determine its effectiveness, implement changes to the program as needed, and confirm that appropriate disciplinary sanctions are consistently enforced against students and personnel who violate this policy.

Appendices

Appendix A: FBI Crime Definitions

Under the Clery Act, colleges and universities use the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The following are FBI crime definitions.

Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through gross negligence.

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.

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.

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 his/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.

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. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. For reporting purposes, this definition includes all cases where automobiles are taken by persons not having lawful access—even if the vehicles are later abandoned (including joyriding).

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, the personal property of another, etc.

Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

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.

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.

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 nonconforming 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.

National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

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.

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.

Sexual Orientation

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

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.

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

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.

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.

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.

Stalking

Engaging in a course of conduct [two or more acts such as following, monitoring, observing, surveilling, threatening, communicating or interfering] directed at a specific person that would cause a reasonable person to—(A) Fear for the person's safety or the safety of others; or (B) Suffer substantial emotional distress.

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 following: the manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempts to commit any of the above.

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 their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance, as well as any arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Included in this classification are the following: all drugs, without exception, that are illegal under local or state law; and all illegally obtained prescription 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. The following are included in this classification: the manufacture, sale, transporting, furnishing, possessing, 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; and drinking on a public conveyance.

Utah Definitions Relating to Consent, Dating Violence, Domestic Violence Sexual Assault, and Stalking

Ensign College's educational programs to prevent and raise awareness about consent, dating violence, domestic violence, sexual assault, and stalking include and refer to the following state law definitions.

Consent

Under Utah law, sexual acts are without consent under any of the following circumstances:

- The victim expresses lack of consent through words or conduct.
- The actor overcomes the victim through physical force or violence.
- The actor overcomes the victim through concealment or by the element of surprise.
- The actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim perceives or believes at the time that the actor is able to execute the threat.
- The actor knows that the victim is unconscious, unaware that the act is occurring, or physically unable to resist.
- The actor knows or reasonably should know that the victim has a mental disease or defect that renders the victim unable to understand the nature of the act, or resist it, understand possible consequences to the victim's health or safety, or understand the nature of the relationship between the parties.
- 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 fourteen years of age.
- The victim is younger than eighteen years of age and 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 fourteen years of age or older, but younger than eighteen years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to force or threat.
- The actor is a health professional or religious counselor and 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 the act was for medically or professionally appropriate diagnosis, counseling, or treatment.

Utah Code Ann. § 76-5-406 (2018).

Dating Violence

Under Utah law, dating violence is any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner. Any attempt, conspiracy, or solicitation to commit such a crime also qualifies as dating violence.

Utah Code Ann. § 78B-7-402(4) (2018).

Domestic Violence

Under Utah law, domestic violence is any criminal offense involving violence or physical harm (or threat of violence or physical harm) when committed against a person sixteen years of age or older by a cohabitant— someone also sixteen years of age or older who is the person's current or former spouse (in reality or by appearance), a relative of the person to the second degree (by blood or marriage), the parent of the person's child (even an unborn child), someone who has resided at the same residence as the person, or in a consensual sexual relationship (currently or formerly) with the person.

The definition of domestic violence also includes any attempt, conspiracy, or solicitation to commit a crime of violence or physical harm. Any of the following crimes committed or attempted by a cohabitant against a cohabitant constitute the crime of domestic violence:

- Aggravated assault
- Assault
- Criminal homicide
- Harassment
- Electronic communication harassment
- Kidnapping, child kidnapping, or aggravated kidnapping
- Mayhem
- Sexual offenses
- Stalking
- Unlawful detention or unlawful detention of a minor
- Violation of a protective order or ex parte protective order
- Any offense against property
- Possession of a deadly weapon with criminal intent
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle
- Disorderly conduct (if a result of a plea agreement where domestic violence was charged)
- Child abuse
- Threatening use of a dangerous weapon
- Threatening violence
- Tampering with a witness
- Retaliation against a witness or victim
- Unlawful distribution of an intimate image
- Sexual battery
- Voyeurism
- Damage to or interruption of a communication device
- Offenses against a child or vulnerable adult (child abandonment; domestic violence in a child's presence; abuse or neglect of a child with a disability; and abuse, neglect, or exploitation of a vulnerable adult)

Utah Code Ann. §§ 77-36-1(1), (4), 78B-7-102(2) (2018).

Sexual Assault

Under Utah law, sexual assault is defined as any criminal conduct constituting a sexual offense (including, but not limited to, rape, object rape, sodomy, forcible sexual abuse, sexual abuse of a child, aggravated sexual assault, and other nonconsensual sexual offenses).

Utah Code Ann. §§ 26-21b-102(8), 76-5-401 to -406 (2018).

Stalking

Under Utah law, stalking occurs when a person intentionally or knowingly engages in a course of conduct (two or more acts) that is directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for their own safety or the safety of a third person or to suffer emotional distress. Intentionally or knowingly violating a stalking injunction also constitutes stalking. Acts that may constitute stalking in Utah include following, monitoring, observing, photographing, surveilling, threatening, communicating to or about a person, or interfering with a person's property. Stalking may also occur by engaging in any of the following acts or causing someone else to engage in any of these acts:

- Approaching or confronting a person
- Appearing at a person's workplace or residence, or contacting a person's employer, coworkers, or neighbors
- Entering property owned, leased, or occupied by a person
- Sending material by any means to the person
- Sending material to the person's family, household, employer, coworker, friend, or associate for the purpose of obtaining or disseminating information about or communicating with the person
- Placing an object on or delivering an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person
- Using a computer, the Internet, text messaging or any other electronic means to commit an act that is a part of the course of conduct

Utah Code Ann. § 76-5-106.5(1)(b), (1)(f), (2), (3) (2018).

Spousal Abuse

One of the most common forms of domestic abuse is spousal abuse. Some warning signs of domestic abuse include the following:

- One spouse's social relationships have narrowed.
- One spouse makes all the rules.
- One puts the other down.
- One is afraid.
- One has been physically injured.

Appendix B: Description of Type and Frequency of Programs about Campus Security and Crime Prevention

Campus security: 20 U.S.C. § 1092(f)(1)(D), 34 C.F.R. § 668.46(b)(5)

Crime prevention: 20 U.S.C. § 1092(f)(1)(E), 34 C.F.R. § 668.46(b)(6)

To promote the security of the campus community, Ensign College offers programs designed to do the following: inform students and employees about the prevention of crimes, inform students and employees about campus security procedures and practices, encourage students and employees to be responsible for their own security and the security of others, and educate students and employees about how to prevent crimes.

New Students and New Employees

New students and new employees are emailed safety guidance created by the Salt Lake Police Department, Salt Lake City Transportation, and Ensign College at the beginning of each semester, which outlines ways to mitigate and respond to emergency situations. This guidance can be found at

- <https://slcpd.com/resources/brochures/>
- <https://www.slc.gov/transportation/bike/safety-tips/>
- <https://www.ensign.edu/how-to-be-an-engaged-bystander>
- <https://www.ensign.edu/safety-and-prevention>

Annual Training for Employees and Volunteers

All employees and volunteers are required to complete annual training focused on the following topics:

- Title IX and Sexual Harassment: This is designed to explain the fundamental principles of Title IX, how to increase one's safety, how someone should respond if they are a witness, and how someone should respond if they are a victim.
- Active Aggressor Training: This is designed to train individuals to be prepared to respond in the event of an active aggressor crisis. It highlights ways to collaborate as a team to combine efforts to stop or reduce an active aggressor crisis and communicate with law enforcement and other emergency responders. It also discusses warning signs to help prevent an active aggressor crisis.

- Information Security Essentials: This provides three essential information security modules to increase protection for Ensign College. It discusses how to create secure passwords and pins, how to keep devices secure, and how to identify and avoid phishing scams.
- FERPA: This provides exposure to and awareness of the federal regulations and the college's policy governing student educational records.
- Employee Conduct Training: Among other things, this provides instruction about alignment with the mission of the college and the CES Honor Code, fraud prevention, respect for others, sexual harassment, a safe work environment, and protection from retaliation.

Annual Safety Summit

On an annual basis, the Title IX Office works with other outside organizations to host an event focused on campus safety. Some of these organizations are the BYU Title IX Office, the Church Security Department, and the UTA Police Department.

See Something—Say Something

“If You See Something, Say Something” is a national campaign launched by the U.S. Department of Homeland Security that raises public awareness of the indicators of terrorism and terrorism-related crime, as well as the importance of reporting suspicious activity to state and local law enforcement. This is continually posted on flat screens in front of each elevator year-round.

Safety Education Upon Request

The Title IX Office and the Church Security Department provide lectures, facilitate exercises, and conduct other types of training for students or employees.

Programs for Drug and Alcohol Abuse Education

20 U.S.C. § 1092(f)(1)(H), 34 C.F.R. § 668.46(b)(10)

20 U.S.C. § 1011i(a)(1)(D), 34 C.F.R. § 86.100(a)(4)

Ensign College's drug and alcohol-abuse education programs are described in the “Available Drug Counseling and Treatment” section of the [Drug-Free School Policy](#).

Sex Offender Registry Information

20 U.S.C. § 1092(f)(1)(I), 34 C.F.R. § 668.46(b)(12)

The campus community can obtain law enforcement agency information provided by each state concerning registered sex offenders through the National Sex Offender Public Website at nsopw.gov. This website allows for conducting a search of sex offender registries by name or location.

Appendix C: Legal Sanctions for Unlawful Possession or Distribution of Drugs or Alcohol and Health Risks Associated with Illicit Drugs and Alcohol Abuse

Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol

The college is required by federal law to distribute the following information to each employee and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study. See 20 U.S.C. § 1011i(a)(1)(B); 34 C.F.R. § 86.100(a)(2).

Local, state, and federal law impose legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol.

A. Local Sanctions

Under Salt Lake City ordinance, it is a class C misdemeanor to have an open container of alcohol in an unpermitted public place. Salt Lake City Code § 11.12.065. It is a class C misdemeanor to drink or carry an open container of alcohol while driving a vehicle. *Id.* § 12.24.070. It is a class B misdemeanor to operate a vehicle under the influence of alcohol or drugs. *Id.* § 12.24.100. A first offense results in a mandatory jail sentence of not less than 48 hours nor more than 240 hours, community service between 24 and 50 hours, participation in an assessment and educational series at a licensed alcohol rehabilitation facility at the person's expense, and a fine between \$700 and \$1,000. *Id.* Subsequent offenses carry higher penalties.

Under Salt Lake County ordinance, it is a misdemeanor to possess any beer or alcoholic beverage while under the age of 21. Salt Lake County Code § 10.56.070. It is a class B misdemeanor to be intoxicated in a public place and unable to exercise care for the safety of self and others. *Id.* § 10.36.010. It is also unlawful in Salt Lake County for a person to drive under the influence of alcohol or drugs. *Id.* § 11.28.010. A first offense results in mandatory assessment and education at a rehabilitation facility and a mandatory jail sentence of between 48 hours and ten days or community service for two to ten days. *Id.* Subsequent offenses carry higher penalties.

B. State Sanctions – Utah State

Penalties for the Unlawful Possession or Distribution of Illicit Drugs

Utah law prohibits knowing and intentional unauthorized possession, manufacturing, and distributing controlled substances and counterfeit controlled substances.

Utah law classifies substances in schedules (Utah Code § 58-37-4) and assigns penalties based on these classifications. The penalties are as follows:

- For a first offense that involves a substance or a counterfeit of a substance classified in Schedule I or II or GHB, a conviction could result in a prison sentence of up to 15 years and a fine of \$10,000 (Utah Code § 76-3-301(1)(a)).
- For a first offense that involves a substance or a counterfeit of a substance classified in Schedule III or IV or marijuana, a conviction could result in a prison sentence of up to 5 years (Utah Code § 76-3-203) and a fine of up to \$5000 (Utah Code § 76-3-301(1)(a)).
- For a substance or a counterfeit of a substance classified in Schedule V, a conviction could result in a prison sentence of up to 364 days (Utah Code § 76-3-204) and a fine of up to \$2500 (Utah Code § 76-3-301(1)(a)).

Penalties increase for subsequent convictions and may result in a prison sentence of five years to life (Utah Code § 76-3-203) and a fine of up to \$10,000 (Utah Code § 76-3-301(1)(a)).

The penalties may be more severe if the possession or distribution offense was committed

- By someone in immediate possession of a gun during the offense;
- In the presence of a person under 18 years old; or
- Within 100 feet of various kinds of schools, child-care facilities, public locations, or houses of worship.

Penalties for the Unlawful Possession or Distribution of Alcohol

It is unlawful for anyone under the age of 21 to possess, consume, or attempt to purchase an alcohol product. Utah Code § 32B-4-409(1). A violation could result in the actor's driver license being suspended for up to two years (Utah Code §§ 32B-4-409(5)–(6); 80-6-707; 53-3-219) and court-mandated completion

of screenings, assessments, and education programs (Utah Code § 32B-4-409(4)).

It is unlawful to sell, offer for sale, or furnish an alcoholic product to anyone under the age of 21 (Utah Code § 32B-4-403(1)), and a violation may result in a prison sentence of up to 364 days (Utah Code § 76-3-204) and a fine of up to \$2500 (Utah Code § 76-3-301(1)(c)).

It is an offense under Utah Code § 41-6a-526 to drink an alcoholic beverage while operating a motor vehicle, have an open alcoholic beverage in the passenger area of a motor vehicle, or allow a passenger to have an open alcoholic beverage. This could result in a prison sentence of up to 90 days (Utah Code § 76-3-204) and a fine of up to \$750 (Utah Code § 76-3-301(1)(e)).

C. Federal Sanctions

Penalties for the Unlawful Possession of Illicit Drugs (21 U.S.C. § 844)

Federal law prohibits knowingly or intentionally possess an unauthorized controlled substance or prohibited chemical. The penalties are as follows:

- A first conviction for possession may result in up to 1 year in prison and a minimum fine of \$1,000.
- If a person has a prior conviction for a violation of state or federal drug laws, the penalty for possession is a prison sentence of 15 days to 2 years and a minimum fine of \$2,500.
- If a person has two or more prior convictions for violations of state or federal drug laws, the penalty for possession is a prison sentence of 90 days to three years and a minimum fine of \$5000.

Penalties for the Distribution of Illicit Drugs (21 U.S.C. § 841)

Federal law prohibits the unlawful manufacturing or distributing controlled substances.

Federal law classifies substances in schedules and assigns penalties based on the amount of the substance involved and its classification (see dea.gov). The penalties are as follows:

- For substances in Schedule I or Schedule II, GHB, or flunitrazepam, a first conviction could result in a prison sentence of up to 20 years. If death or serious bodily injury results from the act, the penalty may be a life sentence and fines up to \$10 million.

- For Schedule III substances, a conviction could result in a prison sentence of up to 10 years, and if death or serious bodily injury results, up to 15 years and a fine of \$500,000.
- For less than 50 kilograms of marijuana, a conviction could result in a prison sentence of up to five years and a fine of up to \$250,000.
- For Schedule IV substances, a conviction could result in a prison sentence of up to 5 years and a fine of up to \$250,000.

Penalties for subsequent convictions are more severe.

If manufacturing or distribution occurs within 1,000 feet of an elementary school, secondary school, college, or university (21 U.S.C. § 860), penalties could be twice as high as the regular penalties for the offense, with a mandatory prison sentence of at least one year, unless the offense involves five grams or less of marijuana.

Additional Penalties

In addition to prison sentences and fines, possible federal sanctions for the unlawful possession or distribution of illicit drugs include

- forfeiture of personal property and real estate;
- loss of federal benefits, including loans and grants;
- drug treatment and testing; and
- community service.

These sanctions are detailed at 21 U.S.C. § 853 and 21 U.S.C. § 862.

Health Risks Associated with Illicit Drugs and Alcohol Abuse

The college is required by federal law to distribute the following information to each employee and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study. See *20 U.S.C. § 1011i(a)(1)(C) and 34 C.F.R. § 86.100(a)(3)*

The health risks associated with the use of illicit drugs and the abuse of alcohol vary by substance and amount ingested. These health risks include the following:

- alcoholic hepatitis
- anxiety
- brain damage

- cancer
- cirrhosis
- constipation
- death
- depression
- fatty liver disease
- high blood pressure
- impaired coordination and movement
- impaired immune system
- impaired thinking
- irritability
- loss of sense of smell
- mood swings
- nausea and vomiting
- nerve damage
- pancreatitis
- paranoia
- stomach cramps
- stroke
- trouble sleeping

For more detailed information, see the [Drug-Free School Policy](#) and the National Institute on Drug Abuse’s website, available at nida.nih.gov/research-topics/commonly-used-drugs-charts, and the National Institute on Alcohol Abuse and Alcoholism’s website, available at niaaa.nih.gov/alcohols-effects-health/alcoholseffects-body.

Appendix D: Annual Security Report Regulatory Requirements

ASR 1 Policies Regarding Procedures to Report On-Campus Criminal Actions or Other Emergencies	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(A)	(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports. * * *
34 C.F.R. § 668.46(b)(2)	(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. . .
• Clery Act Policy • Clery Act Procedures, Section 6 Reporting Crimes to Law Enforcement and the Church Security Department	

ASR 2 Policies Regarding Procedures to Report On-Campus Criminal Actions or Other Emergencies—Policies for Making Timely Warnings	
Citation	Requirement

20 U.S.C. § 1092(f)(1)(A)	(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports.
34 C.F.R. § 668.46(b)(2)(i) ["timely warning reports" is not a term or concept mentioned in the statute]	* * * (2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including – (i) Policies for making timely warning reports to members of the campus community, as required by <u>paragraph (e)</u> of this section, regarding the occurrence of crimes described in <u>paragraph (c)(1)</u> of this section . . .
34 C.F.R. § 668.46(e) ["emergency notification" is not a term or concept mentioned in the statute and the regulations do not appear to require that the policy include emergency notification procedures, but ED enforcement actions have indicated that ASR policy	(e) <i>Timely warning and emergency notification.</i> (1) An institution must, in a manner that is timely and that withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the <u>Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20))</u>, and that will aid in the prevention of similar crimes, report to the campus community on crimes that are— (i) Described in paragraph (c)(1) of this section; (ii) Reported to campus security authorities as identified under the institution's statement of current campus policies pursuant to <u>paragraph (b)(2)</u> of this section or local police agencies; and

statements also need to include a description of the emergency notification procedures]	(iii) Considered by the institution to represent a threat to students and employees. (2) An institution is not required to provide a timely warning with respect to crimes reported to a pastoral or professional counselor. . . .
• Clery Act Policy • Clery Act Procedures, Section 1 Timely Warnings	

ASR 3 Policies Regarding Procedures to Report On-Campus Criminal Actions or Other Emergencies—Policies for Making Emergency Notifications	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(A)	(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports. * * *
34 C.F.R. § 668.46(b)(2)(i)	(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including – . . .
34 C.F.R. § 668.46(e) [“emergency notification” is not a term or concept mentioned in the statute and the regulations do not appear to require that the policy include emergency notification procedures, but at least one ED enforcement action indicated that ASR policy statements also need to include a description of the emergency notification procedures]	(e) <i>Timely warning and emergency notification.</i> . . . (3) If there is an immediate threat to the health or safety of students or employees occurring on campus, as described in paragraph (g)(1) of this section, an institution must follow its emergency notification procedures. An institution that follows its emergency notification procedures is not required to issue a timely warning based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed.
• Clery Act Policy • Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures	

ASR 4 Policies Regarding Procedures to Report On-Campus Criminal Actions or Other Emergencies—Policies for Preparing the Annual Disclosure of Crime Statistics	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(A)	(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports. * * *
34 C.F.R. § 668.46(b)(2)(ii)	(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including – . . . (ii) Policies for preparing the annual disclosure of crime statistics;
• Clery Act Policy • Clery Act Procedures, Section 2 Annual Disclosure of Crime Statistics	

ASR 5 Policies Regarding Procedures to Report On-Campus Criminal Actions or Other Emergencies—List of Titles to Whom Criminal Offenses Should Be Reported	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(A)	(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports. * * *
34 C.F.R. § 668.46(b)(2)(iii)	(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—. . . (iii) A list of the titles of each person or organization to whom students and employees should report the criminal offenses described in paragraph (c)(1) of this section for the purposes of making timely warning reports and the annual statistical disclosure
• Clery Act Policy • Clery Act Procedures, Section 3 Crime Reporting for Timely Warnings and the Annual Disclosure of Crime Statistics	

ASR 6 Policies Regarding Procedures to Report On-Campus Criminal Actions or Other Emergencies—Policies or Procedures to Report Crimes on a Voluntary, Confidential Basis for Inclusion in the ASR	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(A)	(A) A statement of current campus policies regarding procedures and facilities for students and others to report criminal actions or other emergencies occurring on campus and policies concerning the institution's response to such reports. * * *
34 C.F.R. § 668.46(b)(2)(iv)	(2) A statement of policies regarding procedures for students and others to report criminal actions or other emergencies occurring on campus. This statement must include the institution's policies concerning its response to these reports, including—. . . (iv) Policies or <u>procedures</u> for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
• Clery Act Policy • Clery Act Procedures, Section 3 Crime Reporting for Timely Warnings and the Annual Disclosure of Crime Statistics	

ASR 7 Policies Concerning Security of and Access to Campus Facilities	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(B)	(B) A statement of current policies concerning security and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities. * * *
34 C.F.R. § 668.46(b)(3)	(3) A statement of policies concerning security of and access to campus facilities, including campus residences, and security considerations used in the maintenance of campus facilities.
• Clery Act Policy • Clery Act Procedures, Section 4 Security of and Access to Campus Facilities	

ASR 8 Policies Concerning Campus Law Enforcement	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(C)	(C) A statement of current policies concerning campus law enforcement, including—that addresses (i) the law enforcement authority of campus security personnel; (ii) the working relationship of campus security personnel with State and local law enforcement agencies, including whether those security personnel have the authority to make arrests and whether the institution has agreements with such agencies, such as written memoranda of understanding, for the investigation of alleged criminal offenses; and

34 C.F.R. § 668.46(b)(4) [note: (iv) is not required in statute]	(iii) policies which encourage accurate and prompt reporting of all crimes to the campus police and the appropriate law enforcement agencies, when the victim of such crime elects or is unable to make such a report. * * * (4) A statement of policies concerning campus law enforcement that— (i) Addresses the enforcement authority and jurisdiction of security personnel; (ii) Addresses the working relationship of campus security personnel with State and local police agencies, including— (A) Whether those security personnel have the authority to make arrests; and (B) Any agreements, such as written memoranda of understanding between the institution and such agencies, for the investigation of alleged criminal offenses. (iii) Encourages accurate and prompt reporting of all crimes to the campus police and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report; and (iv) Describes procedures, if any, that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.
• Clery Act Policy • Clery Act Procedures, Section 5 Church Security Department	

ASR 9 Description of Type and Frequency of Programs about Campus Security	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(D)	(D) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others. * * *
34 C.F.R. § 668.46(b)(5)	(5) A description of the type and frequency of programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others.
See Clery Information, Description of Type and Frequency of Programs about Campus Security and Crime Prevention above.	

ASR 10 Description of Programs about Crime Prevention	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(E)	(E) A description of programs designed to inform students and employees about the prevention of crimes. * * *
34 C.F.R. § 668.46(b)(6)	(6) A description of programs designed to inform students and employees about the prevention of crimes.
See information in ASR 9 above.	

ASR 11 Policy Concerning Monitoring and Recording by Police of Criminal Activity at Recognized Off-Campus Student Organizations	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(G)	(G) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity at off-campus student organizations which are recognized by the institution and that are engaged in by students attending the institution, including those student organizations with off-campus housing facilities. * * *
34 C.F.R. § 668.46(b)(7)	(7) A statement of policy concerning the monitoring and recording through local police agencies of criminal activity by students at noncampus locations of student organizations officially recognized by the institution, including student organizations with noncampus housing facilities.
• Clery Act Policy • Clery Act Procedures, Section 7 Off-Campus Student Organizations	

ASR 12 Policy Regarding Alcohol and Underage Drinking	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(H)	(H) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws . . . * * *
34 C.F.R. § 668.46(b)(8)	(8) A statement of policy regarding the possession, use, and sale of alcoholic beverages and enforcement of State underage drinking laws.
Drug-Free School Policy	

ASR 13 Policy Regarding Illegal Drugs and Drug Law Enforcement	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(H)	(H) . . . a statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws . . . * * *
34 C.F.R. § 668.46(b)(9)	(9) A statement of policy regarding the possession, use, and sale of illegal drugs and enforcement of Federal and State drug laws.
Drug-Free School Policy	

ASR 14 Programs for Drug and Alcohol Abuse Education	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(H)	(H) . . . a description of any drug or alcohol abuse education programs as required under section 1011i of this title. * * *
34 C.F.R. § 668.46(b)(10)	(10) A description of any drug or alcohol-abuse education programs, as required under section 120(a) through (d) of the HEA, otherwise known as the Drug-Free Schools and Communities Act of 1989. For the purpose of meeting this requirement, an institution may cross-reference the materials the institution uses to comply with section 120(a) through (d) of the HEA. * * *
20 U.S.C. § 1011i(a)(1)(D)	(a) Restriction on eligibility Notwithstanding any other provision of law, no institution of higher education shall be eligible to receive funds or any other form of financial assistance under any Federal program, including participation in any federally funded or guaranteed student loan program, unless the institution certifies to the Secretary that the institution has adopted and has implemented a program to prevent the use of illicit drugs and the abuse of alcohol by students and employees that, at a minimum, includes— (1) the annual distribution to each student and employee of— . . . (D) a description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students . . . * * *
34 C.F.R. § 86.100(a)(4)	The IHE's drug prevention program must, at a minimum, include the following: (a) The annual distribution in writing to each employee, and to each student who is taking one or more classes for any type of academic credit except for continuing education units, regardless of the length of the student's program of study, of . . .

	(4) A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students
Ensign College's drug and alcohol-abuse education programs are described in the "Available Drug Counseling and Treatment" section of the Drug-Free School Policy .	

ASR 15 Sex Offender Registry Information	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(I)	(I) A statement advising the campus community where law enforcement agency information provided by a State under section 14071(j) of title 42, concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address. * * *
34 C.F.R. § 668.46(b)(12)	(12) A statement advising the campus community where law enforcement agency information provided by a State under section 121 of the Adam Walsh Child Protection and Safety Act of 2006 (42 U.S.C. 16921), concerning registered sex offenders may be obtained, such as the law enforcement office of the institution, a local law enforcement agency with jurisdiction for the campus, or a computer network address.
The campus community can obtain law enforcement agency information provided by each state concerning registered sex offenders through the National Sex Offender Public Website at nsopw.gov . This website allows for conducting a search of sex offender registries by name or location.	

ASR 16 Policies Regarding Emergency Response and Evacuation Procedures—Procedures Used to Notify Campus of [Emergency Warnings]	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(J)(i)	(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to— (i) 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 staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency; * * *
34 C.F.R. § 668.46(b)(13)	(13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section.

34 C.F.R. § 668.46(g)(1)	... <i>Emergency response and evacuation procedures.</i> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include - (1) The procedures the institution will use to 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;
Clery Act Policy Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures, Emergency Notification Procedure and Employees and Campus Units Responsible for Emergency Notifications	

ASR 17 Policies Regarding Emergency Response and Evacuation Procedures—Description of Process to Confirm, Determine, and Initiate [Emergency Warnings]	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(J)(i)	(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to— (i) 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 staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency; . . .
34 C.F.R. § 668.46(b)(13)	*** (13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section. . . .
34 C.F.R. § 668.46(g)(2)	<i>Emergency response and evacuation procedures.</i> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include—. . . (2) A description of the process the institution will use to— (i) Confirm that there is a significant emergency or dangerous situation as described in <u>paragraph (g)(1)</u> of this section; (ii) Determine the appropriate segment or segments of the campus community to receive a notification; (iii) Determine the content of the notification; and (iv) Initiate the notification system.
• Clery Act Policy • Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures, Emergency Notification Procedure and Employees and Campus Units Responsible for Emergency Notifications	

ASR 18 Policies Regarding Emergency Response and Evacuation Procedures—Without Delay Consider Community Safety, Determine Content, and Initiate the [Emergency Warning] Notification System	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(J)(i)	(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to— (i) 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 staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency; * * *
34 C.F.R. § 668.46(b)(13)	(13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section. . . .
34 C.F.R. § 668.46(g)(3)	<i>Emergency response and evacuation procedures.</i> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include— . . . (3) A statement that the institution will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
• Clery Act Policy • Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures, Emergency Notification Procedure and Employees and Campus Units Responsible for Emergency Notifications	

ASR 19 Policies Regarding Emergency Response and Evacuation Procedures—Titles of Responsible Persons [for Emergency Warnings]	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(J)(i)	(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to— (i) 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 staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency; * * *

34 C.F.R. § 668.46(b)(13)	(13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section. ...
34 C.F.R. § 668.46(g)(4)	<i>Emergency response and evacuation procedures.</i> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include—. . . (4) A list of the titles of the person or persons or organization or organizations responsible for carrying out the actions described in paragraph (g)(2) of this section;
• Clery Act Policy • Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures, Emergency Notification Procedure and Employees and Campus Units Responsible for Emergency Notifications	

ASR 20 Policies Regarding Emergency Response and Evacuation Procedures—Procedures for Disseminating Emergency Information [Emergency Warnings] to Larger Community	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(J)(i)	(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to— (i) 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 staff occurring on the campus, as defined in paragraph (6), unless issuing a notification will compromise efforts to contain the emergency;
34 C.F.R. § 668.46(b)(13)	*** (13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section. ...
34 C.F.R. § 668.46(g)(5)	<i>Emergency response and evacuation procedures.</i> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include—. . . (5) The institution's procedures for disseminating emergency information to the larger community;
• Clery Act Policy • Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures, Disseminating Emergency Information to the Larger Community • Subsection	

ASR 21 Policies Regarding Emergency Response and Evacuation Procedures—Procedures to Test the Emergency Response and Evacuation Procedures	
Citation	Requirement
20 U.S.C. § 1092(f)(1)(J)(ii-iii)	(J) A statement of current campus policies regarding immediate emergency response and evacuation procedures, including the use of electronic and cellular communication (if appropriate), which policies shall include procedures to— . . . (ii) publicize emergency response and evacuation procedures on an annual basis in a manner designed to reach students and staff; and (iii) test emergency response and evacuation procedures on an annual basis. * * *
34 C.F.R. § 668.46(b)(13)	(13) A statement of policy regarding emergency response and evacuation procedures, as required by paragraph (g) of this section. . . .
34 C.F.R. § 668.46(g)(6)	<i>Emergency response and evacuation procedures.</i> An institution must include a statement of policy regarding its emergency response and evacuation procedures in the annual security report. This statement must include – . . . (6) The institution’s procedures to test the emergency response and evacuation procedures on at least an annual basis, including - (i) Tests that may be announced or unannounced; (ii) Publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and (iii) Documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.
• Clery Act Policy • Clery Act Procedures, Section 8 Emergency Response and Evacuation Notification Procedures, Emergency Response and Evacuation Procedure Tests Subsection	

ASR 22 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Primary and Ongoing Prevention Programs	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(A)(i)	(A) Each institution of higher education participating in any program under this subchapter and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding— (i) such institution’s programs to prevent domestic violence, dating violence, sexual assault, and stalking; . . . * * *
34 C.F.R. § 668.46(b)(11)(i)	(11) A statement of . . . procedures that the institution will follow when one of these crimes is reported. The statement must include— (i) A description of the institution’s educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section; . . .
34 C.F.R. § 668.46(j)	(j) <i>Programs to prevent dating violence, domestic violence, sexual assault, and stalking.</i> As required by paragraph (b)(11) of this section, an institution must include in its annual security report a statement of policy that addresses the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking. (1) The statement must include— (i) A description of the institution’s primary prevention and awareness programs for all incoming students and new employees, which must include— (A) A statement that the institution prohibits the crimes of dating violence, domestic violence, sexual assault, and stalking, as those terms are defined in paragraph (a) of this section; (B) The definition of “dating violence,” “domestic violence,” “sexual assault,” and “stalking” in the applicable jurisdiction; (C) The definition of “consent,” in reference to sexual activity, in the applicable jurisdiction; (D) A description of safe and positive options for bystander intervention; (E) Information on risk reduction; and (F) The information described in paragraphs (b)(11) and (k)(2) of this section; and (ii) A description of the institution’s ongoing prevention and awareness campaigns for students and employees, including information described in paragraph (j)(1)(i)(A) through (F) of this section. (2) For the purposes of this paragraph (j)—

	(i) <i>Awareness programs</i> 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. (ii) <i>Bystander intervention</i> means 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. (iii) <i>Ongoing prevention and awareness campaigns</i> means programming, initiatives, and strategies that are sustained over time and focus on increasing understanding of topics relevant to and skills for addressing dating violence, domestic violence, sexual assault, and stalking, using a range of strategies with audiences throughout the institution and including information described in paragraph (j)(1)(i)(A) through (F) of this section. (iv) <i>Primary prevention programs</i> 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 behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions. (v) <i>Risk reduction</i> means 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. (3) An institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking must include, at a minimum, the information described in <u>paragraph (j)(1)</u> of this section.
• Clery Act Policy • Clery Act Procedures, Section 9 Preventing Sex Crimes	

ASR 23 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Procedures for Responding to Reports	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(A)(ii)	(A) Each institution of higher education participating in any program under this subchapter and title IV of the Economic Opportunity Act of 1964, other than a foreign institution of higher education, shall develop and distribute as part of the report described in paragraph (1) a statement of policy regarding— (ii) the procedures that such institution will follow once an incident of domestic violence, dating violence, sexual assault, or stalking has been reported, including a statement of the standard of evidence that will be used during any institutional conduct proceeding arising from such a report. * * *
34 C.F.R. § 668.46(b)(11)(ii)	(11) A statement of . . . procedures that the institution will follow when one of these crimes is reported. The statement must include— (ii) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about— (A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order; (B) How and to whom the alleged offense should be reported; (C) Options about the involvement of law enforcement and campus authorities, including notification of the victim’s option to— (1) Notify proper law enforcement authorities, including on-campus and local police; (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (3) Decline to notify such authorities; and (D) Where applicable, the rights of victims and the institution’s responsibilities for orders of protection, “no-contact” orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution
• Clery Act Policy • Clery Act Procedures, Section 10 Responding to Sex Crimes • Clery Act Procedures, Section 11 Victims of Sex Crimes	

ASR 24 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Prevention Programs	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(i)	(B) The policy described in subparagraph (A) [VAWA prevention programming and response procedures] shall address the following areas: (i) Education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking, which shall include— (I) primary prevention and awareness programs for all incoming students and new employees, which shall include— (aa) a statement that the institution of higher education prohibits the offenses of domestic violence, dating violence, sexual assault, and stalking; (bb) the definition of domestic violence, dating violence, sexual assault, and stalking in the applicable jurisdiction; (cc) the definition of consent, in reference to sexual activity, in the applicable jurisdiction; (dd) safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than such individual; (ee) information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks; and (ff) the information described in clauses (ii) through (vii); and (II) ongoing prevention and awareness campaigns for students and faculty, including information described in items (aa) through (ff) of subclause (I). * * *
34 C.F.R. § 668.46(b)(11)(i)	(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include— (i) A description of the institution's educational programs and campaigns to promote the awareness of dating violence, domestic violence, sexual assault, and stalking, as required by paragraph (j) of this section;
• Clery Act Policy • Clery Act Procedures, Section 9 Preventing Sex Crimes	

ASR 25 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Possible Sanctions or Protective Measures	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(ii)	(B) The policy described in subparagraph (A) [VAWA prevention programming and response procedures] shall address the following areas: . . . (ii) Possible sanctions or protective measures that such institution may impose following a final determination of an institutional disciplinary procedure regarding rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking. * * *
34 C.F.R. § 668.46(b)(vi)	(vi) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by <u>paragraph (k)</u> of this section; . . .
34 C.F.R. § 668.46(k)(1)(iii)	(k) <i>Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. As required by <u>paragraph (b)(11)(vi)</u> of this section, an institution must include in its annual security report a clear statement of policy that addresses the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in <u>paragraph (a)</u> of this section, and that— . . .</i> (iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking;
Sexual Harassment Policy, Section 3.C Sanctions	

ASR 26 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Procedures Victims Should Follow	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(iii)	(B) The policy described in subparagraph (A) [VAWA prevention programming and response procedures] shall address the following areas: . . . (iii) Procedures victims should follow if a sex offense, domestic violence, dating violence, sexual assault, or stalking has occurred, including information in writing about— (I) the importance of preserving evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault, or stalking, or in obtaining a protection order; (II) to whom the alleged offense should be reported; (III) options regarding law enforcement and campus authorities, including notification of the victim’s option to— (aa) notify proper law enforcement authorities, including on-campus and local police; (bb) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (cc) decline to notify such authorities; and (IV) where applicable, the rights of victims and the institution’s responsibilities regarding orders of protection, no contact orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court. * * *
34 C.F.R. § 668.46(b)(11)(ii)	(11) A statement . . . of procedures that the institution will follow when one of these crimes is reported. The statement must include— . . . (ii) Procedures victims should follow if a crime of dating violence, domestic violence, sexual assault, or stalking has occurred, including written information about— (A) The importance of preserving evidence that may assist in proving that the alleged criminal offense occurred or may be helpful in obtaining a protection order; (B) How and to whom the alleged offense should be reported;

	(C) Options about the involvement of law enforcement and campus authorities, including notification of the victim's option to— (1) Notify proper law enforcement authorities, including on-campus and local police; (2) Be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses; and (3) Decline to notify such authorities; and (D) Where applicable, the rights of victims and the institution's responsibilities for orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court or by the institution;
• Clery Act Policy • Clery Act Procedures, Section 11 Victims of Sex Crimes • Sexual Harassment Policy, Section III College Response to Sexual Harassment	

ASR 27 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Procedures for Institutional Disciplinary Action	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(iv)	(B) The policy described in subparagraph (A) [VAWA prevention programming] shall address the following areas: . . . (iv) Procedures for institutional disciplinary action in cases of alleged domestic violence, dating violence, sexual assault, or stalking, which shall include a clear statement that— (I) such proceedings shall— (aa) provide a prompt, fair, and impartial investigation and resolution; and (bb) be conducted by officials who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability; (II) the accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by an advisor of their choice; and (III) both the accuser and the accused shall be simultaneously informed, in writing, of— (aa) the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking; (bb) the institution's procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding; (cc) of any change to the results that occurs prior to the time that such results become final; and (dd) when such results become final. * * *
34 C.F.R. § 668.46(b)(11)(vi)	(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include— . . . (vi) An explanation of the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as required by <u>paragraph (k)</u> of this section . . .
34 C.F.R. § 668.46(k)	<i>(k) Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking. As</i>

	required by paragraph (b)(11)(vi) of this section, an institution must include in its annual security report a clear statement of policy that addresses the <u>procedures</u> for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, as defined in paragraph (a) of this section, and that— (1) (i) Describes each type of disciplinary proceeding used by the institution; the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; how to file a disciplinary complaint; and how the institution determines which type of proceeding to use based on the circumstances of an allegation of dating violence, domestic violence, sexual assault, or stalking; (ii) Describes the standard of evidence that will be used during any institutional disciplinary proceeding arising from an allegation of dating violence, domestic violence, sexual assault, or stalking; (iii) Lists all of the possible sanctions that the institution may impose following the results of any institutional disciplinary proceeding for an allegation of dating violence, domestic violence, sexual assault, or stalking; and (iv) Describes the range of protective measures that the institution may offer to the victim following an allegation of dating violence, domestic violence, sexual assault, or stalking; (2) Provides that the proceedings will— (i) Include a prompt, fair, and impartial process from the initial investigation to the final result; (ii) Be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability; (iii) Provide the accuser and the accused with the same opportunities to have others present during any institutional disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice; (iv) Not limit the choice of advisor or presence for either the accuser or the accused in any meeting or institutional disciplinary proceeding; however, the institution may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties; and (v) Require simultaneous notification, in writing, to both the accuser and the accused, of—
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	(A) The result of any institutional disciplinary proceeding that arises from an allegation of dating violence, domestic violence, sexual assault, or stalking; (B) The institution's <u>procedures</u> for the accused and the victim to appeal the result of the institutional disciplinary proceeding, if such <u>procedures</u> are available; (C) Any change to the result; and (D) When such results become final. (3) For the purposes of this paragraph (k)— (i) A prompt, fair, and impartial proceeding includes a proceeding that is— (A) Completed within reasonably prompt timeframes designated by an institution's policy, including a process that allows for the extension of timeframes for good cause with written <u>notice</u> to the accuser and the accused of the delay and the reason for the delay; (B) Conducted in a manner that— (1) Is consistent with the institution's policies and transparent to the accuser and accused; (2) Includes timely <u>notice</u> of meetings at which the accuser or accused, or both, may be present; and (3) Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings; and (C) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused.
• Clery Act Policy • Clery Act Procedures, Section 10 Responding to Sex Crimes • Sexual Harassment Policy • Sexual Harassment Grievance Procedures (Title IX) • Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence)	

ASR 28 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Confidentiality of Victims	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(v)	(B) The policy described in subparagraph (A) [VAWA prevention programming] shall address the following areas: . . . (v) Information about how the institution will protect the confidentiality of victims, including how publicly-available recordkeeping will be accomplished without the inclusion of identifying information about the victim, to the extent permissible by law. * * *
34 C.F.R. § 668.46(b)(11)(iii)	(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include— . . . (iii) Information about how the institution will protect the confidentiality of victims and other necessary parties, including how the institution will— (A) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the <u>Violence Against Women Act of 1994</u> (42 U.S.C. 13925(a)(20)); and (B) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures;
• Clery Act Policy • Clery Act Procedures, Section 11 Victims of Sex Crimes	

ASR 29 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Services for Victims	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(vi)	(B) The policy described in subparagraph (A) [VAWA prevention programming] shall address the following areas: . . . (vi) Written notification of students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on- campus and in the community. * * *
34 C.F.R. § 668.46(b)(11)(iv)	(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of <u>procedures</u> that the institution will follow when one of these crimes is reported. The statement must include— . . . (iv) A statement that the institution will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the institution and in the community;
• Clery Act Policy • Clery Act Procedures, Section 11 Victims of Sex Crimes • Sexual Harassment Policy, Section III College Response to Sexual Harassment	

ASR 30 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Written Notification for Victims About Options and Assistance	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(B)(vii)	(B) The policy described in subparagraph (A) [VAWA prevention programming] shall address the following areas: . . . (vii) Written notification of victims about options for, and available assistance in, changing academic, living, transportation, and working situations, if so requested by the victim and if such accommodations are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement. * * *
34 C.F.R. § 668.46(b)(11)(v)	(11) A statement of policy regarding the institution's programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include— . . . (v) A statement that the institution will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The institution must make such accommodations or provide such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement
• Clery Act Policy • Clery Act Procedures, Section 11 Victims of Sex Crimes • Sexual Harassment Policy, Section III College Response to Sexual Harassment	

ASR 31 Policy Regarding Domestic Violence, Dating Violence, Sexual Assault, and Stalking— Written Explanation of the Student or Employee’s Rights and Options	
Citation	Requirement
20 U.S.C. § 1092(f)(8)(C)	(C) A student or employee who reports to an institution of higher education that the student or employee has been a victim of domestic violence, dating violence, sexual assault, or stalking, whether the offense occurred on or off campus, shall be provided with a written explanation of the student or employee’s rights and options, as described in clauses (ii) through (vii) of subparagraph (B). * * *
34 C.F.R. § 668.46(b)(11)(vii) [Not required by statute to be in the statement of policy but required by regulation.]	A statement of policy regarding the institution’s programs to prevent dating violence, domestic violence, sexual assault, and stalking, as defined in paragraph (a) of this section, and of procedures that the institution will follow when one of these crimes is reported. The statement must include— . . . (vii) A statement that, when a student or employee reports to the institution that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the institution will provide the student or employee a written explanation of the student’s or employee’s rights and options, as described in paragraphs (b)(11)(ii) through (vi) of this section.
• Clery Act Policy • Clery Act Procedures, Section 11 Victims of Sex Crimes	

ASR 32 Policies Regarding Missing Student Notification Procedures—List of Titles to Whom Reports Should Be Made	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(A)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— (A) establish a missing student notification policy for students who reside in on-campus housing . . . * * *
34 C.F.R. § 668.46(h)(1)(i) [not required in statute]	<i>Missing student notification policies and procedures.</i> (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must - (i) Indicate a list of titles of the persons or organizations to which students, employees, or other individuals should report that a student has been missing for 24 hours;
Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	

ASR 33 Policies Regarding Missing Student Notification Procedures—List of Titles to Whom Reports Should Be Made	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(A)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— (A) establish a missing student notification policy for students who reside in on-campus housing . . . * * *
34 C.F.R. § 668.46(h)(1)(ii) [not required in statute]	<i>Missing student notification policies and procedures.</i> (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—. . . (ii) Require that any missing student report must be referred immediately to the institution's police or campus security department, or, in the absence of an institutional police or campus security department, to the local law enforcement agency that has jurisdiction in the area;
Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	

ASR 34 Policies Regarding Missing Student Notification Procedures—Means to Register Confidential Contact Information	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(A)(ii)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— (A) establish a missing student notification policy for students who reside in on-campus housing that—. . . (ii) provides each such student a means to register confidential contact information in the event that the student is determined to be missing for a period of more than 24 hours; * * *
34 C.F.R. § 668.46(h)(1)(iii-iv)	<i>Missing student notification policies and procedures.</i> (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—. . . (iii) Contain an option for each student to identify a contact person or persons whom the institution shall notify within 24 hours of the determination that the student is missing, if the student has been determined missing by the institutional police or campus security department, or the local law enforcement agency; (iv) Advise students that their contact information will be registered confidentially, that this information will be accessible only to authorized campus officials, and that it may not be disclosed, except to law enforcement personnel in furtherance of a missing person investigation;
Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	

ASR 35 Policies Regarding Missing Student Notification Procedures—Mandatory Minor Custodial Parent or Guardian Notification	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(A)(iii)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— (A) establish a missing student notification policy for students who reside in on-campus housing that—. . . (iii) advises each such student who is under 18 years of age, and not an emancipated individual, that the institution is required to notify a custodial parent or guardian not later 24 hours after the time that the student is determined to be missing in accordance with such procedures; * * *
34 C.F.R. § 668.46(h)(1)(v)	<i>Missing student notification policies and procedures.</i> (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—. . . (v) Advise students that if they are under 18 years of age and not emancipated, the institution must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person designated by the student;
Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	

ASR 36 Policies Regarding Missing Student Notification Procedures—Mandatory Law Enforcement Agency Notification	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(A)(iv)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— (A) establish a missing student notification policy for students who reside in on-campus housing that— . . . (iv) informs each such residing student that the institution will notify the appropriate law enforcement agency not later than 24 hours after the time that the student is determined missing in accordance with such procedures; * * *
34 C.F.R. § 668.46(h)(1)(vi)	<i>Missing student notification policies and procedures.</i> (1) An institution that provides any on-campus student housing facility must include a statement of policy regarding missing student notification procedures for students who reside in on-campus student housing facilities in its annual security report. This statement must—. . . (vi) Advise students that the institution will notify the local law enforcement agency within 24 hours of the determination that the student is missing, unless the local law enforcement agency was the entity that made the determination that the student is missing.
• Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	

ASR 37 Policies Regarding Missing Student Notification Procedures—Initiating Emergency Contact Procedures	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(A)(v)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— (A) establish a missing student notification policy for students who reside in on-campus housing that— . . . (v) requires, if the campus security or law enforcement personnel has been notified and makes a determination that a student who is the subject of a missing person report has been missing for more than 24 hours and has not returned to the campus, the institution to initiate the emergency contact procedures in accordance with the student's designation; * * * <i>Missing student notification policies and procedures.</i> (2) The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include— (i) If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing; . . .
34 C.F.R. § 668.46(h)(2)(i)	
Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	

ASR 38 Procedures Regarding Missing Student Notifications	
Citation	Requirement
20 U.S.C. § 1092(j)(1)(B)	(j) Missing person procedures (1) Option and procedures Each institution of higher education that provides on-campus housing and participates in any program under this subchapter shall— . . . (B) establish official notification procedures for a missing student who resides in on-campus housing that— (i) includes procedures for official notification of appropriate individuals at the institution that such student has been missing for more than 24 hours; (ii) requires any official missing person report relating to such student be referred immediately to the institution's police or campus security department; and (iii) if, on investigation of the official report, such department determines that the missing student has been missing for more than 24 hours, requires— (I) such department to contact the individual identified by such student under subparagraph (A)(i); (II) if such student is under 18 years of age, and not an emancipated individual, the institution to immediately contact the custodial parent or legal guardian of such student; and (III) if subclauses (I) or (II) do not apply to a student determined to be a missing person, inform the appropriate law enforcement agency. * * *
34 C.F.R. § 668.46(h)(2)	(2) The procedures that the institution must follow when a student who resides in an on-campus student housing facility is determined to have been missing for 24 hours include— (i) If the student has designated a contact person, notifying that contact person within 24 hours that the student is missing; (ii) If the student is under 18 years of age and is not emancipated, notifying the student's custodial parent or guardian and any other designated contact person within 24 hours that the student is missing; and (iii) Regardless of whether the student has identified a contact person, is above the age of 18, or is an emancipated minor,

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	informing the local law enforcement agency that has jurisdiction in the area within 24 hours that the student is missing. (i) [Reserved]
• Ensign College does not have on-campus housing facilities, so this requirement is not applicable.	