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Campus Security Policy

Updated: April 30, 2022 (for years 2019-2021)

Securities Policies & Clery Campus Crime Statistics Act

Title IX, the Clery Act and the United States Department of Education's regulations require that Title IV participating institutions annually publish a security report which includes policies that address crime statistics, safety and security issues. This report must be distributed annually to all current students and employees. In addition, ZMC, like all Title IV eligible schools, must inform prospective students and employees about the availability of the report.

Zion Massage College prohibits sexual discrimination, sexual harassment, sexual assault, intimate partner violence, dating violence, stalking and retaliation. The term *sexual misconduct* is used here to encompass all of these behaviors. It applies to any behavior of a sexual nature that is inappropriate given the circumstances, committed without consent, or committed by force, intimidation, coercion, or manipulation. This policy applies to all Zion Massage College community members, including students, faculty, administrators, guest instructors, guest speakers, vendors, independent contractors, off-campus supervisors, and visitors to the campus. This policy applies regardless of the sexual orientation, gender expression, or gender identity of the parties involved.

Zion Massage College takes allegations of sexual misconduct seriously and has established procedures for the reporting and prompt, fair and impartial adjudication of sexual misconduct complaints, from the initial investigation to the final result. This policy defines terms, describes behaviors, that may constitute sexual misconduct, identifies the Title IX Coordinator and Deputy Title IX investigation and adjudication process, outlines survivor accommodations, and provides additional community resource contacts.

In compliance with the requirements of the Jeanne Clery Disclosure and Campus Security Policy and Campus Crime Statistics Act (The “Clery Act”), ZMC will publish and make available an annual campus security report for the preceding calendar year, January - December by October 1st. Students are sent the campus security report. Included with this report are the Campus Security policies. Students are briefed on the Campus Security policies at orientation and copies of the crime report will be available to students and staff members in ZMC’s main office, upon request. The school also submits the crime statistics portion of the annual security report via the ED Web site (<http://surveys.ope.ed.gov/security>) by October 1st, each year. ZMC’s President is responsible for submitting the crime statistics to the ED website.

Definitions:

Legal definitions related to sexual misconduct vary state to state. In Zion Massage College’s policy, these terms mean:

- **Affirmative Consent:** Words and overt actions indicating agreement to participate in sexual acts.
- **Capacity for Consent:** The legal ability to consent to sexual acts. A person’s capacity for legal consent is based on age, developmental disability, intoxication, physical disability, the power differential between the perpetrator and survivor, unconsciousness (e.g., sedation, sleeping, etc.), or level of vulnerability (e.g., an adult dependent on others for care).
- **Complaint:** A verbal or written statement that a situation is unacceptable.
- **Complainant:** A complainant is one who reports an allegation of sexual misconduct to Zion Massage College and initiates ZMC’s sexual misconduct adjudication process. A complainant may be the survivor of sexual misconduct, a bystander, or any other person with reliable information about alleged sexual misconduct. A complainant need not be a member of ZMC’s community so long as ZMC has jurisdiction over the person accused of sexual misconduct (e.g., a client in the school student clinic could be a complainant, etc.).
- **Consent:** Agreement to sexual acts. A person must be legally capable to give consent and consent must be affirmative and freely given. • **Civil Case:** A civil case is a lawsuit brought by an individual citizen (called a plaintiff) against another citizen (called a defendant) seeking compensation for harm done to the plaintiff. The disagreement is settled by a judge in court.

- **Criminal Case:** A criminal case is brought by the government on behalf of the people when a person is accused of a crime.
- **Formal Complaint:** A verbal or written complaint made to (ZMC) staff, law enforcement, state or federal agencies, or all of these, reporting that alleged sexual misconduct has occurred or is occurring.
- **Freely Given Consent:** Freely given consent means a person offered his/her consent to sexual acts of their own free will, without being induced by fraud, coercion, violence, or the threat of violence.
- **Impact Statement:** A written statement, provided during a complaint proceeding, which describes the harmful effects produced by the actions of an accused or convicted party and suffered by the survivor or others, offered especially for consideration by the panel deciding an appropriate punishment.
- **Informal Complaint:** A complaint made by one person verbally or by letter, text message, or email alerting another that his or her attention or behavior is unwelcome and unwanted. So long as the behavior is not repeated, the situation is resolved.
- **Preponderance of Evidence Standard:** One type of evidentiary standard used in a burden of proof analysis typically to make a decision in civil cases. In the preponderance of evidence standard, the proof need only show that the facts are more likely to be than not to be.
- **Respondent:** A respondent is an individual accused of sexual misconduct in a complaint filed with (ZMC).
- **Retaliation:** The action of inflicting hurt or harm on someone for a perceived injury or wrong suffered at their hands. Forms of retaliation include ridicule by classmates or the teacher, loss of educational opportunities, poor grades on adequate work, and others.
- **Sexual Abuse:** Sexual abuse most often describes an adult forcing themselves on a child, on an elderly person, on a person with a mental disability, or on a patient.
- **Sexual Assault:** Sexual assault most often describes unwanted sexual touching that occurs when one adult forces themselves on another.
- **Sexual Discrimination:** Unequal treatment based on gender or gender identity.
- **Sexual Exploitation:** An adult using the power they derive from their status in a situation to coerce sexual conduct from another.
- **Sexual Exploitation by a Helping Professional:** When a professional in a helping role uses the trust a client/patient inherently places in them to manipulate the client/patient sexually.
- **Sexual Harassment:** Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitutes sexual

harassment when submission to, or rejection of, this conduct explicitly or implicitly affects an individual's employment or education, unreasonably interferes with an individual's work or school performance, or creates an intimidating, hostile, or offensive work or education environment.

- **Sexual Misconduct:** A general term encompassing any behavior of a sexual nature that is inappropriate given the circumstances, committed without consent, or committed by force, intimidation, coercion, or manipulation.
- **Sexual Violence:** A broad umbrella term that encompasses more serious sexual behaviors including sexual assault, sexual abuse, and sexual exploitation.
- **Stalking:** The act or crime of willfully and repeatedly following or harassing another person in circumstances that would cause a reasonable person to fear injury or death, especially because of express or implied threats.

PROHIBITED BEHAVIORS:

At ZMC, all of the behaviors, which are listed below are prohibited.

Administrators, teachers, staff, and students must refrain from these behaviors at all times while on campus or during school-related activities off campus. ZMC will investigate and adjudicate any sexual misconduct complaints occurring between school community members during school and non-school related activities.

Prohibited behaviors include:

1. **Sexual innuendo:** Sexual innuendo is the subtle or indirect implication of sexual interest, or communication suggesting something sexual.
Behaviors consistent with sexual innuendo include:
 - a. Use of nicknames with a sexual connotation or use of any nickname when it is unwanted by the person to which it is assigned
 - b. Comments about another person's appearance, face, hair, mouth, or body
 - c. Comments that infer that another person has a sexual nature
2. **Unnecessary physical contact:** Unnecessary physical contact is any form of touch that is uninvited. Behaviors consistent with unnecessary physical contact include:
 - a. An unasked for hand on the shoulder, forearm, or small of the back
 - b. An unasked for neck massage

- c. Leaning over another person and making needless body contact
 - d. Touching another's hair or clothing without their permission
 - e. Rubbing the body against another in passing
 - f. Patting or stroking another person without their consent
 - g. Leaning or bracing against a massage client while he or she is on the massage table
3. Sexually suggestive looks, sounds, or gestures including:
 - a. Throwing kisses
 - b. Making kissing sounds
 - c. Making kissing motions
 - d. Whistling
 - e. Making sounds that suggest sexual intercourse
 - f. Making sexual gestures with the hands or through body movements
 4. Using one's physical presence to prevent another from moving easily out of an enclosed space or through a door.
 5. Unwanted text messages (with or without sexual content).
 6. Unwanted email messages (with or without sexual content).
 7. Unwanted phone calls or phone messages (with or without sexual content).
 8. Showing up at another's home or workplace without an invitation.
 9. Sharing magazines, websites, or videos that include sexual content.
 10. Telling jokes about sex or gender-specific traits.
 11. Sexual slurs, name calling, or derogatory language directed at another person's sexuality, gender, gender identify, sexual orientation, or gender expression.
 12. Insults or threats based on sex, gender, gender identify, sexual orientation, or gender expression.

13. Written graffiti or the display or distribution of sexually explicit drawings, pictures, video, or written materials.
14. Sexual talk including:
 - a. Sharing one's own sex life publicly
 - b. Asking another about their sexual fantasies, preferences, or history
 - c. Turning school discussions to sexual topics
 - d. Spreading gossip about another's sex life, sexual orientation, or perceived sexual nature
 - e. General sexual banter in school settings
 - f. Improper romantic relationships: All relationships where an imbalance of power is present are prohibited because they may influence a subordinate's employment or academic standing. Therefore, ZMC prohibits romantic relationships between any employee and any student. Additionally, ZMC expects all supervisory staff and all faculty to avoid engaging in romantic relationships with individuals over whom they exercise or have the potential to exercise power.
15. Touching oneself in a sexual manner or performing masturbation in front of another who does not consent.
16. Exposing one's body unnecessarily to another. It is never appropriate to expose one's breasts, genitals, anus, or buttocks to another. It is not appropriate to expose another's breasts, genitals, or anus through poor draping. The buttocks of the client may be exposed for the purposes of therapeutic massage with the consent of both client and practitioner. However, in accordance with common massage practice, the gluteal cleft may not be exposed at any time.
17. Placing pressure on someone else to perform sexual favors such as pressure to perform oral sex, pressure to touch the other, or pressure to allow or participate in kissing.
18. Use of a position of power or authority to threaten or punish, either directly or by implication, for refusing to tolerate harassment, for refusing to submit to sexual activity, or for reporting sexual misconduct, or the promise of rewards in return for sexual favors.

19. Acts of verbal, nonverbal, or physical aggression, intimidation, or hostility based on sex or sex-stereotyping.
20. Recording images (e.g., video, photograph), audio, or otherwise of another person's sexual activity, intimate body parts, or the person in a state of undress.
21. Even if a person consented to sexual activity, consent must also be given to any photographing or recording of sexual activity. In addition, even if a person consented to photographing or recording of sexual activity, consent must also be given for any distribution of that material.
22. Viewing another person's sexual activity, intimate body parts, or the person in a state of undress in a place where that person would have a reasonable expectation of privacy.
23. Stalking: Any course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to suffer emotional distress or to fear for their safety or the safety of another. Stalking behaviors include unwanted communication, following, monitoring, observing, surveilling, threatening, or interfering with a person's property.
24. Cyberstalking: Any course of conduct (two or more acts) directed at a specific person utilizing electronic media such as the internet, social networks, blogs, texts, or other similar forms of contact used to pursue, harass, or make unwelcome contact with the targeted person.
25. Unsolicited sexual touching without the consent of the other person including:
 - a. Touching a woman's breasts without consent.
 - b. Touching a man or woman's buttocks without consent
 - c. Touching a man or woman's genitals without consent
 - d. Forcibly hugging, kissing, or holding someone down
26. Rape: Consistent with state and federal laws, rape means penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim.

27. Retaliation: Consistent with state and federal laws, this policy prohibits retaliation against a person for reporting discrimination and harassment, filing a complaint of discrimination or harassment, or participating in the investigation or adjudication of such a complaint. Retaliation is also prohibited against persons who assist others in bringing a complaint of discrimination or harassment by offering advice and moral support or by giving testimony or documentary evidence in response to a complaint. Retaliation includes but is not limited to:
- a. Acts or words that constitute intimidation, threats, or coercion intended to pressure any individual to participate, not participate, or provide false or misleading information during any proceeding under this policy.
 - b. Retaliation may include abuse or violence, other forms of harassment, and/or making false statements about another person in print or verbally with intent to harm their reputation
28. False accusations of sexual misconduct: Any person who brings an intentionally false claim of discrimination or harassment is subject to disciplinary action up to and including expulsion or termination, or other available sanctions. A claim will not be deemed intentionally false merely because there is insufficient evidence to prove a violation of this policy or because it is deemed to be without merit. An intentionally false claim is one made with knowledge beforehand that it is false and with malicious intent toward another person.

TITLE IX COORDINATOR

The Title IX Coordinator for Zion Massage College is Shalyn Padayao and may be reached by email shalyn@zmc.edu, or phone 435-359-9825, or during office hours at Suite 207 from 9 a.m. - 5 p.m. Tuesday - Saturday. The Title IX Coordinator is responsible for ensuring that ZMC follows established, prompt, thorough, and equitable processes for addressing allegations of sexual misconduct and discrimination or differential treatment based on sex. The Title IX Coordinator is responsible for providing leadership for compliance with all requirements under Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Woman Act (VAWA), and other federal and state laws and regulations pertaining to sex discrimination,

harassment, and sexual violence. The Title IX Coordinator is responsible for creating and implementing training programs to educate ZMC community members on measures that eliminate sexual misconduct.

DEPUTY TITLE IX COORDINATOR

The Deputy Title IX Coordinator for Zion Massage College is Rebecca Faraway and may be reached by email rebecca@zmc.edu, or phone 435-216-8512 (cell) from 9 a.m. - 9 p.m. Monday - Friday. The Deputy Title IX Coordinator is responsible for supporting the Title IX Coordinator in their duties by ensuring that ZMC follows established, prompt, thorough, and equitable processes for addressing allegations of sexual misconduct and discrimination, or differential treatment based on sex.

The Deputy Title IX Coordinator may play an integral role in ensuring school compliance with all requirements under Title IX of the Education Amendments of 1972, the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), the Violence Against Woman Act (VAWA), and other federal and state laws and regulations pertaining to sex discrimination, harassment, and sexual violence. The Deputy Title IX Coordinator may take a leadership role in creating and implementing training programs to educate ZMC community members on measures that eliminate sexual misconduct.

Reporting of Crimes

ZMC encourages students, staff members, and visitors to immediately report all crimes, incidents, accidents and suspicious activity to Administrative staff or directly to the local police department by calling 911. The best way to contact the school's Administrative staff is by calling the main campus line at 435-261-4203. Administrative Staff Members can also be contacted directly at the following numbers:

- Shalyn Padayao, Title IX Coordinator: 435-359-9825
- Rebecca Farraway, Title IX Deputy Coordinator, President: 435-216-8512
- Christina Frantzen, Program Director: 435-359-9824

If someone is a victim of an incident or crime, in addition to the notification of and cooperation with law enforcement, an incident report will be filled out and kept in the school's records. If requested, a student may report incidents on a confidential basis. Incident reports are maintained by the ZMC administration. These incident reports serve as the institutional log and are used in the Annual Crime Statistics report and to keep accurate reports of incidences. These statistical reports include the confidential reports made, without including identifying information.

In all instances of suspected crime, local law enforcement will be notified. Local law enforcement can be contacted directly by dialing 911.

Crime Log

ZMC must make an entry or an addition to an entry to the crime log within two business days, as defined in 34CFR 668.46(a), of the report of the information to the campus administration, unless that disclosure is prohibited by law or would jeopardize the confidentiality of the victim.

ZMC must make the crime log for the most recent 60-day period open to the public inspection during normal business hours. In addition, the school must make any portion of the log older than 60 days available within two business days of a request for public inspection.

Legal Requirements

A campus must, in a manner that is timely and will aid in the prevention of similar crimes, report to the campus community on crimes that are:

- Required to be reported in the Annual Security Report
- Reported to campus security authorities as identified under the institution's statement of current campus policies for reporting criminal actions and emergencies
- Considered by the campus to represent a threat to students and employees

A campus is not required to provide a "timely warning" with respect to crimes reported to a pastoral or professional counselor.

Additionally, a school may withhold information required under 34 CFR 668.46(f)(1) and (2) if there is clear and convincing evidence that the release of the information would: (1) jeopardize an ongoing criminal investigation or the safety of an individual, (2) cause a suspect to flee or evade detection, or (3) result in the destruction of evidence.

The school may only withhold information that would cause the adverse effects in the paragraph above and must disclose any information withheld under 34 CFR 668.46(f)(3) once the adverse effect described in the paragraph above, is no longer likely to occur.

Definition of Timely Warnings

To date, the Department of Education has declined to provide a definition of "timely reports." The Department of Education has advised that "timely reporting to the campus community. . . must be decided on a case-by-case basis in light of all the facts surrounding a crime, including factors such as the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

Confidentiality Issues

All Clery reportable crimes are subject to the "timely warning" requirements when police believe the crimes pose an ongoing threat regardless of whether or not the victim or perpetrator is a member of the campus community. However, there are often concerns raised regarding confidentiality if the information disclosed in the "timely warning" report would personally identify an individual. Information that might personally identify students may be disclosed, if disclosure of this information is necessary to protect the health and safety of the student or other individuals. For example, see the Family Educational Rights and Privacy Act (FERPA) and the FERPA regulations: personally identifiable information may be disclosed from an education record of a student without the student's consent "to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of a student or other individuals."

The campus may disclose personally identifying information about an individual if it determines "that compelling circumstances exist which affect the health or safety of an individual." This standard also applies to the disclosure of personally identifying information about any other individuals, including campus employees and individuals not associated with the campus.

Disclosure Exceptions

The campus may withhold the information required above if there is clear and convincing evidence that the release of the information would:

- Jeopardize an ongoing criminal investigation or the safety of an individual
- Cause a suspect to flee or evade detection
- Result in the destruction of evidence

The campus must disclose any information withheld for these reasons once the adverse effect is no longer likely to occur.

Public Inspection

The campus makes the crime log for the most recent 60-day period available for public inspection during normal business hours. Additionally, ZMC will make available to the public, within two days, any portion of the log older than 60 days. The crime log is located in the Program Director, Christina Frantzen's office #4 and is available upon request.

Security and Access

ZMC's administrative office is open to students, staff members and the public Monday - Saturday from 9:00 AM - 5:00 PM, except on certain holidays, which are either on the ZMC website or noted in the class schedule provided to students. ZMC provides access to its facilities for students, employees and visitors during its scheduled hours of operation. Only staff members that have been issued keys are authorized to enter the building outside of normal operating hours. ZMC monitors key distribution and keeps written records of all individuals that have been issued keys to its facility.

ZMC provides designated parking areas and consults with the landlord, who is responsible for providing walkways for students, employees and guests. Sufficient lighting and door locks are considered. Door locks are evaluated twice daily, at opening and closing. Please advise ZMC administration or staff of any potential safety and security hazards.

Campus Law Enforcement

ZMC does not have its own campus law enforcement. In the instance that a crime or an emergency occurs, students, staff members and the public are encouraged to immediately notify local law enforcement by dialing 911 and then to also notify ZMC administration by calling 435-261-4203.

For non-emergencies which require Police involvement, please call the St. George Police Department by dialing 435-627-4300. Victims of non-emergencies, which occur on ZMC's campus will have the option (1) notify proper law enforcement authorities including on campus and local police, (2) be assisted by campus authorities in notifying law enforcement authorities if the victim so chooses, (3) decline to notify such authorities.

Accurate and Prompt Reporting

ZMC encourages students, staff members and the public to accurately and promptly report all crimes to the St. George Police Department when the victim of such crime elects to, or is unable to, make such a report. The St. George Police Department can be reached by calling 911 for emergencies or by dialing 435-627-4300 for non-emergency situations. Student's, staff members and the public may report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Federal Campus Sexual Assault Victims Rights

In cases of sexual assault on campus:

- Survivors shall be notified of their options to notify law enforcement.
- Accuser and accused must have the same opportunity to have others present at any disciplinary proceeding.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for changing academic, employment, transportation, financial aid, immigration, and living situations.

The Campus Sexual Assault Victims' Bill of Rights was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. The "Campus Sexual Assault Victims' Rights" exists as a part of the campus security reporting requirements - commonly known as the Jeanne Clery Act from The Clery Center for Security on Campus.

On March 7, 2013, President Barak Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the VAWA legislation were amendments to the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, which afford additional rights to campus victims of sexual harassment, including sexual assault, dating or domestic violence, gender-based harassment, including sexual assault, dating or domestic violence, gender-based harassment and bullying, and stalking.

A (student or employee) victim or survivor of sexual harassment, including sexual assault, dating or domestic violence, gender-based harassment or bullying, and stalking shall be afforded the following rights:

- Victim's or survivor's option to decline to notify authorities
- Accuser and accused are entitled to the same opportunities to have others present at any disciplinary proceedings or related meeting including an advisor of their choice.
- Both parties shall be notified simultaneously of the outcome of any disciplinary hearing, procedures to appeal and change of results prior to final results.
- Victim's or survivor's option to decline to notify authorities.
- Accuser and accused are entitled to the same opportunities to have others present at any disciplinary proceeding or related meeting including an advisor of their choice.
- Both parties shall be notified simultaneously of the outcome of any disciplinary hearing, proceeding or related meeting.

- Written notification to victims or survivors about victims' or survivors' rights, options, and assistance the school is required to provide, including the institution's obligation to arrange appropriate accommodations for academic, counseling, health services, legal advocacy and assistance filing criminal reports, housing and transportation, financial aid assistance, immigration and visa assistance, help with employment concerns, and various other on-campus and off-campus needs.
- Information regarding how the institution will protect the confidentiality of victims or survivors, including how publicly available record keeping will be accomplished without the inclusion of identifying information about the victim or survivor, to the extent permitted by law.
- ZMC 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 school to provide the accommodations or protective measures.
- Written notification to students and employees about existing resources and services on campus and within the local community, including counseling, medical and mental health services, immigration and visa assistance, employment, financial aid assistance, and legal services.

Filing a Complaint Against the College

Students have the right to file a complaint against the college with the U.S. Department of Justice and/or U.S. Department of Education Office for Civil Rights.

There are additional state and federal agencies and organizations for filing complaints after recourses at the college level have been exhausted. If you believe your complaint warrants additional investigation for cases of general public complaints alleging discrimination contact:

Office for Civil Rights, Denver Office
U.S. Department of Education
Cesar E. Chavez Memorial Building
1244 Speer Boulevard, Suite 310

Denver, CO 80204-3582
303-844-5695
OCR.Denver@ed.gov

Crime Prevention and Campus Security Programs

All students and employees are encouraged to take responsibility for their own security and for the security of others. During orientation, ZMC briefs new students on crime prevention, security procedures and practices. Students at ZMC are expected to adhere to standards set forth in the code of conduct. Students in violation of the school's code of conduct face disciplinary action which may include, but is not limited to dismissal from the program.

All criminal activity is reported to the St. George Police Department. The contact information for the SGPD is:

Emergencies: Call 911

Non Emergencies: Call 435-627-4300

These policies can also be found in ZMC's student handbook. Additional information can be obtained by contacting ZMC Administration at 435-261-4203.

ZMC contracts with SafeColleges to provide online Sexual Harrassment, Sexual Assault and Dating Violence training to our students and staff members.

Noncampus Locations of Student Organizations & Housing

ZMC has no off or on campus locations for housing that are officially recognized, evaluated, or approved by the institution. ZMC does not have any officially recognized off campus organizations.

Sexual Assault, Domestic Violence, Dating Violence & Stalking

ZMC is committed to ensuring an environment free of sexual assault, domestic violence, dating violence and stalking, and expressly prohibits such conduct by students, staff or employees, or by any person on ZMC property. At orientation, ZMC will discuss and present information to students about prevention programs in the community that may be available and any campaigns in the community known to ZMC to promote the awareness of these crimes. In addition, when a student or employee reports to ZMC that he/she/they have been a victim of dating violence, sexual assault or stalking,

whether the offense occurred on or off campus, the school will provide the student or employee a written explanation of the student's or employee's rights and options as described in 34 CRF.668.46(b)(ii) through (vi).

Dating Violence, domestic violence, sexual assault, and stalking are violations of ZMC's Anti-Harassment Policy and will be addressed accordingly.

The following definitions apply to this document, and to the criminal conduct of Sexual Assault, Domestic Violence, Dating Violence and Stalking in the State of Utah:

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. Utah Code section 78B-7-402.

Stalking: (State of Utah Definition) According to Utah law, 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: to fear for that person's own safety or the safety of a third person; or to suffer other emotional distress. A person is guilty of stalking who intentionally or knowingly violates either a civil or criminal stalking injunction. Utah Code section 76-5-106.5 When recording crimes of stalking by calendar year, ZMC follows requirements in 34 CFR 668.46(c)(6) which states:

(i) When recording reports of stalking that include activities in more than one calendar year, an institution must record a crime statistic for each and every year in which the course of conduct is reported to a local police agency or to a campus security authority.

(ii) An institution must record each report of stalking as occurring at only the first location within the institution's Clery geography in which:

(A) A perpetrator engaged in the stalking course of conduct; or

(B) A victim first became aware of the stalking.

Domestic violence: (State of Utah definition) Domestic violence under Utah law is 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. Domestic violence includes the commission of a list of criminal offenses by one cohabitant against another, listed in greater detail in Utah Code section 77-36-1

Sexual Assault: (State of Utah definition) Sexual assault under Utah law includes nonconsensual sexual contact or attempted contact that occurs as a result of force, threats, fear, coercion, or because of the victim's lack of ability to provide consent because of illness, unconsciousness, disability (such that a person is legally unable to provide consent) which makes them unable to understand and appreciate the consequences of the act. Utah Code section 76-5-4

In order to deter the occurrence of crime, and protect the public generally and the ZMC community specifically, the ZMC policy regarding procedures to be followed if a crime of dating violence, domestic violence, sexual assault, or stalking is as follows:

1. First, take steps to ensure your safety. Consider that the most effective way of ensuring your own safety may be to call 911 and file a report with the police.

2. As soon as safely possible, the St. George police department should be called by dialing 911. Students also should contact ZMC Title IX Coordinator at 435-359-9825, ZMC's President or the Program Director at 435-216-8512 for the President or 435-359-9825 for the Program Director. .
3. In order to protect themselves and the campus community, students are encouraged to promptly report such crimes, however, students who are victims of such crimes may also choose to decline to notify such authorities, or to seek private or confidential counseling or assistance.
4. Regardless of whether an immediate report is made to law enforcement, it is important to preserve evidence that may later assist in proving that a criminal offense occurred or which may be helpful in obtaining a protection order. This includes, but is not limited to not cleaning the area of an alleged offense, not bathing, not washing hands, preserving audio or video recordings (including pictures), preserving any written or electronic communications from the person who committed the offense, and taking pictures or video of any damage done, including injuries to a person as well as injury to property.
5. If a no contact order or order of protection is obtained, keep a copy of that order with you, and advise ZMC. You may be asked to provide a copy to ZMC administration so that ZMC may assist in seeing the order is properly enforced.
6. In order to keep individual students and the campus community safe, ZMC will work closely in conjunction with and follow the recommendations of local, state and federal law enforcement authorities for all crimes, including crimes of dating violence, domestic violence, sexual assault, and stalking.

At the time that ZMC is informed that a student, employee is the victim of dating violence, domestic violence, sexual assault or stalking, or at such other earlier time as appropriate under the circumstances, ZMC will provide written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims in the community or at ZMC.

Additionally, at the time that ZMC is informed that a student or employee is the victim of dating violence, domestic violence, sexual assault or stalking, or at such other earlier time as appropriate under the circumstances, ZMC will provide written notification about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures if they are reasonably available.

If it is determined by local, state or federal law enforcement that a student, staff member or ZMC clinic guest has committed a crime of dating violence, domestic violence, sexual assault sexual harassment or stalking, the student, staff member or clinic guest that committed the crime will be subject to disciplinary investigation by ZMC Administration to determine appropriate remedial (designed to address a Complaint's safety and well-being and continued access to educational opportunities) and protective measures (involving action against a respondent).

Remedial and protective measures, which may be temporary or permanent, may include no-contact directives, changes in class or work schedules, academic modifications and support, and changes that ZMC Administration, the Investigative team and the school's Program Advisory Committee deem appropriate. The ability to impose certain protective measures against a Respondent may require that the report be resolved through the Formal Resolution Process. ZMC will maintain the privacy of any remedial and protective measures provided to the extent practicable and will promptly address any violation of the protective measures.

Processes:

Both Title IX and non-Title IX complaints may be resolved by either ZMC's informal or formal process of the Procedures for Resolving Complaints of Discrimination and Harassment. Either process will be conducted in a prompt, fair, and impartial manner from the initial investigation to the final result.

All proceedings will be conducted by officials who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

Informal Resolution Process:

Sometimes a person's sexual behavior is less severe and can be resolved through an informal complaint process. For example, if one person uses sexual innuendo to compliment another on their appearance or sends an email asking another on a date, a formal complaint is probably not necessary. Instead, the person receiving the unwanted attention tells the other verbally or in a letter, text, or email that their behavior is unwelcome and unwanted. So long as the behavior or similar behavior is not repeated, the issue is resolved.

A person receiving unwanted sexual attention or offended by another's sexual behaviors can seek assistance from school staff in an informal complaint process. The school employee may offer support by speaking with the person whose behavior is unwelcome on behalf of the complainant or act as a silent but present support while the complainant informs the other person that their behavior is unwelcome or unwanted. In an informal complaint process, at the direction of the complainant, the school employee may maintain the confidentiality of the alleged perpetrator and complainant.

However, if the unwanted behavior includes any physical contact, involves the use of a weapon, involves a minor, or continues after the completion of an informal complaint procedure, a formal complaint is recommended, and the school employee may be required to report the incident to other school officials. A complainant may change an informal complaint to a formal complaint at any time.

Formal Resolution Process:

A formal complaint is a report of sexual misconduct made to a school employee verbally or in writing. The school employee receiving the complaint will complete the ZMC Sexual Misconduct Complaint Form to obtain all relevant and available information about the complaint from the complainant. All available and relevant information should be documented at this time. However, missing information will not be grounds to prevent investigation by ZMC. ZMC encourages individuals to report incidents of sexual misconduct so that any victim of alleged sexual misconduct may gain access to available support and allow the school to respond appropriately to improve campus safety.

ZMC will accept a report of sexual misconduct at any time, but encourages prompt reporting, as resolution options narrow over time, especially if the school no longer has disciplinary jurisdiction over the person accused. Absent a court order, a school employee will not share information with law enforcement without the consent of the survivor of alleged sexual misconduct or unless that person has also reported the incident to law enforcement. A reporter of sexual harassment may request confidentiality, but the employee or ZMC may not be able to honor that request in some cases (as described below).

Please note that employees (administrators, staff, and faculty) are required to report all relevant details of an alleged incident to other school officials responsible for investigating and adjudicating a complaint.* In all cases, ZMC will handle information related to allegations and investigations with sensitivity and discretion, and survivors can request confidentiality. ZMC will not disclose the identity of the survivor or the person accused of sexual misconduct, except as necessary to carry out the investigation and adjudication process, or as permitted or necessary under state or federal law.

The state of Utah specifically requires all school staff, regardless of exemptions, to report incidents to law enforcement when the survivor of alleged sexual misconduct is under the age of 18 or has an intellectual disability.

If sexual misconduct indicates a serious or ongoing threat to the ZMC community, ZMC may be required to issue a timely warning to the community. The warning will not include any information that identifies the reporter or a survivor of alleged sexual misconduct.

When required by law or by court order, or when required to avert a serious threat of danger to a person or property, any of the described employees may reveal otherwise confidential information, including the identities of reporters and survivors of alleged sexual misconduct.

A formal complaint to any nonexempt school staff constitutes a report to ZMC and obligates ZMC to take immediate and appropriate steps to investigate the report, resolve the matter promptly and equitably, and remedy the effects of the reported sexual misconduct.

Although ZMC encourages survivors of alleged sexual misconduct or persons with information regarding sexual misconduct to talk to someone, ZMC accepts anonymous reports in writing or through voicemail. Such reports are investigated to the degree possible.

All ZMC community members have the right to pursue complaints of sexual misconduct outside of ZMC's disciplinary processes and are encouraged to consult local, state, or federal law enforcement agencies, including the local police or the US Department of Education's Office for Civil Rights, regardless of whether they file a complaint with ZMC.

ZMC will not wait for the conclusion of a criminal investigation to begin its own investigation and resolve complaints under this policy. ZMC will comply with valid requests by law enforcement for cooperation in a criminal investigation. As such, ZMC may need to delay temporarily an investigation under this policy while law enforcement investigates. ZMC will take interim measures to promote the safety and well-being of the survivor of alleged sexual misconduct and the school community while law enforcement is gathering evidence.

Rights and Expectations During the Complaint Investigation and Adjudication Process

The complainant and respondent will be afforded the same rights and opportunities throughout the investigation and adjudication process, including the opportunity to present evidence and witnesses on their behalf. Complainant and respondent are entitled to have an advisor or support person of their choice (who may be an attorney or someone with legal training) present at any meeting or proceeding related to the investigation and adjudication process under this policy. Advisors may provide guidance, support, or advice to the complainant or respondent privately but may not act as speaking advocates at proceedings.

An investigator for ZMC may bar an advisor from further participation if the advisor becomes disruptive or does not comply with the requirements of this policy. ZMC does not cover costs associated with a party's choice of advisor.

These additional rights, obligations, and expectations apply to the complaint investigation and adjudication process:

1. **Failure to Cooperate:** In the event a respondent who has been notified of an investigation/adjudication fails to cooperate with the investigator, the investigation may proceed, a finding reached, and a sanction imposed based solely on the other information available. The respondent may be subject to disciplinary action for failing to cooperate.
2. **Mandatory No Contact:** ZMC's investigation and adjudication process does not permit the complainant and respondent to interact or communicate directly or indirectly with each other. ZMC's Title IX Coordinator or Deputy Title IX Coordinator may take appropriate steps to issue non-contact orders, and/or no-trespass notices, temporary changes in assignment of duties, changes in class schedules or class requirements, transportation accommodations, or other accommodations as appropriate and reasonably available to protect reporting or complaining parties on an interim basis.

3. **Leniency When Appropriate:** Although ZMC does not condone any violations of ZMC policy, a report of sexual misconduct or related retaliation is taken very seriously. Accordingly, where appropriate, ZMC will offer leniency with respect to other policy violations (e.g., minor drug or alcohol violations) that may be revealed as a result of a report of sexual misconduct. The nature and scope of the leniency will depend on the circumstances involved and the appropriate ZMC staff will have sole discretion in determining the suitable course of action.
4. **Past Sexual History:** The investigation will not include any inquiry into the complainant's sexual history other than with the respondent and as relevant to the allegations at hand.
5. **Commitment to Honesty:** All parties and witnesses are obligated to be completely honest during the course of the entire process set forth in this policy. All participants may be expected to sign statements or other documents memorializing the information they provide. Any person who knowingly makes a false statement—either explicitly or by omission—in connection with any part of the process may be subject to separate ZMC disciplinary action.
6. **Commitment to Cooperation:** All parties and witnesses are obligated to cooperate with the Title IX Coordinator and any persons charged with implementing this policy. Any person who knowingly interferes with the actions taken to implement the reporting, investigation, or resolution of matters under this policy may be subject to separate ZMC disciplinary action.
7. **Commitment to Confidentiality:** All parties and witnesses are obligated to maintain the confidentiality of all information and materials they become aware of or possess as a result of their participation in the investigation or adjudication procedures set forth in this policy. The duty of confidentiality continues beyond the conclusion of the case.
8. **Conflict of Interest:** If a complainant or respondent is concerned that any ZMC official involved in the investigation or adjudication of a complaint may be biased or have a conflict of interest, the concerned party should inform the Title IX Coordinator, Deputy Coordinator, or other appropriate ZMC official immediately. Students will play no role as investigators or panelists in the investigation and adjudication process.
9. **Special Situations:** ZMC retains the right to determine if it will address a report of conduct that falls under this policy administratively and outside the process described here when the safety of the ZMC community is at risk, if the material facts are undisputed, if there are extenuating circumstances involving the complainant or respondent, or if the Title IX Coordinator, in consultation with appropriate administrators, determines it is in the best interests of ZMC community to do so.
10. **Investigation Without Complaint:** Regardless of whether a complaint is made, ZMC may investigate health, safety, or welfare concerns involving ZMC community members including those related to sexual misconduct. The scope of such investigations is determined on a case-by-case basis by ZMC administration in consultation with legal counsel and may include outside investigators or consultants. Depending on the circumstances, disclosure of the results may be limited.

A Complainant who may have been subject to discrimination or harassment that forms the basis of a ZMC-initiated Investigation shall (1) be provided with written notice that the ZMC has commenced a ZMC-Initiated Investigation; (2) receive a copy of any written response submitted by the Respondent(s); (3) be afforded an opportunity to review the preliminary investigation report; (4) upon request, be afforded an opportunity to meet with the President, Program Director and the panel in connection with the ZMC-initiated Investigation; (5) be provided with written notice of the determination of whether a violation of one or both of the Policies occurred and any sanction or remedial measures imposed in connection with the violation; and (6) be afforded the right to appeal such determination, sanctions or remedial measures.

As soon as possible after receiving appointment, the ZMC Investigator will interview the Complainant. Within five days following the completion of the interview with the Complainant, the ZMC Investigator will conduct an initial assessment and notify the President and Program Director in writing as to (1) whether or not the allegations set forth in the Formal Complaint, if substantiated would constitute a violation of discrimination and/or harassment and (2) whether or not there is reasonable cause to believe that the Respondent(s) has violated one or both of the policies. If the ZMC Investigator's notification indicates that such allegations, if substantiated, would not constitute a violation of one of both of the Policies or that there is not reasonable cause to believe that the Respondent(s) has violated one or both of the Policies, the President or Program Director may dismiss the Complaint, and the decision shall be final.

The President or Program Director shall provide the Complainant and Respondent(s) with written notice of such a dismissal.

In the event that the ZMC Investigator's initial assessment and notification indicates that the allegations set forth in the Complaint, if substantiated, would constitute a violation of ZMC policy and that there is reasonable cause to believe that the Respondent(s) has violated one or both of the Policies, or if the President, or Program Director determines that the matter should be investigated, the ZMC Investigator will conduct a thorough fact-finding investigation and will meet separately with both the Complainant and the Respondent(s), interview pertinent witnesses and review relevant documents regarding the Formal Complaint. The ZMC Investigator may consider all relevant information, including evidence of pattern or prior misconduct by the Respondent, and credibility of the parties and witnesses. Both parties will be provided the opportunity to provide information and names of witnesses to the ZMC Investigator.

The investigation shall be completed within 45 days following the assignment of the Formal Complaint to the ZMC Investigator, unless an extension of time for good cause is approved by the President or Program Director.

Within 10 days following the conclusion of the investigation, the ZMC Investigator will prepare a preliminary report summarizing the information gathered and outlining the contested and uncontested information. The preliminary investigation report will not include any findings. The Complainant (or impacted party in the case of a ZMC Initiated Investigation) and the Respondent will be provided access to review the preliminary investigation report and may submit comments and additional information to the ZMC Investigator in writing. The ZMC-Investigator will designate a reasonable time for this review and response by the parties, not to exceed seven days. In the absence of good cause, information discoverable through the exercise of due diligence that is not provided to the ZMC Investigator during the designated review and response period will not be considered in the determination of responsibility for a violation of one or both of the Policies.

As soon as practicable following consideration by the ZMC Investigator of any information provided by the Complainant (or impacted party in the case of a ZMC-Initiated Investigation) and/or Respondent, the ZMC Investigator will submit a final investigation report to the President and Program Director.

The report will include findings based on a preponderance of the evidence that (1) the allegations cannot be substantiated or some or all of the allegations are substantiated, (2) a statement as to whether the Formal Complaint was knowingly false or malicious, and (3) a determination as to whether or not a violation of one or both of the Policies has occurred, an assessment of the credibility of the Complainant and the Respondent(s). No violation of ZMC policy will be presumed unless a preponderance of the evidence standard supports the finding of a violation. This preponderance of the evidence standard requires that the facts and information supporting each finding are more convincing than the facts and information offered in opposition to such finding. The report will include the basis upon which the ZMC Investigator reached their conclusions. The report also will include the ZMC Investigator's determination of whether a violation of one or both of the Policies has occurred.

Within 15 days of receipt of ZMC's Investigator report, the President and Program Director will convene a meeting with and seek advice from a three-member panel, composed of 2 members selected from the Program Advisory Committee and one member selected from ZMC's faculty. Prior to the meeting, members of the panel shall be furnished with a copy of ZMC's Investigator report and copies of any complaint or response of the parties. At the meeting, the panel will be allowed the opportunity to ask questions of the ZMC Investigator. Upon request the Complainant and the Respondent will be afforded an opportunity to meet with the President or Program Director and the panel to make a brief statement and to answer any questions that they may have.

Within 10 days following the meeting with the panel, the President or Program Director will make a written determination whether a violation of one or both of the policies has occurred.

In the event the charge of discrimination and/or harassment is not substantiated following the written determination of the President or Program Director, reasonable efforts may be taken to restore the Respondent(s) to their prior status.

The President or Program Director will send the Complainant and the Respondent the written determination and final outcome of the matter, including sanctions, if any by certified or express mail, electronic mail or hand delivery. The determination will include the rationale, a description of the parties' appeal rights and any changes in the outcome before it becomes final. The President or Program Director is responsible for imposing the sanction.

Sanctions will be decided on a case-by-case basis and will be in accordance with ZMC policy. Possible sanctions for employees include, but are not limited to, the following: a letter of reprimand, suspension or leave of absence without pay, reassignment of teaching or other responsibilities, denial of a pay increase, demotion, probation or termination. Sanctions for students may include without limitation verbal or written warnings, restrictions, probation, probated suspension, suspension or expulsion.

Except as provided herein, sanctions imposed pursuant to these Procedures may not be appealed or made the subject of a grievance under any other ZMC policy.

If the accused is a faculty member and the sanction has been to recommend termination of employment, the procedures for termination of a faculty member will be followed.

Remedial measures for students, faculty, staff and clinic guests will be decided on a case-by-case basis. Such measures may include providing an escort to ensure safe movement on campus; ensuring that the Complainant and Respondent do not share classes or extracurricular activities; reassignment of residence halls; tutoring or other academic support; arranging for extra time to complete or retake a class or withdraw from a class without academic or financial penalty; job reassignment; targeted training for a group of students, faculty or staff; and other remedies that can be tailored to the needs of the parties.

Possible Student Sanctions: Sanctions for violations of the Anti-Harassment Policy may include without limitation the following*:

- Verbal or written warnings
- Expulsion
- Suspension
- Exclusions from certain campus activities

- Probation
- No Contact Directives
- Educational Sanctions
- Community Service

Possible Staff Sanctions: Sanctions for violations of the Anti-Harassment Policy may include without limitation the following*:

- Letter of Reprimand
- Suspension or leave of absence without pay
- Reassignment of responsibilities
- Demotion
- Termination

Possible Clinic Guest Sanctions: Sanctions for violations of the Anti-Harassment Policy may include without limitation the following*:

- Verbal Reprimand
- Letter of Reprimand
- Prohibited from clinic participation
- No Contact Directives for ZMC property

*All criminal activity will be reported to the St. George Police Department. After which, ZMC will work in cooperation with the SGPD in its determinations.

Please see ZMC's Inappropriate Client Education Policy (ICE policy) for specific directives for students and staff in responding to suspected sexually inappropriate conduct by clinic guests within the school's clinical setting.

Administrative remedies:

In the event that conduct occurs in which it is alleged that both the victim of one of the above offenses and the alleged perpetrator are both either employees or students of ZMC, in addition to any other criminal or civil action(s) which may be taken, you have the right to an impartial, confidential, and appropriate investigation into the allegations conducted by ZMC Administration and its Program Advisory Committee.

ZMC Administration may also take steps prior to or during an investigation to ensure that parties are protected and to alleviate anxiety or concerns. Those steps may include:

- Changing class schedules to reduce the chance that the victim and alleged perpetrator may come in contact.
- Advising students who are victims that they may retake a course or withdraw from a course without penalty under certain circumstances.
- Advising students about access to academic and counseling services, including services available off campus.

At the conclusion of the investigation by ZMC, the administration will make a decision regarding what steps, if any, it will take to address the allegations. Both the victim and the alleged perpetrator have the right to be given the written decision that is made, notification of any sanctions imposed, and notification of a process to appeal that decision. Any decision that is made shall be based upon a standard of preponderance of the evidence, which means that it is believed that it is more likely than not that the allegations either did or did not occur.

Procedures to Follow if Sexual Assault Occurs

- First, ensure your safety
- Call the local Police Department by dialing 911
- If practical and safe, preserve evidence by refraining from washing any part of your body, including your hands. Refrain from changing clothing. In addition, make a note of where the assault occurred. If possible, refrain from removing items from the area, cleaning or any activity that would disturb the crime scene
- Get immediate medical assistance
- Find support, information on sexual assault and seek follow up counseling.

- Report the event to ZMC administration.

Procedures to Follow to Help Prevent Sexual Assault:

In General:

- Be aware of your surroundings. Use the buddy system instead of walking alone. Walk confidently and stay alert.
- Except to enter and exit, keep the doors of your home and vehicle locked at all times
- Know in advance where you are going. If going to a location that requires a map, set and preview your route before leaving your home or the company of others

In Dating Situations:

- Group date until you and your date know each other's friends and social groups
- Know in advance where you will be spending time on your date
- Speak up and empower yourself. Make your opinions and preferences known. Refrain from tolerating strange behavior from your date. Social propriety (politeness) sometimes causes individuals to ignore warning signs and to feel as though they cannot speak up for fear of being impolite or unkind. Remember that your safety is much more important than being polite.
- Trust your feelings
- Avoid intoxicants. If you do become intoxicated, be especially aware of your surroundings. At all times, keep a constant watch on your drink.

Sexual Harassment:

According to the U.S. Equal Employment Opportunity Commission:
https://www.eeoc.gov/laws/types/sexual_harassment.cfm

It is unlawful to harass a person (an applicant or employee) because of that person's sex. Harassment can include "sexual harassment" or unwelcome sexual advances, requests for sexual favors, and other verbal or physical harassment of a sexual nature.

Harassment does not have to be of a sexual nature, however, and can include offensive remarks about a person's sex. For example, it is illegal to harass a woman by making offensive comments about women in general.

Both victim and the harasser can be either a woman or a man, and the victim and harasser can be the same sex.

Although the law doesn't prohibit simple teasing, offhand comments, or isolated incidents that are not very serious, harassment is illegal when it is so frequent or severe that it creates a hostile or offensive work environment or when it results in an adverse employment decision (such as the victim being fired or demoted).

The harasser can be the victim's supervisor, a supervisor in another area, a co-worker, or someone who is not an employee of the employer, such as a client or customer.

Complaints of Harassment:

If a student or staff member feels that they have been subjected to harassment, ZMC encourages them to file a complaint with the school's Title IX Coordinator, Shalyn Padayo, the Title IX Deputy Coordinator, Rebecca Farraway or the school's Program Director, Christina Frantzen.

The school's Title IX Coordinator can be reached at 435-359-9825. The Deputy Title IX Coordinator can be reached at 435-216-8512. The Program Director can be reached by calling 435-359-9824.

Procedures for Timely Warning and Emergency Notification

ZMC will, in a timely manner and in a way which withholds as confidential the names and other identifying information of victims, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (U.S.C. 13925(a)(20), and in a manner that will aid in the prosecution of similar crimes, report to the campus community on the following crimes:

Arson

Criminal Homicide Murder, or Manslaughter by either negligent or nonnegligent means.

Rape

Robbery

Aggravated Assault

Burglary

Motor Vehicle Theft

Arrests and referrals for disciplinary actions for offenses which include liquor law violations, drug violations, and illegal weapons possessions.

Dating Violence

Domestic violence

Stalking

Sex Offenses:

- Fondling
 - Incest
 - Statutory Rape
-
- Larceny-Theft (Except Motor Vehicle Theft)

- Simple Assault
- Destruction/Damage/Vandalism of Property
- Dating violence, domestic violence, and stalking as defined in 34 CFR 668.46(a)
- Hate crime as defined by state or federal law, and the number of each type of crime referenced above that is determined or adjudicated to be a hate crime.
- Crimes that are considered by ZMC to represent a threat to students and employees.

Emergency Response and Evacuation Procedures are reviewed in the Orientation activities that occur in the first week of the program. Fire drills are held periodically as part of our emergency response procedures. The Program Director is responsible for determining whether there is a significant emergency or dangerous situation.

ZMC will issue timely warnings to ZMC students and employees when information is known and confirmed by ZMC administration that one of the above crimes have occurred on ZMC campus or where there has occurred some other circumstance which in the judgment of ZMC administration represent a continuing threat of a criminal nature to ZMC students or employees.

Such warnings will be issued when there is a threat or perceived threat to the campus community. In this instance, notification will be made by one or more of the following methods:

(1) verbally (2) text message (3) e-mail (4) posters or flyers or (5) any other method that in the judgment of ZMC is reasonably intended to contact students and employees under the circumstances then existing.

Emergency Response and Evacuation Procedures are reviewed in the Orientation activities that occur in the first week of the program. Fire drills are held periodically as part of our emergency response procedures. The Program Director is responsible for determining whether there is a significant emergency or dangerous situation.

Sex Offender Registration

Information regarding registered sex offenders in the state of Utah can be found at:
https://corrections.utah.gov/index.php?option=com_content&view=article&id=906&Itemid=191

Drugs and Alcohol

Students and staff members are prohibited from the use, consumption or distribution of alcohol or illegal drugs on school premises, from any underage drinking, and from attending class under the influence of alcohol or illegal drugs. Any criminal activity will immediately be reported to the St. George Police Department in compliance with state and federal illegal drug laws.

A student or staff member that is found to be in violation of this policy may be placed on probation, suspended, or dismissed.

Staff, faculty and students that voluntarily request assistance in dealing with drug or alcohol abuse will be treated with respect and, to the extent possible, such information will be treated in confidence. ZMC staff members and students are encouraged to report concerns about substance abuse of an individual to Rebecca Faraway from the school's Program Advisory Board: email: rebecca@zmc.edu, phone: 435-216-8512.

The following agencies provide additional information on substance abuse:

- Alcoholics Anonymous: 1-800-371-1475 (24 hour answering service)
- Center for Substance Abuse Treatment and Refer Hotline: 1-800-662-HELP
- Focus on Recovery for Alcohol & Substance Abuse: 1-800-888-9383 (24 hour help-line)

Hate Crimes & ZMC's Commitment to Non-Discrimination

ZMC is committed to fostering a supportive learning environment of mutual respect and understanding among its students, staff members and those that participate in the college's programs, activities, and offerings.

As part of this commitment, ZMC seeks to protect the rights of all members of the school's community and of those who interact with the school. ZMC prohibits discrimination and harassment on the basis of gender or sex (including pregnancy, gender identity or expression, race, color, religion or religious creed, sexual orientation, national orientation, ancestry, disability, age, genetics, marital status, veteran status or any other category protected by law).

ZMC expects all students, faculty, staff, contractors, vendors, alumni and guests to conduct themselves appropriately and to refrain from behavior that violates this and other ZMC policies. Harassment based on an individual's gender, race, ethnicity, religion, age, sexual orientation, disability, veteran status or other form will not be tolerated.

In addition, it is unlawful to retaliate against an individual that cooperates in an investigation of a complaint of harassment. Neither discrimination nor retaliation against students, staff members or members of the public will be tolerated. Any Individual that discriminates against or harasses others is in violation of this policy, regardless of whether the conduct extends to the level of unlawful discrimination or harassment and may be subject to disciplinary action, up to and including, immediate termination of employment or dismissal from ZMC.

In all instances of discrimination, which results in criminal behavior, local law enforcement will be immediately called.

For each hate crime recorded under U34 CFR 668.46(c) (1) (iii)U, a school must identify the category of bias that motivated the crime. The categories of bias include the victim's actual or perceived: Race, gender, gender identity, religion, sexual orientation, ethnicity, national origin, or disability.

Emergency Response and Evacuation Policy:

If ZMC determines there is a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring at ZMC, it will follow its emergency notification procedures, which provide that ZMC will confirm that there is a significant emergency or dangerous situation as described herein by speaking to appropriate first responders, interviewing witnesses, listening to, reading, or observing news reporting, or making observations about current conditions.

After determining that there it is reasonably likely that there is an emergency or situation as described herein, ZMC will decide whether a particular segment or segments of the campus community will receive the notification; determine the content of the notification; and initiate the notification by one or more of the following methods: (1) verbally (2) text message (3) e-mail (4) posters or flyers or (5) any other method that in the judgment of ZMC is reasonably intended to contact students and employees under the circumstances then existing.

Emergency Response & Evacuation Procedures

The Emergency Response & Evacuation Procedures are reviewed in the Orientation activities that occur in the first week. Fire drills are held periodically as part of our emergency response procedures. The Campus Program Director is responsible for determining whether there is a significant emergency or dangerous situation. In the event of an emergency situation, staff and students are immediately notified in person of the threat, in the event that they are on the premises. If they are not on the premises, students would be contacted electronically via email, and via telephone. The school may also inform the local police department and/or local media agencies of the threat. For days of inclement weather, students are directed to listen to the local radio for the closure and late starts at the local community college, Dixie State ZMC. Zion Massage College follows their lead.

At least once a each year, ZMC conducts an announced or unannounced test of the emergency alert system and plan in the form of a scheduled drill or exercise with appropriate follow-through activities designed for assessment and evaluation of emergency plans and capabilities. A response to an actual emergency cannot substitute for the test. The Campus Program Director documents each year's annual test and the result, and retains such documentation for at least seven (7) years. In 2020 and 2021, ZMC tested its emergency alert system on October 1st via a text message to all students .

Resources for Victims of Crime

Local Resources:

Dove Center: Shelter, Advocacy, Counseling

St. George, Utah

1-435-628-0458

<https://www.dovecenter.org>

Utah Division of Child and Family Services

1-801-538-4171

<https://dcfs.utah.gov/>

Sexual Violence Crisis Line: 1-888-421-1100

Utah Domestic Violence: 1-800-897-5465

National Resources:

National Sexual Violence Resource Center

123 North Enola Drive

Enola, Pennsylvania 17025

877-739-3895 (toll free)

717-909-0714 (fax)

717-909-0715 (TTY)

National Alliance to End Sexual Violence

(202) 289-3903

<http://endsexualviolence.org>

National Center for Victims of Crime

2000 M Street NW, Suite 480

Washington, DC 20036

Phone: (202)467-8700

Toll-free: 1-800-FYI-CALL (1-800-394-2255)

Fax: (202)467-8701

Email: gethelp@ncvc.org

www.ncvc.org

Rape, Abuse, and Incest National Network (RAINN)

National Sexual Assault Hotline

2000 L Street, NW, Suite 406

Washington, DC 20036

(202)544-1034

(800)656-4613

Email: info@rainn.org

www.rainn.org

Centers for Disease Control and Prevention

1600 Clifton Road

Atlanta, Georgia 30333

(404) 639-3311

www.cdc.gov

Disclosure of Crime Statistics

Zion Massage College prepares Crime Statistics reports to comply with the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act. The report is prepared in cooperation with the St. George Police Department.

In complying with the crime statistical reporting requirements, ZMC must make a reasonable, good faith effort to obtain statistics for crimes that occurred on or within the School's Clery geography and may rely on the information supplied by a local or State police agency. If the school makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.

A school must record crime statistics for the calendar year in which the crime was reported to local police agencies or to a campus security authority.

The school must specify whether each of the crimes recorded under 3U 4 CFR 668.46(c)(1)U occurred: (1) on campus, (2) in or on a non-campus building or property, (3) on public property.

When recording stalking by location, the school must follow the requirements in U34 CFR 668.46(c)(6).

The statistics required under U34 CFR 668.46(c) do not include the identification of the victim or the person accused of committing the crime.

Below is a link to local law enforcement's crime statistics:

https://www.crimereports.com/home/#!/dashboard?lat=37.098158&lng=-113.619073&zom=16&incident_types=Assault%252CAssault%2520with%2520D&start_date=2018-12-06&end_date=2019-06-01&days=sunday%252Cmonday%252Ctuesday%252Cwednesday%252Cthursday%252Cfriday%252Csaturday&start_time=0&end_time=23&include_sex_offenders=false¤t_tab=map&shapelds=

Campus crime, arrest and referral statistics include those reported to campus officials, and local law enforcement agencies. The statistics may also include crimes that have occurred in private residences or businesses. Please note, a school may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

A school may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfound” a crime report for purposes of reporting. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report. Below is a table that shows the 2018 -2020 Crime Statistics for Zion Massage College, Green Valley Shopping Plaza and the public property surrounding the school:

On Campus	Public Property/Green Valley Shopping Plaza
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Clery Act Offense	YR 2019	YR 2020	YR 2021	YR 2019	YR 2020	YR 2021
Murder/Non Negligent Manslaughter	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0
Sex Offenses: Forcible	0	0	0	0	0	0
Sex Offenses, Non Forcible	0	0	0	0	0	0

Robbery	0	1 (05-01-20) (equipment stolen from school property)	0	0	1 (04-06-20) (Retail theft in non-campus building)	0
Aggravated assault	0	0	0	0	0	0
Burglary	1 (08-04-2019) (occurred in an on campus building)	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0
Arson	0	0	0	0	0	0
Liquor Law Violations Referred for Disciplinary Action	0	0	0	0	0	0
Drug Law Arrest	0	0	0	0	0	0
Drug Law Violations Referred for Disciplinary Action	0	0	0	0	0	0

Illegal Weapons Possession Arrest	0	0	0	0	0	0
Illegal Weapons Violations Referred for Disciplinary Action	0	0	0	0	0	0

VAWA Offense	YR 2019	YR 2020	YR 2021	YR 2019	YR 2020	YR 2021
Domestic Violence	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0
Stalking	0	0	0	0	0	0

Residential and Non Campus Statistics: ZMC has no residential or off campus housing and is therefore not required to report crime statistics for these non-applicable categories.

Hate Crimes: There were no reported Hate Crimes for 2019 - 2021.

Unfounded Crimes: There were no Unfounded Crimes in 2019-2021.

Confidentiality: The statistics required under 34 CFR 668.46(c) do not include the identification of the victim or the person accused of committing the crime.

Pastoral Exemption:

Schools are not required to report statistics under 34 CFR 668.46(c) for crimes reported to a pastoral or professional counselor. Although exempt from the reporting requirements of the Clery Act, pastoral and professional mental health counselors are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis for inclusion in the annual statistics, especially if the incident is part of a continuous threat to the campus community. The ZMC Police Department, as well as campus officials, will assist students with notification to the proper law enforcement authorities, if appropriate.

Threats to Students and Employees: There were no reported crimes that are considered by the school to represent a threat to students and employees in 2019-2021.

Removal of Crimes from Crime Statistics: The school may not withhold, or subsequently remove, a reported crime from its crime statistics based on a decision by a court, coroner, jury, prosecutor, or other similar non-campus official.

A school may withhold, or subsequently remove, a reported crime from its crime statistics in the rare situation where sworn or commissioned law enforcement personnel have fully investigated the reported crime and, based on the results of this full investigation and evidence, have made a formal determination that the crime report is false or baseless and therefore “unfounded.” Only sworn or commissioned law enforcement personnel may “unfound” a crime report for purposes of reporting under this section. The recovery of stolen property, the low value of stolen property, the refusal of the victim to cooperate with the prosecution, and the failure to make an arrest do not “unfound” a crime report.

FBI UCR Program and the Hierarchy Rule:

ZMC compiles the crime statistics for murder and non-negligent manslaughter, negligent manslaughter, rape, robbery, aggravated assault, burglary, motor vehicle theft, arson, liquor law violations, drug law violations, and the illegal weapons possessions using the definitions of those crimes from the “Summary Reporting System (SRS) User Manual” from the FBI’s UCR Program, as provided in UAppendix A of Subpart DU.

ZMC compiles the crime statistics for fondling, incest, and statutory rape using the definitions of those crimes from the “National Incident- Based Reporting System (NIBRS) User Manual” from the FBI’s UCR Program, as provided in UAppendix A of Subpart D.

ZMC compiles the crime statistics for the hate crimes of larceny-theft, simple assault, intimidation, and destruction/damage/ vandalism of property using the definitions provided in the “Hate Crime Data Collection Guidelines and Training Manual” from the FBI’s UCR Program as provided in UAppendix A of Subpart D.

ZMC compiles the crime statistics for dating violence, domestic violence, and stalking using the definitions provided in U34 CFR 668.46(a).

In counting crimes when more than one offense was committed during a single incident, the school must conform to the requirements of the Hierarchy Rule in the Summary Reporting System (SRS) User Manual.

If arson is committed, the school must always record the arson in its statistics, regardless of whether or not it occurs in the same incident as another crime.

If rape, fondling, incest, or statutory rape occurs in the same incident as a murder, the school must record both the sex offense and the murder in its statistics.

Campus Map:

In complying with the crime statistical reporting requirements, the school may provide a map to current and prospective students and employees that depicts its campus, non-campus buildings or property, and public property areas if the map accurately depicts its campus, non-campus buildings or property, and public property areas. Current and prospective students can request a map of the campus, non-campus buildings or property, and public property areas from the Program Director, located in suite 4.

Statistics from Police Agencies:

In complying with the crime statistical reporting requirements, ZMC will make a reasonable, good faith effort to obtain statistics for crimes that occurred on or within the School's Clery geography and may rely on the information supplied by a local or State police agency.

If ZMC makes such a reasonable, good faith effort, it is not responsible for the failure of the local or State police agency to supply the required statistics.