



# 2022 Annual Campus Security Report

Revised September 23, 2022

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## OVERVIEW OF PROVO AND EAGLE GATE'S COMMITMENT AND RESPONSIBILITY

Provo College and Eagle Gate College (referred to also in this document as “the Colleges”) are committed to providing a reasonably safe and secure environment for students and employees to study and work. Although the Colleges cannot guarantee that crimes will never be committed on campus or on public property within close proximity to the campus, the Colleges take reasonable and effective measures to minimize the risk. In that regard and on an annual basis, the Colleges provide their students and employees with safety and security-related services offered by the Colleges, which are in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (commonly referred to as “The Clery Act”) signed in 1990. Our responsibilities under The Clery Act include but are not limited to the following:

- By October 1 of each year, publish and distribute an Annual Campus Security Report to students and employees, which includes: 1) Crime statistics for the prior three years; and 2) policies regarding various safety and security measures, campus crime prevention programs, and procedures followed in the investigation and prosecution of alleged sex offenses.
- Inform all students and employees about the existence of the Annual Security Report and its accessibility via the Colleges’ websites, the Intranet and in hardcopy format.
- Disclose crime statistics for on-campus facilities and public property immediately adjacent to the campus, which are obtained from various resources, including local law enforcement and school officials who have significant responsibility for student and school activities.
- Provide timely warning notices, as applicable, for crimes covered by the Clery Act that have been committed and represent a threat to employees and students.
- Maintain Clery Incident Reports at each campus which record crimes that are reported to the campus, or those of which the campus is made aware.

## CAMPUS CRIME AND SECURITY POLICIES AND PROCEDURES

The following policies have been developed and adopted by Provo College and Eagle Gate College in order to comply with all aspects of The Clery Act and to demonstrate the Colleges’ commitment to crime prevention and the safety of our campus environment. The Clery Act requires all colleges that participate in federal financial aid programs to maintain and disclose information regarding certain crimes on and near their respective campuses. Compliance is monitored by the United States Department of Education.

### Preparation and Distribution of the Annual Security Report

In tandem with the Colleges’ responsibilities under The Clery Act, students and employees are encouraged to take personal responsibility for their conduct and actions, which may enhance the educational experience for all students. Additionally, a well-informed campus community helps to create a safety-conscious environment. To that end, the Colleges publish an Annual Security Report no later than October 1 of each year and announces its availability to all students and employees. Provo College and Eagle Gate College encourage all students and employees to use the Annual Security Report as a guide to improve safety on and off campus. The report can be located on the Colleges’ website at <https://www.provocollege.edu/disclosures/campus-security-crime-report/> and a free hardcopy of the report can be requested at any time by contacting the Campus Director. Additionally, enrolling students are provided with information on how to access the report and what it includes. The creation and distribution of the Annual Security Report is a joint responsibility of the Campus Security

Authorities (CSAs) and Corporate Management, along with cooperation from the local law enforcement authorities.

### Campus Security Authorities (CSA)

The Jeanne Clery Disclosure Act defines a Campus Security Authority (CSA) as an official of an institution who has significant responsibility for student and campus activities and who is specified in an institution’s statement of campus security policy as an individual to which students and employees should report criminal offenses. The function of a CSA is to report to the official or office designated by the institution to collect crime report information those allegations of Clery Act crimes that he or she receives. At Provo College, the “official or office” designated to collect crime report information and assist CSA’s in the handling of campus crimes and emergency situations is the Corporate Safety Team (CST), which is comprised of the following Corporate Officers:

Name	Title	Telephone	Email Address
Dr. Navneet (Sunny) Bhasin	Chief Operations Officer	(510) 743-2768	NBhasin@unitek.com
Don Corvin	Senior VP of Compliance	(949) 590-4882	DCorvin@unitek.com
Ariana Afshar	Corporate Counsel	(949) 590-4886	AAfshar@unitek.com

The Colleges designate each Campus Director as a Campus Security Authority (CSA) for his or her respective campus. In addition, the Colleges require each Campus Director to designate two additional CSA’s to ensure the availability of a CSA at all times during normal business hours and in the event of a campus crime and/or the reporting of such. Along with the Campus Director, CSA’s at the campus may include Program Directors, departmental managers or other applicable associates as determined by the Campus Director.

The designated CSA’s as of the date of this Annual Security Report are as follows:

Campus	Name	Title
Provo	Les Smith	Campus Director
Provo	Maria Staker	Program Director, PTA
Provo	Angela Lindley	Campus Dean, BSN
Idaho Falls	Felicia Wright	Campus Director
Idaho Falls	Chris Dixon	Assistant Director of Admissions
Idaho Falls	Rochelle Mertz	Assistant Dean

All CSA’s receive applicable training in Clery Act compliance and on the policies and procedures outlined in this Annual Security Report. The Colleges do not employ campus police or security personnel, and CSA’s are non-commissioned with no authority to arrest an individual other than the ability to make a Citizen’s Arrest. Therefore, each campus CSA relies on local law enforcement to arrest an individual suspected of a reported crime or offense, as applicable.

### Exemption for Pastoral and Professional Counselors

The Clery Act excludes two types of individuals from Clery reporting requirements even though they may have significant responsibility for student and campus activities. Therefore, the following two persons, when operating in the capacity described below, cannot be considered as CSA’s:

- Pastoral Counselor – A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.
- Professional Counselor – A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of the counselor’s license or certification.

However, the Colleges do not employ in-house counselors, including pastoral or professional counselors.

### Procedures for the Reporting of Crimes

Provo College and Eagle Gate College encourage and request that students, faculty and associates accurately and promptly report all crimes witnessed or personally experienced while on campus or on surrounding property to the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. For an emergency occurring on campus or in any public areas immediately adjacent to or accessible from the campus which requires fire, police, or medical assistance, first dial 9-1-1. Immediately after dialing 9-1-1, report the occurrence to any CSA who is in the closest proximity to you.

The Colleges maintain procedures which allows for victims or witnesses to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics. In a non-emergency situation, the occurrence should first be reported to one of the CSA’s designated for the respective campus. The CSA will complete a Clery Incident Report based on the information provided by the victim and/or witnesses. The Clery Incident Report includes the nature, date, time, and general location of each crime, along with the disposition of the reported occurrence. Once completed, the Clery Incident Report is forwarded to the Corporate Safety Team for review and determination of any further actions to be taken. Depending on the nature and severity of the occurrence, further actions may include an alert, investigation, disciplinary proceedings, or no further action. Copies of the reports are maintained with the CSA’s and with the Corporate Safety Team for compilation and inclusion in the Annual Security Report, as they pertain to Clery reporting requirements.

Information will be withheld from Clery Incident Reports only in the event that disclosure could result in compromising an ongoing criminal investigation, jeopardizing the safety of an individual, causing a suspect to flee or evade detection, or causing evidence to be compromised or destroyed. All crimes tracked on the Clery Incident Reports will be reported in the Annual Security Report if they are determined to be reportable crimes under the Clery Act. Only a reportable crime that is determined to be “unfounded” or “false” as a result of a law enforcement investigation will be excluded from the Annual Security Report. Information contained on the Clery Incident Reports will be updated, as applicable, based on additional information provided by law enforcement authorities.

Provo College has also set up an email address that students can use if they wish to report non-emergency criminal activity on a voluntary, confidential basis. That email address is [campussafety@provocollege.edu](mailto:campussafety@provocollege.edu). Crimes which are reported in this manner and which meet the definition of a Clery Act crime are also included in the Annual Security Report.

The Colleges do not maintain campus police or security departments within their campuses; therefore, the Colleges do not maintain a daily crime log.

## Collaboration with Local Law Enforcement Agencies

The Colleges make reasonable, good faith efforts to obtain Clery Act crime statistics from local law enforcement agencies that have jurisdiction over the institution's Clery Act geography as defined in this report. These statistics, along with those statistics obtained from the CSA's, are included in the Annual Security Report. The Colleges do not independently verify the accuracy of statistics obtained from local law enforcement agencies but do provide these agencies with the specific geography to include to help ensure the relevancy and accuracy of these statistics.

## Responding to Reports of Criminal Activity

In collaboration with local law enforcement when applicable, the Colleges will investigate and appropriately respond to each report of criminal activity, which includes notifying the victim of the outcome of the investigation and any actions taken. If a reported criminal offense involves a student or employee as the alleged offender, the offender is subject to applicable conduct policies and disciplinary procedures. Disciplinary actions may include expulsion for student offenders and termination for employees, as outlined in the Colleges' policies and procedures.

## Outcome of Disciplinary Proceedings

Upon written request, the Colleges will disclose to an alleged victim of a crime of violence or a non-forcible sex offense the outcome of any disciplinary proceeding conducted by the Colleges against the student(s) who is/are the alleged perpetrator(s). Additionally, the Colleges will disclose results upon written request to a victim's next of kin in cases where the crime resulted in the victim's death.

## Emergency Notifications and Evacuation Procedures

The Colleges maintain an Emergency Response and Evacuation Plan for each campus, which outlines the duties of responsible parties during emergency situations. The Corporate Safety Team provides guidance and resources for the creation and maintenance of these plans.

## General Evacuation Procedures

The Colleges test the emergency response and evacuation procedures annually at each campus through announced and coordinated exercises and/or drills. These exercises help to prepare employees and students for an orderly evacuation of campus building(s) in the event of an actual emergency; are used as a method to train building occupants on the safety issues specific to their campus building; and can help to familiarize building occupants with the exit locations and sound of the alarm. These exercises also provide for an opportunity to test the operation of the alarm system. Documentation of these exercises is maintained by the Corporate Safety Team, including a description of the event, the date it was held, and the time the event started and ended. The Colleges do not maintain student housing, and therefore, are not required to perform annual fire drills.

If an alarm sounds, employees and students are instructed to leave their work/study areas and immediately vacate the building using the nearest exit. Some helpful things to remember in the event of an emergency evacuation are:

- Try to remain calm and do not panic.

- For multi-story campus locations, always remember to use the stairs. NEVER use the elevators.
- To the best of your ability and without jeopardizing your own safety, help others who may need assistance.
- Leave everything that you cannot easily carry with you.
- Do not re-enter the building unless it is deemed safe to do so by an authorized individual.

Emergency evacuation procedures and exit routes are posted throughout campus buildings. Emergency Response and Evacuation Plans are maintained on the Colleges' intranet system and can be made available to any member of the campus community by submitting a request to the Campus Director.

As mentioned above, the Colleges do not maintain any student housing, and additionally, do not officially recognize any off-campus student organizations. Therefore, the Colleges do not maintain emergency and evacuation procedures for such facilities and do not maintain a Missing Student Notification Policy for such facilities.

### Emergency Notification Procedures

All members of the campus community are urged to call 9-1-1 in case of any significant emergency or dangerous situation on campus. Additionally, in the event of an emergency, the CSA will immediately contact the Corporate Safety Team to report the emergency and confirm necessary action.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and/or safety of the campus community, the Colleges will, without delay and with taking into account the safety of the community, provide immediate emergency notification, unless such notification would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. This process includes: 1) determining whom to notify (the entire campus community or a subset, local public police and fire authorities, local law enforcement, other public safety personnel, etc.); 2) determining the content of the notification(s); and 3) initiating the notification process. Emergency notifications will be made by some or all of the following methods: fire alarms, emails, text messages, campus-wide announcements, in-person communications, posting on the internal Student Portal, and/or posting on the Colleges' websites. The Colleges utilize the RAVE Mobile Security Alert System to send immediate text warning messages to students and staff in the event of an emergency.

As a matter of reference, the decision to notify the entire campus community versus only a segment or segments of the campus community is dependent on whether there is at least the potential that a very large percentage of the community will be affected by the situation and/or if the situation threatens the operation of the campus as a whole. In situations where only a segment or segments of the campus community are notified, the Colleges will continue to assess the situation to determine if additional notification to other segments is warranted.

Notification to individuals and/or organizations outside the campus community may be warranted if it is determined that the immediate and/or ongoing threat stretches beyond the Clery geography identified in this report. The decision to notify the larger community will be determined by the Corporate Safety Team and may be performed through emails, text messages, phone calls or in-person communications.



## Timely Warning Notification

Upon the reporting of a Clery Act crime which is determined by the CSA and the Corporate Safety Team to represent a serious or continuing threat to students and employees on campus or on public property adjacent to campus facilities, a Timely Warning Notification will be issued. This can include but may not be limited to:

- Incidents of arson
- Murder/non-negligent manslaughter
- Robbery
- Aggravated assault
- Sexual offenses

The decision to issue a Timely Warning Notification is determined by the Corporate Safety Team and is made on a case-by-case basis. This decision is influenced by the nature of the crime, if there is any continuing danger to the campus community, and if there could be the possible risk of compromising any law enforcement efforts. The content of the warning is also dependent on the nature of the crime but will include specifics regarding the actual crime which occurred (to the extent it still provides necessary confidentiality and complies with the institution's FERPA policy) and the steps each member of the campus community can take to protect themselves. At the direction of the Corporate Safety Team, the Information Technology department will issue Timely Warning Notifications in the form of emails sent through the Colleges' database system and/or text messages. Depending on the nature and severity of the crime, notifications may also be posted on campus bulletin boards and in other visible areas of the campus, such as lounge areas, hallways, and/or classrooms. A Timely Warning Notification will be issued as soon as pertinent information is available and/or within 72 hours of the initial reporting of the criminal occurrence.

## Access and Security of Facilities

### Campus Facilities

The Colleges use various methods and equipment to secure campus facilities. The type of methods and quantity of equipment varies campus by campus depending on the size of the facility and/or location. Detailed campus-specific information is included within each campus's Emergency Response and Evacuation Plan, which is available for review by contacting the Campus Director.

For each campus, the Campus Director is responsible for the basic security of facilities, which includes the identification of unsafe conditions, lighting that is not working, and facilitating any and all required maintenance. Public access to the main entrances of campus buildings is unrestricted during normal business hours. Within the campuses, certain may be accessible only by electronic badges or keys, and these areas include: employee and executive offices, storage rooms, and rooms controlled by staff from the Information Systems, Facilities, or Maintenance departments. Campuses also utilize some or all of the following measures to help secure campus facilities:

- Use of security cameras and monitors placed at various places throughout the campus
- Use of patrol services (contracted by the Colleges directly or provided by building landlords – hours vary by campus)
- Ensure all visitors check in at the front desk, wear applicable identification badges, and are escorted

- Locked and/or alarmed doors
- Promote “buddy” systems for students to walk in groups to the parking lot and other nearby areas after hours

Members of the College campus community are encouraged to report any potential unsafe or hazardous conditions to the Campus Director for immediate attention.

### Residence Halls and Student Organizations

The Colleges do not maintain residential facilities and do not have any officially recognized student organizations that own or control any off-campus property.

### Externship Sites and Clinical Facilities

Students who are physically attending their externship or who are on their clinical rotations follow the host site’s safety plan in the case of an emergency.

### Drug and Alcohol Abuse Prevention

Provo College and Eagle Gate College are committed to fostering and maintaining an environment for students and employees that is free of drugs and alcohol. Therefore, the Colleges prohibit the illegal and irresponsible use of alcohol and drugs and will strictly enforce federal, state and local laws, as well as the Colleges’ own policies and procedures which support these laws. To that end, the Colleges have a zero-tolerance policy with regard to the possession, use, and sale of alcoholic beverages and illegal drugs on campus. Additionally, the Colleges will strictly enforce Utah state underage drinking laws.

The Colleges’ employees and faculty are provided with drug and alcohol abuse information and training during orientation and in the employee handbook. Students are provided with the Drug and Alcohol Abuse Awareness and Prevention policy during the enrollment process and provided with training during the orientation process. The complete Drug and Alcohol Prevention Policy can be found on the Provo College and Eagle Gate College websites at: [Provo College Drug and Alcohol Policy](#) and [Eagle Gate College Drug and Alcohol Policy](#). Additionally, the Colleges refer all students in need of drug and/or alcohol abuse counseling to WellConnect, a free counseling service available 24 hours a day, 7 days a week to all enrolled students. Students are encouraged to call 1-866-640-4777 or visit <http://www.studentlifetools.com>. The Colleges also refer anyone in need of drug and/or alcohol abuse counseling to 2-1-1, a free referral service available 24 hours a day, 7 days a week. Students or employees are encouraged to call 2-1-1 or visit <http://www.211.org/>.

### Weapons on Campus

The Colleges follow state regulations with respect to weapons on campus. More specifically, the Colleges prohibit the possession of firearms, explosives, devices which fire metal or other harmful projectiles (e.g., bb or pellet guns), certain knives, or other harmful objects which could be used as weapons while on College premises. Exceptions to this policy include law enforcement and military personnel who are engaged in the performance of their responsibilities. The campus community is encouraged to report violations of this policy to any CSA or other school official immediately. Anyone found in violation of this policy will be subject to disciplinary action, including termination and/or criminal prosecution.

## Policy on Non-Discrimination

To the extent provided by applicable law, including Title IX, no person shall be excluded from participation in, denied the benefits of, or be subject to discrimination under any education program or activity sponsored by or conducted by the Colleges on the basis of race, color, national origin, ancestry, religion, sex (including pregnancy, childbirth and related medical conditions), disability (physical or mental), age (40 and older), citizenship status, genetic information, military or veteran status, marital status, sexual orientation, gender identity and gender expression, AIDS/HIV, medical condition, political activities or affiliations, or status as a victim of domestic violence, assault or stalking. Additionally, the Colleges treat a student's gender identity as the student's sex for Title IX purposes, and the Colleges do not treat a transgender student differently from the way it treats other students of the same gender identity. The requirement not to discriminate in the education program or activity extends to admission and employment, and any inquiries regarding the application of Title IX may be referred to the Colleges' Title IX Coordinator, to the Assistant Secretary for Postsecondary Education, or both.

## POLICIES AND PROCEDURES TO COMPLY WITH TITLE IX REGULATIONS

In accordance with Title VII of the Civil Rights Act of 1964 and Title IX of the Education Amendments of 1972, the Colleges strive to provide an environment free from all forms of harassment, violence and discrimination, including sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Such conduct by employees or students is deemed unacceptable behavior and will not be tolerated by the Colleges. The sections which follow detail the Colleges' efforts to provide an environment for all employees and students which is free from sexual harassment, sexual assault, domestic violence, dating violence and stalking. Definitions of terminology used in the following sections is provided directly below to aid in the understanding of these policies, procedures and initiatives.

### Definitions of Terminology Used

To aid in the understanding of the College's policies and procedures regarding Title IX, the following are definitions of terminology used in the remaining sections of this Annual Security Report:

1. **Title IX** – Title IX of the Education Amendments of 1972 protects people from discrimination based on sex in education programs or activities that receive Federal financial assistance. Title IX states that: No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.
2. **Title IX Coordinator** – the Title IX Coordinator is responsible for coordinating the Colleges' responses to all complaints involving possible sex discrimination and harassment. The Title IX Coordinator contacts are:

Don Corvin Senior VP of Compliance / Title IX Coordinator 1401 Dove Street, Suite 220 Newport Beach, CA 92660 (949) 590-4882 or <a href="mailto:dcorvin@unitek.com">dcorvin@unitek.com</a>	Sara Cramlet Senior VP of Human Resources 1401 Dove Street, Suite 340 Newport Beach, CA 92660 (949) 407-6685 or <a href="mailto:scramlet@unitek.com">scramlet@unitek.com</a>
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3. **Actual knowledge** – notice of sexual harassment or allegations of sexual harassment to the College's Title IX Coordinator or any College official who has authority to institute corrective measures on behalf

of the College.

4. **Deliberately indifferent** – a response would be considered deliberately indifferent only if it were clearly unreasonable in light of known circumstances.
5. **Complainant** – an individual who is alleged to be the victim of conduct that could constitute sexual harassment.
6. **Respondent** – an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment.
7. **Education Program or Activity** – includes locations, events, or circumstances over which the College exercises substantial control over both the respondent and the context in which the harassment occurs.
8. **Formal complaint** – a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting that the College investigate the allegation of sexual harassment. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in the education program or activity of the College with which the formal complaint is filed. A formal complaint may be filed with the Title IX Coordinator in person, by mail, or by electronic mail. The “document filed by a complainant” may be a physical document or an electronic submission, such as an email, which contains the complainant’s physical or digital signature.
9. **Supportive Measures** – non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the College’s education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the College’s educational environment, or deter sexual harassment.

### Policy on Sexual Harassment

The Colleges will respond promptly upon actual knowledge of sexual harassment against a person in the United States in an education program or activity in a manner that is not deliberately indifferent.

Sexual harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- A College employee conditioning the provision of an aid, benefit, or service of the College on an individual’s participation in unwelcome sexual conduct (otherwise known as a *quid pro quo*);
- Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to the College’s education program or activity;
- “Sexual assault,” “dating violence,” “domestic violence,” or “stalking” as defined under the Violence Against Women Act (VAWA) – *please see definitions included in the next section.*

The Colleges consider harassment a serious offense, and any violation of this policy which is determined through the investigation process will constitute cause for disciplinary action. Investigations are conducted by individuals who receive training on the issues related to sexual harassment, domestic violence, dating violence, sexual assault and stalking. Specific disciplinary action will be based on the severity of the incident and/or the degree to which repeated incidents have occurred. Such disciplinary actions for employees may include, but are not limited to, verbal warnings, letters of reprimand, suspension with or without pay, and termination. Such disciplinary

actions for students may range from counseling to suspension and/or expulsion.

The Colleges are committed to preventing acts of sexual harassment and encourages any student or employee to report such acts immediately. Any person can report sexual harassment or discrimination (whether or not the person reporting is the alleged victim) in person, by mail, telephone or by email, using the contact information for the Title IX Coordinator. A report can be made at any time, including during non-business hours. However, responses to reports made outside of business hours, including during weekends and holidays, may be delayed. Along with taking these allegations very seriously, the Colleges have also established procedures which provide a person accused of harassment the opportunity to respond to allegations.

Upon receiving a formal or informal complaint of sexual harassment, the Colleges will treat complainants and respondents equitably by offering supportive measures to a complainant, and by following the grievance process detailed on the subsequent pages of this Annual Security Report before the imposing any disciplinary sanctions or other actions which are not supportive measures against a respondent. The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.

If the Colleges determine that there is an immediate threat to the physical health or safety of any students or other individual arising from the allegation(s) of sexual harassment, the Colleges may remove the respondent from the educational program or activity. If this occurs, the respondent will be provided notice and an opportunity to challenge the decision immediately upon removal. In the event the respondent is a non-student employee, the Colleges may place the employee on administrative leave during the investigative process.

### Policy on the Awareness and Prevention of Dating Violence, Domestic Violence, Stalking and Sexual Assault

The Colleges strongly prohibit acts of dating violence, domestic violence, stalking, and sexual assault and is committed to fostering an environment of awareness and prevention. To that end, the Colleges will investigate and/or execute disciplinary actions for all offenses of dating violence, domestic violence, stalking and sexual assault when the institution is made aware of such an occurrence.

Anyone can be the victim of sexual assault, domestic violence, dating violence, or stalking, regardless of race, age, sexual orientation, religion, or gender. These offenses can impact individuals of all education levels and socioeconomic backgrounds and may occur in both opposite-sex and same-sex relationships, as well as between intimate partners who are married, living together or dating.

These offenses not only affect the victims but can also have a negative impact on family members, friends, co-workers, other witnesses, and the community at large. Children who grow up witnessing domestic violence may be among those seriously affected by this type of crime. Frequent exposure to violence in the home not only predisposes children to potential social and physical problems but may also teach them that violence is a normal way of life, increasing the risk of them becoming society's next generation of victims and abusers.

To aid in identifying these offenses, we are providing the following definitions per the Violence Against Women Act of 1994 (VAWA). Please note that local jurisdiction definitions are also included, where available:

1. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for the purposes of Clery Act reporting.

***Per Utah Code, Title 78B, Chapter 7, Section 402(4):*** “Dating violence” means: (a) any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner of the person; or (b) any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against a dating partner of the person.

2. **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; and/or by any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

***Per Utah Code, Title 77, Chapter 36, Section 1(4):*** “Domestic violence” or “domestic violence offense” means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit a criminal offense involving violence or physical harm, when committed by one cohabitant against another.

***Per Idaho Code 18-918:*** Any household member who in committing a battery, as defined in section 18-903, Idaho Code, inflicts a traumatic injury upon any other household member is guilty of a felony. "Household member" means a person who is a spouse, former spouse, or a person who has a child in common regardless of whether they have been married or a person with whom a person is cohabiting, whether or not they have married or have held themselves out to be husband or wife.

3. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person’s safety or the safety of others; or suffer substantial emotional distress.

***Per Utah Code, Title 76, Chapter 5, Section 106.5:*** “Stalking” means an offense as described as follows: (1) A person is guilty of stalking who intentionally or knowingly engages in a course of conduct directed at a specific person and knows or should know that the course of conduct would cause a reasonable person: a) to fear for the person’s own safety or the safety of a third person; or b) to suffer other emotional distress; and (2) A person is guilty of stalking who intentionally or knowingly violates: a) a stalking injunction issued pursuant to Title 77, Chapter 3a, Stalking Injunctions; or b) a permanent criminal stalking injunction issued pursuant to this section.

***Per Idaho Code 18-7906:*** A person commits the crime of stalking in the second degree if the person knowingly and maliciously: (a) Engages in a course of conduct that seriously alarms, annoys or harasses the victim and is such as would cause a reasonable person substantial

emotional distress; or (b) Engages in a course of conduct such as would cause a reasonable person to be in fear of death or physical injury, or in fear of the death or physical injury of a family or household member. "Course of conduct" means repeated acts of nonconsensual contact involving the victim or a family or household member of the victim, provided however, that constitutionally protected activity is not included within the meaning of this definition. "Family or household member" means: (i) A spouse or former spouse of the victim, a person who has a child in common with the victim regardless of whether they have been married, a person with whom the victim is cohabiting whether or not they have married or have held themselves out to be husband or wife, and persons related to the victim by blood, adoption or marriage; or (ii) A person with whom the victim is or has been in a dating relationship, as defined in section 39-6303, Idaho Code; or (iii) A person living in the same residence as the victim. "Nonconsensual contact" means any contact with the victim that is initiated or continued without the victim's consent, that is beyond the scope of the consent provided by the victim, or that is in disregard of the victim's expressed desire that the contact be avoided or discontinued. "Nonconsensual contact" includes, but is not limited to: (i) Following the victim or maintaining surveillance, including by electronic means, on the victim; (ii) Contacting the victim in a public place or on private property; (iii) Appearing at the workplace or residence of the victim; (iv) Entering onto or remaining on property owned, leased or occupied by the victim; (v) Contacting the victim by telephone or causing the victim's telephone to ring repeatedly or continuously regardless of whether a conversation ensues; (vi) Sending mail or electronic communications to the victim; or (vii) Placing an object on, or delivering an object to, property owned, leased or occupied by the victim. "Victim" means a person who is the target of a course of conduct.

4. **Sexual Assault** – an offense that meets the definition of rape, fondling, incest or statutory rape as used in the FBI's Uniform Crime Reporting system. Further, a sexual offense is any act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

*Per Idaho Code 18-924:* "Sexual battery" is any willful physical contact, over or under the clothing, with the intimate parts of any person, when the physical contact is done without consent and with the intent to degrade, humiliate or demean the person touched or with the intent of arousing, appealing to or gratifying the lust, passion or sexual desires of the actor or any other person. For purposes of this section, "intimate parts" means the genital area, groin, inner thighs, buttocks or breasts.

- a. **Consent** – when someone agrees, gives permission, or says "yes" to sexual activity with other persons. Consent is always freely given and all people in a sexual situation must feel that they are able to say "yes" or "no" or stop the sexual activity at any point. Consent must be voluntarily given and may not be valid if a person is being subjected to actions or behaviors that elicit emotional, psychological, physical, reputational, financial pressure, threat, intimidation, or fear (coercion or force).

*Per Utah Code, Title 76, Chapter 5, Section 406:* Under Utah law, sexual offenses "without consent" of the victim arise when: 1) The victim expresses lack of consent through words or conduct; 2) The actor overcomes the victim through the actual application of physical force or violence; 3) The actor is able to overcome the victim through concealment or by the element of surprise; i) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the

time that the actor has the ability to execute this threat; or ii) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat (“to retaliate” includes threats of physical force, kidnapping, or extortion); 4) The actor knows the victim is unconscious, unaware that the act is occurring, or physically unable to resist; 5) The actor knows that as a result of mental disease or defect, or for any other reason the victim is at the time of the act incapable either of appraising the nature of the act or of resisting it; 6) The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim’s spouse; 7) 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; 8) The victim is younger than 14 years of age; 9) The victim is younger than 18 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; 10) The victim is 14 years of age or older, but younger than 18 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 the force or threat required under Subsection (2) or (4); or 11) The actor is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested.

- b. **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.

**Per Utah Code, Title 76, Chapter 5, Section 402:** A person commits rape when the actor has sexual intercourse with another person without the victim’s consent (as defined above).

**Per Idaho Code 18-6101:** Rape is defined as the penetration, however slight, of the oral, anal or vaginal opening with a penis accomplished under any one (1) of the following circumstances: (1) Where the victim is under the age of sixteen (16) years and the perpetrator is eighteen (18) years of age or older. (2) Where the victim is sixteen (16) or seventeen (17) years of age and the perpetrator is three (3) years or more older than the victim. (3) Where the victim is incapable, through any unsoundness of mind, due to any cause including, but not limited to, mental illness, mental disability or developmental disability, whether temporary or permanent, of giving legal consent. (4) Where the victim resists but the resistance is overcome by force or violence. (5) Where the victim is prevented from resistance by the infliction, attempted infliction, or threatened infliction of bodily harm, accompanied by apparent power of execution; or is unable to resist due to any intoxicating, narcotic, or anesthetic substance. (6) Where the victim is prevented from resistance due to an objectively reasonable belief that resistance would be futile or that resistance would result in force or violence beyond that necessary to accomplish the prohibited contact. (7) Where the victim is at the time unconscious of the nature of the act. As used in this section, "unconscious of the nature of the act" means incapable of resisting because the victim meets one (1) of the following conditions: (a) Was unconscious or asleep; (b) Was not aware, knowing, perceiving, or cognizant that the act occurred. (8) Where the victim submits under the belief that the person committing the act is the victim’s spouse, and the belief is induced



by artifice, pretense or concealment practiced by the accused, with intent to induce such belief. (9) Where the victim submits under the belief that the person committing the act is someone other than the accused, and the belief is induced by artifice, pretense or concealment practiced by the accused, with the intent to induce such belief. (10) Where the victim submits under the belief, instilled by the actor, that if the victim does not submit, the actor will cause physical harm to some person in the future; or cause damage to property; or engage in other conduct constituting a crime; or accuse any person of a crime or cause criminal charges to be instituted against the victim; or expose a secret or publicize an asserted fact, whether true or false, tending to subject any person to hatred, contempt or ridicule.

- c. **Fondling** – the touching of the private parts of another person for the purposes 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. The state of Utah does not have any specific or differing definition of fondling.

**Per Idaho Code 18-1507:** "Erotic fondling" means touching a person's clothed or unclothed genitals or pubic area, developing or undeveloped genitals or pubic area (if the person is a child), buttocks, breasts (if the person is a female), or developing or undeveloped breast area (if the person is a female child), for the purpose of real or simulated overt sexual gratification or stimulation of one (1) or more of the persons involved. "Erotic fondling" shall not be construed to include physical contact, even if affectionate, which is not for the purpose of real or simulated overt sexual gratification or stimulation of one (1) or more of the persons involved.

- d. **Incest** – non-forcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Per Utah Code, Title 76, Chapter 7, Section 102:** (1) As used in this section: (a) "Provider means a person who provides or makes available his seminal fluid or her human egg. (b) "Related person" means a person related to the provider or actor as an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes: (i) blood relationships of the whole or half blood without regard to legitimacy; (ii) the relationship of parent and child by adoption; and (iii) the relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists. (2) (a) An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally: (i) engages in conduct under Subsection [\(2\)\(b\)\(i\)](#), [\(ii\)](#), [\(iii\)](#), or [\(iv\)](#); or (ii) provides a human egg or seminal fluid under Subsection [\(2\)\(b\)\(v\)](#). (b) Conduct referred to under Subsection [\(2\)\(a\)](#) is: (i) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person; (ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse; (iii) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse; (iv) a woman 18 years of age or older who: (A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and (B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or (v) providing the actor's sperm or human egg that is used to conduct in

vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.

**Per Idaho Code 18-6602:** Persons being within the degrees of consanguinity within which marriages are declared by law to be incestuous and void, who intermarry with each other, or who commit fornication or adultery with each other, are punishable by imprisonment in the state prison for a term not to exceed life.

- e. **Statutory Rape** – non-forcible sexual relations involving someone below the “age of consent”. A person below the age of consent cannot legally consent to having sex. This means that sex with them, by definition, violates the law. Statutory rape laws vary by state, with states setting the age of consent differently, as well as using different names to refer to this crime. The state of Utah does not have any specific or differing definition of statutory rape. The state of Idaho defines “statutory rape” within their definition of “rape” – see “rape” definition above.

**Per Utah Code, Title 76, Chapter 5, Section 401:** (1) For purposes of this section "minor" is a person who is 14 years of age or older, but younger than 16 years of age, at the time the sexual activity described in this section occurred. (2) A person 18 years old or older commits unlawful sexual activity with a minor if, under circumstances not amounting to rape, in violation of Section [76-5-402](#), object rape, in violation of Section [76-5-402.2](#), forcible sodomy, in violation of Section [76-5-403](#), or aggravated sexual assault, in violation of Section [76-5-405](#), the actor: (a) has sexual intercourse with the minor; (b) engages in any sexual act with the minor involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant; or (c) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any person or with the intent to arouse or gratify the sexual desire of any person, regardless of the sex of any participant.

### Minimizing Risk

Throughout this report, the Colleges suggests ways to help minimize the risk of becoming a victim of criminal acts, including sexual offenses. These suggestions for risk reduction are not meant in any way to attribute blame to victims, but to provide an educational basis for identifying the signs of abuse. A perpetrator’s actions should never be excused or overlooked because of a victim’s behavior or judgments.

### Engaged Bystander Intervention

Bystanders are individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, and/or do something about it. A bystander is someone who is present and thus potentially in a position to discourage, prevent or interrupt an incident. Engaged bystander intervention is the act of feeling empowered and equipped with the knowledge and skills to effectively assist in the prevention of sexual violence. Bystander intervention does not have to jeopardize the safety of the bystander.

Provo College and Eagle Gate College are advocates for bystander intervention when it is conducted in a positive and safe manner and when it is executed to prevent harm in the event of potential domestic violence, dating violence, stalking or sexual assault on a person other than the bystander. Knowing how and when to intervene

may be dependent in part on recognizing the situation as an emergency or non-emergency. A potential bystander can use the following steps to help decide if and how to intervene:

#### 5 Decision Making Steps

1. Observing the event
2. Interpreting the event as a problem
3. Assuming personal responsibility
4. Knowing how to intervene
5. Implementing the intervention

#### Strategies If There Appears to be an Emergency Situation

Something to remember in a perceived emergency situation is not to take any action that may escalate the situation or put you or the victim in danger. You can decide to intervene directly (you are the primary helper) or indirectly (you enlist someone else to be the primary helper, e.g. the police, other students, school administrators, etc.). Whichever way you decide on how to intervene, remember to keep the person calm, gather as much information as you can, consider all options, and provide support. The following strategies are not meant to be all inclusive and may not apply in every situation, but are being providing as effective strategies for intervention in an emergency situation:

- Identify the best exit strategies for those involved to get out of the situation. If prudent, create a distraction to potentially allow the victim to get to a safe place.
- State any and all requests clearly and directly.
- Consider all actions before intervening and choose the safest methods.
- Remember that verbal fights can quickly escalate to physical fights. If this happens, it's sometimes better to walk away and not try to be a hero.
- Act quickly but safely before a problem turns into a larger problem or crisis.
- Vocalize your commitment to help and engage other bystanders, as needed.
- Consider your personal exposure or liability regarding actions you know about which are criminal.
- If it is not safe for you to intervene directly, call 9-1-1.

#### Strategies in a Non-Emergency Situation

Similar to intervening in an emergency situation, a bystander can decide whether to act directly or indirectly as the best approach in a non-emergency situation. A direct intervention is speaking to the person directly, and an indirect intervention is speaking to another person who could be helpful or provide guidance, such as another student or a school employee. Again, the following strategies are not meant to be all inclusive and may not apply in every situation, but are being providing as effective strategies for intervention in a non-emergency situation:

- When evaluating the situation, remember to consider the frequency, duration and severity of the actions.
- Always be sensitive, understanding and non-judgmental.
- Recognize what you can and cannot do to help and engage others as needed.
- Identify the "red flags" and anticipate problems in advance of them happening.

- Create a distraction to delay or avoid a situation before it turns into an emergency.
- Do not make excuses for (or otherwise enable) the other person – hold strong to your beliefs regarding the situation.
- Hold any and all conversations in a safe environment.

For more information on bystander intervention, please visit the following helpful resources:

1. Step UP!, a bystander intervention program - <http://stepupprogram.org/>
2. The National Sexual Violence Resource Center - <https://www.nsvrc.org/bystander-intervention-resources>
3. Sexual Violence Bystander Intervention Toolkit - <https://www.health.ny.gov/publications/2040.pdf>
4. The Rape, Abuse and Incest National Network (RAINN) - <https://www.rainn.org/articles/your-role-preventing-sexual-assault>
5. No More - <https://nomore.org/learn/while-its-occurring/>

### Signs of Stalking

Stalking is a form of emotional abuse which may lead to physical and/or sexual abuse, and may be perpetrated by an acquaintance, friend, past or current spouse or significant other, or by a complete stranger. The following examples may be indicators that you are being stalked:

- You receive repeated, unwanted, intrusive, and/or frightening communications from the perpetrator by phone, text message, email and/or mail
- An individual repeatedly leaves or sends you unwanted items or gifts
- An individual waits for you at places such as your home, school, place of employment, or other places you frequent
- You are receiving threats of harm to you personally, your children, relatives, friends, and/or pets
- You experience damage to your home, vehicle or other personal property
- You are being harassed, defamed and/or monitored through social media

This list is not meant to be all-inclusive but can provide examples to help you determine whether you or someone you know is being stalked. If so, please contact a CSA at your campus or seek other resources and support for help.

### Examples of Domestic and Dating Violence

Acts of domestic or dating violence can take on many different forms of abuse, among them being the following:

- **Sexual Abuse:** Coercing or attempting to coerce any sexual contact or behavior without consent. This includes, but is not limited to, rape, attacks on sexual parts of the body, forcing sex after physical violence has occurred, or treating one in a sexually demeaning manner.
- **Physical Abuse:** Slapping, hitting, grabbing, shoving, pinching, biting, hair pulling, etc. are all types of physical abuse. This type of abuse can also include denying a partner medical care or forcing alcohol and/or drugs use upon him or her.
- **Emotional Abuse:** Undermining an individual's sense of self-worth and/or self-esteem is abusive. Emotional abuse may include, but is not limited to, constant criticism, diminishing one's abilities, name-

calling, or damaging one's relationship with his or her children.

- **Economic Abuse:** Making or attempting to make a person financial dependent by maintaining complete control over financial resources, withholding one's access to money, or preventing an individual's attendance at school or employment.
- **Psychological Abuse:** Elements of psychological abuse include but are not limited to causing fear by intimidation; threatening physical harm to self, partner, children, or partner's family or friends; destruction of pets and property and forcing isolation from family, friends or school and/or work.

The following scenarios may be indicators that domestic or dating violence is occurring or may lead to instances of violence or abuse:

- Your spouse or significant other checks up on you constantly by calling or texting you and becomes anxious when he or she does not know your whereabouts
- You feel isolated from your friends or family members because your spouse or significant other is demanding of your time and acts jealous when you talk to or spend time with others
- A person you are dating becomes possessive and gets too serious about the relationship too quickly
- A spouse or significant other expects or demands sexual contact when you are not interested or not willing to engage
- Your spouse or significant other constantly demeans you by putting you down or calling you names
- Your spouse or significant other threatens violence and/or abuses you physically, verbally and/or sexually
- Your spouse or significant other does not accept responsibility for his or her actions
- You discover someone is obtaining personal information about you by accessing public records, using internet search services, hiring private detectives, rummaging through your trash, contacting your friends, family, co-workers, neighbors, etc.

While understanding the signs of abuse and taking measures to reduce the risk of abuse may be steps to help explain the context of violence and may act as a deterrent, it can never be used to place blame on the victim or guarantee that violence will not occur. It is important to remember that when violence or abuse occurs, the perpetrator, not the victim, is responsible for his or her actions, and the victim's judgement or behavior is never an excuse for those actions.

If you have been a victim or believe you might become a victim of domestic or dating violence, taking the following proactive measures may help increase your safety:

#### **In the home**

- Know where and/or from whom to get help, and memorize and/or program emergency phone numbers
- Plan your escape route when needed, and ensure all other inhabitants know it
- Pack a bag with cash, keys, and important documents and have it accessible in case you have to leave your home quickly

#### **Outside the home**

- Vary your travel routes and shop and bank at different places, if possible
- Keep your cell phone with you and ensure 9-1-1 is programmed, along with any other emergency numbers
- Provide a picture of your abuser to friends and co-workers
- Avoid going to lunch alone

### In an Emergency Situation

- If you are able to, dial 9-1-1 immediately
- If in your home, stay away from the kitchen, as the abuser may easily obtain a weapon (i.e., a knife)
- Get to a lockable room which has a phone and a window or door to escape
- If you can escape, make a lot of noise and run to a nearby trusted neighbor for help

### General Strategies to Help Prevent Sexual Assault or Other Violent Crimes

The following are proactive measures an individual can take which may minimize the risk of you becoming the victim of sexual assault and may help contribute to the overall safety and security of your campus community:

- Use a “buddy” system and avoid walking alone, especially at night. Travel in well-lit areas and in pairs or a group, if possible. Avoid deserted areas and shortcuts.
- Let family and friends know where you are going, your method of transportation, and when you will return.
- Never hitchhike or get in a stranger’s car.
- Avoid excessive alcohol consumption, which may impair judgment, especially in unfamiliar surroundings or situations. Additionally, to that end:
  - Be aware of rape drugs.
  - Do not leave your drink unattended and keep track of how many drinks you have had.
  - Only drink from un-opened containers or from drinks you have watched being made and poured.
  - Avoid group drinks like punch bowls.
  - If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find a friend and have him/her help you leave as soon as possible.
  - If you feel you have been drugged, get to a hospital to be tested.
- Always lock your door when you are home or away.
- Always lock your vehicle and keep your keys with you at all times.
- When possible, leave items of value at home.
- If you need to have valuables with you, never leave them visible in your vehicle.
- Avoid being distracted (talking on your cell phone, texting, etc.) when walking through parking lots or in other public areas.
- Do not leave personal property unattended in classrooms, labs, or in the student lounge.
- If you feel unsafe or threatened, contact the Front Desk Receptionist or a designated CSA, or dial 9-1-1.

Although the steps listed above cannot guarantee that criminal activity will not occur, they may serve as deterrents and reduce the risk of crime occurring.

## Policy on Retaliation

Provo College and Eagle Gate College believe strongly that students and employees have the right to be free from retaliation and intimidation in any form. To that end, the Colleges and their administration will not allow for intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by Title IX, or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing. Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX, constitutes retaliation and will not be allowed.

The Colleges will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint of sexual harassment, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted by the FERPA statute, 20 U.S.C. 1232g, or FERPA regulations, 34 CFR part 99, or as required by law, or to carry out the purposes of 34 CFR part 106, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder. Complaints alleging retaliation may be filed according to the Colleges' grievance procedures for sex discrimination. Any student or employee who is experiencing retaliation and/or intimidation should report this immediately to the Title IX Coordinator, the Human Resources Department, a Campus Security Authority, or to a member of the Corporate Security Team as identified in this Annual Security Report.

## Policy on Voluntary Reporting

Provo College and Eagle Gate College encourage any victim of sexual assault, domestic violence, dating violence or stalking to notify law enforcement immediately; however, the ultimate decision to do so and/or when to do so must reside with the victim. All victims have the right to deny assistance from or involvement with law enforcement. If a victim does decide to report the crime to law enforcement, the following one of two things can happen:

1. The victim can file a complaint but request not to have charges filed against the accused perpetrator(s). The decision to file charges can be made at a later time, but depending on the amount of time that passes, evidence may be lost or unusable. Therefore, it is important that victims cooperate fully with any ongoing investigation and have a rape kit completed (if rape was involved) so that the chances for filing criminal charges in the future are greater, if so desired.
2. The victim can file a complaint and press charges immediately. This would involve full cooperation with law enforcement and the prosecutor's office to determine if the accused perpetrator can and will be charged criminally.



In addition to reporting the crime to law enforcement, victims should report these crimes to either or to both of the following College officials:

Don Corvin  
Senior VP of Compliance / Title IX Coordinator  
1401 Dove Street, Suite 220  
Newport Beach, CA 92660  
(949) 590-4882  
[dcorvin@unitek.com](mailto:dcorvin@unitek.com)

Sara Cramlet  
Senior VP of Human Resources  
1401 Dove Street, Suite 340  
Newport Beach, CA 92660  
(949) 407-6685  
[scramlet@unitek.com](mailto:scramlet@unitek.com)

Any person may report sex discrimination or sexual harassment (including sexual assault, domestic violence, dating violence, and stalking) in person, by mail, by telephone, or by email using the contact information above. The report may be made at any time (including during non-business hours) by using the telephone number or email address, or by mail to the office addresses listed above. The College will assist by providing options for outside resources, pursuing an investigation, and/or conducting applicable disciplinary proceedings/actions.

### **Crime Awareness and Prevention Program**

The previous sections of this report contain policies and procedures which are designed to inform students and employees about campus security and to encourage and promote responsibility for their own security and the security of others. Employees and students are made aware of all services the Colleges provide during their respective orientations, in the college catalog, in student and employee handbooks, and in the Colleges' policies and procedures, which include this security report distributed annually and available to all students and employees 24 hours a day, 7 days a week. The Colleges' crime awareness and prevention program consists of promoting campus community awareness; providing suggestions and methods to minimize the risk of campus crime and violence; providing applicable resources to assist victims of crime; publishing crime statistics on an annual basis in the Annual Security Report; and ensuring that applicable investigations and disciplinary proceedings are conducted in the event of a crime occurring. Through the administration of this program, the Colleges are committed to cultivating and providing an environment that is free of criminal activity and maintains a zero-tolerance policy for criminal activity and sexual assault. In addition, the Colleges feel strongly that increased safety and security can be achieved through the efforts of the entire campus community.

#### **Program to Prevent Domestic Violence, Dating Violence, Sexual Assault and Stalking**

The Colleges' program includes community-wide awareness and is focused on the prevention of domestic violence, dating violence, sexual assault and stalking. In accordance with Clery Act requirements, the program is culturally relevant; inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and considers environmental risk and protective factors as they occur on the individual, relationship, institutional, community and societal levels.

As stated above, the Colleges' program consists of primary prevention and awareness programs for all incoming students and new employees and provides for ongoing reinforcement and continual training opportunities for both students and employees. The components of this program are described throughout this Annual Security Report and consist of the following components:



1. The Colleges' assertion that crimes of domestic violence, dating violence, sexual assault and stalking are strongly prohibited.
2. Definitions of domestic violence, dating violence, sexual assault, stalking, and what constitutes consent, including applicable definitions under local jurisdiction (states of Utah and Idaho).
3. Affirmation of the Colleges' support for safe and positive bystander intervention and providing effective strategies and relevant resources.
4. Signs of domestic abuse, dating abuse, sexual assault and stalking to help students and employees identify when it could be happening to them.
5. Strategies to reduce the risk of becoming a victim of sexual assault or other violent crimes.
6. Procedures that victims should follow in the event of domestic abuse, dating abuse, sexual assault and/or stalking.
7. Efforts made by the Colleges to protect the confidentiality of victims and other applicable parties.
8. Current listing of applicable online and off-campus resources, categorized by location, for local law enforcement, emergency services, legal assistance, victim advocacy, restraining orders, and other services available for victims of sexual assault and/or abuse.
9. Options for assistance with protective orders and changes to living, working, transportation and school situations and schedules.
10. Procedures for applicable investigations and/or disciplinary actions in cases of alleged domestic violence, dating violence, sexual assault and stalking.

### Primary Prevention and Awareness Program

Provo College and Eagle Gate College have contracted with 360 Stay Safe (Omnigo Software) to deliver its VAWA Compliance Training program to incoming students and new employees. 360 Stay Safe provides holistic and community-based prevention/awareness training for higher education students and employees. This training is designed to equip students and employees with relevant, practical and effective skills for building safe and healthy campus communities. The VAWA Compliance Training program for students includes both primary prevention and awareness components and consists of the following four modules/topics:

- *Forming Healthy Relationships* – covers relationship values and basic relational skills; recognizing healthy relationships and preventing relationship violence; identifying unhealthy relationships and warning signs of domestic and dating violence.
- *Sexual Assault* – includes definitions of non-consensual sex, sexual assault, acquaintance rape and date rape; legal consequences for these violent crimes; sexual violence; sexual assault prevention; ways to empower participants and others; and common myths regarding sexual assault.
- *Stalking* – discusses harmful behaviors that can lead to dangerous situations, including assault, such as subtle threats, emotional abuse, harassment, cyberstalking, and stalking.
- *Bystander Intervention* - with a focus on bystander intervention training and crisis intervention techniques, this module offers practical ways to empower members of your campus community to protect one another and equips participants to see bystander intervention as a natural extension of their global citizenship.

VAWA Compliance Training for employees includes the following primary prevention and awareness learning points:

- There are different forms of sexual misconduct, and there are legal consequences for these violations.
- It is important to understand the definition of consent, and how to communicate consent.
- There are safe and positive options for bystander intervention, or intervening on behalf of someone in need.

Both the student and employee programs provide opportunities for assessment by posing quiz questions at the end of each video module to assess the learner's comprehension of the subject matter. Learners must correctly answer the questions prior to moving on in the system. Incoming students and new employees are required to complete this training as part of their orientation process. The materials are also available to all students and employees 24 hours a day, 7 days a week, and as an ongoing campaign, students and employees are encouraged to revisit topics and retest as needed or desired. Additionally, to promote ongoing prevention and awareness for students and employees, informational notices are posted on campus bulletin boards and email blasts and/or social media posts are provided as applicable.

### If You Are a Victim of Sexual Assault or Domestic Violence

If you become the victim of a sexual assault or domestic violence, you should consider calling the police and seeking medical attention immediately. Additionally, if you fear for your safety or others around you, filing a protective order may be a good idea. We also encourage victims to report the offense to a CSA who will coordinate with the Colleges' Title IX Coordinator to provide you with support and resources, including assistance with notifying local law enforcement authorities, if so desired.

It is important to remember that being the victim of a sexual assault or domestic violence is not your fault. Nothing in what you said, the way you looked, where you were, or who you were with gives anyone the right to assault you. But regardless of this not being your fault in any way, you may still be feeling afraid, ashamed, angry, sad, helpless, betrayed or depressed. For this reason, it is important for you to seek help immediately after the attack and in the days and weeks following. The following are some things you can do if you have been sexually assaulted:

- If you are in danger or need medical care, call 9-1-1. If you can, get away from the person who assaulted you and get to a safe place as fast as you can.
- Save everything that may have the attacker's DNA on it. Do not brush, comb or clean any part of your body. Do not change clothes, if possible. Do not touch or change anything at the scene of the assault. That way the local police will have physical evidence from the person who assaulted you.
- Go to the nearest hospital emergency room as soon as possible, where you can be examined and treated for any injuries. In case of rape, you can be given medication to prevent HIV and other sexually transmitted infections and emergency contraception to prevent pregnancy. A doctor or nurse will use a rape kit to collect evidence which may include fibers, hair, saliva, semen or clothing left behind by the attacker.
- If you think you were drugged, talk to the hospital staff about being tested for date rape drugs, such as Rohypnol, Gamma Hydroxybutyrate (GHB), and other drugs.
- Call a friend or family member you trust or call a crisis center or hotline to help you find support and resources near you.

Students who are victims of sexual assault or domestic violence are also encouraged to contact WellConnect, a free counseling service available 24 hours a day, 7 days a week to all enrolled students. Students are encouraged to call 1-866-640-4777 or visit <http://www.studentlifetools.com>. The Colleges also refer anyone who is a victim of sexual assault to 2-1-1, a free referral service available 24 hours a day, 7 days a week. Students or employees are encouraged to call 2-1-1 or visit <http://www.211.org/>. Following are some other online and off-campus resources to help prevent sexual assault and/or to help you in the event of sexual assault or domestic abuse:

**Online Resources:**

1. The Rape, Abuse and Incest National Network (RAINN) is the nation's largest anti-sexual assault organization. The following strategies are recommended by RAINN to reduce potential risk:
  - a. Steps you can take in a social situation to prevent sexual assault  
<https://rainn.org/articles/steps-you-can-take-prevent-sexual-assault>
  - b. Safety planning  
<https://www.rainn.org/articles/safety-planning>
  - c. How to respond if someone is pressuring you  
<https://www.rainn.org/articles/how-respond-if-someone-pressuring-you>
  - d. Staying safe on campus  
<https://www.rainn.org/articles/staying-safe-campus>
  - e. Your role as a bystander in preventing sexual assault  
<https://rainn.org/articles/your-role-preventing-sexual-assault>
  - f. What consent looks like  
<https://rainn.org/articles/what-is-consent>
  - g. Protecting a child from sexual assault  
<https://rainn.org/articles/how-can-i-protect-my-child-sexual-assault>
2. The United States Department of Justice  
<https://www.justice.gov/ovw/sexual-assault>
3. Utah Domestic Violence Coalition  
<https://www.udvc.org/>
4. Next Door Solutions to Domestic Violence  
<http://www.nextdoor.org/>
5. The National Domestic Violence Hotline operates 24 hours a day, seven days a week, is confidential and free of cost, and provides lifesaving tools and immediate support to enable victims to find safety and live lives free of abuse:
  - a. Help for Survivors  
<http://www.thehotline.org/help/help-for-survivors/>
  - b. Path to Safety  
<http://www.thehotline.org/help/path-to-safety/>

- c. Survivor Stories  
<https://www.thehotline.org/resources/jennifers-story/>
- d. Domestic Violence Shelter Resources  
<https://www.thehotline.org/resources/domestic-violence-shelter-resources/>

**Off Campus Resources:**

Provo College and Eagle Gate College do not offer resources on campus regarding counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student and financial aid. Students and employees are encouraged to call 2-1-1 or visit <http://www.211.org/> to obtain referrals for these types of services. Students and employees can also access local off-campus resources and public services, such as:

**Provo, Utah**

Local Police Department	Provo Police Department 48 S 300 W Provo, UT 84601 (801) 852-6210 <a href="https://www.provo.org/city-services/provo-police">https://www.provo.org/city-services/provo-police</a>
Hospital Emergency Room	Utah Valley Hospital 1034 N 500 W Provo, UT 84604 (801) 357-7850 <a href="https://intermountainhealthcare.org/locations/utah-valley-hospital/">https://intermountainhealthcare.org/locations/utah-valley-hospital/</a>
Protective Orders	Legal Aid Society of Salt Lake 205 North 400 West Salt Lake City, UT 84103 (801) 328-8849 <a href="https://www.legalaidsocietyofsaltlake.org/">https://www.legalaidsocietyofsaltlake.org/</a>
Victim Advocacy Services	Utah Crime Victims Legal Clinic 404 East 4500 South, Suite B24 Murray, UT 84107 (801) 746-1204 <a href="https://www.ucvlc.org/">https://www.ucvlc.org/</a>
Legal Assistance Sexual Assault Crisis Services Shelter/Housing Assistance	Utah Crime Victims Legal Clinic 404 East 4500 South, Suite B24 Murray, UT 84107 (801) 746-1204 <a href="https://www.ucvlc.org/">https://www.ucvlc.org/</a>  Live Your Dream Foundation 3651 North 100 East Provo, UT 84604 (801) 375-2500 <a href="https://www.liveyourdreamfoundation.org/resources">https://www.liveyourdreamfoundation.org/resources</a>
Services for Male Victims	1in6 Online Support Groups <a href="https://1in6.org/about-1in6/">https://1in6.org/about-1in6/</a>

**Idaho Falls, Idaho**

Local Police Department	Idaho Falls Police Department 605 North Capital Avenue Idaho Falls, ID 83402 (208) 529-1200 <a href="https://www.idahofallsidaho.gov/153/Police-Department">https://www.idahofallsidaho.gov/153/Police-Department</a>
Hospital Emergency Room	Idaho Falls Community Hospital 2327 Coronado Street Idaho Falls, ID 83404 (208) 528-1000 <a href="https://www.idahofallscommunityhospital.com/hospital-services/emergency-department/">https://www.idahofallscommunityhospital.com/hospital-services/emergency-department/</a>
Protective Orders	Bonneville County, Court Assistance Office, State of Idaho Judicial Branch 605 N. Capital Avenue Idaho Falls, ID 83402 (208) 589-9872 <a href="https://courtselphelp.idaho.gov/Forms/protection">https://courtselphelp.idaho.gov/Forms/protection</a>
Victim Advocacy Services	Domestic Violence and Sexual Assault Center 1050 Memorial Drive Idaho Falls, ID 83402 (208) 235-2412 <a href="https://www.dvsacac.org/">https://www.dvsacac.org/</a>
Legal Assistance Sexual Assault Crisis Services Shelter/Housing Assistance	Domestic Violence and Sexual Assault Center 1050 Memorial Drive Idaho Falls, ID 83402 (208) 235-2412 <a href="https://www.dvsacac.org/">https://www.dvsacac.org/</a>  Idaho Falls Rescue Mission Ruth House Women’s Shelter 840 Park Street Idaho Falls, ID 83402 (208) 552-5575 <a href="https://ifrescuemission.org/ruth-house-womens-shelter/">https://ifrescuemission.org/ruth-house-womens-shelter/</a>
Services for Male Victims	1in6 Online Support Groups <a href="https://1in6.org/about-1in6/">https://1in6.org/about-1in6/</a>

**Protective Orders**

The Colleges comply with state laws with respect to orders of protection, “no contact” orders, restraining orders, or similar lawful orders. A student who obtains a protective order should immediately provide a copy to a Campus Security Authority (employees should provide a copy to their direct supervisor and/or to Human Resources). The Campus Security Authority, in collaboration with the Title IX Coordinator, will develop a plan to ensure the provisions of the order are followed. This may include but is not limited to: changing classroom location and/or seating within the classroom; special parking arrangements, increased patrol services; and escorts.

An Emergency Protective Order can help protect a victim of abuse, sexual harassment, or stalking. This type of protective order is available 24 hours a day through your local police department. Other protective orders can be applied for through the court systems within your local county. The Colleges cannot apply for a legal order of protection, “no contact” order or restraining order for a victim or on his/her behalf. Victims are required to apply directly for these services on their own behalf. However, the Colleges will abide by the requirements of the order to help ensure the victim’s safety.

### Confidentiality

Provo College and Eagle Gate College are committed to protecting the confidentiality of the victim in either the presence or absence of a victim’s request for confidentiality. Personally identifying information will not be included in any publicly available records, including Clery Act reporting, the Colleges’ Annual Security Report, or in any Timely Warning Notices that could be issued. Per Section 40002(a) of the Violence Against Women Act of 1994, “personally identifying information” is defined as “individually identifying information for or about an individual, including information likely to disclose the location of a victim of domestic violence, dating violence, sexual assault or stalking, regardless of whether the information is encoded, encrypted, hashed or otherwise protected, including: a first and last name; a home or other physical address; contact information (including a postal, email or Internet protocol address, or telephone or fax number); a social security number, driver’s license number, passport number or student identification number; and any other information, including date of birth, racial or ethnic background, or religious affiliation that would serve to identify any individual.”

The Family Educational Rights and Privacy Act (FERPA) allows schools to disclose “directory” information without the student’s consent. For Provo College, “Directory Information” is defined as student’s name, identification number, program name, address, email address, telephone number, date and place of birth, honors and awards, enrollment status, most recent previous educational institution attended, and dates of attendance. At any time, all students have the right to “opt out” of allowing the college to share this directory information. However, regardless of whether a student has opted out or not opted out, personally identifying information about the victim and other applicable parties will be treated as confidential and only shared with individuals who have a specific need-to-know reason, such as individuals who are conducting an investigation and/or disciplinary proceedings or those involved in providing support services to the victim, such as accommodations and protective measures. To that end, the College will maintain as confidential any accommodations or protective measures provided to the victim to the extent that maintaining such confidentiality would not impair the ability of the college to provide the accommodations or protective measures.

Students may opt out of allowing the Colleges to share Directory Information at any time by contacting the Campus Registrar.

### Options for Supportive Measures and Complainant’s Rights

Upon receipt of a report of alleged domestic violence, dating violence, sexual assault and/or stalking on or off campus, the Colleges are obligated and will provide the complainant with written documentation regarding his/her rights and options and written notification regarding supportive measures available to him or her, including academic, living, transportation and work situations. This written notification will include information regarding supportive measures, available assistance in making requests for supportive measures, and who to address requests to. At the complainant’s request and to the best of their ability, the Colleges will provide the complainant and/or the respondent with appropriate supportive measures. If possible and reasonably available,

the parties may be offered changes to academic, living, working or transportation situations regardless of whether the complainant files a formal complaint or reports the alleged crime to local law enforcement. Examples of supportive measures may be to transfer a student to a different cohort group or withdrawing and re-enrolling if there is no option for moving to a different cohort group or different campus. A supportive measure regarding a work situation may be changing a person's hours or transferring to another department. A supportive measure for transportation may be arranging for special parking or having the complainant escorted to and from his/her car. A complainant or respondent who wishes to request supportive measure(s) should contact the Title IX Coordinator, a Campus Security Authority, and/or the Human Resources Department.

Below are procedures the Colleges will follow upon receiving a report of domestic violence, dating violence, sexual assault and stalking:

1. The Colleges will help provide the complainant with access to medical care, as needed and requested by the complainant.
2. The Colleges will assess the immediate safety needs of the complainant.
3. The Colleges will provide the complainant with written contact information for the local authorities and will help the complainant contact the authorities at the complainant's request.
4. The Colleges will provide written information on how to preserve evidence, if any.
5. The Colleges will provide the complainant with written documentation regarding the services of WellConnect, a referral and counseling services available to all students.
6. As stated above, the Colleges will determine if any immediate supportive measures need to be implemented and will maintain confidentiality of these measures to the extent that maintaining such confidentiality would not impair the ability of the Colleges to provide the supportive measures. These supportive measures may include:
  - i. Counseling referrals
  - ii. Deadline extensions or other academic adjustments
  - iii. Modification of work or class schedules
  - iv. Campus escort services
  - v. Mutual restrictions on contact between the parties
  - vi. Leaves of absence
  - vii. Increase security and monitoring of certain areas of the campus
7. The Colleges will provide written information on how to obtain a protective/restraining order through the respective court system (or an Emergency Protective Order through local authorities).
8. The Colleges will provide the complainant with written documentation regarding his/her rights and options.
9. The Colleges will provide the complainant with written documentation regarding the investigation and disciplinary proceedings which will be conducted as a result of the report.

### Sexual Offender/Predator Notification

The Federal Campus Sex Crimes Prevention Act of 2000 (CSCPA) requires institutions of higher education to issue a statement advising the campus community where state law enforcement agency information concerning registered sex offenders may be obtained. Any member of the campus community who wants to obtain information regarding sexual offenders in the area may refer to <http://www.sexoffender.com> for the national registry. The CSCPA also requires registered sex offenders/predators to provide appropriate state officials with notice of each institution of higher education in that state at which the offender/predator is employed, carries on a vocation, or is a student.

## Grievance Process to Address Title IX Sexual Harassment Complaints

Provo College and Eagle Gate College maintain a grievance process which treat complainants and respondents equitably by providing resolution to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following a grievance process before imposing any disciplinary sanctions or other actions that are not supportive measures against a respondent. The Colleges' process is designed to enable the restoration or preservation of equal access to the Colleges' education program or activity. Such resolution may include the supportive measures listed in this document and/or may be punitive or disciplinary, without regard to burdening the respondent, as applicable. The investigation will include an objective evaluation of all relevant evidence, and credibility will not be pre-determined based on a person's status as complainant, respondent or witness.

Individuals designated by the Colleges to conduct an informal resolution process, which includes the Title IX Coordinator, investigator(s), and decision-maker(s), will not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Additionally, all individuals involved in the resolution process receive training on the definition of sexual harassment, the scope of the recipient's education program or activity, how to conduct an investigation and grievance process, and how to perform impartially, which includes not prejudging the facts at issue, no conflicts of interest, and no bias. The Colleges ensure that decision-makers receive applicable training on any technology to be used at a live hearing and on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant. The Colleges also ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence. Materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process does not rely on sex stereotypes and promotes impartial investigations and adjudications of formal complaints of sexual harassment. Training materials used are maintained for a period of at least seven (7) years and posted to the institution's website.

Other elements of the Colleges' grievance and informal resolution process include the following:

- The Colleges will not presume that the respondent is responsible for the alleged conduct prior to a determination being made at the conclusion of the grievance process.
- The Colleges strive to complete all resolution proceedings, including the investigation, formal and informal meetings, hearing, and sanctions, as applicable, within sixty (60) calendar days of receiving a report. However, there is an allowance for extensions of timeframes for good cause, as necessary, and in that instance, written notice will be provided to the complainant and the respondent announcing the delay and the reason for it. Good cause may include considerations such as the absence of a party, a party's advisor, or a witness; concurrent law enforcement activity; or the need for language assistance or accommodation of disabilities.
- The Colleges use the "preponderance of evidence" standard of evidence to determine whether the respondent has violated the Colleges' policies. Use of this standard is irrespective of whether the respondent is a student or employee and is used consistently in all formal complaints of sexual harassment.
- Disciplinary actions for employees may include, but are not limited to, verbal warnings, letters of reprimand, suspension with or without pay, and termination. Such disciplinary actions for students may range from counseling to suspension and/or expulsion.



- Both the complainant and the respondent will be provided with written documentation of his/her right to appeal the decision and/or the sanction imposed. The appeal must be based on either a process error or based on new information/evidence which is introduced. Appeals must be made within 5 days of the original decision and should be directed to the Title IX Coordinator at [dcorvin@unitek.com](mailto:dcorvin@unitek.com).
- The Colleges will not rely upon or use questions or evidence which constitute, or seek disclosure of, information protected under a legally-recognized privilege unless the person holding such privilege has waived the privilege.

### Providing Notice of Allegations

Upon receipt of a formal complaint, the Colleges will provide notice of the Colleges' grievance process to all known parties, including the allegations of sexual harassment potentially constituting sexual harassment and including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known. The written notice will confirm that the respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility will be made at the conclusion of the grievance process. The written notice will also inform the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney, and that the parties may inspect and review evidence. Parties will also be reminded of the Colleges' Code of Conduct which prohibits knowingly making false statements or knowingly submitting false information during the grievance process. During the course of the investigation, if the Colleges decide to investigate allegations about the complainant or respondent which are not included in the original notice, the Colleges will notify the parties of the additional allegations.

### Dismissal of a Formal Complaint

The Colleges will investigate the allegations in a formal complaint; however, if the conduct alleged in the formal complaint would not constitute sexual harassment even if proved, did not occur in the Colleges' education program or activity, or did not occur against a person in the United States, then the Colleges will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX. Dismissal of a formal complaint for these reasons does not preclude action under another provision of the Colleges' Code of Conduct.

The Colleges may also dismiss the formal complaint or any allegations contained therein if at any time during the investigation or hearing: (1) a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations contained therein; (2) the respondent is no longer enrolled or employed by the Colleges; or (3) specific circumstances prevent the Colleges from gathering evidence sufficient to reach a determination as to the formal complaint or allegations contained therein. Upon any dismissal, the Colleges will provide prompt written notification of the dismissal and the reason(s) for the dismissal action.

### Consolidation of Formal Complaints

The Colleges reserve the right to consolidate formal complaints as to allegations of sexual harassment against more than one respondent, or by more than one complainant against one or more respondents, or by one party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.

## Investigation of a Formal Complaint

During an investigation of a formal complaint, the Colleges will ensure the following:

- The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility will rest on the Colleges and not on the parties, provided that the Colleges cannot access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and which are made and maintained in connection with the provision of treatment to the party, unless the Colleges obtain that party's voluntary, written consent to do so for a grievance process.
- Both parties will be provided with equal opportunity to present witnesses, including fact and expert witnesses, and other inculpatory evidence (usually favorable to the complainant) and exculpatory evidence (usually favorable to the respondent).
- The Colleges will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- Both parties will be provided with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney, and not limit the choice or presence of advisor for either the complainant or respondent in any meeting or grievance proceeding. The Colleges, however, may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- The Colleges will provide, to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the party to prepare to participate.
- The Colleges will provide both parties with an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which the Colleges do not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
  - Prior to completion of the investigative report, the Colleges will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy, and the parties will have at least 10 days to submit a written response, which the investigator will consider prior to completion of the investigative report. The Colleges will make all such evidence subject to the parties' inspection and review available at any hearing to give each party equal opportunity to refer to such evidence during the hearing, including for purposes of cross-examination.
- The Colleges will ensure the creation of an investigative report that fairly summarizes relevant evidence and, at least 10 days prior to a hearing (if a hearing is required under this section or otherwise provided) or other time of determination regarding responsibility, send to each party and the party's advisor, if any, the investigative report in an electronic format or a hard copy, for their review and written response.

## Hearings

The Colleges' grievance process allows for a live hearing, as applicable. The following outlines the Colleges' process when conducting a hearing:

- At the live hearing, the decision-maker(s) will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including those challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally, notwithstanding the discretion of the Colleges to otherwise restrict the extent to which advisors may participate in the proceedings.
- At the request of either party, the Colleges will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the decisionmaker(s) and parties to simultaneously see and hear the party or the witness answering questions.
- The Colleges will ensure that only relevant cross-examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the decision-maker(s) must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- If a party does not have an advisor present at the live hearing, the Colleges will provide without fee or charge to that party, an advisor of the recipient's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.
- Questions and evidence about the complainant's sexual predisposition or prior sexual behavior will be deemed not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- If a party or witness does not submit to cross-examination at the live hearing, the decision-maker(s) will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the decision-maker(s) cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- Live hearings may be conducted with all parties physically present in the same geographic location or, at the recipient's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In this case, the Colleges will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.

## Determination Regarding Responsibility

Upon conclusion of the hearing, the appointed decision-maker(s) will issue a written determination regarding responsibility. To reach this determination, the Colleges will apply the "preponderance of evidence" as the standard of evidence. The written determination will include: 1) identification of the allegations potentially constituting sexual harassment; 2) a description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held; 3) the findings of fact supporting the determination; 4) conclusions regarding the application of the Colleges' Code of Conduct to the

facts; 5) a statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions the Colleges impose on the respondent, and whether resolution designed to restore or preserve equal access to the Colleges' education program or activity will be provided by the Colleges to the complainant; and 6) the Colleges' procedures and permissible bases for the complainant and respondent to appeal. The Colleges will provide the written determination to the parties simultaneously. The determination regarding responsibility becomes final either on the date that the Colleges provide the parties with the written determination of the result of the appeal, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely. The Colleges' Title IX Coordinator will be responsible for the effective implementation of any resolution measures.

### Right to Appeal

The Colleges provide both parties with the opportunity to appeal a determination made regarding responsibility and the Colleges' decision to dismiss a formal complaint or any allegations therein on the following bases:

- An irregularity or irregularities which affected the outcome of the matter;
- New evidence which was not reasonably available at the time the determination regarding responsibility or the dismissal was made which could affect the outcome of the matter;
- An individual or individuals involved in the resolution process and/or hearing (Title IX Coordinator, investigator, decision-maker, etc.) had a conflict of interest or bias for or against the complainant(s) or respondent(s) which affected the outcome of the matter.

In addition to the above-listed bases, the Colleges may offer an appeal equally to both parties based on additional factors, as applicable.

Regarding all appeals, the Colleges will:

- Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
- Ensure that the decision-maker(s) for the appeal is not the same decision-maker(s) who reached the initial determination regarding responsibility, and that the decision-maker(s) for the appeal is not the Title IX Coordinator or the investigator(s);
- Ensure that the decision-maker(s) for the appeal complies with all of the procedures as set forth in this section;
- Provide both parties with a reasonable, equal opportunity to submit a written statement in support of, or challenging, the outcome;
- Provide a written decision simultaneously to both parties describing the appeal results and the rationale for the decision.

### Informal Resolution Process

The Colleges will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment. Additionally, the Colleges will not require the parties to participate in an informal resolution process and will not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, the Colleges may facilitate an

informal resolution process, such as mediation, that does not involve a full investigation and adjudication, provided that the Colleges provide to the parties a written notice disclosing: the allegations; the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared. Additionally, the Colleges will obtain the parties' voluntary, written consent to the information resolution process. However, the Colleges will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

### Recordkeeping Policy

The Colleges will maintain records for a period of no less than seven (7) years consisting of the following:

- Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript, any disciplinary sanctions imposed on the respondent, and any resolution provided to the complainant designed to restore or preserve equal access to the Colleges' education program or activity;
- Any appeal and the result;
- Any informal resolution and the result;
- All materials used to train Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process. The Colleges have made these training materials publicly available on its' websites;
- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment.
  - In each instance, the Colleges will document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to the Colleges' education program or activity.
  - If the Colleges do not provide a complainant with supportive measures, the Colleges will document the reasons why such a response was not clearly unreasonable in light of the known circumstances. However, the documentation of certain bases or measures does not limit the Colleges in the future from providing additional explanations or detailing additional measures taken.

### Introduction to Annual Crime Statistics

Provo College and Eagle Gate College maintain working relationships with local law enforcement authorities to help promote the direct reporting of any criminal activity which may endanger students or employees to the Colleges' campuses; however, this direct reporting cannot be guaranteed or relied upon. To help ensure that Annual Crime Statistics Reports are accurate and comprehensive, the Colleges proactively contact local law enforcement authorities to obtain data on reportable offenses under the Clery Act. Data obtained from local law enforcement combined with data collected by each Campus comprises the Annual Crime Statistics Reports published by the Colleges, which are in the pages that follow. Definitions of reportable offenses are included in the section immediately below which immediately precedes the individual reports for each campus.

### Definitions of Reportable Offenses under the Clery Act

1. **Murder and Non-negligent Manslaughter** – the willful (non-negligent) killing of one human being by another.
2. **Manslaughter by Negligence** – the killing of another person through gross negligence.
3. **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. Rape is a form of sexual assault. This includes the rape of both males and females.
4. **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. Fondling is a form of sexual assault.
5. **Incest** – sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Incest is a form of sexual assault.
6. **Statutory Rape** – sexual intercourse with a person who is under the statutory age of consent. The legal age of consent in the state of California is 18. Statutory rape is a form of sexual assault.
7. **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.
8. **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.)
9. **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.
10. **Motor Vehicle Theft** – the theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

## DEFINITIONS OF REPORTABLE OFFENSES

11. **Arson** – any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc.
12. **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.
13. **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.
14. **Drug Abuse Violations** – the violation of laws prohibiting the production, distribution, and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.
15. **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; and/or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
16. **Dating Violence** – violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For purposes of this definition, dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse. Dating violence does not include acts covered under the definition of domestic violence.
17. **Stalking** – engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety or the safety of others or suffer substantial emotional stress. For purposes of this definition, "course of conduct" means two or more acts, including but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property. "Reasonable person" means a reasonable person under similar circumstances and with similar identities to the victim. "Substantial emotional distress" means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

### Hate Crimes

A hate crime is a criminal offense committed against a person, property, or society that is motivated, in whole or in part, by the offender's bias against a race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, or disability. Hate crimes are not separate, distinct crimes, but are traditional offenses motivated, in whole or in part, by the offender's bias. Many of the offenses noted above may be designated as a hate crime if motivated by any of the biases noted below:

- **Race** – a preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion** – a preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding their origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation** – a preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual individuals.
- **Gender** – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity** – a preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals. Gender non-conforming describes a person who does not conform to the gender-based expectations of society, e.g., a woman dressed in traditionally male clothing or a man wearing make-up. A gender non-conforming person may or may not be a lesbian, gay, bisexual, or transgender person but may be perceived as such.
- **Ethnicity** – a preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin** – a preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **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.

Additionally, for Clery Act reporting purposes, the following crimes are reportable if they meet the definition of a hate crime:

- **Larceny-Theft** - the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing. Attempted larcenies are included.
- **Simple Assault** - an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation** - to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.



- **Destruction / damage / vandalism of property** - to willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

### Geographic Locations for Reporting Purposes

For purposes of reporting crimes including under the Clery Act, Provo College and Eagle Gate College use the following definitions for geographic locations:

1. **On-Campus Property** – (1) any building or property owned or controlled by an institution within the core campus (same reasonably contiguous geographic area) and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes; and (2) any building or property that is within or reasonably contiguous to the area identified in section (1), that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes.
2. **Public Property** – all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the core campus, or immediately adjacent to and accessible from the core campus.

Provo College and Eagle Gate College do not own or control any buildings or property which are considered under the Clery Act as “Non-Campus”.

TYPE OF OFFENSE	ON-CAMPUS PROPERTY			PUBLIC PROPERTY		
	2019	2020	2021	2019	2020	2021
MURDER AND NON-NEGLIGENT MANSLAUGHTER	0	0	0	0	0	0
MANSLAUGHTER BY NEGLIGENCE	0	0	0	0	0	0
RAPE	0	0	0	0	0	0
FONDLING	0	0	0	0	0	0
INCEST	0	0	0	0	0	0
STATUTORY RAPE	0	0	0	0	0	0
ROBBERY	0	0	0	0	0	0
AGGRAVATED ASSAULT	0	0	0	0	0	0
BURGLARY	0	0	0	0	0	0
MOTOR VEHICLE THEFT	0	0	0	0	0	0
ARSON	0	0	0	0	0	0
ARRESTS: ILLEGAL WEAPONS POSSESSION	0	0	0	0	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	0	0	0	0	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	0	0	0	0	0	0
DISCIPLINARY ACTIONS: ILLEGAL WEAPONS POSSESSION	0	0	0	0	0	0
DISCIPLINARY ACTIONS: DRUG ABUSE VIOLATIONS	0	0	0	0	0	0
DISCIPLINARY ACTIONS: LIQUOR LAW VIOLATIONS	0	0	0	0	0	0
DOMESTIC VIOLENCE	0	0	0	0	0	0
DATING VIOLENCE	0	0	0	0	0	0
STALKING	0	0	0	0	0	0
LARCENY-THEFT	0	0	0	0	0	0
SIMPLE ASSAULT	0	0	0	0	0	0
INTIMIDATION	0	0	0	0	0	0
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	0	0	0	0	0	0

Hate Crimes: None of the crimes reported above were determined to be motivated by bias, and therefore, were not considered hate crimes.

Unfounded Crimes: There were no crimes listed above which were determined to be unfounded.

Student Housing: Provo College in Provo, Utah does not maintain, operate or provide student housing facilities.

TYPE OF OFFENSE*	ON-CAMPUS PROPERTY			PUBLIC PROPERTY		
	2019	2020	2021	2019	2020	2021
MURDER AND NON-NEGLIGENT MANSLAUGHTER	N/A	0	0	N/A	0	0
MANSLAUGHTER BY NEGLIGENCE	N/A	0	0	N/A	0	0
RAPE	N/A	0	0	N/A	0	0
FONDLING	N/A	0	0	N/A	0	0
INCEST	N/A	0	0	N/A	0	0
STATUTORY RAPE	N/A	0	0	N/A	0	0
ROBBERY	N/A	0	0	N/A	0	0
AGGRAVATED ASSAULT	N/A	0	0	N/A	0	0
BURGLARY	N/A	0	0	N/A	0	0
MOTOR VEHICLE THEFT	N/A	0	0	N/A	0	0
ARSON	N/A	0	0	N/A	0	0
ARRESTS: ILLEGAL WEAPONS POSSESSION	N/A	0	0	N/A	0	0
ARRESTS: DRUG ABUSE VIOLATIONS	N/A	0	0	N/A	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	N/A	0	0	N/A	0	0
DISCIPLINARY ACTIONS: ILLEGAL WEAPONS POSSESSION	N/A	0	0	N/A	0	0
DISCIPLINARY ACTIONS: DRUG ABUSE VIOLATIONS	N/A	0	0	N/A	0	0
DISCIPLINARY ACTIONS: LIQUOR LAW VIOLATIONS	N/A	0	0	N/A	0	0
DOMESTIC VIOLENCE	N/A	0	0	N/A	0	0
DATING VIOLENCE	N/A	0	0	N/A	0	0
STALKING	N/A	0	0	N/A	0	0
LARCENY-THEFT	N/A	0	0	N/A	0	0
SIMPLE ASSAULT	N/A	0	0	N/A	0	0
INTIMIDATION	N/A	0	0	N/A	0	0
DESTRUCTION / DAMAGE / VANDALISM OF PROPERTY	N/A	0	0	N/A	0	0

\* The Idaho Falls campus did not become accredited until July of 2019 and did not officially open to prospective students until August of 2020.

Hate Crimes: None of the crimes reported above were determined to be motivated by bias, and therefore, were not considered hate crimes.

Unfounded Crimes: There were no crimes listed above which were determined to be unfounded.

Student Housing: The Idaho Falls campus of Eagle Gate College does not maintain, operate or provide student housing facilities.