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1. PURPOSE AND SCOPE

The purpose of the policy is to outline the Campus Health and Safety Plan and define procedures for protecting College property, reporting incidents that affect the health and safety of employees, students, and visitors, and addressing any real, threatened, or impending danger.

2. POLICY

It is the policy of the College to take reasonable precautions to provide a healthy, safe, and secure environment for people, facilities, equipment, and property and comply with federal laws regarding campus safety.

3. DEFINITIONS

3.1 Annual Security Report and Campus Safety Plan (ASR): The annual report of crime statistics and other campus safety information that must be prepared and disseminated in accordance with the Clery Act and Utah Campus Safety Amendments.

3.2 Campus Security Authority (CSA): A representative from the Campus Security Department, director, counselor, member of the Student Assistance and Intervention Team (SAIT), vice president, or president.

3.3 Clery Act: The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act is the landmark federal law, originally known as the Campus Security Act, which requires colleges and universities across the United States to keep and disclose information about crime on and near their respective campuses.

3.4 Clery Geography: Any location at which the College is required to report crime statistics for purposes of the Clery Act, including:

3.4.1 Campus Property: Any building or property owned or controlled by the College within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the

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institution's educational purposes. Any building or property that is reasonably contiguous to the campus that is owned by the institution but controlled by another person, if frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

3.4.2 Non-campus Building or Property: Any building or property owned or controlled by the college that is used in direct support of, or in relation to, the institution's educational purposes, if frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

3.4.3 Public Property Within or Immediately Adjacent to the Campus: All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

3.5 Utah Campus Safety Amendments: Utah Senate Bill 163, effected May 5, 2021 to amend provisions related to campus safety.

3.6 Consent: Consent to engage in a sexual encounter must be given by all participating parties; must be clear, knowing, and voluntary; and may be given only by someone who is 18 years of age or older and is not mentally and/or physically incapacitated. Consent is active, not passive. Consent requires an affirmatively communicated willingness through words and/or actions to participate in sexual activity. Silence, in and of itself, may not be interpreted as consent.

3.7 Covered Offense: Acts of violence, including sexual assault, dating violence, domestic violence, stalking, and other violent, threatening, or destructive acts.

3.7.1 Domestic Violence: As defined in 34 U.S.C. 12291(a)(8), domestic violence includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, by a person similarly situated to a spouse of the victim

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under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth (ages 11-24) victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction.

3.7.2 Relationship/Dating Violence: As defined in the Clery Act, violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. It includes, but is not limited to, sexual or physical abuse or the threat of such abuse. It does not include acts covered under the definition of domestic violence. Any incident meeting this definition is considered a crime for purposes of Clery Act reporting, though criminal prosecution of crimes must meet the definition of Utah law.

Under Utah law, any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner of the person; or any attempt, conspiracy, or solicitation by a person to commit a criminal offense involving violence or physical harm against a dating partner of the person.

3.7.3 Sexual Assault: As defined at 20 U.S.C. 1092(f)(6)(A)(v) and the uniform crime reporting system of the Federal Bureau of Investigation, sexual assault means any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent; also unlawful sexual intercourse, including the following:

3.7.3.1 Rape: Any 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 their consent.

3.7.3.2 Sodomy: Oral or anal sexual intercourse with another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity

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3.7.3.3 Sexual assault with an object: To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental or physical incapacity.

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

3.7.3.5 Incest: Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by Utah law. See Utah Code section 76-7-102.

3.7.3.6 Statutory rape: Nonforcible sexual intercourse with a person who is under Utah's statutory age of consent. See Utah Code section 76-5-401 et seq.

3.7.4 Stalking: As defined at 34 U.S.C. 12291(a)(30), stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to (A) fear for their safety or the safety of others; or (B) suffer substantial emotional distress.

3.8 Daily Crime Log: A log in which criminal incidents and alleged criminal incidents that are reported to the Campus Security Department are recorded in accordance with the Clery Act.

3.9 Mass Notification System: A tool used to send audio, text messages, emails, and phone messages to transmit brief, urgent messages to a large segment of the College population as quickly as possible.

3.10 Medical Emergency: An acute injury or illness that poses an immediate risk to a person's life or long-term health. These situations require immediate assistance

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from another person, such as an emergency medical technician (EMT), paramedics, or any other trained personnel.

- 3.11 Property:** Any property owned, leased, or controlled by the College.
- 3.12 Real, Threatened or Impending Danger:** Any situation which could cause injury to persons on campus, including but not limited to fires, tornadoes, floods, high wind events, earthquakes, bomb threats, or violent acts by individuals.
- 3.13 Responsible Employee:** All College employees are responsible for reporting incidents of sexual harassment/misconduct or any other misconduct to the Title IX coordinator or a CSA.
- 3.14 Third Parties:** Individuals who are not College employees, such as relatives, acquaintances, or visitors.

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4. REFERENCES

- Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act)
- Violence Against Women Reauthorization Act of 2013
- Federal Campus Sex Crimes Prevention Act
- Title 18, U.S.C, Section 921
- Utah State Code, 53B-3-103, Power of Board to Adopt Rules and Regulations
- Utah State Code, 53B-3-104, Establishment of Police or Security Departments
- Utah State Code, 53B-3-105, Appointment of Police or Security Personnel—Powers
- Utah State Code, 53B-28-401, Campus Safety Plans and Training—Institution Duties—Governing Board Duties
- Utah Code, 76-5-106, Offenses Against the Person, Assault and Related Offenses, Harassment
- Utah Code, 76-5-406, Sexual Offenses Against the Victim Without Consent of Victim
- Utah Code, 76-9-702.1, Offenses Against Public Order and Decency
- Utah Code 77-3a, Utah Code of Criminal Procedure, Stalking Injunctions
- Utah Code, 77-36-1(4), Cohabitants Abuse Procedures Act, Definitions
- Utah Code, 78B-7-402, Dating Violence Protection Act
- Ogden-Weber Technical College Student Grievances and Sanction Appeals policy (#520.8)
- Ogden-Weber Technical College Employee Complaints and Grievances policy (#520.14)
- Ogden-Weber Technical College Employee Conduct policy (#520.30)
- Ogden-Weber Technical College Student Rights, Responsibilities, and Code of Conduct policy (#530.4)
- Ogden-Weber Technical College Substance Abuse Employee Assistance Program/Drug-Free Workplace Act policy (#520.49)
- Ogden-Weber Technical College Emergency Operations Plan Outline
- Ogden-Weber Technical College Security Department Standard Operating Procedures Manual

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1. General

- 1.1 Any violent or potentially violent behavior, physical assault, threatening behavior, harassment, or verbal abuse that arises from or occurs on College property by students, employees, or third parties will not be tolerated and may be grounds for immediate dismissal, eviction from campus premises, arrest, etc.
- 1.2 The College specifically prohibits the possession of weapons in violation of law while on College property.
- 1.3 Employees are encouraged to participate in training provided by the College or other resources so that they will be able to appropriately respond to situations that could be considered unsafe or harmful to others. Employees participate in regular fire, earthquake, shelter in place, and active shooter lockdown drills. The College's Safety, Security, and Emergency Management (SSEM) team meets regularly to evaluate the effectiveness of emergency drills, discuss potential health hazards, monitor classroom and working conditions, and review emergency response protocols.
- 1.4 The College shall make timely reports to the campus community regarding crimes considered to be a threat to employees and students that are reported to the Campus Security Department or local police agencies (see Section 2).
- 1.5 The Campus Security Department has specific guidelines for responding to and investigating matters related to College safety and security. These guidelines are outlined more fully in the department's Standard Operating Procedures Manual.
- 1.6 Emergency procedures that address health and safety are available to students and employees via the College's safety app and Campus Safety webpage.

2. Campus Security Department

- 2.1 **Enforcement Authority:** Campus security officers are trained and licensed by the state of Utah as either armed or unarmed security officers. They do not have police authority but are authorized by the College to enforce regulations pertaining to the safety and security of the campus community.
- 2.2 **Relationship of Campus Security and Other Law Enforcement Agencies:** Campus Security works closely with local law enforcement agencies as well as

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state, county and federal authorities. The Ogden Police Department has primary jurisdiction in criminal matters on the College campus properties and adjoining roadways. Off-campus offices and remote campus sites receive police services from the local jurisdictions in which the sites are located.

- 2.3 Referral for Disciplinary Action:** Incidents involving student misconduct which are investigated by Campus Security may be referred to the Student Services Division for disciplinary action. Incidents involving employee misconduct may be referred to Human Resources for possible disciplinary action.
- 2.4 Reporting:** The College encourages accurate and prompt reporting of all crimes to the Campus Security Department and other appropriate police agencies. A daily crime log shall be kept by the Security Department for crimes reported to them in accordance with the Clery Act.

3. Reporting Criminal Activity or Incidents

- 3.1** Employees, students, and others who become aware of criminal actions or other emergencies that affect the health and safety of the campus community anywhere within the Clery geography should report them to Campus Security, 801.430.5139, or dial 911 for the Ogden Police Department.
- 3.2** Acts of violence, including covered offenses and any other violent, threatening, or destructive acts, can interfere with the rights of students, employees, and guests of the College. When an employee receives information that such acts are occurring or may have occurred, they shall report to any campus security authority who shall respond quickly and effectively, properly investigate it, and take precautions to prevent further harm.
- 3.3** Title IX Sexual Harassment, Sexual Violence, and Related Conduct Violations (#520.8-PR), Student Grievances and Sanction Appeals (#520.8), and Employee Complaints and Grievances (#520.14) describe the processes for filing a claim. All conduct and grievance processes are conducted in a manner that is consistent with state and federal laws and provide required due process to all parties involved.
- 3.4** All proceedings provide a prompt, fair and impartial process from the initial investigation to the final disposition.

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- 3.5** Where proceedings deal with covered offenses, hearing officials receive annual training on those issues and how to properly conduct an investigation and hearing process that protects the safety of victims and promotes accountability.
- 3.6** The reporting party and responding party have the same opportunities to have others present during any disciplinary proceeding, including the opportunity to be accompanied to any related meeting by an advisor of his or her own choice in accordance with College policy.
- 3.7** In all processes, matters are reviewed based upon a preponderance of the evidence standard.
- 3.8** Notification of the result of any disciplinary proceedings that arise from an allegation of covered offenses, are given in writing simultaneously to both the reporting party and the responding party.
- 3.9** Employees and students who believe they are a witness to or are the victim of a crime may:
- 3.9.1** report the crime to the Campus Security Department or the Ogden Police Department; may specifically request that they remain anonymous, and said records shall only be disclosed as required by law;
 - 3.9.2** file a report via the campus safety app;
 - 3.9.3** file an anonymous report via email at campus.security@otech.edu; or
 - 3.9.4** file an anonymous report via the campus safety app by simply checking the “anonymous” box prior to submitting the tip.
- 3.10** Persons should be aware that filing an anonymous report may limit the abilities of security and police to provide further assistance or to investigate the crime.
- 3.11** Incidents reported to the Campus Security Department shall be investigated for the purpose of reducing crime, improving safety, facilitating disciplinary referrals, and aiding in criminal prosecution if necessary.
- 3.12** If a victim chooses not to make a complaint regarding an incident, he or she should consider speaking with the Campus Security Department or other law

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enforcement to preserve evidence in the event that the victim changes his or her mind at a later date.

- 3.13** If a drug, alcohol, or weapons violation is reported to a responsible employee/campus security authority; documented for the record; and could result in the imposition of a sanction, the information must be reported to the Campus Security Department.
- 3.14** Individuals who intentionally and knowingly make false accusations of criminal activity or provide false information to College officials in connection with an accusation and/or investigation of criminal activity, are subject to discipline under College policy as well as criminal and/or civil penalties under applicable law.
- 3.15** Individuals who want to report a crime or incident that occurred off campus should contact the local police department within that jurisdiction.

4. Annual Disclosure of Crime Statistics

- 4.1** All crimes subject to the Clery Act and Violence Against Women Reauthorization Act of 2013 shall be accurately reported and published on an annual basis in the ASR. Statistics are collected and reported annually to the Department of Education and published on the College’s website in compliance with the Clery Act.
- 4.2** The campus security manager shall distribute the ASR via email or other electronic means to all College employees and students on or before October 1 of each year. The ASR shall also be posted on the College’s website.

5. Emergency Procedures, Timely Warnings, and Response

- 5.1** The Emergency Procedures Guide outlines strategies for coping with a variety of hazards that threaten campus safety. The Emergency Procedures Guide is posted on the College’s “Campus Safety” webpage and campus safety app.
- 5.2** In the event of a significant emergency or dangerous situation on campus involving the immediate threat to the health or safety of students or employees, the following steps shall be taken:
 - 5.2.1** First responders shall follow the response protocols as outlined in their agencies’ policies. First responders may come from the Campus Security

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Department and/or local law enforcement or other emergency personnel.

- 5.2.2** The security manager or authorized sender, shall determine the appropriate segment or segments of the campus community to receive a notification and determine the content of the notification, whether by pre-determined message or in consultation with members of the President’s Cabinet.
- 5.2.3** The authorized sender shall then initiate, without delay, and taking into account the safety of the community, the mass notification unless issuing a notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.
- 5.3** Anyone with information warranting a timely warning should report the circumstances to a responsible employee/campus security authority.
- 5.4** The College shall provide timely warnings to the campus community:
 - 5.4.1** when certain crimes are reported to campus security authorities (as defined by federal law) and are determined by the security manager or other designee to represent an imminent or ongoing threat to students on campus or any other Clery geography; and/or
 - 5.4.2** to warn the campus population of events such as campus closure, lock-down, armed assailant, building evacuation, campus evacuation, and lost child on campus or any other Clery geography. The system also provides directions for the types of action to take.
- 5.5** The College may issue these warnings via postings around campus, through its mass notification system, campus email system, local news media, or in any other way the College deems necessary.
- 5.6** The College may disseminate emergency information to the larger community in a variety of ways. Information may be shared with Ogden City emergency services dispatch, it may be posted on the College website or social media feeds, and the information may be disseminated to various news media outlets by the College’s public information officer.

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5.7 Follow-up messages/notifications shall be disseminated in the same manner that the original alert was administered. Follow-ups shall take place throughout the emergency whenever possible and upon termination of the emergency.

5.8 The College shall test its emergency response and evacuation procedures on at least an annual basis.

6. Medical Emergencies

6.1 In the event of a medical emergency, the first priorities are to care for the person's immediate health and safety and contact emergency services (dial 911).

6.2 Contact the Campus Security Department. An officer will respond, assess the situation, take action as needed, complete a Campus Incident Report, and conduct an investigation as needed. The Campus Security Department will send the Campus Incident Report to Human Resources along with any other pertinent information.

6.3 Medical emergency and accident procedures are posted in each building throughout the College, on the College's safety app, and on the College's campus safety webpage to notify employees and students of these protocols.

6.4 Employees with non-life-threatening injuries are referred to a designated healthcare facility. Students and guests are referred to the nearest emergency facility or to the provider of their choice.

7. Health and Illness Mitigation

7.1 The College coordinates with the Weber-Morgan Health Department, Centers for Disease Control, and other state/federal departments on issues relating to pandemics or in the event of any serious communicable disease and shall follow their guidelines. Information on general practices shall be posted on the College's website.

7.2 Students with contagious illnesses should refrain from coming on campus and may request a leave of absence or temporarily end their schedules by withdrawing. The College may enact a temporary special leave of absence procedure to make it easier for students to take leave.

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7.3 To comply with Federal Clery Act and Title IX requirements, students and employees have access to online training courses to inform them about alcohol use, sexual harassment/assault, and bystander intervention strategies.

8. Mental Health Mitigation

8.1 The College employs counselors who are trained to assist students with general concerns, provide basic assistance, and provide referrals for students with mental health issues.

8.2 The State of Utah has implemented a crisis chat and tip line number and mobile app, SafeUT, which provides real-time 24/7 crisis intervention with licensed clinicians for issues including depression, anxiety, or other mental health issues; suicide prevention; loss and grief; bullying and cyberbullying; drug and alcohol abuse; self-harm; relationship difficulties; and any other life challenges. Students are provided with information about the chat/tip line and app during enrollment.

8.3 The College's behavioral intervention team meets as needed to discuss student incidents and develop strategies to help students.

9. On-campus Vehicle Accidents

Accidents occurring on campus should be reported to Campus Security and the Ogden Police Department. If the accident only involves minor damage, police may decline response and instruct vehicle operators to exchange information. The College's Campus Security Department can provide forms for operators to document accident information and will complete an incident report.

10. Drug/Alcohol Enforcement and K-9 Sweeps

10.1 Use, possession, distribution, manufacturing, or being under the influence of alcohol and/or controlled substances while on College property or at College-sponsored activities is prohibited. Any suspicion of drug or alcohol use shall be reported to Campus Security and may be referred to local law enforcement.

10.2 Students: Under the Student Code of Conduct, students are subject to discipline for use, possession, or distribution of alcoholic beverages, narcotics, or other controlled substance of any type on campus.

10.3 Employees: In compliance with the requirements of the Drug-Free Workplace Act

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of 1988 (P.L. 100-690), the unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance (as defined in Schedules I through V of section 202 of the Controlled Substances Act (21 U.S.C. § 812)) is prohibited in Ogden-Weber Technical College’s workplace.

- 10.4** The Campus Security Department may request assistance from local law enforcement agencies during investigation of drug activities. The Campus Security Department manager will brief Administrative Council prior to requesting and scheduling K-9 sweeps from local law enforcement agencies.

11. Education and Prevention Programs

- 11.1** The College shall use various platforms and courses to provide comprehensive educational programming to help prevent domestic violence, dating violence, sexual assault, and stalking.

- 11.2** Educational programming shall consist of primary prevention and awareness programs for all incoming students and new employees as well as ongoing awareness and prevention campaigns for students, faculty, and staff.

- 11.3** The prevention and awareness programs shall:

- 11.3.1** identify domestic violence, dating violence, sexual assault, and stalking as prohibited conduct;

- 11.3.2** define behavior that constitutes domestic violence, dating violence, sexual assault, and stalking according to federal and state law;

- 11.3.3** define behavior and actions that constitute consent to sexual activity in the state of Utah as defined in Utah Code 76-5-406;

- 11.3.4** provide safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander. Also provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to avoid potential attacks;

- 11.3.5** provide an overview of the information contained in the College’s ASR in compliance with the Clery Act; and

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11.3.6 document efforts made in the preceding 18 months and what the College expects to make in the upcoming 24 months.

12. Sex Offender Registry

- 12.1** Per the Federal Campus Sex Crimes Prevention Act, information concerning registered sex offenders can be found on the College’s campus safety website (www.otech.edu/about-us/security).
- 12.2** Information on the sex offender registry can also be found on the Utah Department of Corrections website, <http://www.corrections.utah.gov>.
- 12.3** In Utah, convicted sex offenders must register with the jurisdiction in which they reside. Offenders are required to submit to the registry if they are working at or attending school at the College.