

**LDS Business College**  
**Annual Security Report and**  
**Federal Legal Disclosure Document**  
**– 2019 –**



*95 North 300 West*  
*Salt Lake City, UT 84101*

*- This page intentionally left blank -*

## Table of Contents

|   |    |
|---|----|
| Resource Phone Numbers .....  | 4  |
| Introduction.....   | 4  |
| The Clery Act.....  | 4  |
| Preparing the Annual Security Report .....  | 5  |
| Crime Statistics .....  | 5  |
| Collecting Crime Reports and Statistics Procedures.....   | 5  |
| Statistics Table .....  | 5  |
| Crime Definitions.....  | 8  |
| Utah Definitions Relating to Consent, Dating Violence, Domestic Violence Sexual Assault, and Stalking ..... | 11 |
| Consent .....   | 11 |
| Dating Violence .....   | 12 |
| Domestic Violence.....  | 12 |
| Sexual Assault.....   | 13 |
| Stalking .....  | 13 |
| Reporting Emergencies and Crimes.....   | 14 |
| Church Security Department.....   | 14 |
| Salt Lake City Police Department.....   | 14 |
| EthicsPoint Compliance Hotline.....   | 14 |
| Emergency Telephone and Communication Stations .....  | 15 |
| Campus Security Authorities (CSAs) .....  | 15 |
| Pastoral and Professional Counselors .....  | 15 |
| Timely Warning Policy.....  | 16 |
| Security of Campus Facilities .....   | 16 |
| Student Housing.....  | 17 |
| Crime Prevention and Awareness Programs.....  | 17 |
| Alcohol, Tobacco, and Drugs .....   | 17 |
| Sexual Assault.....   | 19 |
| Procedures to Follow if a Sex Offense Occurs .....  | 20 |
| Sexual Misconduct Policy.....   | 20 |
| General Policy Statement.....   | 20 |
| Prohibited Conduct .....  | 21 |
| Sexual Harassment.....  | 21 |

|  |    |
|--|----|
| Sexual Violence, Domestic Violence, Dating Violence, and Stalking .....              | 22 |
| Reporting Incidents .....  | 23 |
| Duty to Report.....  | 23 |
| Where to Report.....   | 24 |
| Complaint and Activity Log .....   | 24 |
| Retaliation .....  | 24 |
| Complaint Resolution Procedures.....   | 24 |
| Informal Resolution .....  | 24 |
| Formal Resolution.....   | 25 |
| Exhaustion of Remedies.....  | 31 |
| Waiver of Claims .....   | 31 |
| Training.....  | 31 |
| Other Sex Offenses .....   | 32 |
| Other Sexual Assault Information.....  | 32 |
| Counseling and Student Services for Victims of Sex Offenses .....                    | 33 |
| Resources .....  | 33 |
| Registered Sex Offenders.....  | 33 |
| Emergency Response and Evacuation .....  | 33 |
| Testing.....   | 34 |
| Evacuation Drills .....  | 34 |
| Missing Student Notification Policy and Procedure .....                              | 34 |
| Crimes and Other Situations .....  | 34 |
| Active Shooter .....   | 34 |
| Assault.....   | 35 |
| Child Abuse .....  | 35 |
| Domestic Violence.....   | 35 |
| Pornography and Indecent Material .....  | 36 |
| Suspicious Packages or Letters .....   | 36 |
| Theft.....   | 37 |
| Graduation Rates.....  | 37 |
| Appendices.....  | 38 |
| A. Legal Sanctions for Unlawful Possession or Distribution of Drugs and Alcohol..... | 38 |

## Resource Phone Numbers

|   |                |
|---|----------------|
| All Emergency Calls.....                          | 911            |
| Fire .....  | 911            |
| Medical .....                                     | 911            |
| Police .....                                      | 911            |
| Child Abuse Reporting 24 Hour .....               | (800) 678-9399 |
| Church Security Department (Emergency Line) ..... | (801) 240-2771 |
| Crime Victim Reparation.....                      | (801) 238-2360 |
| Domestic Violence Information.....                | (800) 897-5465 |
| Family Support Center (Salt Lake County) .....    | (801) 487-7778 |
| Highway Patrol .....                              | (801) 887-3800 |
| Homeland Security (Utah Office).....              | (801) 538-3400 |
| LDS Hospital .....                                | (801) 408-1100 |
| Valley Mental Health (Emergency) .....            | (801) 483-5444 |
| Poison Control Center.....                        | (800) 222-1222 |
| Rape Recovery Center .....                        | (801) 467-7273 |
| Road Conditions (Utah) .....                      | 511            |
| Road Conditions (Outside Utah).....               | (866) 511-8824 |
| Suicide Prevention Hotline .....                  | (801) 483-5444 |
| University Medical Center.....                    | (801) 581-2121 |
| Women's Resource Center .....                     | (801) 581-8030 |
| YWCA Battered Women's Shelter.....                | (801) 537-8600 |

## Introduction

### The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a nineteen-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 (HEA). The Clery Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. Specifically, higher education institutions subject to the law must do the following:

- Collect, report, and disseminate crime data.
- Develop policy statements regarding campus safety.
- Prepare and distribute an annual security report.
- Issue timely warnings and emergency notifications to the campus community.
- Submit crime statistics to the Department of Education.

The Clery Act has been amended many times to include additional requirements. Amendments in 2013 require institutions to report incidents of domestic violence, dating violence, and stalking. The 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.

## Preparing the Annual Security Report

This document is designed to provide students and employees with information concerning personal safety and College policies, and to comply with federal law. This report is prepared, maintained and disseminated on an annual basis by the Director of Human Resources, with assistance from the Church Security Department (CSD) and the Salt Lake City Police Department (SLCPD). For additional information or to submit changes and corrections, please contact the following:

- Brady Kimber, Director of Human Resources (801.524.8171 / [bkimber3@ldsbc.edu](mailto:bkimber3@ldsbc.edu))

## Crime Statistics

### Collecting Crime Reports and Statistics Procedures

The Clery Act requires colleges and universities to disclose statistics for reported crimes based on (1) where the crimes occurred, (2) to whom the crimes were reported, (3) the types of crimes that were reported, (4) the year in which the crimes were reported, and (5) the geographic location where the reported crimes occurred. Geographic locations include campus, public property within or immediately adjacent to campus, and certain non-campus buildings or property that are owned or controlled by the reporting institution.

Statistics are collected from the following sources:

- Salt Lake City Police Department
- Title IX Office
- Honor Code Office
- Church Security Department
- Campus Security Authorities
- EthicsPoint compliance hotline

### Statistics Table

The following Crime Statistics tables fully comply with the Clery Act's crime disclosure requirements:

| <b>Criminal Offenses – On Campus</b> | <b>Total Occurrences On Campus</b> |             |             |
|--------------------------------------|------------------------------------|-------------|-------------|
|                                      | <b>2016</b>                        | <b>2017</b> | <b>2018</b> |
| a. Murder/Non-Negligent Manslaughter | 0                                  | 0           | 0           |
| b. Negligent Manslaughter            | 0                                  | 0           | 0           |
| c. Rape                              | 0                                  | 0           | 0           |
| d. Fondling                          | 0                                  | 0           | 0           |
| e. Incest                            | 0                                  | 0           | 0           |
| f. Statutory Rape                    | 0                                  | 0           | 0           |
| g. Robbery                           | 0                                  | 0           | 0           |
| h. Aggravated Assault                | 0                                  | 0           | 0           |
| i. Burglary                          | 0                                  | 0           | 0           |
| j. Motor Vehicle Theft               | 0                                  | 0           | 0           |
| k. Arson                             | 0                                  | 0           | 0           |

**Criminal Offenses – Public Property**

|                                      | Total Occurrences on Public Property |      |      |
|--------------------------------------|--------------------------------------|------|------|
|                                      | 2016                                 | 2017 | 2018 |
| a. Murder/Non-Negligent Manslaughter | 0                                    | 0    | 0    |
| b. Negligent Manslaughter            | 0                                    | 0    | 0    |
| c. Rape                              | 0                                    | 0    | 1    |
| d. Fondling                          | 0                                    | 0    | 0    |
| e. Incest                            | 0                                    | 0    | 0    |
| f. Statutory Rape                    | 0                                    | 0    | 0    |
| g. Robbery                           | 0                                    | 0    | 0    |
| h. Aggravated Assault                | 3                                    | 1    | 1    |
| i. Burglary                          | 0                                    | 0    | 0    |
| j. Motor Vehicle Theft               | 0                                    | 2    | 1    |
| k. Arson                             | 0                                    | 0    | 0    |

**Criminal Offenses – Non-Campus Property**

Total Occurrences on Public Property  
**2016                      2017                      2018**

There is no data for non-campus property because LDS Business College does not own or control any properties or facilities that fall under this geographic category.

**Hate Crimes – On Campus**

|   | Total Occurrences On Campus |      |      |
|---|-----------------------------|------|------|
|   | 2016                        | 2017 | 2018 |
| a. Murder/Non-Negligent Manslaughter        | 0                           | 0    | 0    |
| b. Negligent Manslaughter                   | 0                           | 0    | 0    |
| c. Rape                                     | 0                           | 0    | 0    |
| d. Fondling                                 | 0                           | 0    | 0    |
| e. Incest                                   | 0                           | 0    | 0    |
| f. Statutory Rape                           | 0                           | 0    | 0    |
| g. Robbery                                  | 0                           | 0    | 0    |
| h. Aggravated Assault                       | 0                           | 0    | 0    |
| i. Burglary                                 | 0                           | 0    | 0    |
| j. Motor Vehicle Theft                      | 0                           | 0    | 0    |
| k. Arson                                    | 0                           | 0    | 0    |
| l. Simple Assault                           | 0                           | 0    | 0    |
| m. Larceny/Theft                            | 0                           | 0    | 0    |
| n. Intimidation                             | 0                           | 0    | 0    |
| o. Destruction/Damage/Vandalism of Property | 0                           | 0    | 0    |

**Hate Crimes – Public Property**

## Total Occurrences on Public Property

|   | <b>2016</b>      | <b>2017</b>       | <b>2018</b> |
|---|------------------|-------------------|-------------|
| a. Murder/Non-Negligent Manslaughter        | 0                | 0                 | 0           |
| b. Negligent Manslaughter                   | 0                | 0                 | 0           |
| c. Rape                                     | 0                | 0                 | 0           |
| d. Fondling                                 | 0                | 0                 | 0           |
| e. Incest                                   | 0                | 0                 | 0           |
| f. Statutory Rape                           | 0                | 0                 | 0           |
| g. Robbery                                  | 0                | 0                 | 0           |
| h. Aggravated Assault                       | 0                | 0                 | 0           |
| i. Burglary                                 | 0                | 0                 | 0           |
| j. Motor Vehicle Theft                      | 0                | 0                 | 0           |
| k. Arson                                    | 0                | 0                 | 0           |
| l. Simple Assault                           | 0                | 0                 | 0           |
| m. Larceny/Theft                            | 0                | 0                 | 0           |
| n. Intimidation                             | 1 <sup>[G]</sup> | 1 <sup>[RE]</sup> | 0           |
| o. Destruction/Damage/Vandalism of Property | 0                | 0                 | 0           |

\*Hate Crime Categories: Disability [D]; Ethnicity [E]; Gender [G]; Gender Identity [GI]; National Origin [N]; Race [RA]; Religion [RE]; Sexual Orientation [S]

**Hate Crimes – Non-Campus Property**

## Total Occurrences on Public Property

**2016                      2017                      2018**

There is no data for non-campus property because LDS Business College does not own or control any properties or facilities that fall under this geographic category.

**VAWA Offenses – On Campus**

## Total Occurrences On Campus

|                      | <b>2016</b> | <b>2017</b> | <b>2018</b> |
|----------------------|-------------|-------------|-------------|
| a. Domestic Violence | 0           | 0           | 0           |
| b. Dating Violence   | 0           | 0           | 0           |
| c. Stalking          | 3           | 0           | 0           |

**VAWA Offenses – Public Property**

## Total Occurrences on Public Property

**2016                      2017                      2018**

|                      |   |   |   |
|----------------------|---|---|---|
| a. Domestic Violence | 0 | 4 | 0 |
| b. Dating Violence   | 0 | 0 | 0 |
| c. Stalking          | 0 | 0 | 0 |

**VAWA Offenses – Non-Campus Property**

## Total Occurrences on Public Property

**2016                      2017                      2018**

There is no data for non-campus property because LDS Business College does not own or control any properties or facilities that fall under this geographic category.



**Arrests – On Campus**

## Total Occurrences On Campus

|  | <b>2016</b> | <b>2017</b> | <b>2018</b> |
|--|-------------|-------------|-------------|
| a. Weapons; Carrying, Possessing, etc. | 0           | 0           | 0           |
| b. Drug Abuse Violations               | 0           | 0           | 0           |
| c. Liquor Law Violations               | 0           | 0           | 0           |

**Arrests – Public Property**

## Total Occurrences on Public Property

|  | <b>2016</b> | <b>2017</b> | <b>2018</b> |
|--|-------------|-------------|-------------|
| a. Weapons; Carrying, Possessing, etc. | 0           | 0           | 0           |
| b. Drug Abuse Violations               | 15          | 12          | 1           |
| c. Liquor Law Violations               | 1           | 0           | 0           |

**Arrests – Non-Campus Property**

## Total Occurrences on Public Property

**2016                      2017                      2018**

There is no data for non-campus property because LDS Business College does not own or control any properties or facilities that fall under this geographic category.

**Disciplinary Actions – On Campus**

## Total Occurrences On Campus

|  | <b>2016</b> | <b>2017</b> | <b>2018</b> |
|--|-------------|-------------|-------------|
| a. Weapons; Carrying, Possessing, etc. | 0           | 0           | 0           |
| b. Drug Abuse Violations               | 0           | 0           | 0           |
| c. Liquor Law Violations               | 0           | 0           | 0           |

**Disciplinary Actions – Public Property**

## Total Occurrences on Public Property

|  | <b>2016</b> | <b>2017</b> | <b>2018</b> |
|--|-------------|-------------|-------------|
| a. Weapons; Carrying, Possessing, etc. | 0           | 0           | 0           |
| b. Drug Abuse Violations               | 0           | 0           | 0           |
| c. Liquor Law Violations               | 0           | 0           | 0           |

**Disciplinary Actions – Non-Campus Property**

## Total Occurrences on Public Property

**2016                      2017                      2018**

There is no data for non-campus property because LDS Business College does not own or control any properties or facilities that fall under this geographic category.

**Unfounded Crimes**

## Total Occurrences of Unfounded Crimes

|                           | <b>2016</b> | <b>2017</b> | <b>2018</b> |
|---------------------------|-------------|-------------|-------------|
| a. Total Unfounded Crimes | 0           | 0           | 0           |

**Crime Definitions**

The Crime Statistics table reflects specific crimes and arrests reported to the sources identified in the Collecting Crime Reports and Statistics Procedures Section. Per the Clery Act, these crimes are classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, the definitions are from the

FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR. Hate crimes are defined according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. Although the law states that institutions must use the UCR for defining and classifying crimes, it does not require Clery Act crime reporting to meet all UCR standards. This Crime Statistics Report may or may not reflect the actual number of crimes committed on campus; however, it does accurately represent the number of the following defined crimes reported to the aforementioned entities.

**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 non-conforming 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**

BYU’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).

## Reporting Emergencies and Crimes

LDS Business College encourages accurate and prompt reporting of all crimes and emergency situations. Any of the following are prepared to receive reports.

### Church Security Department

The College campus is patrolled twenty-four hours a day, seven days a week by officers of the Church Security Department (CSD). The College contracts with CSD to respond to all emergency situations on campus, including medical. Crimes in progress, suspicious circumstances, medical emergencies, and other campus emergencies should be reported immediately to CSD dispatch or local police dispatch. The Church Security Department is not a law enforcement agency. They do not conduct criminal investigations, nor do they have authority to make arrests. However, CSD officers have authority to conduct internal investigations on campus, and to trespass individuals who are suspected of committing a crime. A CSD officer may make a citizen's arrest under the Utah State law codified as U.C.A § 77-7-3. It is the policy of CSD to immediately contact local police whenever it is believed that a crime has been committed on campus, even when the victim of the alleged crime is unwilling or unable to report the crime.

Dispatch for CSD can be contacted at all hours of every day by dialing (801) 240-2771 from a cell phone. When using a College campus telephone it is only necessary to dial 2-2771 to reach CSD dispatch. The dispatcher is able to deploy whatever resources the caller may require, including police and Emergency Medical Technician services. The on-call CSD officer may be contacted directly by dialing 1911 from any College campus telephone. The CSD campus office is located on the main floor of Triad Building 4 (main campus) in room #110.

### Salt Lake City Police Department

The Salt Lake City Police Department (SLCPD) has jurisdiction over all law enforcement related issues occurring on LDS Business College property. The Church Security Department (CSD) involves SLCPD in investigating all crime on campus, including criminal law violations, sexual assault, domestic violence, underage drinking violations, controlled substances violations, weapon law violations, and medical and fire emergencies. There is no formal written agreement or memoranda of understanding between SLCPD and CSD for purposes of investigating alleged crimes on campus. Yet, CSD and SLCPD have a longstanding, close working relationship. The two agencies have always collaborated to investigate alleged crimes committed on campus by pooling resources and sharing evidence and information.

Crimes can be reported to the SLCPD on an emergency basis by dialing 911. Non-emergency crimes can be reported to SLCPD at (801) 799-3000, or by visiting their closest precinct at:

475 South 300 East  
Salt Lake City, UT 84111

### EthicsPoint Compliance Hotline

LDS Business College provides an anonymous compliance hotline – EthicsPoint – for reporting non-emergency incidents on a voluntary, confidential basis either by phone or online. Reporters should explain the issue in detail, and they should return to the report, either by internet or phone, to answer questions posed by a College representative. Reporters can also return to the report to receive updates.

**Telephone:** EthicsPoint toll-free 24/7 hotline: 1-888-238-1062

**Online:** EthicsPoint website: <https://secure.ethicspoint.com/domain/media/en/gui/17652/index.html>

## **Emergency Telephone and Communication Stations**

There are eleven blue code emergency telephone and communication stations located in the parking areas that serve the LDS Business College campus. These stations are owned and operated by Peak Alarm Company and are easily identifiable by large blue lights mounted on the stations. The stations are under 24/7 surveillance by Peak Alarm security cameras and have two-way communication capability.

Assistance may be requested at all hours of every day at any of these stations by picking up the station telephone or pressing the button on the station. The person requesting assistance can then communicate with the Peak Alarm command station, located in Triad Building 5 adjacent to the LDS Business College building, either by using the phone or the overhead speakers located at the station. The security officer receiving the request can view on the camera the person who is making the request and can immediately dispatch a security officer to that location.

## **Campus Security Authorities (CSAs)**

Preferably, campus crimes will be reported to the Church Security Department or the Salt Lake City Police Department. However, individuals may also report criminal incidents to Campus Security Authorities, who include individuals responsible for campus security and others who have been designated due to their significant responsibility for students and/or campus activities. Specifically, the following persons may receive reports of criminal offenses:

- Dean of Students
- Director of Human Resources
- Director of Student Success
- Manager of Counseling
- Manager of Student Development

College policy states that whenever an alleged crime is reported to a Campus Security Authority, the information must immediately be given to a Church Security Department officer, even when the victim of the alleged crime is unwilling or unable to report the crime directly to local law enforcement or Church Security.

## **Pastoral and Professional Counselors**

A pastoral or ecclesiastical counselor is 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. Ecclesiastical counselors on campus are encouraged to make individuals aware of the EthicsPoint Compliance Hotline as an alternative means of confidentially and anonymously reporting crime.

A professional counselor is 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. Under this definition, the College does not employ or contract with any professional counselors.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. This is similar to the privilege provided under certain circumstances to doctors and attorneys when they may learn of crimes from patients or clients. This exemption is intended to protect the counselor-client role. However, even these legally recognized privileges



acknowledge some exemptions, such as certain situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be one for the purposes of the Clery Act.

An individual who is counseling students and/or employees, but who does not meet the Clery definition of a pastoral or professional counselor, is not exempt from being a Campus Security Authority if they otherwise have significant responsibility for student and campus activities. This includes positions such as the Manager of Advising & Tutoring, the Manager of Counseling, or the Student Development Adviser, etc.

## **Timely Warning Policy**

The LDS Business College Timely Warning Notice Committee consists of the Vice President of Administration, Dean of Students, and Director of Human Resources. This committee meets at the direction of the Vice President of Administration when a serious incident occurs that may pose an imminent and/or continuing threat to students and employees of the College. The Committee evaluates the possible threat, then prepares and disseminates appropriate notifications to the campus community using any or all of the following methods:

- Printed notices posted in conspicuous locations throughout the campus building
- Closed-circuit “BC-TV” digital signage system
- Emergency audio system
- Email
- Broadcast text messaging
- Campus telephone announcements
- Cellular telephone announcements

The College will communicate with local police to request their cooperation in informing the College about crimes reported to them that may warrant a timely warning.

## **Security of Campus Facilities**

The Church’s Headquarters Facilities (HQF) Department maintains College buildings and grounds with a focus on safety and security. The HQF Department regularly inspects the grounds and structures for needed repairs or hazards. They also respond twenty-four hours a day to reports of potential safety and/or security hazards. Representatives from the Salt Lake City Fire Department, the Church Security Department, and the HQF Department periodically inspect the entire campus to review lighting and environmental safety concerns.

LDS Business College is an “open campus with restrictions.” Most campus areas are open to the public during the day and evening hours when classes are in session. When areas of the campus have been secured for the night, for holidays, etc., only employees and authorized students with proper identification are admitted. Several areas on campus, including all exterior doors, are equipped with an electronic card-access security system.

## **Student Housing**

LDS Business College does not own or operate any housing facilities. Therefore, by definition, all students live in off-campus housing. Many students live in privately owned off-campus rental units adjacent to the campus. The College cannot and does not guarantee or represent that owners and managers of rental units always comply with health and safety standards established by LDS Business College, the County, and the State. Students bear the responsibility to choose safe and secure off-campus living arrangements. Local law enforcement agencies are responsible for policing off-campus student residences. The Church Security Department, as the agency responsible for campus security, maintains a strong working relationship with local law enforcement agencies.

## **Crime Prevention and Awareness Programs**

LDS Business College is committed to helping visitors, students, and employees remain safe and secure while on campus. The policies and information provided herein can be a valuable resource, but good personal safety habits are essential. The College is located in downtown Salt Lake City with close proximity to Temple Square, Abravanel Hall, Energy Solutions Arena, Clark Planetarium, and The Gateway and City Creek shopping centers. The College's close proximity to entertainment and shopping centers is a great convenience. However, being in a metropolitan area also has its potential dangers. Individuals on campus should always be aware of their surroundings. The College discourages individuals from walking alone in the downtown area, particularly at night or in less-traveled areas. Utilize public transportation whenever possible, and inform others of your whereabouts.

***New Student Orientation:*** Representatives of the Church Security Department take part in the New Student Orientation program and help to educate students in crime prevention and response behaviors.

***New Employee Orientation:*** As part of the onboarding process new employees are given a copy of the College Emergency Action Plan. The Emergency Action Plan outlines ways to mitigate and respond to emergency situations. New employees also receive site-specific training on emergency preparedness and response at the department level.

***Crime Prevention & Personal Safety Training:*** Upon request, Church Security officers provide lectures, facilitate exercises, and conduct other types of training for either students or employees. Each year, College employees test certain aspects of the Emergency Action Plan by conducting at least two exercises facilitated by the Church Security Department and the Facilities Management Department.

***Building Security:*** The campus building is secured during non-business hours by the Church Security Department. Public access doors are electronically locked and unlocked at appropriate times. The campus building and surrounding area is patrolled 24 hours per day, every day of the year by CSD officers. The internal parking structure is under camera surveillance at all hours by Peak Alarm Company. Many of the areas of the campus building, including the parking structure, are controlled by an electronic card access system.

***BCTV System:*** The College maintains and operates a closed-circuit TV system consisting of large flat-screen TV monitors located at high traffic areas on each floor of the campus building. This system is known as "BCTV" and is used for disseminating information of interest to the LDSBC community, including when needed, timely warning notices and other information pertinent to security issues.

## **Alcohol, Tobacco, and Drugs**

LDS Business College encourages and sustains an academic environment that promotes the health, safety, and welfare of all College members. Thus, it is the long-standing policy of the College that employees and students completely abstain,

whether on or off campus, from the use of tobacco and from the possession, use, or distribution of any illegal drug or alcohol and also abstain from the use of any controlled legal substance without specific medical authorization. In addition, possession or consumption of illegal drugs, alcoholic beverages, or tobacco on campus by anyone is contrary to College policy. Personnel or students known to be possessing, using, or distributing illegal drugs or possessing and using alcohol or tobacco are subject to College disciplinary action and, if appropriate, to legal sanctions pursuant to local, state, and federal law.

Through the annual Clery Act Campus Security Report, all personnel and students are provided annually with a copy of the College Drug-Free Policy in which College and legal sanctions are detailed for inappropriate drug use. The document also details the known health risks associated with drug use.

The LDS Business College Honor Code requires abstinence from tobacco, illicit drugs, alcoholic beverages, and from the use of any controlled legal substance, on and off-campus, at all times. This prohibition includes personal use and distribution of these items, known collectively as “illicit drugs.” In compliance with the federal Drug-Free Schools and Communities Act of 1989, LDS Business College has adopted this Drug-Free School Policy in addition to, not in place of, the LDSBC Honor Code. All students and employees are required, as a condition of admission and employment, to observe this standard of conduct.

The College’s Board of Trustees has directed that involvement with illegal drugs will result in discharge from employment and dismissal from the college on the first offense except in those circumstances where the only contact with the drug was limited and where the employee or student has repented before disciplinary action has begun.

Landlords who have entered into formal, written agreements to provide housing for LDSBC students are required to make a good faith effort to see that Honor Code standards and the provisions of the Drug-Free School Policy are observed by the students living in their facilities, and to report to the College administration any violations that come to their attention.

The College distinguishes between the intentional misuse of illegal and prescription drugs and the unintentional misuse of legitimate drugs prescribed for valid medical reasons. In the latter case, the College will assist employees and students obtain professional help.

Local, state, and federal law provides significant sanctions that may be levied against those involved in the unlawful manufacture, distribution, possession or use of illicit drugs and controlled legal substances.

Drug offenses are punishable by heavy fines, imprisonment, or both. A description of these penalties appears in this policy document under the headings, “Federal Penalties for Distribution of Illegal Drugs,” “Federal Penalties for Possession of Illegal Drugs,” and “Utah Penalties for Alcohol and Illegal Drug Abuse.”

The health risks connected with illicit drug use includes, but is not limited to, physical and psychological addiction physical, psychological, and spiritual decline, disease, and death. A description of some of the possible health risks appear in this policy document under the heading, “Health Risks of Illicit Drugs.”

As a condition of enrollment or employment, LDS Business College requires all students and personnel to abide by a published Honor Code. The Code supports the ideals and principles of its sponsor, The Church of Jesus Christ of Latter-day Saints. The Honor Code, among other things, requires that students and personnel avoid drug abuse. This means refraining from the possession, use or distribution of a legally defined narcotic or dangerous drug except as prescribed by a licensed medical practitioner. It also specifies observance of the Church's Word of Wisdom, which includes abstinence from alcoholic beverages, tobacco, tea and coffee.

In November 1988, the federal government enacted the Drug-Free Workplace Act of 1988. As outlined in the Act, applicants for federal funds must certify their institutions have taken steps to prevent illegal drug use in the workplace by individuals directly engaged in federally-sponsored work. To comply with this law and its commitment to support society's effort to eliminate drug abuse, LDS Business College has adopted this Drug-Free Workplace Policy to supplement the Honor Code. If there is a conflict between LDS Business College's Drug-Free Workplace Policy and Honor Code, the Honor Code will be the controlling document.

All departments must comply with the certification requirements of the Drug-Free Workplace Act if their personnel receive or apply for:

- Funding under any federal grant or cooperative agreement regardless of dollar amount.
- Any federal contract of \$25,000 or more, unless performance of the contract is entirely outside the territorial limits of the United States.

The Act applies only to contractors and grantees, not to subcontractors or subcontractees, and applies only to direct receipt of federal funds and not to third party reimbursement. The Act is program specific. The responsibility for compliance and levy of any sanctions for non-compliance with the performance of the contract or grant will be with the principal investigator or department and not with the College as a whole.

The Act applies only to contracts and grants awarded on or after 18 March 1989. Parties who modify a contract entered into before 18 March 1989 by creating a new commitment not contained in the existing contract must meet the requirements of the Act.

The government may impose sanctions against a program found in violation of the act. The sanctions may include termination of the contract or grant, suspension of payments under the contract or grant, or suspension or disbarment for future awards from any federal source.

In addition to the Honor Code, LDS Business College has adopted a comprehensive Drug-Free School Policy and has made the commitment to maintain a workplace free from the unlawful manufacture, use, dispensing, possession or distribution of controlled substances, as defined by applicable law. The College absolutely prohibits the unlawful manufacture, use, dispensing, possession or distribution of controlled substances by any student or individual in the workplace.

The College supports a student's or an individual's participation in programs for the prevention of controlled substance abuse. The College encourages members of the campus community to seek assistance for preventive controlled substance abuse.

By providing this explanation of policy, the College hopes to encourage elimination of all forms of substance abuse, to help those who currently may be involved to stop such use and get appropriate help, and to assist in stopping the spread of this menace at our College and in society as a whole.

## **Sexual Assault**

The LDS Business College Honor Code requires all College members to respect the personal rights of others and to obey the law. Any violation of another individual's right to be free from forcible and non-forcible sex offenses constitutes a serious violation of the Honor Code that may result in termination of employment, suspension, or dismissal from the College. The following crimes, according to the definitions listed in the definitions section, are serious crimes and

punishable by imprisonment: forcible sex offenses, including sexual assault, rape, forcible sodomy, sexual assault with an object, and forcible fondling; and non-forcible sex offenses, include incest and statutory rape.

Consider the following as ways of helping to stay safe:

- Be assertive and strong when dealing with those who are trying to draw you into behaviors with which you are not comfortable. Be clear and forceful in saying “NO.”
- Always attend events and activities with groups of friends and keep track of each other.
- Keep others informed as to your whereabouts and who you are with.
- Give trusted friends and roommates your cell phone number and information about where you plan to be and when you plan to return.
- Avoid those who use drugs and alcohol and avoid using drugs and alcohol yourself. Never be in a social situation when you are impaired in any way, including legitimate medications and excessive fatigue.
- Be in control of your situation at all times. If you begin feeling uncomfortable, threatened, or pressured to participate in anything against your will, do not be afraid to immediately leave or to demand your freedom. Trust your instincts and always listen to the Spirit.
- Date with other couples and only those who you know and trust. Never date those who you do not know. Avoid Internet dates.
- The National Sex Offender Registry lists offenders by name and by address. This information may be valuable when selecting living accommodations or in other ways. This is available online at [www.familywatchdog.us](http://www.familywatchdog.us).

### **Procedures to Follow if a Sex Offense Occurs**

Incidents of on-campus assault should be reported to the Salt Lake City Police Department and/or the Church Security Department. Off-campus incidents should be reported to appropriate local law enforcement officials. If the victim desires, Church Security officers will assist him or her in notifying the appropriate law enforcement authorities. Moreover, a victim of sexual assault has the option to decline to notify law enforcement. Prompt reporting helps the victim receive medical assistance, counseling, or other support services and allows for the collection and preservation of crucial evidence. Victims of sexual assault should do the following:

- Escape and go to a safe place as soon as possible
- Preserve all physical evidence (do not bathe, douche, brush teeth, wash hands, or change clothing)
- Use a clean jar to collect any urine
- Notify the police as soon as possible
- Ask the police to assist in getting medical attention
- Find a trusted individual to provide moral support and company
- Use the campus and community resources listed in this publication to aid in recovery

## **Sexual Misconduct Policy**

### **General Policy Statement**

LDS Business College (LDSBC) is committed to promoting and maintaining a safe and respectful environment for the campus community. The College will not tolerate sexual harassment, sexual violence, domestic violence, dating violence, or stalking (collectively “Sexual Misconduct”) perpetrated by or against any College students, College employees, participants in College programs, or visitors to its campus. This policy prohibits Sexual Misconduct by College employees

(which include all faculty, staff, and administrative employees) and students, whether the behavior occurs on or off campus. This policy also prohibits Sexual Misconduct by or against visitors to the College (such as independent contractors, vendors, visiting lecturers, and visiting student-athletes).

The College will take immediate and appropriate steps to stop Sexual Misconduct, prevent its recurrence, and address its effects. Any person who violates this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, and a ban from campus, depending on the circumstances and the severity of the violation and the violator's status as an employee, student, or visitor.

The College will work to prevent Sexual Misconduct and address reports of Sexual Misconduct by

- educating members of the campus community about this policy and applicable laws;
- promptly addressing and resolving reports of Sexual Misconduct in accordance with this policy;
- protecting the rights of all parties involved in a complaint; and
- imposing appropriate discipline against those who have engaged in Sexual Misconduct.

Individuals should seek to resolve incidents of Sexual Misconduct by following the procedures set forth in Section IV of this policy.

## **Prohibited Conduct**

As required by Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, the College prohibits sex discrimination in its educational programs or activities, admission, and employment. Under certain circumstances, Sexual Misconduct may constitute sex discrimination.

Sexual Misconduct prohibited under this policy includes a range of unwelcome sexual conduct, including verbal and physical sexual harassment, sexual assault, and other forms of sexual violence, each of which is a form of prohibited sex discrimination. Other criminal behavior, such as domestic violence, dating violence, and stalking, that is generally (though not exclusively) gender-based is also considered Sexual Misconduct under this policy. This policy does not address consensual sexual misconduct, which may be prohibited under LDSBC Honor Code, or other kinds of sex discrimination of a non-sexual or non-criminal nature.

### ***Sexual Harassment***

Sexual harassment is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature whether verbal, nonverbal, or physical. Conduct is unwelcome if the individual toward whom it is directed did not request or invite it and regarded the conduct as undesirable or offensive. A wide variety of sexual conduct may constitute sexual harassment. Examples of sexual harassment include, but are not limited to, the following:

- Sexually suggestive or offensive joking, flirting, or comments
- Unwelcome and intentional touching
- Sexually oriented verbal abuse
- Sexually oriented comments about an individual's body
- Displaying objects or pictures that are sexual in nature
- Sending sexually explicit or offensive text messages or other communications

Sexual harassment of any kind is contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the LDSBC Honor Code, and is considered to be Sexual Misconduct prohibited under this policy.

Sexual harassment directed at employees or students of the College is also a form of sex discrimination which may be prohibited by Title VII of the Civil Rights Act of 1964 (prohibiting unlawful discrimination, including sex discrimination, in employment) and Title IX of the Educational Amendments of 1972 (prohibiting sex discrimination in federally-funded education programs and activities). Sexual harassment prohibited by these laws generally falls within one of two categories:

- 1. Quid pro quo sexual harassment**—when submission to or rejection of the unwelcome sexual conduct is used as a basis for employment decisions affecting an employee, or when a teacher or other employee conditions an educational decision or benefit on a student's submission to unwelcome sexual conduct.
- 2. Hostile environment sexual harassment**—when the unwelcome sexual conduct is so severe or pervasive that it alters the conditions of an employee's employment and creates a hostile, intimidating, or abusive working environment or it denies or limits a student's or employee's ability to participate in or benefit from the College's programs or activities.

To avoid the possibility or appearance of quid pro quo sexual harassment, employees and students should avoid dating, romantic, or amorous relationships where a power differential exists. Examples of such 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, it must be approved by both parties with the appropriate supervisor(s), who should document the disclosure of the relationship and confirm with the parties that the relationship is voluntary and not unwelcome to either party. 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 that creates a hostile environment is more common than quid pro quo harassment, but it is more difficult to identify. In order for harassment to be sufficiently severe or pervasive to create a hostile environment, the employee or student must subjectively consider the environment to be hostile or abusive and the conduct would also have to be objectively offensive, that is, reasonable people in the employee or student's position would also find the conduct to be offensive, considering all the circumstances.

The fact that someone did not intend to sexually harass an individual is generally not a defense to a complaint of sexual harassment. In most cases, determining whether the behavior has created a hostile environment depends on the effect the behavior has on the victim (including its effect on an employee's job performance or a student's education) and the surrounding circumstances (such as the type, frequency, and duration of the conduct; the relationship between the alleged perpetrator and victim; the number of people involved in the conduct; and the location and context of the incidents). Unwelcome sexual conduct that is mildly offensive and isolated, incidental, or sporadic does not rise to the level of unlawful sexual harassment under Title IX or Title VII, even though it may still be disrespectful behavior in violation of this policy and the LDSBC Honor Code.

### **Sexual Violence, Domestic Violence, Dating Violence, and Stalking**

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person's will or against a person who is incapable of giving consent because of the victim's age, disability, or use of drugs or alcohol. Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, and sexual abuse. Such acts of sexual violence, in addition to being criminal offenses prohibited under the Utah Criminal Code, also constitute

Sexual Misconduct prohibited under this policy. A single act of sexual violence (e.g., rape) may be sufficiently severe to create a hostile environment.

Domestic violence, dating violence, and stalking are likewise criminal offenses under the Utah Criminal Code and are also considered Sexual Misconduct prohibited under this policy, even when the criminal behavior is not specifically sexual in nature.

## **Reporting Incidents**

### ***Duty to Report***

College employees, including faculty, staff, and administrative employees, who become aware of or reasonably suspect any incidents of Sexual Misconduct must report the information to the Title IX Coordinator or the Human Resources Director. A dean, department chair, manager, supervisor, professor, or any other College employee who receives a report of Sexual Misconduct, including sexual harassment or sexual violence, must promptly refer the reporting individual to the Title IX Coordinator or the Human Resources Director. If a report of Sexual Misconduct involves potentially criminal acts (i.e., rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking), the alleged victim should be informed that he or she also has the option of reporting the incident to the campus security at 2-2661 and local police, and the option to be assisted by campus personnel in notifying such authorities. Campus security will notify the Title IX Coordinator of all such reports received.

Persons who have reason to believe that a child (anyone under 18 years old) has been subjected to sexual violence or other forms of abuse or neglect, or who observe a child being subjected to conditions or circumstances which would reasonably result in such abuse or neglect, must report the situation to the nearest peace officer, law enforcement agency, or applicable office of the state Division of Child and Family Services, as required by state law.

A College employee who receives a report of Sexual Misconduct should inform the reporting individual that the employee must report the incident, and the employee should then promptly make the report to the Title IX Coordinator or the Human Resources Director, as provided below. College employees with information regarding an incident of Sexual Misconduct who fail to report relevant information or to cooperate in an investigation may be subject to disciplinary action.

The only exceptions to this employee reporting obligation are those situations in which the College employee received the information as part of a confidential communication from another person in the context of a professional or otherwise privileged relationship (i.e., the College employee was the reporting person's doctor, therapist, lawyer, ecclesiastical leader, or spouse).

In order to protect their own and others' safety, individuals who believe they have been subjected to Sexual Misconduct should make a report even if they have simultaneously been involved in other violations of College policy, such as use of alcohol or drugs. Violations of College policy or the LDSBC Honor Code do not make a victim at fault for sexual violence or other forms of Sexual Misconduct and will be addressed separately from the Sexual Misconduct allegation.

Individuals who believe they have been victims of sexual harassment may seek to resolve the issue privately under the informal resolution provisions of this policy or may report the issue under the formal resolution provisions provided herein. Individuals who believe they have been victims of sexual violence, or those who have suffered severe or pervasive sexual harassment creating a hostile environment, should always come forward and make a report under the formal resolution provisions.



### ***Where to Report***

Any person may report Sexual Misconduct to the Title IX Coordinator, Room 938 of the Student Development Center, [dbrooksby@ldsbc.edu](mailto:dbrooksby@ldsbc.edu), or to the Human Resources Director, Room 1009, [bkimber3@ldsbc.edu](mailto:bkimber3@ldsbc.edu). The names, office addresses, and telephone numbers of the Title IX Coordinator and the Human Resources Director are also posted on the College's Title IX website. 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](#). A report of Sexual Misconduct ("Report") can be made verbally or in writing.

Inquiries concerning Title IX and unlawful sex discrimination may be referred to the College's Title IX Coordinator or the Human Resources Director. The Office for Civil Rights within the U.S. Department of Education (OCR) investigates claims of unlawful sex discrimination, including sexual harassment and sexual violence, in the College's educational programs and activities. The OCR may be contacted by email at [ocr@ed.gov](mailto:ocr@ed.gov) or through its website [here](#). The U.S. Equal Employment Opportunity Commission (EEOC) investigates claims of unlawful employment discrimination, including sexual harassment and sexual violence, in the workplace. The EEOC may be contacted by telephone at 800-669-4000 or through their website [here](#).

### ***Complaint and Activity Log***

The College's Title IX Coordinator, in cooperation with the Human Resources Director, will maintain a confidential log of Title IX complaints and activity. To the extent that other campus departments receive complaints of Sexual Misconduct, are involved with complaint investigations, or conduct any part of the resolution proceedings, they should promptly report this activity to the Title IX Coordinator or the Human Resources Director for entry into the confidential log, even if the complaints are resolved without the involvement of the Title IX Coordinator or the Human Resources Director.

### ***Retaliation***

Retaliation against an individual who has made a Report or provided information in connection with an investigation of Sexual Misconduct is strictly prohibited. Individuals who participate in a Sexual Misconduct investigation should be advised that College policy and federal law prohibit retaliation against them or against individuals closely associated with them and should be assured that the College will take steps to prevent retaliation and will take strong responsive action to any act of retaliation of which it becomes aware. An individual who feels that he or she has been subjected to retaliation should report the incident to the Title IX Coordinator or the Human Resources Director.

### **Complaint Resolution Procedures**

The following procedures are designed to provide for the prompt and equitable resolution of reports of Sexual Misconduct perpetrated by or against College employees, students, or campus visitors.

#### ***Informal Resolution***

Whenever it is reasonably possible and safe to do so, an individual who believes he or she has been subjected to Sexual Misconduct ("Complainant") may attempt to resolve the issue privately and constructively with the person responsible for the alleged misconduct ("Respondent"). However, an attempt at informal resolution is not required and is not appropriate, even on a voluntary basis, in instances of sexual violence or other criminal behavior, or when sexual harassment is severe or has become pervasive.

The goal of informal resolution is to conclude the matter to the satisfaction of both parties quickly and confidentially. Either party may enlist the assistance of the Title IX Coordinator or the Human Resources Director in this effort. If satisfactory resolution is not reached after such informal efforts, or if the Complainant believes informal resolution is not possible or may be unsafe, he or she may forego the informal resolution process or discontinue it at any time and address the concern using the formal resolution process described below.

### ***Formal Resolution***

The formal resolution process may be initiated by submitting a Report to the Title IX Coordinator or the Human Resources Director. Anyone can submit a Report under this policy; however, the submission of such a Report does not prevent the Complainant from subsequently pursuing informal resolution with the Respondent in appropriate circumstances.

#### **1. Selection of the Investigator**

Upon receiving a Report, the Title IX Coordinator will either select a qualified employee to promptly investigate the allegations in the Report (“Investigator”) or choose to conduct the investigation himself. Generally, the Title IX Coordinator will serve as the Investigator for allegations against a student or against a campus visitor if the alleged victim is a student. The Human Resources Director will generally serve as the Investigator for allegations against College employees, including student employees unless the alleged misconduct occurred outside the student employment context. The Human Resources Director will also generally serve as the Investigator for allegations against visitors to campus if the alleged victim is a College employee or another visitor to campus. The Title IX Coordinator will consider any conflicts of interest, time constraints, or other relevant factors in selecting an Investigator.

#### **2. Confidentiality**

Given the sensitive nature of Sexual Misconduct allegations and the potential for damage to the parties’ personal reputations, all reports will be investigated as confidentially as reasonably possible. All participants in the investigation—including the Complainant, the Respondent, the Investigator, and individuals interviewed by the Investigator—should keep the allegations and proceedings confidential, and should provide information only to those College and governmental employees who are authorized to investigate the Report or who otherwise have a legitimate need to know. Records kept by the College relating to Sexual Misconduct allegations are not publically available, but in the event that the College is required to make any such records publicly available, any identifying information about the Complainant will be excluded, to the extent permissible by law, to protect the Complainant’s confidentiality.

Notwithstanding the foregoing confidentiality provisions, Complainants and any witnesses who participate in an investigation of Sexual Misconduct should be advised that their confidentiality will be preserved only to the extent it does not interfere with the College’s ability to investigate the Report and take corrective action, and that if the investigation results in litigation, the College may be legally required to disclose any information it has received.

If a Complainant requests that his or her identity be kept confidential or asks the College not to pursue an investigation, the Complainant should be notified that (1) the College’s ability to investigate and respond to the Report may be limited by such a request, and (2) under some circumstances the College may not be able to honor such a request. The College will take all reasonable steps to investigate and respond to a Report consistent with the Complainant’s request for confidentiality. However, without conducting a full investigation or disclosing the full nature of the Report (including its source) to the Respondent, the College may be unable to impose any discipline, and its corrective actions might be limited to informing the Respondent that allegations of discriminatory behavior have been made against him or her, preserving a record of the discrimination allegation in the Respondent’s employment or student disciplinary file, and pursuing other

steps to limit the effects of the alleged harassment and prevent its recurrence, such as training or surveys in the affected area or department. Complainants who require complete confidentiality may be advised that they can address their confidential concerns to ecclesiastical leaders, mental or physical health providers, or their own legal counsel.

The Complainant should also be advised that the College may not be able to honor a request for confidentiality or to forego an investigation if the College determines such a request would prevent the College from meeting its responsibility to provide students and employees with a safe and nondiscriminatory environment and its corresponding obligations to provide a thorough and impartial investigation and a prompt and equitable resolution of the Report.

The College will consider the following factors in determining whether to disclose the identity of a Complainant or pursue an investigation contrary to the Complainant's request:

- the seriousness of the alleged Sexual Misconduct
- the age or maturity of the Complainant
- the existence of any previous accusations against the alleged violator
- the existence of independent evidence to substantiate the allegations
- in the case of accusations against a student, the rights of the student under Confidentiality of Records and corresponding federal and state privacy laws or laws mandating disclosure

If the College determines it cannot honor a Complainant's request for confidentiality or a Complainant's request to forego an investigation, it will inform the Complainant prior to commencing its investigation.

### **3. Preliminary Assessment**

Upon receiving a Report of Sexual Misconduct, the Title IX Coordinator and/or the Investigator will promptly perform a preliminary assessment based on the facts reported to determine whether they provide reasonable cause to believe a violation of this policy may have occurred. If there is no reasonable cause to believe a violation occurred, no further action will be taken and the Complainant will be informed that his or her Report has been considered and will not be investigated. If reasonable cause is found, an investigation will proceed as provided below.

### **4. Interim Measures**

Based on any information acquired in the course of the preliminary assessment or investigation, the Title IX Coordinator or Investigator may recommend that interim measures be taken to protect the Complainant or others from further acts of Sexual Misconduct or retaliation while the investigation is still pending. This recommendation should be submitted to the office or individual within the College administration authorized to implement the recommendation. The Complainant and Respondent should be informed of the availability of interim measures such as separating the Respondent and the Complainant by changing academic or living situations as appropriate and the availability of academic support, on and off-campus counseling, health, and mental health services. In situations deemed to be extreme or dangerous, the office or individual within the College administration authorized to impose discipline on the Respondent (the "Responsible Administrator") may take interim disciplinary action against the Respondent, up to and including a temporary suspension and ban from campus. Other remedial interim measures may also be appropriate, such as special training in the affected department or area, or the dissemination of information about how to report Sexual Misconduct.

### **5. The Complainant's Written Complaint, Supporting Documentation, and Evidence**

If a Complainant has not already submitted a sufficient written statement in connection with the initial Report, the Investigator will ask the Complainant to prepare and sign a written statement of the facts involved ("Complaint"). The

Complaint should clearly and concisely describe the incident(s), including when and where the alleged Sexual Misconduct occurred. The Complaint may also include an explanation as to why the Complainant believes the Respondent's behavior was unlawful or in violation of College policy, corroborating facts and evidence, the names of other individuals who may have information relevant to the Complaint, other materials or evidence in support of the Complaint, and a proposal for an appropriate resolution. The Complaint may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within two weeks of the Investigator's request.

If the Complainant refuses or fails to submit a timely Complaint, the Investigator, in consultation with the Title IX Coordinator, may terminate the investigation. However, if the Investigator determines it is necessary to continue the investigation without a Complaint to determine what occurred and take appropriate remedial steps, the Investigator may prepare a summary of the facts reported and ask the Complainant to review the summary, make any necessary corrections, and affirm it with a signature. If the Complainant refuses to sign the Investigator's summary of the Report, the Investigator may either (a) note that the allegations have been withdrawn and terminate the investigation, or (b) note that the Complainant has refused to sign the summary of the allegations, but that the investigation will nevertheless proceed to determine what occurred and to protect the College's interest in maintaining an environment free from sex discrimination. In such a case, the Investigator's summary of the allegations will be treated as the Complaint under these procedures, and a copy of the Investigator's summary with its notation will be delivered to the Complainant.

A copy of the Complaint will be provided to the Respondent at a point in the investigation when the Investigator deems it advisable. The Investigator, in consultation with the Title IX Coordinator, may redact the Complaint copy before providing it to the Respondent to protect the identity or safety of the Complainant or any witnesses or for any other reason as the Investigator deems advisable.

## **6. The Respondent's Written Response, Supporting Documentation, and Evidence**

The Respondent may prepare and submit a signed written statement in response to the Complaint ("Response"). The Response should indicate whether the Respondent admits or denies the allegations in the Complaint and should provide any exculpatory facts or evidence, including the names of other individuals who may have information relevant to the allegations and other materials in response to the Complaint. The Response may also include an explanation as to why the Respondent believes any admitted conduct was lawful or was not in violation of College policy and whether any resolution proposed by the Complainant is or is not appropriate. The Response may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within two weeks of the Respondent receiving the Complaint.

A copy of the Response will be provided to the Complainant at a point in the investigation when the Investigator deems it advisable. The Investigator may redact the Response copy before providing it to the Complainant to protect the identity or safety of any witnesses or for any other reason as the Investigator deems advisable.

## **7. Concurrent Investigations or Processes**

An investigation conducted under these procedures will be conducted independent of any associated criminal investigation or any other College investigation or procedures. If the College determines the issues raised in this investigation may be relevant to its determination in another non-criminal investigation or another process that is simultaneously pending at the College, it may direct that the other investigation or process be suspended until this investigation and any appeals or administrative reviews are concluded. However, an investigation under these procedures will not be suspended pending the conclusion of a criminal investigation or any other investigation, though the fact-finding portion of the investigation may be delayed temporarily while the police are gathering evidence. While the

findings and conclusions of one investigation will not determine the outcome of any other, any evidence or findings developed in any College or non- College investigation may be shared with and considered in any other College investigation.

## **8. Cooperation with College Investigations**

Employees or students who fail to cooperate in the investigation, including those who knowingly or recklessly misrepresent any facts or who withhold pertinent information, may be subject to disciplinary action up to and including suspension or dismissal from the College or termination of College employment. The knowing or reckless reporting of false charges of Sexual Misconduct will be treated as a material breach of the LDSBC Honor Code, subjecting the individual making the false accusations to similar disciplinary action.

## **9. The Investigation**

The investigation should be thorough, prompt, adequate, reliable, and impartial. The Investigator will, in good faith, attempt to conclude the investigation within sixty days of receiving the Complaint. If, as a result of the complexity of the case or other extenuating facts and circumstances, the investigation cannot reasonably be concluded within the sixty-day period, the Complainant and the Respondent will be provided periodic updates at reasonable intervals regarding the status of the investigation.

During the investigation, the Investigator will consider the Complaint and Response, conduct interviews, and review any other documents or evidence submitted by the parties or discovered during the investigation. An investigation under these procedures is an internal College employment or student disciplinary matter. While any party is free to engage legal counsel or seek legal advice, attorneys for the parties will not be permitted to attend or otherwise participate in any employee or student interview, meeting, or other proceeding that may take place under these procedures.

At any time during the investigation, either of the parties or the Investigator may propose a resolution of the matter. If both the Complainant and the Respondent are satisfied with this proposed resolution, and if the Investigator, the Title IX Coordinator, and the Responsible Administrator are also satisfied that the College's interests are protected, the matter may be resolved as proposed.

At the conclusion of the investigation, the Investigator will determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent has in fact engaged in Sexual Misconduct or other behavior in violation of College policy. The Investigator will promptly communicate this outcome simultaneously and in writing to the Complainant and the Respondent. The Investigator will also report the outcome to the Responsible Administrator, and may provide the Responsible Administrator with a report of findings describing the evidence and reasoning supporting the Investigator's findings and the outcome. Upon request, the Investigator will provide a redacted copy of any report of findings to the Complainant or the Respondent.

## **10. Title IX Administrative Review**

A party who remains unsatisfied with the outcome of the investigation may ask for a review before the Vice President of Student Services ("Administrative Review"). An Administrative Review may be initiated by submitting a written request for review to the Title IX Coordinator within fourteen days after receiving notice of the outcome of the investigation from the Investigator. The party requesting an Administrative Review must identify at least one of the following grounds for review in the request for review:

- The outcome of the investigation is clearly contrary to the preponderance of the evidence.

- A procedural error significantly impacted the outcome of the investigation (e.g., a substantiated bias or material deviation from these procedures).
- New evidence, unavailable to the party during the original investigation, has been discovered that could substantially impact the original outcome. This new evidence and an explanation of its potential impact must be included in the request for review.

In any Administrative Review, the Vice President of Student Services will presume the outcome of the investigation was reasonable and appropriate, and the party submitting a request for review bears the burden of establishing, by clear and convincing evidence, that the outcome was reached in error.

The written request for review may not exceed five pages. The Title IX Coordinator will promptly send a copy of any request for review to the other party, and will provide both parties with a redacted copy of any report of findings created by the Investigator. The other party may submit a response to the request for review, also limited to five pages, within fourteen days after receiving a copy of the request for review.

If requested by either party, the Vice President of Student Services will conduct an Administrative Review Hearing within thirty days of receiving the parties' request for a hearing and their written submissions. In any such hearing, both of the parties will have an equal opportunity to present their view of the allegations and to ask questions of the Investigator or of the Title IX Coordinator, but the parties may not personally question or cross-examine each other during the hearing. Both parties will also have the same opportunity to be accompanied by another individual at an Administrative Review Hearing. However, no attorneys will be permitted to attend or otherwise participate in the hearing, except that attorneys from the College's legal counsel from the Office of the General Counsel at Brigham Young University may participate for the purpose of advising the Vice President of Student Services on the applicable policy, procedures, and law governing the hearing. If requested by any party or by the College, an electronic recording of the hearing may be made, and a copy of the recording will be provided to both the Complainant and Respondent at the conclusion of the hearing.

The Vice President of Student Services may consider the written request for review and response and any other facts, evidence, or arguments developed in the investigation or the Administrative Review to determine whether there is clear and convincing evidence that the outcome of the investigation was reached in error. The Vice President of Student Services will provide a written decision and report to the parties and to the Responsible Administrator within thirty days of receiving the parties' submissions or, if there is an Administrative Review Hearing, within thirty days of the hearing.

## **11. Resolution and Disciplinary Sanctions**

Within fourteen days of receiving a determination of the outcome and any report of findings from the Investigator or, in the case of an Administrative Review, within fourteen days of receiving the Title IX Coordinator's written decision and report, the Responsible Administrator will determine the resolution of the Complaint, including the imposition of any disciplinary sanctions, as provided in the applicable disciplinary policy. Any person found in violation of this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, or a ban from campus, depending on the circumstances and the severity of the violation.

The Responsible Administrator(s) and the applicable disciplinary policy will be determined as follows:

- The Responsible Administrators for a Complaint against a faculty member are the faculty member's dean and chair or director, who shall administer any discipline consistent with the applicable provisions of the Employee Conduct Policy. If the dean and the chair or director conclude there may be adequate cause for involuntary termination of the faculty member's employment, the Chief Academic Officer will be consulted and must give final approval for the termination.

- The Responsible Administrator for a Complaint against a non-faculty employee is the director over the employee's area, who shall administer any discipline in consultation with the Director of Human Resources.
- The Responsible Administrator for a Complaint against a student is the Honor Code Office, which will administer any discipline consistent with the Honor Code Investigation and Administrative Review Process. The Honor Code Office may conduct its own investigation of the Complaint, or it may accept part or all of the Investigator's outcome determination and any report of findings in lieu of an independent Honor Code investigation. If the student is also an employee of the College, the Investigator will provide a copy of the outcome and any report of findings to the student employee's manager, who will administer any discipline affecting the student's employment status in consultation with the Human Resources Director and consistent with the applicable provisions of the Employee Conduct and Appeal and Grievance policies.
- The Responsible Administrators for a Complaint against a visitor to campus who is neither a student nor an employee is the Human Resources Director over the College unit that originally invited the visitor to campus, and, if a violation is found, the College Banning Committee. If the visitor was not invited to campus, the Responsible Administrator is the College Banning Committee.

Complaint resolution shall include, in addition to any discipline imposed, reasonable steps designed to correct any discriminatory effects on the Complainant and on others who may have been affected, and to prevent the recurrence of any discriminatory or otherwise inappropriate actions.

The Responsible Administrator will communicate the resolution in writing to both the Complainant and the Respondent simultaneously. However, the Responsible Administrator may choose not to disclose the discipline imposed by the resolution, and will not disclose the discipline imposed on a student except under one of the following circumstances:

- the discipline directly affects the other party—such as when the student is ordered to stay away from the other party, is transferred to another job, worksite, class, or residence hall, or is suspended or dismissed from the College;
- the Complainant alleged Sexual Misconduct involving a crime of violence or a non-forcible sex offense; or
- the student gives his or her written permission to disclose the discipline.

The College may also report findings of criminal misconduct to the police and may report criminal or other serious misconduct to an individual's ecclesiastical leaders as it deems appropriate in its absolute discretion.

## **12. Review of Disciplinary Sanctions**

A faculty member, full-time administrative or staff employee, or a student may request an administrative review or appeal of the resolution based on a claim that the discipline imposed on him or her is substantially disproportionate to the severity of the violation. Any such review should be initiated and conducted pursuant to the applicable College policy or procedure, as follows:

- Faculty, Full-time administrative and staff employees may submit a grievance or, in the case of termination, a request for an administrative review, pursuant to the Appeal and Grievance Policy.
- When the resolution includes disciplinary sanctions affecting a student's Honor Code standing, the student may seek a review pursuant to the "Administrative Review" provisions of the Honor Code Investigation and Administrative Review Process.

## **Exhaustion of Remedies**

A student or employee may not initiate civil litigation or civil administrative remedies against the College or its employees, agents, officers, or trustees until all the remedies provided by these procedures have been exhausted.

## **Waiver of Claims**

Failure to submit a Complaint or to pursue an Administrative Review or other administrative review or appeal within the stated deadlines or to exhaust the remedies provided by these procedures within the time provided will constitute a waiver of the student's or employee's right to pursue any claim against the College in the matter, unless the right to pursue a statutory claim is preserved by law or the College waives this clause in writing.

## **Training**

The College will seek to make all employees and students familiar with the contents of this policy. All administrators, deans, chairs, directors, managers, and supervisors are responsible to ensure that employees within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will develop and oversee training and education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The Human Resources Director may assist in fulfilling that responsibility. All training sessions and participants should be documented, and those records should be provided to the Title IX Coordinator. Such training and education shall consist of at least the following:

1. Primary prevention and awareness programs for all incoming students and new employees, and ongoing prevention and awareness campaigns for continuing students and employees, including at least the following information:
  - a. A clear statement that the College prohibits domestic violence, dating violence, sexual assault, and stalking, and definitions for these offenses under the Utah Criminal Code.
  - b. The definition of consent under the Utah Criminal Code.
  - c. 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 one of the offenses listed in subsection (a) against another person.
  - d. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.
  - e. Information about this policy, including
    - i. information about discipline the College may impose for Sexual Misconduct;
    - ii. procedures for victims of Sexual Misconduct to follow, including written information about the importance of preserving evidence and reporting offenses to the College and law enforcement authorities;
    - iii. procedures for institutional disciplinary actions; and
    - iv. information about preserving victim confidentiality.
  - f. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, and other services available to victims of Sexual Misconduct both on campus and in the community.
  - g. Written notification of victims about their options for, and available assistance in, changing academic, living, transportation, and working situations.
2. Annual training for Investigators and Responsible Administrators on 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.



**Applicability:** This policy applies to all College students, all College personnel (including faculty, administrative and staff employees, volunteers, and representatives), and all visitors to the College (including, but not limited to, independent contractors, vendors, visiting lecturers, and visiting student-athletes).

## Other Sex Offenses

Other behaviors other than rape and sexual assault may be violations of college policy or criminal law. Exhibitionists, voyeurs (peeping toms), and persons who make obscene or harassing phone calls are in violation of the LDS Business College Honor Code and of the law. Even though a physical attack may not have been carried out, promptly report all incidents to the police.

*Exhibitionism:* The act or practice of exposing one's genitalia to another for the purpose of obtaining sexual gratification or stimulation or to shock or be offensive to another.

*Voyeurism:* The act or practice of obtaining sexual gratification or stimulation by visual means--an example would be a window peeper.

If you encounter an incident of exhibitionism or voyeurism, do the following:

- Stay calm and exhibit no reaction.
- Contact the Church Security Department or local police immediately.
- Note the time and location of the occurrence.
- Note the physical characteristics of the offender.
- Note the direction of travel of the offender.
- Get a description of the vehicle (make, model, color, and license plate number).
- Get the names and phone numbers of other witnesses. Lock all doors and windows.

*Harassing and Obscene Phone Calls:* Harassing and obscene phone calls are generally intended to shock or intimidate the victim or to sexually gratify the caller. Use the telephone on your terms—not the terms of the caller.

If you encounter a harassing or obscene phone call, do the following:

- Do not give out your name.
- Note the phone number displayed on your caller ID.
- State “Do not call this number again,” and quietly hang up once a caller makes obscene remarks or does not respond to your “hello.”
- Always contact police authorities for these types of calls.
- Keep logs of calls noting the date, time, content, voice characteristics, background noises, etc.
- Be wary of callers conducting surveys.
- Never give personal information to unknown callers (e.g., credit card or social security numbers, etc.)

## Other Sexual Assault Information

*Center for Changing Our Campus Culture* (<http://changingourcampus.org/about-us/not-alone/>) is a government sponsored site assisting victims of sexual assault. This information is for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses and in our schools. Click ‘explore’ to find a crisis service, learn more about your rights and how to file a complaint, and view a map of resolved school-level enforcement activities.

**Counseling and Student Services for Victims of Sex Offenses**

The following are services provided by the College or by the surrounding community to facilitate recovery.

**Resources**

|  |                |
|--|----------------|
| Child Abuse Reporting 24 Hour .....            | (800) 678-9399 |
| Crime Victim Reparation.....                   | (801) 238-2360 |
| Domestic Violence Information.....             | (800) 897-5465 |
| Family Support Center (Salt Lake County) ..... | (801) 487-7778 |
| Honor Code Office.....                         | (801) 524-8157 |
| LDS Hospital .....                             | (801) 408-1100 |
| Valley Mental Health (Emergency) .....         | (801) 483-5444 |
| Rape Recovery Center .....                     | (801) 467-7273 |
| University Medical Center.....                 | (801) 581-2121 |
| Women’s Resource Center .....                  | (801) 581-8030 |
| YWCA Battered Women’s Shelter .....            | (801) 537-8600 |

**Registered Sex Offenders**

In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA) and the Utah Sex Offender Registration Act, notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution.

Information regarding registered sex offenders residing within a specific Utah geographic location can be accessed via the Utah Department of Corrections’ website:  
[http://www.communitynotification.com/cap\\_office\\_disclaimer.php?office=54438](http://www.communitynotification.com/cap_office_disclaimer.php?office=54438) (click on the tab “Search for Offenders in your area”).

**Emergency Response and Evacuation**

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 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 Timely Warning Notice Committee or the Church Security Department’s Global Security Operations Center (GSOC) will approve the activation of the MIR3 emergency notification system. Without delay, unless mitigating factors warrant a delay, alert, information, and reassurance messages will be streamed to the campus community by the Timely Warning Notice Committee through the MIR3 system and the College’s web page.

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 MIR3 system: Church Risk Management and Security Departments, General Counsel, and College Public Relations. Should the incident or threat impact the larger community, Salt Lake City Police Department will determine whether Salt Lake City residents should be alerted.

## **Testing**

On a semiannual basis the mass e-mail and personal cell phone elements of the MIR3 system will be tested. The test will be unannounced, and the text message sent to the campus community will read as follows: “This is a test of LDSBC’s emergency notification system. In the event of a real emergency the alert message will tell you what the emergency is and what to do. This message is only a TEST. No actual emergency exists.” A record will be made of each test, including a description, the date and time of the test, and whether it was announced or unannounced. The College will publicize its emergency notification procedures in conjunction with the testing of the MIR3 system.

## **Evacuation Drills**

Under the direction of the Church Security and Facilities Management departments, 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.

## **Missing Student Notification Policy and Procedure**

The following policy and procedure has been established to assist in locating students when, based upon facts and circumstances Church Security or local law enforcement has determined a student to be missing:

If you believe a student is missing, you should immediately alert one of the following:

- Church Security Officer,
- Dean of Students,
- Director of Student Development, or
- Campus Security Authority

All missing student reports will be immediately referred to Church Security. Upon determining that a student has been missing for 24 hours, Church Security will work with local law enforcement personnel to initiate emergency contact procedures in accordance with the student’s emergency contact information and, if the student is under 18 years of age (and not emancipated), the student’s custodial parent or legal guardian will also be contacted. Upon determining that a student is missing, Church Security will hand the investigation over to local law enforcement.

Upon determining that a student is missing, Church Security will notify the following:

- Local law enforcement,
- Director of Student Development, and
- Dean of Students

## **Crimes and Other Situations**

### **Active Shooter**

To survive an active shooter incident, one must develop a survival mindset and a course of action. A survival mindset is a protective shield with three components: awareness, preparation, and rehearsal. A course of action may include any or all of the following:

- Figure out the situation;

- Get out to a safer area if you can;
- Call out to the police;
- Hide out if you are unable to get out;
- Keep out the shooter by blocking doorways, etc.;
- Spread out (do not huddle together) and quietly develop a plan of action; and
- Take out the shooter. Assume the shooter's intentions are lethal and be prepared to do whatever it takes (survival mindset) to neutralize the threat.

## **Assault**

Avoid circumstances that may make you vulnerable to assault. These include jogging at night and walking near dense shrubbery where assailants might hide. You should always stay near well-lighted paths and walkways at night, carry a cell phone and a whistle to summon help, and let friends or family know where you are going and when you will return. Keep windows and doors locked, and keep drapes and blinds closed while dressing.

## **Child Abuse**

Utah State Law requires any person who has “reason to believe that a child has been subjected to abuse or neglect, or [observes] a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect” to immediately report the incident to the nearest peace officer, law enforcement agency, or applicable office of the state Division of Child and Family Services.

Child abuse includes, but is not limited to the following:

- The endangerment of a child's physical or mental health resulting from a non-accidental harm of a child,
- Threatened harm of a child,
- Sexual exploitation, and
- Sexual abuse.

## **Domestic Violence**

Domestic violence is a crime in which a person intentionally or knowingly causes or attempts to cause a cohabitant physical harm or intentionally or knowingly places a cohabitant in reasonable fear of imminent physical harm.

*Cohabitant:* An individual who is or was a spouse (or living as a spouse) of the other person, is related by blood or marriage to the other person, has one or more children in common with the other person, is the biological parent of the other person's unborn child, or resides or has resided in the same residence as the other person (this applies to a roommate setting).

Any of the following crimes committed against a cohabitant constitute the crime of domestic violence:

- Aggravated assault;
- Assault;
- Criminal homicide;
- Harassment;
- Telephone harassment;
- Kidnapping, child kidnapping, or aggravated kidnapping;
- Mayhem;

- Sexual offenses;
- Stalking;
- Unlawful detention;
- Violation of a protective order or ex parte protective order;
- Any offense against property;
- Possession of a deadly weapon with intent to assault;
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle; and
- Child abuse.

Domestic violence is a campaign of control. Some of the more common abuser tactics include control through criticism, isolation, money, mind games, decision making, jealousy, children, blame, verbal threats, sex, physical threats, and/or physical assaults.

### **What would it take for an abuser to change?**

The abuser would have to admit his or her history of psychological, sexual, and physical abusiveness, and to acknowledge that the behavior was a wrong choice (not a loss of control). The abuser would need to recognize the effects the abuse has had on his or her victims and show empathy. Identifying patterns of controlling behavior and attitudes and replacing them would also be important, as well as reevaluating his or her distorted image of the abused. The abuser would also need to make amends for damages, accept the consequences, and commit to not repeating the abusive behaviors.

### **Pornography and Indecent Material**

Involvement with pornographic, erotic, obscene, indecent, or other offensive materials, expressions, or conduct that, in the sole discretion and judgment of the College, is inconsistent with the LDS Business College Honor Code or with the principles of the College's sponsor, The Church of Jesus Christ of Latter-day Saints, is a serious offense. Such offenses may result in appropriate College sanctions, including termination from College employment, immediate suspension, or dismissal from the College as well as prosecution pursuant to state and federal law. LDS Business College believes that an educational and living environment that is consistent with the principles of respecting individual dignity and with the moral virtues encompassed by the gospel of Jesus Christ will assist in discouraging the advent of sexual offenses on campus and within the College community.

### **Suspicious Packages or Letters**

Suspicious packages and letters can possibly contain an explosive device or biological agent. If you receive a suspicious package or envelope, you should not shake or empty the contents. Do not touch the package. Leave the room, close the door, or secure the area to prevent others from entering, and immediately notify local law enforcement or Church Security.

Certain characteristics can make packages and letters more suspicious. An item that deserves concern might have excessive postage, a handwritten or poorly typed address, incorrect titles, no return address, discolorations, unusual sounds, visual distractions, excessive security material or weight, lopsided or uneven envelope, or a city or state in the postmark that does not match the return address.

### **What to do with a package or envelope with a powdery substance:**

- Do not cleanup or touch the powder.
- Leave the room, close the door, or secure the area to prevent others from entering.

- Wash hands and exposed skin with soap and water to prevent spreading powder to your face.
- Immediately report the incident to the police.
- Remove contaminated clothing as soon as possible and place in a plastic bag or other container. Give it to emergency responders.
- Shower with soap and water as soon as possible.
- Make a list of people that were in the area, especially those who may have had contact with the powder.
- Immediately notify local law enforcement or Church Security.

## **Theft**

Theft on campus is the most frequently reported crime. As with crimes against persons, the best defense against theft is vigilance. The following suggestions may assist you in protecting your personal property:

- In a public setting, never leave personal belongings unattended even for a minute;
- Keep doors and windows locked;
- Do not keep large amounts of money in your room or on your person;
- On campus, lock your bicycle with a quality lock system in approved bicycle racks;
- Register your bicycle with local police or with Church Security;
- Do not lend your keys, credit cards, or LDSBC ID card to anyone;
- Do not attach ID to your keys;
- Engrave ID numbers on personal property (do not use your Social Security number);
- Keep records of your property, including description, make, model, and serial number;
- Do not leave your laundry unattended in public laundry facilities; and
- Always lock your car and remove valuables or place them in the trunk of the car.

## **Graduation Rates**

Using the 2015 entering cohort (beginning freshmen who entered LDSBC summer term and re-enrolled fall semester, plus those who entered fall semester, including only those beginning freshmen who registered for 12 or more credit hours during the fall of 2015, and excluding all who later left to serve a mission for the Church of Jesus Christ of Latter-Day Saints), the graduation rate within three years (2018) of all remaining students was 26% for the men and 31% for the women with a combined rate for both men and women of 28%.

## Appendices

### A. Legal Sanctions for Unlawful Possession or Distribution of Drugs and Alcohol

The following tables show sanctions for illegal possession, distribution, or consumption of drugs or alcohol.

- Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific
- Table 2—Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs
- Table 3—Federal Penalties for Illegal Possession of Drugs—All Drugs
- Table 4—Utah State Penalties for Possession, Use, or Distribution of Illegal Drugs
- Table 5—Utah State Penalties for Unlawful Possession, Use, or Distribution of Alcohol
- Table 6—Utah State Penalties for Driving Under the Influence of Alcohol

#### Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific<sup>1</sup>

Below are federal penalties for the manufacture, distribution, or dispensing of *specific* illegal drugs. See 21 U.S.C. § 841.

| Drug (CSA Schedule)   | Quantity                             | Penalties     |                |                |
|---|--------------------------------------|---------------|----------------|----------------|
|   |                                      | First Offense | Second Offense | Third+ Offense |
| Heroin (I & II)   | 100–999 gm mixture                   | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 1 kg+ mixture                        | Penalty 2     | Penalty 8      | Penalty 13     |
| Cocaine (I & II)  | 500–4,999 gm mixture                 | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 5 kg+ mixture                        | Penalty 2     | Penalty 8      | Penalty 13     |
| Cocaine Base (I & II)   | 28–279 gm mixture                    | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 280 gm+ mixture                      | Penalty 2     | Penalty 8      | Penalty 13     |
| PCP (I & II)  | 10–99 gm pure or 100–999 gm mixture  | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 100 gm+ pure or 1 kg+ mixture        | Penalty 2     | Penalty 8      | Penalty 13     |
| LSD (I & II)  | 1–9 gm mixture                       | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 10 gm+ mixture                       | Penalty 2     | Penalty 8      | Penalty 13     |
| Fentanyl (I & II)   | 40–399 gm mixture                    | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 400 gm+ mixture                      | Penalty 2     | Penalty 8      | Penalty 13     |
| Fentanyl Analogue (I & II)  | 10–99 gm mixture                     | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 100 gm+ mixture                      | Penalty 2     | Penalty 8      | Penalty 13     |
| Marijuana <sup>2</sup> (I & II)   | Less than 50 kg or 50–99 plants      | Penalty 3     | Penalty 9      | Penalty 9      |
|   | 100–999 kg mixture or 100–999 plants | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 1,000 kg+ mixture or 1,000+ plants   | Penalty 2     | Penalty 8      | Penalty 13     |
| Methamphetamine (I & II)  | 5–49 gm pure or 50–499 gm mixture    | Penalty 1     | Penalty 7      | Penalty 7      |
|   | 50 gm+ pure or 500 gm+ mixture       | Penalty 2     | Penalty 8      | Penalty 13     |
| Any Schedule I or II Controlled Substance Not Otherwise Identified (I & II) | Any amount                           | Penalty 4     | Penalty 10     | Penalty 10     |
| Gamma Hydroxybutyric Acid (I & II)  | Any amount                           | Penalty 4     | Penalty 10     | Penalty 10     |
| Flunitrazepam (I & II)  | 1 gm                                 | Penalty 4     | Penalty 10     | Penalty 10     |
| Hashish (I & II)  | Less than 10 kg                      | Penalty 3     | Penalty 9      | Penalty 9      |
| Hashish Oil (I & II)  | Less than 1 kg                       | Penalty 3     | Penalty 9      | Penalty 9      |

<sup>1</sup> On the following page are descriptions for each of the above referenced penalties.

<sup>2</sup> “[D]istributing a small amount of marihuana for no remuneration shall be treated as” simple possession.

| Drug (CSA Schedule)                          | Quantity   | Penalties  |   |   |
|--|------------|--|---|---|
|  |            | First Offense  | Second Offense  | Third+ Offense  |
| All Schedule III Controlled Substances (III) | Any amount | Penalty 5  | Penalty 11  | Penalty 11  |
| All Schedule IV Controlled Substances (IV)   | Any amount | Penalty 3 (except only one year of supervised release) | Penalty 9 (except only two years of supervised release) | Penalty 9 (except only two years of supervised release) |
| All Schedule V Controlled Substances (V)     | Any amount | Penalty 6  | Penalty 12  | Penalty 11  |

### Description of Penalties for Table 1

**Penalty 1:** (1) Imprisoned at least 5 to 40 years, but if there is death/serious injury, then 20 years to life (no parole and supervised release for at least 4 years after any prison term); (2) fined no more than \$5 million (individual) or no more than \$25 million (not an individual); or (3) both imprisoned and fined.

**Penalty 2:** (1) Imprisoned 10 years to life, but if there is death/serious injury, then 20 years to life (no parole and supervised release for at least 5 years after any prison term); (2) fined no more than \$10 million (individual) or no more than \$50 million (not an individual); or (3) both imprisoned and fined.

**Penalty 3:** (1) Imprisoned no more than 5 years (supervised release for at least 2 years after any prison term); (2) fined no more than \$250,000 (individual) or no more than \$1 million (not an individual); or (3) both.

**Penalty 4:** (1) Imprisoned up to 20 years, but if there is death/serious injury, then 20 years to life (no parole and supervised release for at least 3 years after any prison term); (2) fined no more than \$1 million (individual) or no more than \$5 million (not an individual); or (3) both imprisoned and fined.

**Penalty 5:** (1) Imprisoned up to 10 years, but if there is death/serious injury, then up to 15 years (supervised release for at least 2 years after any prison term); (2) fined no more than \$500,000 (individual) or no more than \$2.5 million (not an individual); or (3) both imprisoned and fined.

**Penalty 6:** (1) Imprisoned up to 1 year; (2) fined is no more than \$100,000 (individual) or no more than \$250,000 (not an individual); or (3) both imprisoned and fined.

**Penalty 7:** (1) Imprisoned 10 years to life, but if there is death/serious injury, then life (no parole and supervised release for at least 8 years after any prison term); (2) fined no more than \$8 million (individual) or no more than \$50 million (not an individual); or (3) both imprisoned and fined.

**Penalty 8:** (1) Imprisoned 20 years to life, but if there is death/serious injury, then life (no parole and supervised release for at least 10 years after any prison term); (2) fined no more than \$20 million (individual) or no more than \$75 million (not an individual); or (3) both imprisoned and fined.

**Penalty 9:** (1) Imprisoned up to 10 years (supervised release for at least 4 years after any prison term); (2) fined no more than \$500,000 (individual) or no more than \$2 million (not an individual); or (3) both.

**Penalty 10:** (1) Imprisoned up to 30 years, but if there is death/serious injury, then life (no parole and supervised release for at least 6 years after any prison term); (2) fined no more than \$2 million (individual) or no more than \$10 million (not an individual); or (3) both imprisoned and fined.



**Penalty 11:** (1) Imprisoned up to 20 years, but if there is death/serious injury, then up to 30 years (supervised release for at least 4 years after any prison term); (2) fined no more than \$1 million (individual) or no more than \$5 million (not an individual); or (3) both imprisoned and fined.

**Penalty 12:** (1) Imprisoned up to 4 years (supervised release up to 1 year after any prison term); (2) fined no more than \$200,000 (individual) or no more than \$500,000 (not an individual); or (3) both.

**Penalty 13:** Imprisoned for life (no parole) and fined no more than \$20 million (individual) or no more than \$75 million (not an individual).

## Table 2—Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs

Below are the federal penalties for crimes related to the manufacture or distribution of any illegal drug.

| Citation                              | Summary  | First Offense   | Second Offense   | Third Offense  |
|---------------------------------------|--|---|--|--|
| 21 U.S.C. §§ 859(a)-(b), 841(b)(1)(A) | Distribution to persons under 21 years of age by someone of at least 18 years of age.  | Twice the maximum penalties described in Table 1 and at least twice any authorized term of supervised release. Unless a greater minimum sentence is otherwise provided, a term of imprisonment not less than 1 year. This does not apply to offenses involving 5 gm or less of marijuana. | Three times the maximum penalties described in Table 1 and at least three times any authorized term of supervised release. Unless a greater minimum sentence is otherwise provided, a term of imprisonment not less than 1 year.   | Mandatory life imprisonment without release. Fined in accordance with their previous sentence. |
| 21 U.S.C. § 860(a)-(b)                | Distribution, possession with intent to distribute, or manufacture of a controlled substance in or within one thousand feet of a school (including elementary schools and universities), playground, or public housing facility or within 100 feet of a youth center, public swimming pool, or video arcade. | Twice the maximum penalties described in Table 1 and at least twice any authorized term of supervised release. Unless a greater minimum sentence is otherwise provided, a term of imprisonment not less than 1 year. This does not apply to offenses involving 5 gm or less of marijuana. | Imprisonment not less than 3 years and not more than life or three times the maximum punishment described in Table 1. At least three times any term of supervised release described in Table 1. A fine up to three times any fine described in Table 1. Unless a greater minimum sentence is otherwise provided, a term of imprisonment not less than 3 years. | Mandatory life imprisonment without release. Fined in accordance with their previous sentence. |
| 21 U.S.C. 860(c)                      | Employing or coercing children to distribute drugs near schools or playgrounds, or to assist in avoiding detection or apprehension for violating drug laws.  | Imprisonment, fine, or both, up to triple those described in Table 1.   | Imprisonment, fine, or both, up to triple those described in Table 1.  | Imprisonment, fine, or both, up to triple those described in Table 1.                          |
| 21 U.S.C. § 855                       | In lieu of an otherwise authorized fine, a defendant who derives profits from an offense may be fined not more than twice the gross proceeds.  | N/A   | N/A  | N/A  |

| Citation           | Summary  | First Offense   | Second Offense   | Third Offense  |
|--------------------|--|---|--|--|
| 21 U.S.C. § 862(a) | Conviction for distribution of a controlled substance. | Ineligible for federal benefits for up to 5 years. <sup>3</sup> | Ineligible for federal benefits for up to 10 years. <sup>3</sup> | Permanent ineligibility for federal benefits. <sup>3</sup> |

### Table 3—Federal Penalties for Illegal Possession of Drugs—All Drugs

Below are the federal penalties for crimes related to the possession of any illegal drug.

| Citation                                | Summary  | First Offense   | Second Offense  | Third+ Offense  |
|---|--|---|---|---|
| 21 U.S.C. § 844(a)                      | Prohibits possession or purchase of a controlled substance without a prescription or registration.   | Term of imprisonment no more than 1 year, minimum fine of \$1,000, or both.   | Term of imprisonment no less than 15 days and no more than 2 years and a minimum fine of \$2,500.   | Term of imprisonment no less than 90 days and no more than 3 years and a minimum fine of \$5,000. |
| 21 U.S.C. § 844(a); 28 C.F.R. § 76.3(a) | An individual in possession of a controlled substance can face a civil fine of up to \$11,000 for each violation.  | N/A   | N/A   | N/A   |
| 21 U.S.C. §§ 853(a)(1)-(2), 881(a)(7)   | If the drug offense is punishable by more than 1 year of imprisonment, an individual must forfeit any real property, as well as personal property obtained as the result of a violation or used (or intended to be used) to possess or to facilitate possession of a controlled substance. | N/A   | N/A   | N/A   |
| 21 U.S.C. § 862(b)(1)                   | An individual is denied federal benefits if he/she is convicted of any federal or state offense involving the possession of a controlled substance.  | Ineligibility for federal benefits for up to 1 year. <sup>4</sup><br>Successful completion of an approved drug treatment program, which includes periodic testing.<br>Performance of appropriate community service.<br>Any combination of the above is appropriate. | Same options as first offense, except ineligibility for federal benefits is up to 5 years. The court may require that the completion of the conditions listed in the first offense be required for the reinstatement of federal benefits. | Same as second offense.   |
| 21 U.S.C. § 881(a)                      | An individual convicted of possessing illegal drugs must forfeit vehicles, boats, aircrafts, or any other conveyance used (or intended to be used) to transport or conceal a controlled substance, as well as other property (books, records, research, raw materials,                     | N/A   | N/A   | N/A   |

<sup>3</sup> Denied benefits exclude federal benefits relating to long-term drug treatment programs. Ineligibility can be suspended for being successfully rehabilitated.

<sup>4</sup> Penalties can be waived if the person submits to a long-term treatment program for addiction. Ineligibility can be suspended for being successfully rehabilitated.

| Citation           | Summary  | First Offense | Second Offense | Third+ Offense |
|--------------------|--|---------------|----------------|----------------|
|                    | etc. used to violate drug laws).   |               |                |                |
| 18 U.S.C. § 922(g) | An individual convicted of a crime punishable by imprisonment for more than one year, or who is an unlawful user of—or addicted to—any controlled substance is ineligible to transport, possess, or receive a firearm. | N/A           | N/A            | N/A            |

**Table 4—Utah State Penalties for Possession, Use, or Distribution of Illegal Drugs**

Below are the Utah penalties for crimes related to the possession, use, or distribution of illegal drugs. (See UTAH CODE ANN. §§ 58-37-8; 76-3-203, -204, -205, -301.)

| Violation   | Controlled Substance Category   | Classification                                       |
|---|---|--|
| Production, manufacture, or distribution of (or possession with the intent to produce, manufacture, dispense, or distribute) a controlled substance.  | Schedule I or II, a controlled substance analog, or Gamma Hydroxybutyric Acid | Second-degree felony—first conviction                |
|   |   | First-degree felony—second or subsequent conviction  |
|   | Schedule III or IV, or marijuana  | Third-degree felony—first conviction                 |
|   |   | Second-degree felony—second or subsequent conviction |
|   | Schedule V  | Class A misdemeanor—first conviction                 |
|   |   | Third-degree felony—second or subsequent conviction  |
| Unlawful possession or use of a controlled substance.   | Marijuana (100 lbs. or more)  | Second-degree felony                                 |
|   | Schedule I or II, or a controlled substance analog                            | Class A misdemeanor—first or second conviction       |
|   |   | Third-degree felony—third or subsequent conviction   |
|   | Any other controlled substance  | Class B misdemeanor—first or second conviction       |
|   |   | Class A misdemeanor—third conviction                 |
| Possession of an altered or forged prescription or written order for a controlled substance.<br><br>For an owner, tenant, licensee, or person in control of any building: knowingly or intentionally permitting building occupants to unlawfully possess, use, or distribute controlled substances in the location. | All controlled substances   | Third-degree felony—fourth or subsequent conviction  |
|   |   | Class B misdemeanor—first conviction                 |
|   |   | Class A misdemeanor—second conviction                |
|   |   | Third-degree felony—third or subsequent conviction   |

## Description of Penalties for Table 4

**Class B Misdemeanor:** Imprisonment not more than 6 months; fine not to exceed \$1,000

**Class A Misdemeanor:** Imprisonment not more than 1 year; fine not to exceed \$2,500

**Third-Degree Felony:** Imprisonment not more than 5 years; fine not to exceed \$5,000

**Second-Degree Felony:** Imprisonment not less than 1 year nor more than 15 years; fine not to exceed \$10,000

**First-Degree Felony:** Imprisonment not less than 5 years and which may be up to life; fine not to exceed \$10,000

## Table 5—Utah State Penalties for Unlawful Possession, Use, or Distribution of Alcohol

Below are some of the Utah penalties for crimes related to the unlawful possession, use, or distribution of alcohol.

| Category and Violation  | Classification  |
|---|---|
| Possession by Minors—Possession, purchase, attempt to purchase (by themselves or soliciting another), consumption, or having measurable levels of alcohol in their body by a person less than 21 years of age. (UTAH CODE ANN. § 32B-4-409)   | Class B misdemeanor   |
| Selling to Minors—Selling, offering to sell, or giving alcoholic products to persons less than 21 years of age. (UTAH CODE ANN. § 32B-4-403)  | Class A misdemeanor—if the person who furnishes the alcohol knows the recipient is a minor  |
|   | Class B misdemeanor—if the person who furnishes the alcohol negligently or recklessly fails to determine the age of the recipient |
| Incorrect Proof of Age for Minors—Unlawful use of proof of age to procure an alcoholic product, gain admittance to a restricted area, or obtain employment otherwise prohibited by the Alcoholic Beverage Control Act. (UTAH CODE ANN. §§ 32B-1-403(2), 32B-4-411)  | Class B misdemeanor—first offense   |
|   | Class A misdemeanor—second offense  |
|   | Class A misdemeanor with additional penalties—third or subsequent offense   |
| Consumption in Public Places—Drinking liquor in a public building, park, or stadium. (UTAH CODE ANN. § 32B-4-421)   | Class C misdemeanor   |
| Intoxication—A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors to a degree that the person may endanger the person or another in a public place or in a private place where the person unreasonably disturbs other persons. (UTAH CODE ANN. § 76-9-701)                      | Class C misdemeanor   |
| Unlawfully Permitting Intoxication—No person shall permit anyone to become intoxicated as described above in any premises of which the person is the owner, tenant, or occupant, or in a chartered bus or limo of which the person is the owner or operator. (UTAH CODE ANN. § 32B-4-419)   | Class C misdemeanor   |
| Unlawful Sale or Supply to Intoxicated Person—A person may not sell, offer to sell, or furnish any alcoholic product to any person who is actually or apparently intoxicated or to any person who, given the circumstances, the person knows or should know is intoxicated. (UTAH CODE ANN. § 32B-4-404)  | Class B misdemeanor—if committed negligently or recklessly  |
|   | Class A misdemeanor—if committed knowingly  |
| Unlawful Purchase by an Intoxicated Person—A person may not purchase an alcoholic product if the person is intoxicated. (UTAH CODE ANN. § 32B-4-412)  | Class B misdemeanor   |
| Unlawful Transfer of Identification Card—It is unlawful for the owner of an identification card to transfer or loan the card to any other person in order to help that person (1) procure alcoholic products, (2) gain admittance to a place where alcohol is consumed or sold, or (3) obtain any employment that requires the employee to handle alcoholic products. (UTAH CODE ANN. § 32B-1-403(1)) | Class B misdemeanor   |

## Description of Penalties for Table 5

**Penalty for Class C Misdemeanor:** Imprisonment not more than 90 days; fine not exceeding \$750

**Penalty for Class B Misdemeanor:** Imprisonment not more than 6 months; fine not to exceed \$1,000

**Penalty for Class A Misdemeanor:** Imprisonment not more than 1 year; fine not to exceed \$2,500

**Penalty for Class A Misdemeanor with Additional Penalties:** Imprisonment not more than 1 year; fine not to exceed \$5,000. The court may also impose substance abuse treatment, an educational series, community service, fees for restitution and treatment costs, defensive driver education courses, or a combination of these penalties.

## Table 6—Utah State Penalties for Driving Under the Influence of Alcohol

Below are some of the Utah penalties for crimes related to driving under the influence of alcohol.

| Category and Violation   | Classification   |
|--|--|
| No Drinking in Vehicle—A person may not drink any alcoholic beverage while in a motor vehicle, whether that vehicle is moving, stopped, or parked, on any highway or waters of the state. (Utah Code Ann. § 41-6a-526(2))  | Class C misdemeanor  |
| No Open Containers—A person may not keep, carry, transport, or possess in the passenger compartment of a vehicle any container of an alcoholic beverage that has been opened, has its seal broken, or has its contents partially consumed when the vehicle is on any highway <sup>5</sup> or waters of the state. (Utah Code Ann. § 41-6a-526(3))  | Class C misdemeanor  |
| DUI—It is unlawful for any person to operate or be in actual physical control of a vehicle within this state if the person's blood or breath alcohol level is above a concentration of 0.08gm or greater, or if a person is under the influence of alcohol and/or other drugs to a degree which renders the person incapable of safely operating a vehicle. (Utah Code Ann. § 41-6a-502, -503) | Class B misdemeanor—first or second offense  |
|  | Third-degree felony—third or subsequent offense  |
| Negligent DUI with Injury—The penalties for a DUI are stricter when bodily injury is inflicted upon another person. (Utah Code Ann. §§ 41-6a-502, -503)  | Class B misdemeanor—first or second offense  |
|  | Class A misdemeanor—first or second offense and if the person (1) has inflicted bodily injury upon another as a result of operating the vehicle negligently, (2) had a passenger under 16 years of age in the vehicle at the time of the offense, or (3) was 21 years of age or older and had a passenger under the age of 18 at the time of the offense |
|  | Third-degree felony—third or subsequent offense  |
| Automobile Homicide—Automobile homicide occurs when a person operates a motor vehicle in a negligent manner, causing the death of another and either has a blood or breath alcohol concentration of 0.08 gm or is under the influence of alcohol and/or any drug that renders a person incapable of safely operating a vehicle. (Utah Code Ann. § 76-5-207)                                    | Third-degree felony  |
|  | Second-degree felony—if subsequent to a previous DUI conviction or if the behavior is found to be "criminally negligent"   |

## Description of Penalties for Table 6

**Class C Misdemeanor:** Imprisonment not more than 90 days; fine not to exceed \$750

**Class B Misdemeanor:** Imprisonment not more than 6 months; fine not to exceed \$1,000

**Class A Misdemeanor:** Imprisonment not more than 1 year; fine not to exceed \$2,500

<sup>5</sup> "Highway" means any public place authorized for vehicular traffic. (UTAH CODE ANN. § 41-6a-102)

**Third-Degree Felony:** Imprisonment not more than 5 years; fine not to exceed \$5,000

## Health Risks of Drug and Alcohol Use

All information, unless otherwise noted, is derived from the National Institute on Drug Abuse's Commonly Abused Drugs charts. Click [here](#) to view detailed information.

| Substance Name<br>(Drug Type)               | Commercial and Street Names  | DEA Schedule | Acute Effects and Health Risks   |
|---|--|--------------|--|
| Alcohol                                     | N/A  | N/A          | Mood changes, inability to think clearly, lack of coordination, cardiomyopathy, arrhythmias, stroke, high blood pressure, steatosis, alcoholic hepatitis, fibrosis, cirrhosis, pancreatitis, several types of cancer, and weakened immune system   |
| Anabolic Steroids                           | Nandrolone, Oxandrolone, Oxymetholone, Stanozolol, Testosterone Cypionate, Juice, Gym Candy, Pumpers, Roids                | III          | Short-term: acne, fluid retention, oily skin, yellowing of the skin and whites of the eyes, infection at the injection site<br>Long-term: kidney damage or failure; liver damage; high blood pressure, enlarged heart, or changes in cholesterol, leading to increased risk of stroke or heart attack, even in young people; aggression; extreme mood swings; anger; extreme irritability; delusions; impaired judgment; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Ayahuasca (Hallucinogen, Dissociative Drug) | Aya, Yagé, Hoasca  | I            | Short-term: strong hallucinations, including perceptions of otherworldly imagery and altered visual and auditory perceptions; increased blood pressure; vomiting<br>Long-term: unknown   |
| Barbiturates (Prescriptive Sedative)        | Pentobarbital, Barbs, Phennies, Red Birds, Reds, Tooies, Yellow Jackets, Yellows   | II, III, IV  | Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing<br>Long-term: unknown; HIV, hepatitis, and other infectious diseases from shared needles   |
| Bath Salts (Synthetic Cathinone)            | Bloom, Cloud Nine, Cosmic Blast, Flakka, Ivory Wave, Lunar Wave, Scarface, Vanilla Sky, White Lightning                    | I            | Short-term: increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; psychotic and violent behavior; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; suicidal thoughts; panic attacks; reduced motor control; cloudy thinking<br>Long-term: death; HIV and hepatitis from shared needles  |
| Benzodiazepines (Prescriptive Sedatives)    | Alprazolam, Chlorodiazepoxide, Diazepam, Lorazepam, triazolam, Candy, Downers, Sleeping Pills, Tranks                      | IV           | Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing<br>Long-term: unknown; HIV, hepatitis, and other infectious diseases from shared needles   |
| Cocaine (Stimulant)                         | Blow, Bump, C, Candy, Charlie, Coke, Crack, Flake, Rock, Snow, Toot  | II           | Short-term: narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy and alertness; insomnia and restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, and psychosis; heart rhythm problems and heart attack; stroke, seizure, and coma<br>Long-term: loss of sense of smell, nosebleeds, nasal damage, and trouble swallowing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss from decreased appetite; lung damage from smoking; HIV and hepatitis from shared needles |
| Codeine (Prescription Opioid)               | Captain Cody, Cody, Lean, Schoolboy, Sizzurp, Purple Drank, Doors and Fours (with glutethimide), Loads, Pancakes and Syrup | II, III, V   | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |

| Substance Name<br>(Drug Type)                                  | Commercial and Street<br>Names  | DEA<br>Schedule | Acute Effects and Health Risks   |
|--|---|-----------------|--|
| DMT<br>(Hallucinogen,<br>Dissociative Drug)                    | Dimitri   | I               | Short-term: intense visual hallucinations, depersonalization, auditory distortions, an altered perception of time and body image, hypertension, increased heart rate, agitation, seizures, dilated pupils<br>Long-term: unknown  |
| DXM<br>(Over-the-Counter<br>Cough/Cold<br>Medicine)            | Robotripping, Robo, Triple<br>C   | N/A             | Short-term: euphoria; slurred speech; increased heart rate, blood pressure; dizziness; nausea; vomiting;<br>Long-term: unknown   |
| Fentanyl<br>(Prescription<br>Opioid)                           | Apache, China Girl, China<br>White, Dance Fever,<br>Friend, Goodfella,<br>Jackpot, Murder 8, Tango<br>and Cash, TNT   | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Flunitrazepam<br>(Prescription<br>Sedative, Club<br>Drug)      | Rohypnol, Circles, Date<br>Rape Drug, Forget Pill,<br>Forget-Me Pill, La Rocha,<br>Lunch Money, Mexican<br>Valium, Mind Eraser,<br>Pingus, R2, Reynolds,<br>Rib, Roach, Roach 2,<br>Roaches, Roachies,<br>Roopies, Roachas Dos,<br>Roofies, Rope, Rophies,<br>Row-Shay, Ruffies, Trip-<br>and-Fall, Wolfies | IV              | Short-term: drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate<br>Long-term: unknown  |
| GHB<br>(Depressant)  | G, Georgia Home Boy,<br>Goop, Grievous Bodily<br>Harm, Liquid Ecstasy,<br>Liquid X, Soap, Scoop   | I               | Short-term: euphoria, drowsiness, confusion, memory loss, nausea, vomiting, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, death<br>Long-term: unknown  |
| Heroin   | Brown Sugar, China<br>White, Dope, H, Horse,<br>Junk, Skag, Skunk,<br>Smack, White Horse,<br>Cheese (with cold<br>medicine and<br>antihistamine)  | I               | Short-term: euphoria; dry mouth; analgesia; itching; nausea, vomiting, slowed breathing and heart rate<br>Long-term: collapsed veins; abscesses; infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Hydrocodone or<br>Dihydrocodeinone<br>(Prescription<br>Opioid) | Vike, Watson-387  | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Hydromorphone<br>(Prescription<br>Opioid)                      | D, Dillies, Footballs, Juice,<br>Smack  | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Ketamine<br>(Hallucinogen,<br>Dissociative Drug)               | Cat Valium, K, Special K,<br>Vitamin K  | III             | Short-term: problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion; loss of memory; raised blood pressure; unconsciousness; slowed breathing that can lead to death<br>Long-term: ulcers and pain in bladder; kidney problems; stomach pain; depression; poor memory; risk of HIV and hepatitis from shared needles  |
| Khat<br>(Stimulant)  | Abyssinian Tea, African<br>Salad, Catha, Chat, Kat,<br>Oat  | I               | Short-term: euphoria, increased alertness and arousal, increased blood pressure and heart rate, depression, paranoia, headaches, loss of appetite, insomnia, fine tremors, loss of short-term memory.<br>Long-term: gastrointestinal disorders such as constipation, ulcers, stomach inflammation, and increased risk of upper gastrointestinal tumors; cardiovascular disorders such as irregular heartbeat, decreased blood flow, and heart attack |



| Substance Name<br>(Drug Type)          | Commercial and Street<br>Names  | DEA<br>Schedule | Acute Effects and Health Risks   |
|--|---|-----------------|--|
| Kratom<br>(Hallucinogen,<br>Stimulant) | Herbal Speedball, Biak-biak, Ketum, Kahuam, Ithang, Thom  | N/A             | Short-term: nausea, dizziness, itching, sweating, dry mouth, constipation, increased urination, loss of appetite<br>Long-term: anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, constipation, hallucination with long-term high doses<br>Lower dosages may result in additional symptoms  |
| LSD<br>(Hallucinogen)                  | Acid, Blotter, Blue Heaven, Cubes, Microdot, Yellow Sunshine  | I               | Short-term: rapid emotional swings; distortion of a person's ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness; loss of appetite; tremors; enlarged pupils<br>Long-term: frightening flashbacks; ongoing visual disturbances, disorganized thinking, paranoia, and mood swings  |
| Marijuana<br>(Cannabis)                | Marijuana: Blunt, Bud, Dope, Ganja, Grass, Green, Herb, Joint, Mary Jane, Pot, Reefer, Sinsemilla, Skunk, Smoke, Trees, Weed<br>Hashish: Boom, Gangster, Hash, Hemp | I               | Short-term: enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; anxiety;<br>Long-term: mental health problems, chronic cough, frequent respiratory infections  |
| MDMA<br>(Stimulant,<br>Hallucinogen)   | Ecstasy, Molly, Adam, Clarity, Eve, Lover's Speed, Peace, Uppers  | I               | Short-term: lowered inhibition; enhanced sensory perception;; increased heart rate and blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature, leading to kidney failure or death<br>Long-term: long-lasting confusion, depression, problems with attention, memory, and sleep; increased anxiety, impulsiveness; less interest in sex  |
| Meperidine<br>(Prescription<br>Opioid) | Demmies, Pain Killer  | I               | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Mescaline/Peyote<br>(Hallucinogen)     | Buttons, Cactus, Mesc   | I               | Short-Term: enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature, heart rate, blood pressure; sweating; problems with movement<br>Long-term: unknown   |
| Methadone<br>(Prescription<br>Opioid)  | Amidone, Fizzies, Chocolate Chip Cookies (with MDMA)  | II              | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Methampheta-<br>mine (Stimulant)       | Desoxyn, Crank, Chalk, Crystal, Fire, Glass, Go Fast, Ice, Meth, Speed  | II              | Short-term: increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat<br>Long-term: anxiety; confusion; insomnia; mood problems; violent behavior; paranoia; hallucinations; delusions; weight loss; severe dental problems; intense itching leading to skin sores from scratching; increased risk of HIV, hepatitis, and other infectious diseases from shared needles |
| Morphine<br>(Prescription<br>Opioid)   | M, Miss Emma, Monkey, White Stuff   | II, III         | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Tobacco<br>(Nicotine)                  | N/A   | N/A             | Short-term: increased blood pressure, breathing, and heart rate<br>Long-term: Greatly increased risk of cancer, chronic bronchitis, emphysema, heart disease, leukemia, cataracts, pneumonia   |



| Substance Name<br>(Drug Type)  | Commercial and Street Names   | DEA Schedule | Acute Effects and Health Risks  |
|--|---|--------------|---|
| Oxycodone<br>(Prescription Opioid)                                       | O.C., Oxycet, Oxycotton, Oxy, Hillbilly Heroin, Percs   | II           | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| Oxymorphone<br>(Prescription Opioid)                                     | Biscuits, Blue Heaven, Blues, Mrs. O, O Bomb, Octagons, Stop Signs  | II           | Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death<br>Long-term: increased risk of overdose or addiction if misused; increased risk of HIV, hepatitis, and other infectious diseases from shared needles  |
| PCP<br>(Hallucinogen, Dissociative Drug)                                 | Angel Dust, Boat, Hog, Love Boat, Peace Pill  | I, II        | Short-term: delusions, hallucinations, paranoia, problems thinking, a sense of distance from one's environment, anxiety<br>Long-term: memory loss, problems with speech and thinking, loss of appetite, anxiety, risk of HIV and hepatitis from shared needles<br>Lower dosages may result in additional symptoms   |
| Prescription Stimulants  | Amphetamine: Adderall, Benzedrine, Bennies, Black Beauties, Crosses, Hearts, LA Turnaround, Speed, Truck Drivers, Uppers<br>Methylphenidate: Concerta, Ritalin, JIF, MPH, R-ball, Skippy, The Smart Drug, Vitamin R | II           | Short-term: increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages; increased body temperature, irregular heartbeat, and seizures when high doses taken<br>Long-term: heart problems; psychosis; anger; paranoia; increased risk of HIV, hepatitis, and other infectious diseases from shared needles   |
| Psilocybin<br>(Hallucinogen)   | Little Smoke, Magic Mushrooms, Purple Passion, Shrooms  | I            | Short-term: hallucinations, altered perception of time, inability to tell fantasy from reality, panic, muscle relaxation or weakness, problems with movement, enlarged pupils, nausea, vomiting, drowsiness<br>Long-term: risk of flashbacks and memory problems  |
| Salvia<br>(Hallucinogen, Dissociative Drug)                              | Salvia divinorum, Magic Mint, Maria Pastora, Sally-D, Shepherdess's Herb, Diviner's Sage  | N/A          | Short-term: short-lived but intense hallucinations; altered visual perception, mood, body sensations; mood swings, feelings of detachment from one's body; sweating<br>Long-term: unknown   |
| Sleep Medications<br>(Prescription Sedatives)                            | Eszopiclone, Zaleplon, Zolpidem, Forget-Me Pill, Mexican Valium, R2, Roche, Roofies, Roofinol, Rope, Rophies  | IV           | Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing<br>Long-term: unknown; HIV, hepatitis, and other infectious diseases from shared needles  |
| Solvents, Aerosols, and Gases Found in Household Products<br>(Inhalants) | Poppers, Snappers, Whippets, Laughing Gas   | N/A          | Short-term: confusion; nausea; slurred speech; lack of coordination; euphoria; dizziness; drowsiness; disinhibition, lightheadedness, hallucinations/delusions; headaches; sudden sniffing; death due to heart failure; death from asphyxiation, suffocation, convulsions or seizures, coma, or choking<br>Long-term: liver and kidney damage; bone marrow damage; limb spasms due to nerve damage; brain damage from lack of oxygen that can cause problems with thinking, movement, vision, and hearing |
| Synthetic Cannabinoids   | K2, Spice, Black Mamba, Bliss, Bombay Blue, Fake Weed, Fire, Genie, Moon Rocks, Skunk, Smacked, Yucatan, Zohai  | I            | Short-term: increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, and paranoia; increased blood pressure and reduced blood supply to the heart; heart attack<br>Long-term: unknown   |