

# MCU Clery Act Report 2019-20

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## Objective:

This annual security report is designed to comply with the Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act of the Campus Security Act of 1990 per its implementation regulations found in 34 CFR § 668.46. This report is published annually by October 1st and includes accurate and current information regarding crime, reporting criminal activity, crime awareness and prevention, campus crime statistics and policies relating to the health and safety of all MCU students, employees, and applicants for enrollment or employment at MCU. As a distance education school, the Clery Act only applies to “Assessments.” Crime statistics for Assessment venues, public areas immediately adjacent to, or running through rented venues, and certain non-campus facilities are disclosed below.

## Process to Prepare and Disclose the Annual Security Report

MCU prioritizes the safety and well-being of its students, employees, and visitors whether that’s online or in person. We require the full support and cooperation of the entire MCU community to ensure the continued ability to cultivate and maintain a safe and secure environment. Please carefully read and utilize this information to help make MCU a safe place for you and others. Each year, the Director of Compliance, the Title IX Coordinator, and the President work together to annually update the campus community with accurate information about reporting criminal activity, crime awareness and prevention, campus crime statistics, and law enforcement and other resources available to the MCU community. This report is completed with information obtained from the West Jordan Police Department, and Angie Blackett, owner of the Better Mountain Birth Center.

## Summary:

MCU is a private, distance education college operating an educational program and receiving federal funds. Pursuant to Department of Education requirements for institutions receiving federal funds, MCU is responsible for publishing an annual security report identifying crime statistics when MCU has a “physical campus” and policies as they relate to the safety and reporting of crimes by and for our students. Although MCU is a distance education institution, students are required to attend Integrated Assessments which are held at the end of each trimester in April, August, and December. This report covers Assessments occurring in person in 2019-2020.

## Background:

Students are required to pass Integrated Assessments at the end of each phase of the Bachelor of Science in Midwifery program. They are an opportunity to demonstrate academic knowledge,

clinical skills, the ability to analyze and navigate scenarios and implement client care and education. In 2019-2020, Integrated Assessments were held virtually with the exception of the December 2019 Assessments. Those were held at Better Mountain Birth Center, 7611 Jordan Landing Blvd, Suite 130, West Jordan, UT 84084. Those Assessments were on December 16-18, 2019. MCU is a virtual campus for all other dates in 2019-2020.

## Dissemination of Information/Reporting:

MCU has multiple systems and procedures for students and others to report criminal actions or other emergencies occurring on campus or to communicate about health and safety issues as they arise. Additionally, MCU students and employees have multiple options to report grievances to MCU. This section covers both directions of reporting.

Through the use of Google's G-Suite for Education, MCU's official communication platform, safety personnel can immediately contact each individual member of the MCU student body, faculty, and employees. Additionally, through Canvas, our online education platform, our entire student body, staff, and faculty can receive Schoolwide Events and Announcements customized to their notification preferences. Should a significant emergency or a dangerous situation involving an immediate threat to the health or safety of students or employees occur, it is MCU's policy to send information through both Schoolwide Events and Announcements, GSuite email, and, where applicable, through text message.

Emergency events may be localized; therefore, notifications may be tailored exclusively to the segment of the campus community at risk. Warnings for crimes and other emergency situations will be decided on a case-by-case basis in light of the circumstances and facts surrounding each crime and danger to the campus community. The purpose of these warnings is to aid in the prevention of similar crimes by providing preventative tools as well as describing the incident.

Each year, an e-mail and Canvas notification is sent to all current MCU students, faculty, and staff providing the website to access Health and Safety information including MCU's Annual Notification of Drug & Alcohol Abuse and Prevention Information and Notice of Availability of Institutional and Financial Aid Information, and MCU's Clery Act Security Report. MCU's Health and Safety information is used to encourage students and employees to be responsible for their own security and the security of others. Upon request, students and employees may obtain a written paper copy of this report by contacting MCU's Title IX Coordinator or online at <https://www.midwifery.edu/consumer-information/>

Additionally, MCU used its reporting and notification systems to disseminate information regarding COVID-19. Please see the school-wide email sent on March 17, 2020 and the dedicated webpage for updates which can be accessed here: <https://www.midwifery.edu/mcu-update-on-covid-19-coronavirus/>

## Canvas and Schoolwide Events and Announcements

MCU's learning management system (LMS), Canvas, is used to deliver courses, submit assignments, and provide the educational platform for faculty to provide feedback to students. The platform is also used for schoolwide announcements, in-house training, and messaging between faculty and students. All employees receive a Canvas account. Canvas is available on mobile devices.

## Gmail/G-Suite for Education

MCU uses Google's G-Suite for Education as the College's official communication platform, including email, calendars, small group meetings, and document sharing. These tools are accessible on mobile devices. In addition to Canvas's Schoolwide Events and Announcements, key personnel can reach students and employees instantly through G-Suite. Gmail communication is 1:1 and can be used by students and employees to access applicable health and safety personnel.

## House Mentors

MCU's House Mentor program serves as a resource for guiding students to appropriate channels if their physical or emotional safety has been compromised. The House Mentor Program is a unique academic advising service offered to all MCU students. Each student is assigned to a specific house and house mentor. The house mentor helps students design an individualized program, creates accountability for program completion goals, provides support to help overcome frustrations and roadblocks, and offers ideas to help students stay focused and energized. Each student is given their house mentor's contact information and each house mentor has access to each of their student's contact information including their email address(es) and phone number(s). House mentors and students often communicate via text messaging; should a significant emergency or a dangerous situation involving an immediate threat to the health or safety of students or employees occur; house mentors can reach out to individual students via text messaging.,

## Complaint and Grievance Policy

### Informal Complaints

MCU uses the models outlined in *Crucial Conversations*, *Crucial Accountability*, and *The Outward Mindset* in first seeking collaborative solutions between individuals and in guiding open

dialogue around policies, processes, and structures. If these models do not work or there is a larger concern that cannot be resolved directly, the formal grievance process is a mechanism through which students, faculty members, preceptors, alumni, or staff members of the Midwives College of Utah (MCU) may be protected if there is misconduct on the part of a student, faculty member, preceptor, or staff member of MCU.

### Formal Grievance

Person(s) wishing to initiate a formal grievance will submit the grievance in writing to the MCU President. If the grievance involves the President, the grievance will be submitted to the MCU Board President. The written grievance must describe the person(s) involved, the current status of the concern, and include documentation to support the claims of the grievance. If the grievance is determined to fall within the scope of the Midwives College of Utah, the President will convene a Grievance Committee who will follow the procedures outlined in the MCU's Grievance Policy. The Policy allows for a fair, complete, and unbiased investigation and assures appropriate action is taken. No discrimination or harassment of any of the involved parties will be tolerated. Confidentiality of the proceedings and all involved parties will be maintained throughout the entire process.

MCU is committed to resolving all complaints by due process in a timely manner; as such, the grievance will be addressed within four weeks, and the Grievance Committee will make a final recommendation within six weeks of submission. Complaints and resolutions will be logged in MCU's Formal Complaint File and will be maintained for seven years.

### Grievance Committee Policy & Procedure

The purpose of the Grievance Committee is to provide a vehicle in which a formal grievance may be brought forward; a fair, complete, and unbiased investigation commenced; and appropriate action taken. No discrimination or harassment of any of the involved parties will be tolerated. Confidentiality of the proceedings and all involved parties will be maintained throughout the entire process.

### Rationale

To provide a mechanism through which students, faculty members, preceptors, alumni, or staff members of the Midwives College of Utah (MCU) may be protected if there is misconduct on the part of a student, faculty member, preceptor, or staff member of MCU. If the President or Board President determines a Grievance Committee is appropriate, the process will be as outlined.

### Implementation Detail

	<b>Person Responsible</b>	<b>Required Date</b>
Person(s) filing a grievance will submit the grievance in writing to the MCU President. If the grievance involves the	Injured party	

President the grievance will be submitted to the MCU Board President.		
A Grievance Committee of three will be appointed by the President according to the grievance and the appropriate area of jurisdiction. One of the three members shall be a neutral party not associated with MCU.	President	Within two weeks of submission
The Grievance Committee will review written documentation and determine the need for further investigation. This may be carried out through further questioning of the injured party and the other person(s) directly involved.	Grievance Committee	Within four weeks of submission
All Grievance Committee communication must be documented in writing and dated. The Grievance Committee will operate under complete confidentiality with no discrimination or harassment of any involved parties.	Grievance Committee	
The Grievance Committee will make a recommendation for resolution in writing with follow-up from the appropriately designated person(s).	Grievance Committee Appropriate person(s) as designated	Within four weeks of submission
The recommendation of the Grievance Committee and all follow-up documentation will be stored in a Complaint/Grievance file. The incident will be documented in the online communication log of the appropriate party to provide a tracking method for trends with specific individuals. The incident will be documented in the online communication log by designating it as a grievance or complaint and listing the date.	Grievance Committee	Within six weeks of submission
Copies of complaints and grievances along with follow-up and resolution will be kept in the MCU office and the student online file for a minimum of seven years.	President	

Actions that may be taken by the Grievance Committee include but are not limited to:

- No action
- A letter of reprimand
- A period of probation and remediation recommendations to be determined by the committee
- Withdrawal of student from the Midwives College of Utah or dismissal of staff/faculty member
- Other actions as approved by the Grievance Committee



## Employee Dispute Form

If you are experiencing a work-related concern or issue that affects you or your coworkers, seek to resolve the issue between yourself and the other party. Please refrain from continuing the conversation by email and immediately make arrangements to have a verbal conversation by phone or in-person using the concepts outlined in *Crucial Conversations* and *Crucial Accountability*. If the issue is still unresolved, and you wish to file a formal dispute, please complete the Employee Dispute Form and submit it to the Dispute Resolution Coordinator within five (5) working days after your attempt to personally resolve the issue. The Dispute Resolution Coordinator is an individual appointed by the President, and who does not have a conflict of interest with either party. The coordinator will contact you as soon as possible to begin the dispute resolution process. If you have a conflict of interest with the Dispute Resolution Coordinator, please contact the President and another coordinator will be appointed.

These forms are found in the MCU [Student Information System](#) under Forms --> Miscellaneous Forms.

## Campus Safety Officers

Any person who is the victim of a crime is encouraged to immediately notify their local police. If a person is the victim of a crime or is aware of a crime and does not wish to contact the police, the person may report the incident to one or all of the following agencies:

Kristi Ridd-Young, [President](#)  
Masha Mesyef, [Title IX Coordinator](#)  
Sarah Carter, [Assessment Specialist](#)  
Masha Mesyef, [Events Coordinator](#)  
House Mentor, specific to each student  
Cheryl Furer, [Director of Student Services](#)  
Tamara Taitt, LMFT, [Director of Student Life Equity and Access](#)

If the victim of a misdemeanor crime does not want police action taken, the crime is generally not prosecuted. The information will be given to the police for statistical purposes only. Felony offenses must be reported for investigation.

## Reporting Crimes

In the unlikely event a crime occurs during the Assessments, students and others who become aware of criminal actions or other emergencies anywhere on campus should **dial 911**. For Assessments occurring at the Birth Center, contact West Jordan law enforcement immediately by dialing 911 or having the Assessment Specialist contact the police on your behalf.

Incidents reported to West Jordan law enforcement will be investigated for the purpose of reducing crime, improving safety, making disciplinary referrals, and imposing criminal sanctions as appropriate.

We cannot overemphasize the importance of prompt and accurate reporting of crime. If a crime is not reported promptly, evidence can be destroyed or the potential to apprehend a suspect is lost. If you witness a crime or emergency, promptly report it and be prepared to answer questions as accurately as you can. The subsequent investigation can only be as thorough as the information received. If you are the victim of a crime, or you have seen or received information about criminal activity or other emergencies, please contact the appropriate authority immediately.

Additionally, incidents reported to local law enforcement will be included in the statistical report contained in the Annual Security Report prepared annually by MCU.

The following is a list of all emergency and non-emergency contact information for the relevant law enforcement agencies:

Location	Police Department	Contact Numbers
Beautiful Mountain Birth/ West Jordan Birth Center	West Jordan Police Department 8040 S. Redwood Road West Jordan, UT 84088	Emergency Calls 911 Non-Emergency Calls 801-840-4000 <a href="#">Online Police Report</a> Administrative Calls and Investigation Follow-Up 801-256-2000 Animal Control Calls 801-282-3951

MCU takes threats to health and safety very seriously. Where issues arise that do not affect the entire MCU community, a response should be coordinated specific to the issue and addressed at Strategic Implementation Meetings which occur monthly between MCU’s Leadership Team. The Leadership Team includes the President, the Dean, The Director of Compliance, and all other department directors. The purpose of these meetings is to provide support to Senior Leadership and guide strategic direction at MCU including ensuring iterative communication channels between staff, faculty, and senior leadership. The Leadership Team works to update and develop policies, procedures, and models using MCU’s guiding framework and define intersections between departments when enacting policies, procedures, and models to address issues affecting the College at large.

## Title IX Reporting

Any student, faculty, administrator, staff member, or applicant for admission who has concerns about sex discrimination, including sexual harassment, sexual violence, or sexual misconduct is

encouraged to seek the assistance of MCU's Title IX Coordinator. The Title IX Coordinator's responsibilities include overseeing MCU's response to complaints of sexual misconduct, coordinating investigations into allegations of sexual misconduct, ensuring students and employees receive appropriate education and training, and endeavoring to address any patterns or systemic issues of sexual misconduct arising during or following the investigation of a sexual misconduct complaint. MCU has designated Masha Mesyef as its Title IX coordinator.

## Title IX Complaint Procedure

If you believe you or someone you know has experienced a violation of this policy, please contact the Title IX Coordinator. When the Title IX Coordinator becomes aware of an incident that may involve gender-based misconduct, either by a potential complainant or third party, a Preliminary Assessment meeting will be conducted to determine an initial basic understanding of the nature and circumstances of the incident, determine if the complainant requires any assistance with MCU's Complaint Procedure. A confidential log of the conversation will be maintained. During this meeting, the potential complainant and/or third party will be provided with information about rights, resources, procedural options, and remedial measures as well as MCU's policies and resources. MCU may offer supportive measures to a complainant even where a formal investigation or grievance process does not occur.

A reasonable assessment of the safety of the individual and of the campus community will be made by a small interdepartmental team. The team will consider the interest of the complainant and the complainant's expressed preference for the manner of resolution. Where possible, and as warranted by the facts and circumstances, the University will seek action consistent with the complainant's request. If the nature of the circumstances requires reporting to the police, the Title IX Coordinator will contact the police department local to the complainant and alleged harasser.

## Corresponding Procedures:

Dissemination of Policy: MCU will publish its policy in the following documents: the MCU website, the Student Code of Conduct, the Student Handbook & Course Catalog, and the Employee Handbook and any additional places as needed. The Title IX Coordinator will send the policy to existing faculty, staff, students, and administrators. The Title IX Coordinator will ensure this policy is widely distributed and accounts for variable hiring and enrollment dates.

Self-Evaluation: The Title IX Coordinator will assess MCU's current policies and procedures as they affect the admission of students, treatment of students, and employment of both faculty and staff working at any phase of MCU's operation. This evaluation will be completed no later than March 1, 2019. Any MCU policy or procedure that does not comply with the requirements

of Title IX will be subject to the steps necessary to modify the policy and procedure to bring it into compliance with Title IX and will be subject to appropriate steps required to remedy any discrimination resulting from non-compliant policies. Records of the evaluation and any subsequent modifications will be kept by the Title IX Coordinator for at least three years and will be provided to the Department of Education upon request.

Violations: Violations will be reported to and documented by the Title IX Coordinator. The Title IX Coordinator will be responsible for documenting the violation in the appropriate institutional records, reporting the violation to the US Department of Education (as applicable), reporting to local authorities as applicable, and if appropriate, convening a committee to determine the appropriate sanctions for a violation.

Review of Policy: MCU will conduct a Biennial Review to assess the effectiveness of its Title IX Policy and Procedure and will submit a report to the institution's President and/or Board of Directors. This review will be conducted by the Title IX Coordinator and/or additional experts assigned by the President of MCU, either internal or external to MCU. The lead evaluator will be appointed no later than March 1st of the biennial year, and the investigative team will convene no later than April 1st. Evaluation should occur between April through June of the biennial year with the final report being delivered to the President by July 15th. The report will cover data collection methods for evaluation; effectiveness of the institution's Title IX policy and grievance procedures; the number and type of violations as well as sanctions; and recommendations for improvement and change. The President will determine the timing and nature of all recommendations identified in the report and will work with the Title IX Coordinator to strategically implement recommendations into MCU operations.

## Policies governing Conduct, Health and Safety

All MCU activities are to be conducted in compliance with the letter and spirit of all state and federal laws and regulations. MCU employees and directors have a responsibility to understand the applicable laws, recognize potential dangers, and seek legal advice when necessary.<sup>1</sup>

### Personal Conduct

MCU strives to provide all employees, directors, students and volunteers a healthy, safe, and positive environment. The climate at MCU shall be free from discrimination and harassment based on race, color, religion, sex, sexual orientation, age, national origin, disability, marital or familial status, veteran status, or any other factors unrelated to MCU's legitimate interests.

MCU shall not tolerate sexual advances or comments, threats of violence, or any other conduct that creates, in the opinion of the management of MCU, an intimidating or otherwise offensive

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<sup>1</sup> Employee Handbook, 12.2018, p34

environment. Similarly, the use of racial or religious slurs or any other remarks, jokes, or conduct that encourages or permits an offensive environment will not be tolerated.

If a member, employee, or volunteer is subjected to improper conduct or becomes aware of the improper conduct of others, they should bring this to the attention of the President or the President of the Board of Directors. All complaints will be investigated promptly.

## Student Code of Conduct

MCU's [Student Code of Conduct](#) serves to discourage and address harassment of all forms and provides governing regulations for the behavior of our student body. The Code states the specific authority and responsibilities of the College in maintaining social discipline, outlines the process for legitimate grievances, and establishes the proper procedures to be followed to ensure fair process and protect from unfair imposition of penalties and sanctions. The primary objective of the administration of discipline under the Student Code of Conduct is to maintain and protect a safe, respectful environment that is conducive to teaching and learning and that upholds the MCU mission. An environment conducive to teaching and learning is one that preserves and protects the freedom to teach and learn, where academic standards are strictly upheld, and where the rights, safety, dignity, and worth of every individual is respected.

The following conduct endangers such an environment, and threatens the welfare of the MCU community as a whole:

- Conduct that negatively impacts safety or efficacy in the classroom.
- Physical conduct that endangers, threatens, or harms the health and safety of any
- person or behavior that causes a reasonable person to fear such contact.
- Harassment, as defined in this code, and further defined in the MCU NonDiscrimination policy <https://www.midwifery.edu/nondiscrimination-policy/>.
- Harassment, intimidation, or threats to MCU faculty, staff, administration and/or
- board members.
- Harassment as defined by law, including sexual harassment.

MCU's Student Code of Conduct also dictates MCU's emergency response policy. Emergency action may be taken when immediately necessary to secure the health or safety of any persons. Emergency action includes but is not limited to:

- Immediate withdrawal from MCU;
- Restrictions on student presence within student class conferences or discussions, or MCU sponsored events.

## Non-Discrimination Policy

The Midwives College of Utah, as an institution of higher education and as a community of scholars and midwives, affirms its commitment to the elimination of discrimination and discriminatory harassment, and to the provision of equal opportunity for all. Discrimination is illegal and not to be tolerated by any member of MCU's community against any individual on the basis of race, color, religion, national origin,<sup>2</sup> sex, pregnancy, sexual orientation, gender expression, gender conformity, parental or marital status,<sup>3</sup> age,<sup>4</sup> disability,<sup>5</sup> veteran status, genetic information or any other classification protected by law in matters of admissions, employment, extracurricular activities or services in the educational programs or activities MCU operates. A key objective of the Midwives College of Utah is the creation and maintenance of a positive atmosphere of non-discrimination in every phase and activity of College operations and in its treatment of its students, applicants, employees or participants. Harassment and intimidation can impede an individual's ability to participate fully in educational processes. Acts of discrimination, harassment and insensitivity hurt and degrade all members of the community whether injured party, perpetrator, or observer. Every member of the College community is responsible for creating and maintaining a climate free of discrimination and harassment.

Discrimination includes, but is not limited to: unwelcome conduct or adverse decisions on the basis of an individual's actual or perceived status protected by applicable law.

### Ethos Statement

The Midwives College of Utah (herein referred to as the "College" or "MCU") strives for intentional community by investing in life-giving, life-affirming, and life-sustaining relationships. We recognize that a strong community is grown through conscious interaction with others and a commitment to the growth, development, and well-being of every other member of our community. Ongoing critical self-reflection of our attitudes, behaviors, and values facilitates organic growth of a thriving community. Each member of the MCU community will commit to:

- Accept responsibility for the well-being, equitable treatment, and success of each person;
- Act ethically and with integrity in all interactions;
- Continually strive to acquire the knowledge, skills, attitude, and self-awareness needed to be responsible members and leaders of our community;
- Establish relationships of trust and honesty where the integrity of each person is respected;
- Honor the worth of everyone, including their rights to self-determination, privacy, and confidentiality;

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<sup>2</sup> Title VI of the *Civil Rights Act of 1964*

<sup>3</sup> Title IX of the Education Amendments of 1972

<sup>4</sup> *Age Discrimination Act of 1975*

<sup>5</sup> *Section 504 of the Rehabilitation Act of 1973*

- Respect the identities each person holds and strive to eliminate the effects of socialized biases;
- Treat each other with courtesy, openness, understanding, and forgiveness;
- Use our recognition of power, privilege, difference, and discrimination to actively address issues of equity and inclusion;

We commit to making this a living statement and work to create the community to which we aspire.

### **Discrimination-free Community**

The Midwives College of Utah, as an institution of higher education and as a community of scholars and midwives, affirms its commitment to the elimination of discrimination and discriminatory harassment, and to the provision of equal opportunity for all. A key objective of the Midwives College of Utah is the creation and maintenance of a positive atmosphere of nondiscrimination in every phase and activity of College operations.

Harassment and intimidation can impede an individual's ability to participate fully in educational processes. Acts of discrimination, harassment and insensitivity hurt and degrade all members of the community whether target, perpetrator, or observer. Every member of the College community is responsible for creating and maintaining a climate free of discrimination and harassment.

## **POLICY**

### **Statement of Non-Discrimination**

MCU is committed to providing equal opportunity and equal access and to complying with all applicable federal and state of Utah laws and regulations and MCU non-discrimination policies and procedures.

Discrimination violates the dignity of the individual and the integrity of the College as an institution of higher learning. MCU will not tolerate discrimination or harassment by or toward faculty, field faculty, staff, students or affiliates on the basis of sex, race, religion, color, creed, disability, sexual orientation, gender identity, expression, national origin, ancestry, age, marital status, pregnancy, political affiliation, arrest or conviction record, veterans' status, or any other protected class. In addition to protected classes, MCU will not tolerate discrimination based on any other cultural or social identity.

Discrimination and harassment are inconsistent with MCU's efforts to foster an environment of respect for all members of our community and are in direct violation of our commitment to maternal-child health equity and inclusivity in the midwifery profession. Incidents of discriminatory conduct are detrimental to all individuals directly involved and diminish the College community as a whole. It is, therefore, the policy of the Midwives College of Utah that such behavior will not be tolerated and will be dealt with according to the procedures outlined

below. Retaliation for filing a complaint or grievance of discrimination or harassment is also a form of harassment and is therefore prohibited and will not be tolerated.

The President has responsibility for appointing a committee to conduct investigations of complaints or grievances of discrimination on behalf of the College. A series of definitions, questions, and answers, which detail MCU's investigative processes, are found below. These definitions, questions, and answers provide information for employees, applicants for employment, students, applicants for admission, and anyone participating in MCU programs or activities to understand how the College defines discrimination; what types of discrimination are prohibited in MCU programs and activities; how and where to file a complaint or grievance of discrimination; how complaints or grievances of discrimination are investigated; and, the possible outcomes of an investigation.

Discrimination and related complaints or grievances filed with MCU are taken seriously and will be given full evaluation. Each complaint or grievance of discrimination, discriminatory harassment, or retaliation is reviewed on a case-by-case basis consistent with the College's investigative procedures, federal and state of Utah statutes and regulations, and MCU policies and procedures. Discrimination complaint or grievance investigations will be carried out in a manner consistent with the protection of individual First Amendment rights to freedom of speech, expression, and academic freedom. A student will be informed of state or federal agencies that may also be notified using the criteria of the complaint or grievance.

Individuals making a complaint or grievance of discrimination, taking part in an investigation relating to discrimination, or opposing discrimination are protected against retaliation by MCU employees and students. As a matter of College policy, it is prohibited to use MCU technology (computers, e-mail systems, voice mail systems, web pages, bulletin boards, and MCU Facebook groups) in any manner that would result in discrimination on any of the bases listed below:

**Employment:** Federal and Utah state statutes and regulation and the MCU policies prohibit discrimination, including discriminatory harassment & retaliation, against College employees, and those seeking employment at the College, including but not limited to the following areas: recruitment; interviewing; testing; screening; selection; placement; evaluation; transfer; promotion; training; compensation; fringe benefits; layoffs and/or dismissal on the following bases:

- Age
- Arrest record
- Race or Ethnicity
- Conviction record
- Cultural background
- Declining to attend a meeting or participate in any communication about religious matters or political matters
- Disability



- Ethnicity
- Gender expression
- Gender identity
- Genetic testing
- Honesty testing
- Marital status
- Military obligations (including membership in the national guard; state defense force or any other reserve component of the military forces of the United States or the state of Utah)
- National origin
- Pregnancy (including childbirth or related conditions)
- Religion
- Retaliation for making a complaint or grievance of discrimination, or taking part in an investigation relating to discrimination, or opposing discrimination
- Sexual identity
- Sexual/affectional orientation
- Use or nonuse of lawful products off the employer's premises during non-working hours.
- Also covered is any other non-discrimination category that may be subsequently added, even if not included in the above list, as a result of federal or State of Utah court, legislative, or regulatory action, or action taken by the Midwives College of Utah.

**Educational Programs & Activities:** Federal and Utah state statutes and regulations and MCU policies prohibit discrimination, including discriminatory harassment and retaliation, against students, applicants for admission, and others taking part in MCU educational programs and activities including, but not limited to, issues involving admissions and enrollment, educational environment, coursework, approved clinical work, student services, programs, activities, and facilities on the following bases:

- Age
- Ancestry
- Race or ethnicity
- Color
- Conviction Record
- Cultural Background
- Declining to attend a meeting or participate in any communication about religious matters or political matters
- Disability
- Ethnicity
- Gender expression
- Gender identity
- Genetic testing
- Honesty testing
- Marital status
- Military obligations (including membership in the national guard; state defense force or any other reserve component of the military forces of the United States or the state of Utah)
- National origin

- Pregnancy (including childbirth or related conditions)
- Race
- Religion
- Retaliation for making a complaint or grievance of discrimination, or taking part in an investigation relating to discrimination, or opposing discrimination
- Sexual identity
- Sexual/affectional orientation
- Use or nonuse of lawful products off the employer's premises during non-working hours.
- Also covered is any other non-discrimination category that may be subsequently added, even if not included in the above list, as a result of federal or State of Utah court, legislative, or regulatory action, or action taken by the Midwives College of Utah.
- Also covered is any other non-discrimination category that may be subsequently added, even if not included in the above list, as a result of federal or State of Utah court, legislative, or regulatory action, or action taken by the Midwives College of Utah.

### Definitions

**Complaint:** A complaint is a problem or concern by one who considers they have been discriminated against or wronged because of an action, decision, or omission within the control or responsibility of MCU. Resolution of a complaint is usually through discussion but may include mediation in some instances.

**Discrimination:** Discrimination is conduct that adversely affects any aspect of an individual's employment, education, or participation in an institution's activities or programs, or has the effect of denying equal opportunities or treatment to an individual on the basis of one more characteristics of that individual's protected status or category as defined herein.

**Discriminatory Harassment:** A form of discrimination consisting of unwelcome verbal, written, graphic, or physical conduct, that:

1. Is directed at an individual or group of individuals on the basis of the individual or group of individuals' actual or perceived protected status, or affiliation or association with person(s) within a protected status (as defined herein); and
2. Is sufficiently severe or pervasive so as to interfere with an individual's employment, education or academic environment or participation in institution programs or activities and creates a working, learning, program or activity environment that a reasonable person would find intimidating, offensive or hostile.

To constitute prohibited harassment, the conduct must be both objectively and subjectively harassing in nature. Harassment may include but is not limited to verbal or physical attacks, threats, slurs or derogatory or offensive comments that meet the definition set forth herein. Harassment does not have to be targeted at a particular individual in order to create a harassing environment, nor must the conduct result in a tangible injury to be considered a violation of this policy. Whether the alleged conduct constitutes prohibited harassment depends on the totality of the particular circumstances, including the nature, frequency and duration of the conduct in question, the location and context in which it occurs and the status of the individuals involved.

To be considered discriminatory harassment, the complainant must allege that the harassment is based on one or more of the identity categories listed in these procedures.

**Grievance:** A grievance is a situation that must be investigated according to formal grievance processes. This may be a complaint that was not resolved through informal processes, mediation, or situations in which disciplinary action against faculty, staff or student may be an outcome of the investigation

**Retaliation:** Retaliation is an adverse action taken against an individual in response to, motivated by or in connection with an individual's complaint or grievance of discrimination or discriminatory harassment, participation in an investigation of such complaint or grievance and/or opposition of discrimination or discriminatory harassment in the educational, workplace, or professional setting.

## NON-DISCRIMINATION POLICY QUESTIONS & ANSWERS

### **Q. Who should I contact if I have questions about discrimination?**

A. Questions or concerns regarding discrimination may be directed to the student's House Mentor or MCU President.

### **Q. Who may file a complaint or grievance with MCU?**

A. The following may file a complaint or grievance:

- Faculty and Field Faculty
- Staff Members
- Administration or any employee not directly specified here
- Applicants for employment
- Students
- Applicants for admission
- Recipients of College services including visitors to events (e.g., conference attendees)
- The President based on information received may also open a complaint or grievance at their discretion or at the request of the Deans or Directors with permission of the target

### **Q. What information must be included in a discrimination complaint or grievance?**

A. A complainant must provide MCU with a **written, signed, and dated statement** that includes contact information (for example, a street address, telephone number, or email address) of the person initiating the complaint or grievance. The complaint or grievance must also contain:

1. The grounds on which the reported discrimination occurred. It must be one of the bases listed above, depending on whether the report involves employment, admissions, participation in educational programs, or participation in an MCU activity open to the public. The grounds are the only bases on which MCU can accept a complaint or grievance.

2. The name, title, and address of the person who reportedly discriminated, as available. MCU recognizes that all of this information may not be available to a complainant. Before a complaint or grievance can be accepted, MCU/the President must be able to confirm that the reported discrimination involved an MCU sponsored program or activity or was committed by a person acting in his or her capacity as a member of MCU.

Complaints or grievances must also include:

1. The dates, time period, and the location of the actions or incidents believed to be discriminatory.
2. The effect that the treatment or actions have had on the complainant's work, instructional, or study environment, or the complainant's ability to take part in College programs or activities.
3. The name, address or phone number of persons who have information relevant to the reports, and the names of any persons who might have experienced similar treatment.
4. Any material supporting the reported discrimination.
5. A statement of an outcome or resolution the complainant believes would be an appropriate remedy for the complaint or grievance.

Individuals who experience unlawful discrimination including harassment, are encouraged to report the matter immediately to aid in timely resolution. The complaint or grievance must be filed with MCU President within 300 days of the reported act of discrimination. The 300 days is counted from the date of the most recent reported discrimination to the date the complaint or grievance is signed, dated, and submitted. This time frame will only be extended in unusual circumstances by the MCU President, primarily when personal/family illness or extraordinary hardship prevented an individual from filing in a timely manner or when the complainant could not reasonably be expected to know that he or she was being discriminated against within the 300 days. (Note: The time frames for filing under federal law may differ. For example, individuals wishing to file with the Office for Civil Rights, U.S. Department of Education, generally need to file complaints or grievances within 180 days from the alleged act of discrimination. To ensure that you do not lose any of your rights, you should contact the applicable federal and state agencies.

#### Violations of Non-Discrimination Policy

MCU employees who violate this policy will be sanctioned on a case-by-case basis, taking into account the nature of the violation, the severity, and any legal ramifications or actions against the employee. Depending on the nature of the violation, sanctions may include probation or termination of employment. Action may also be taken against anyone who fails to report a violation or withhold relevant information concerning a violation of this policy.

#### Non-Harassment Policy

Consistent with its workplace policy of equal employment opportunity, MCU prohibits and will not tolerate harassment on the basis of race, color, religion, national origin,<sup>6</sup> sex, pregnancy, sexual orientation, gender expression, gender conformity, parental or marital status,<sup>7</sup> age,<sup>8</sup> disability,<sup>9</sup> veteran status, genetic information or any other perceived or actual classification protected by applicable law.

Violations of this policy will not be tolerated and may result in formal disciplinary action that may include probation or termination of employment. Action may also be taken against anyone who fails to report a violation or withhold relevant information concerning a violation of this policy.

Harassment is generally defined as unwelcome verbal or non-verbal conduct, including online conduct, based upon a person's actual or perceived protected characteristic, that denigrates or shows hostility or aversion toward the person because of the characteristic, and which affects the person's employment opportunities or affects tangible job benefits, has the purpose or effect of unreasonably interfering with the person's work performance, or has the purpose or effect of creating an environment which a reasonable person would perceive as intimidating, hostile or offensive. Harassing conduct includes, but is not limited to: epithets; slurs or negative stereotyping; threatening, intimidating or hostile acts; or denigrating jokes and display or circulation in the workplace of written or graphic material that denigrates or shows hostility or aversion toward an individual or group based on their protected characteristic.

Any employee who feels that they have been harassed, or has witnessed or become aware of harassment in violation of these policies, should bring the matter to the immediate attention of their supervisor or the President. Incidents of suspected sexual or sex-based harassment should also be reported to MCU's [Title IX Coordinator](#).

## Open-Door Policy

MCU has an open-door policy and takes employee concerns and problems seriously. The College values each employee and strives to provide a positive work experience. Employees are encouraged to bring any workplace concerns or problems they might have or know about to their supervisor or the President.

## Drug and Alcohol Use Policy

MCU Policy on Drugs & Alcohol Use for Students: Per the Student Code of Conduct, MCU prohibits the unlawful possession, use or distribution of illicit drugs and/or alcohol by students on its property or as part of any of its formal educational activities. Any MCU student that violates

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<sup>6</sup> Title VI of the *Civil Rights Act of 1964*

<sup>7</sup> Title IX of the *Education Amendments of 1972*

<sup>8</sup> *Age Discrimination Act of 1975*

<sup>9</sup> *Section 504 of the Rehabilitation Act of 1973*

this policy will be first referred to the College's Drug & Alcohol Abuse re-entry program for evidence-based and individualized counseling regarding their use and harm reduction strategies. Repeated violations of MCU's Policy on Drugs & Alcohol Use, or failure to comply with stipulations set forth by the College's Drug & Alcohol Abuse re-entry program, are grounds for immediate suspension or expulsion from the College. All MCU students who are convicted of a drug or alcohol-related violation by local, state, or federal authorities must report, in writing, the conviction within 30 days to the President of the College. MCU is obligated by law to report to the US Department of Education any student with a drug or alcohol conviction who also receives federal financial assistance (e.g., Pell grants).

### Corresponding Procedures:

Review & Dissemination: This policy will be reviewed annually by a designated committee. This policy will be inserted by MCU into the following documents: the MCU website, the Student Code of Conduct, the Student Handbook & Course Catalog, and the Disclosure Statement.

Violations: These violations will be reported to the President and documented by the Student Support Services Coordinator. The Director of Student Services will be responsible for: documenting the violation in student and institutional records, reporting the violation to the US Department of Education (as applicable), and implementing the Student Code of Conduct violations procedure to determine the appropriate nature of sanctioning, including referral and completion by the student of MCU's Drug Alcohol Abuse re-entry program (first violation, as appropriate). Director of Student Life, Equity & Access will be responsible for integrating MCU's Drug & Alcohol Abuse Prevention Program information into new student orientation, and the undergraduate Admission Director will be responsible for disseminating MCU's Disclosure Statement into the Admissions Letter for all newly accepted students.

MCU Policy on Drugs & Alcohol Use for Employees: Per all employee contracts, MCU prohibits the unlawful possession, use or distribution of illicit drugs and/or alcohol by employees on its property or as part of any of its formal educational activities. MCU maintains a drug-free campus, in accordance with the Drug-Free Schools and Communities Act Amendments of 1989. Alcohol at MCU-affiliated events is only allowed if approved in advance by the President, responsible drinking practices are in place, and the event staff abides by all laws, ordinances, and statutes of the locale, including proper permitting if applicable. MCU employees must abide by all local, state, and federal laws regarding the possession, use, or distribution of controlled substances, and illicit drugs are never allowed on MCU property or at any official college-related event. MCU employees who violate this policy will be sanctioned on a case-by-case basis, taking into account the nature of the violation, the severity, and any legal ramifications or actions against the employee. Depending on the nature of the violation, sanctions may include: mandated participation in the College's Drug & Alcohol Abuse re-entry program; temporary or permanent limitations on employee duties; and suspension or termination of employment. All MCU employees who are convicted of a drug or alcohol-related violation by local, state, or federal authorities must report, in writing, the conviction within 30 days to the President of the

College. MCU is obligated by law to report to the US Department of Education any employee with a drug or alcohol conviction who also receives federal financial assistance (e.g., a research grant).

### Violations of this Policy

MCU employees who violate this policy will be sanctioned on a case-by-case basis, taking into account the nature of the violation, the severity, and any legal ramifications or actions against the employee. Depending on the nature of the violation, sanctions may include: mandated participation in the College's Drug & Alcohol Abuse Re-entry Program; temporary or permanent limitations on employee duties; and suspension or termination of employment. All MCU employees who are convicted of a drug or alcohol-related violation by local, state, or federal authorities must report, in writing, the conviction within 30 days to the President of the College. MCU is obligated by law to report to the US Department of Education any employee with a drug or alcohol conviction who also receives federal financial assistance (e.g., a research grant).

### Corresponding Procedures

*Review & Dissemination:* This policy will be reviewed annually by a designated committee. This policy will be inserted by MCU into the following documents of the institution: the MCU website, the Staff Contract, the Faculty Contract, and the Disclosure Statement. The MCU Faculty Human Resources Assistant (for undergraduate faculty), Dean of Graduate Studies (for graduate faculty), and Human Resources Assistant (for staff) will be responsible for integrating MCU's Drug & Alcohol Abuse and Prevention Program information into faculty and staff onboarding processes, including new employee paperwork and orientation.

*Violations:* Violations will be reported to and documented by the President. The President will be responsible for documenting the violation in employee and institutional records, reporting the violation to the US Department of Education (as applicable), and convening a committee to determine the appropriate nature of sanctioning, including referral and completion by the employee of MCU's Drug & Alcohol Abuse re-entry program (first violation, as appropriate).

### DAAPP Disclosure Statement

For in-depth information about drug and alcohol health risks, abuse prevention, standards of conduct, resources, policies, and sanctions to all students and employees of the institution, please see MCU's Annual Notification of Drug & Alcohol Abuse and Prevention Information.

MCU's DAAPP Disclosure Statement will be reviewed, annually, by a designated committee. The Disclosure Statement will be disseminated, annually, to all students and employees by the Financial Aid Department annually. The Disclosure Statement will be distributed to new students and faculty throughout the year using the procedures delineated above, to account for variable hiring and enrollment dates.

## Online Resources

As an integral part of MCU's commitment to excellence in teaching and learning, we take the health, financial, legal, economic, and social risks and consequences of drug and alcohol abuse seriously. We maintain a drug-free working and learning environment, and actively promote the responsible use of alcohol and controlled substances.

This commitment to student and employee well-being requires support services, resources, and referrals to maintain a healthy environment for all MCU affiliates, including engaging in meaningful ways with drug and alcohol abuse prevention and recovery. If you are or someone you know at the College is being impacted by drugs or alcohol, please use the resources below.

### Drug and Alcohol Abuse Re-Entry Program (DAARP)

The aim of the Drug & Alcohol Abuse Re-entry Program (DAARP) at MCU is to provide students and employees the opportunity to rethink and address their relationship with drugs and alcohol and to devise harm reduction and prevention strategies that will help to create a safe, healthy, and legal relationship with drugs and alcohol. **Any MCU student or employee may participate in the MCU Drug & Alcohol Abuse Re-entry Program.** For more information, contact MCU's Student and Employee Support Services Coordinator.

### Higher Education Center for Alcohol And Drug Misuse Prevention & Recovery (HECAOD)

The HECAOD provides extensive resources in receiving help, prevention, and recovery from alcohol or drug abuse. MCU supports the educational programming of the HECAOD and recommends the following educational modules to all MCU affiliates:

- Alcohol Prevention: <http://hecaod.osu.edu/students/prevention-2/alcohol/>
- Rethinking Drinking: Alcohol & Your Health: <https://www.rethinkingdrinking.niaaa.nih.gov/>
- Prescription Drug Prevention: <http://hecaod.osu.edu/students/prevention-2/rx-medications/>
- Generation Rx University: <http://www.generationrx.org/take-action/college/>
- The Rx Factor Documentary: <https://www.youtube.com/watch?v=NvZ7JpQQPgl>
- Marijuana: <http://hecaod.osu.edu/students/prevention-2/marijuana/>
- Other Drugs: <http://hecaod.osu.edu/students/prevention-2/other-drugs/>

## Local & Online Resources

MCU strives to provide you with credible resources that meet your needs as distance learners and employees. The following sites can help you in prevention and recovery efforts:

- Alcoholics Anonymous: <http://www.aa.org/>



- COVID-19 and Substance Abuse: The COVID-19 pandemic presents unique challenges for people with substance use disorders and in recovery. The following resource from the National Institute on Drug Abuse may help.  
<https://www.drugabuse.gov/drug-topics/comorbidity/covid-19-resources>
- HECAOD Know the Law: <http://hecaod.osu.edu/students/get-help/know-the-law/>
- Marijuana Anonymous: <https://www.marijuana-anonymous.org/>
- Narcotics Anonymous: <https://www.na.org/>
- National Institute on Drug Abuse: <https://www.drugabuse.gov/>
- National Institute on Alcohol Abuse & Alcoholism:  
<https://www.niaaa.nih.gov/alcohol-health/special-populations-co-occurring-disorders/collage-drinking>
- Smart Recovery: <http://www.smartrecovery.org/>
- Substance Abuse & Mental Health Services Administration: <https://www.samhsa.gov/>
- Addiction & Pregnancy: <https://www.drugrehab.com/guides/pregnancy/>

**For a poisoning emergency (e.g., alcohol or drug overdose) call 911 or 1-800-222-1222.**

**Local Treatment Service Locator:** <https://findtreatment.samhsa.gov/>

### Biennial Review & Report

The Biennial Review will be conducted by a qualified person, as appointed by the President of the College. The person may be internal to the institution or may be an externally hired evaluation expert. The lead evaluator will develop and conduct the evaluation in conjunction with an identified team of their choosing. The lead evaluator should be appointed no later than February 1st of the biennial year, and the team convened by March 1st. Evaluation should occur between March through May of the biennial year with the final report being delivered to the President by June 15th. The review and subsequent report, as a minimum, must cover: assessment and data collection methods for the evaluation; effectiveness of the institution's drug & alcohol abuse and prevention program; number and type of violations as well as sanctions; and recommendations for improvement and change. The report must be approved by the institution's President, Chief Executive, and/or Board. The President will determine the timing and nature of all the recommendations identified in the report. The Leadership Team of the institution will also review the Biennial Report and will be responsible for integrating recommendations strategically into College operations, as well as otherwise identifying opportunities for further integration of and ongoing improvement to College processes throughout each academic year.

## Definitions of Clery Act Offenses

The following definitions are taken from the Uniform Crime Reporting Handbook.<sup>10</sup>

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

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<sup>10</sup> [https://ucr.fbi.gov/additional-ucr-publications/ucr\\_handbook.pdf](https://ucr.fbi.gov/additional-ucr-publications/ucr_handbook.pdf)

**Negligent Manslaughter:** The killing of another person through gross negligence.

**Robbery:** The taking, or attempting to take, anything of value from the care, custody or control of a person by force, or threat of force or violence and/or by putting the victim in fear of immediate harm.

**Burglary:** The unlawful entry into a building or other structure with the intent to commit a felony or a theft.

**Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury.

**Arson:** The 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.

**Larceny Theft:** The unlawful taking of property from the possession of another.

**Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle (including joyriding).

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcohol. (Does not include DUI.)

**Drug Abuse Violations:** The violation of state and local laws prohibiting the production, distribution, possession and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use.

**Weapon Law Violations:** The unlawful possession of deadly weapons -- concealed or openly carried.

**Hate Crime:** Any of the aforementioned offenses (except for negligent manslaughter), and any other crime involving bodily injury, reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias.

*Race:* A preformed negative attitude toward a group of persons who possess common physical characteristics.

*Gender:* A preformed negative opinion or attitude toward a group of persons because those persons are male or female.

*Religion:* A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

*Sexual Orientation:* A preformed negative opinion or attitude toward a group of persons based on their sexual attraction toward, and responsiveness to, members of their own sex or members of the opposite sex.

*Gender Identity:* A preformed negative opinion or attitude toward a person (or group of persons) because the person's internal sense of being male, female, or a combination of both may be different from the gender assigned at birth, e.g. bias against transgender or gender nonconforming individuals.

*Ethnicity:* A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry. The concept of ethnicity differs from the closely related term race in that "race" refers to grouping based mostly upon biological criteria, while "ethnicity" also encompasses additional cultural factors.

*National Origin:* A preformed negative opinion or attitude toward a group of persons of the same race or national origin who share common or similar traits, languages, customs and/or traditions.

*Disability:* A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments/challenges, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

The following definitions are taken from the National Incident-Based Reporting System of the UCR program.<sup>11</sup>

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

**Rape:** The penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without consent of the victim.

**Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because his/her temporary or permanent mental incapacity.

**Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

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<sup>11</sup> <https://www.fbi.gov/file-repository/ucr/ucr-2019-1-nibrs-user-manual.pdf/view>

The Higher Education Act (HEA) defines the new crime categories of domestic violence, dating violence, and stalking in accordance with § 40002(a) of the Violence against Women Act of 1994 as follows:

**Domestic Violence:** A felony or misdemeanor crime of violence committed by

- A current or former spouse or intimate partner of the victim,
- A person with whom the victim shares a child in common,
- A person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner,
- A person similarly situated to a spouse of the victim under the domestic or family violence laws or the jurisdiction receiving grant monies [under VAWA], or
- 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.

**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 a consideration of the following factors:
  - Length of the relationship;
  - The type of relationship; and
  - The frequency of interaction between the persons involved in the relationship.
- For the purpose 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.

**Stalking:** Engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for his or her safety or the safety of others; or
- Suffer substantial emotional distress.

For the purposes of this definition:

- *Course of conduct* means two or more acts, including, but not limited to, acts in which the 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.

**Consent:** Consent is an informed decision, freely given, made through mutually understandable words or actions that indicate a willingness to participate in mutually agreed upon sexual activity.

Consent cannot be given by an individual who is:

- Asleep
- Unconscious
- Mentally or physically incapacitated, either through the effect of drugs or alcohol or for any other reason
- Under duress, threat, coercion, or force

Past consent does not imply future consent. Silence or an absence of resistance does not imply consent. Consent can be withdrawn at any time.

MCU uses the “affirmative consent” standard, known colloquially as “yes means yes.” The burden rests on the person initiating sex to obtain a “yes,” rather than on the intended partner to convey a “no.” Failure to obtain affirmative consent in the course of sexual activity may result in findings of merit to a complaint of sexual assault/rape.

## Education and Prevention Programming

MCU students, employees, and applicants for admission have access to health and safety information, Title IX and Drug and Alcohol policies on MCU’s Consumer Information page. Each term, new students complete an orientation course called PROD 1000. This robust orientation guides our students through the community rules of caring, graduation requirements, student code of conduct, discrimination, social justice, and many of the MCU resources available to the student body. The orientation also identifies the Drug and Alcohol Abuse Prevention Policy and where to locate Title IX and additional Health and Safety policies and information. Additionally, each acceptance package includes an Enrollment Agreement identifying health and safety information as well as the Drug and Alcohol Abuse Prevention Policy.

Individuals who have experienced sexual assault, dating violence, domestic violence, stalking and related retaliation are afforded additional protections and support measures beyond the student conduct process. These measures are described above in MCU’s Title IX Policy. When determining what support measures to take, MCU will consider the specific need by the victim, whether or not the victim and the perpetrator share classes, and other key factors. The Title IX Coordinator consistently provides education for MCU Senior Leadership, staff, faculty, and house mentors on MCU’s Title IX Policy and related information.

Additionally, victims of these crimes can receive assistance through the following resources:

Salt Lake Rape Recovery Center: advocacy, crisis intervention, therapy, and education about the cause, impact, and prevention of sexual violence.

**Location:** 2035 South 1300 East Salt Lake City, UT 84105  
Office: 801-467-7282 Fax: 801-467-7280

**Office hours:** Monday - Thursday: 9 a.m. – 5 p.m.  
**24-Hour Crisis Line:** 801-467-7273

National Sexual Assault Telephone Hotline (RAINN)  
**24-Hour Crisis Line:** 800-656-HOPE (4673)

For advising and assistance with filing a Title IX Complaint and identifying resources, campus resources for include:

Title IX Coordinator  
House Mentors  
Director of Student Life Equity and Access

These resources also provide career planning, study skills, advising on relationship issues, family issues, test anxiety, relaxation and stress management skills, other personal concerns and a variety of areas and services.

Further, MCU applies a holistic approach to students in crisis. The Director of Student Life, Equity and Access is responsible for overseeing programs that foster student well-being, providing nurturing support for our diverse student and employee bodies, and coordinating interdepartmental cooperation, Student Care Team programs or other ad hoc committees as necessary to ensure support for student well-being.

## Facility Safety and Evacuation Procedures

MCU rents the facilities it uses for Assessments. Evacuation information and facility safety requirements for Better Mountain Birth are available at the Birth Center. Their policies and procedures are designed to meet the federal and state standards for infection control precautions, hazardous materials management and hazardous waste management. The Birth Center is located in a public or commercial building and is inspected by local authorities for building and fire safety. Copies of evacuation plans and safety protocols can be reached by contacting Better Mountain Birth.

## Crime Statistics

The following charts reflect the number of reported crimes on campus for the respective in person Assessments which occurred following last year's security report. To view last year's statistics please visit:

<https://www.midwifery.edu/wordpress/wp-content/uploads/2019/09/CLERY-Act-Security-Report1.pdf>

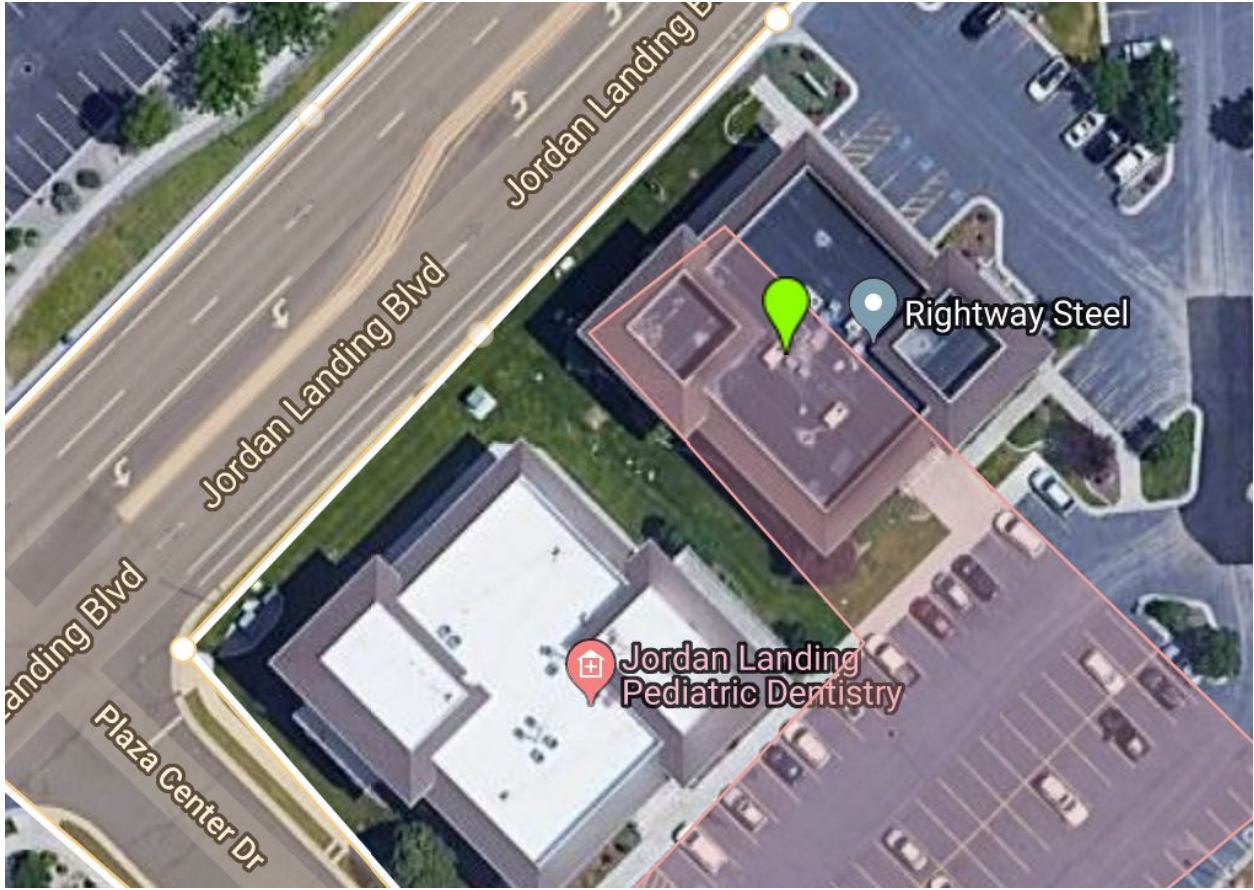
<b>Date:</b>	December 16-18, 2019
<b>Location</b>	Beautiful Mountain Birth 7611 Jordan Landing Blvd, Suite 130, West Jordan, UT 84084
<b>Clery Offenses</b>	
Murder	0
Negligent Manslaughter	0
Rape	0
Fondling	0
Incest	0
Statutory Rape	0
Robbery	0
Aggravated Assault	0
Burglary	0
Motor Vehicle Theft	0
Arson	0
Larceny Theft	0
<b>Hate Crimes</b>	
Race	0
Gender Identity	0
Religion	0

Sexual Orientation	0
Ethnicity	0
National Origin	0
Disability	0
<b>VAWA Offenses</b>	
Domestic Violence	0
Dating Violence	0
Stalking	0
<b>Arrests</b>	
Liquor Law Violations	0
Drug Law Violations	0
Weapons Law Violations	0
<b>Referrals for Disciplinary action</b>	
Liquor Law Violations	0
Drug Law Violations	0
Weapons Law Violations	0

## Clery Geography

Beautiful Mountain Birth 7611 Jordan Landing Blvd, Suite 130, West Jordan, UT 84084





-  Campus
-  Public Property