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Alcohol and Drug Abuse Counseling
Department of Health (Alcohol and Drug Abuse Division)................................. (808) 692-7506
Coalition for a Drug Free Hawaii (https://www.drugfreehawaii.org/) ..(808) 545-3228 (Ext. 21)
Hawaii Prevention Resource Center (http://www.hipre808.org/) .......(808) 545-3228 (Ext. 34)

Campus Safety & Security
Dispatcher.............................................................(808) 675-3911 or 5-3911 from campus phones

Counseling and Victim Assistance
BYU–Hawaii Counseling Services ................................................................. (808) 675-3518
Ko’olauloa Health Center .................. (808) 293-9231 (Kahuku)/(808) 293-9216 (Hau’ula)
LDS Family Services ...........................................................................................(808) 945-3690

Fire
Honolulu Fire Department – Kahuku Fire Station 13............................... 911 or (808) 293-5005
Honolulu Fire Department – Hau’ula Station 15 .................................911 or (808) 293-5677

Hazard
BYU–Hawaii Campus Safety & Security.............................. (808) 675-3911 or (808) 675-3503
BYU–Hawaii Residential Life.............................................................................. (808) 675-3534
Facilities Management Service Center .......................................................... (808) 675-3400

Health Care
BYU–Hawaii Health Services ................................................................. (808) 675-3510
Adventist Health Castle (Kailua) ................................................................. (808) 263-5500
Kahuku Medical Center .................................................................................... (808) 293-9221
Ko’olauloa Health Center .................. (808) 293-9231 (Kahuku)/(808) 293-9216 (Hau’ula)

Police
Honolulu Police Department – Main Station .................................................911 or (808) 529-3111
Honolulu Police Department – Kahuku Substation.................................911 or (808) 723-8650

Title IX Reports (Sexual Harassment)
Title IX Office ............................................................................................... (808) 675-4819
You may also report through the University’s Report a Concern web page at https://reportaconcern.byuh.edu/ or, through EthicsPoint, the University’s 24-hour hotline provider, by telephone at 888-238-1062, or by submitting information online at https://secure.ethicspoint.com/domain/media/en/gui/17652/index.html.
Message from President Kauwe

Compliance with federal and institutional guidelines protects each of us and the resources with which we are entrusted. BYU–Hawaii is committed to establishing and maintaining a culture of consistent compliance. I invite you to learn compliance requirements that are part of your responsibilities and make them a natural part of your daily work.

Introduction

This report provides important information for students, staff, faculty, and the BYU–Hawaii community, to help them remain safe. This report includes safety and security-related information required by the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act ("Clery Act") and the Campus Fire Safety Right-to-Know Act.

The Clery Act

The Clery Act provides prospective students, current students, their families, and other interested community members or visitors, with accurate, complete, and timely information about safety on campus in order to make an informed decision about where to attend school. This law emerged from a 1986 crime where a student at Lehigh University, Jeanne Clery, was raped and killed in her dormitory room by another student. In consequence, the subsequent regulations require postsecondary educational institutions that participate in Title IV student financial aid programs to do the following:

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

Preparing the Annual Security and Fire Safety Report

BYU–Hawaii Campus Safety & Security (CSS), in conjunction with the Office of Compliance & Ethics, prepares this report annually by compiling policy information and crime statistics maintained in the CSS office, reported by campus security authorities, and provided by local law enforcement. The university’s President’s Council provides oversight of the report’s content. For additional information or to submit changes and corrections, please contact the following:

Anthony Pickard, Director, Campus Safety & Security
(808) 675-3501, anthony.pickard@byuh.edu

Distributing the Annual Security and Fire Safety Report

The Annual Security and Fire Safety Report is distributed to all students, faculty, and staff, by October 1 of each year.\(^1\) The report contains three calendar years’ of campus crime and fire statistics and pertinent safety and security policy statements. BYU–Hawaii Campus Safety & Security is re-

\(^1\) Note: Due to the COVID-19 pandemic, the Department of Education extended the date for institutions to distribute their 2020 Annual Security Reports and Annual Fire Safety Reports to December 31, 2020.
sponsible for preparing and distributing this report. The Department works with many other departments and agencies, such as the Office of Compliance & Ethics, Dean of Students, Office of Honor, campus security authorities, and local police agencies, to compile this information. The university encourages the campus community to use this report as a guide for safe practices. At least annually, each member of the university community receives a campus bulletin via email that describes the report and provides a web address with a direct link to the report. The BYU–Hawaii Annual Security and Fire Safety Report is also found on the Campus Safety & Security website at [https://safetyandsecurity.byuh.edu/clery-report](https://safetyandsecurity.byuh.edu/clery-report). Statistics from this report can be found on the U.S. Department of Education website at [http://ope.ed.gov/security](http://ope.ed.gov/security). For a printed copy, please call 808-675-3503, email [security@byuh.edu](mailto:security@byuh.edu), or mail your request to Campus Safety & Security, 55-220 Kulanui Street, Laie, Hawaii 96762.

Campus Safety & Security

Campus Safety & Security is committed to providing a wholesome and safe environment for BYU–Hawaii students, faculty, staff, administrators, and visitors. Located in Laie, Hawaii, BYU–Hawaii’s Campus Safety & Security provides 24/7 patrol, investigation, and emergency response services for the campus and the Polynesian Cultural Center. Campus Safety & Security cooperates with local police and fire departments to collect Clery reportable statistics and to provide effective and timely response to crimes on campus. The university has no formal written agreements with local police or fire departments.
Statistical Data

Statistical data for this report is compiled by Campus Safety & Security by accessing policy information maintained by the university and crime statistics maintained in its own office, reported by campus security authorities, and provided by local law enforcement. A good faith effort is made to contact the Honolulu Police Department in order to obtain and report statistics on any crimes that occur adjacent to the university.

The Clery Act requires universities to disclose statistics for the last three calendar years for reported crimes based on (1) where the crimes occurred, (2) to whom the crimes were reported, (3) the types of crimes that were reported, and (4) the year in which the crimes were reported. Geographic locations include campus property, public property within or immediately adjacent to campus, and certain non-campus buildings or property that are owned or controlled by the university. Crime definitions for the following crimes begin on page 6 below.

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON CAMPUS</th>
<th>RESIDENCE FACILITIES</th>
<th>NON-CAMPUS</th>
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</tbody>
</table>

If you have any questions about the content of these tables, contact Campus Safety & Security at (808) 675-3503 or email security@byuh.edu.

1 Effective Oct. 31, 2020 this number changed from “6” in the prior report due to an internal audit.
Hate Crimes

A hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim.

While there are many possible categories of bias, the Clery Act only requires reporting on the following eight categories: race, religion, sexual orientation, gender, gender identity, ethnicity, national origin, and disability.

For Clery Act purposes, hate crimes include any of the following offenses that are motivated by bias:

- Murder and Non-negligent Manslaughter,
- Sexual Assault,
- Robbery,
- Aggravated Assault,
- Burglary,
- Motor Vehicle Theft,
- Arson,
- Larceny-Theft,
- Simple Assault,
- Intimidation, and
- Destruction/Damage/Vandalism of Property.

2019: For calendar year 2019, there was one on-campus simple assault hate crime characterized by racial bias.

2018: For calendar year 2018, there were no reportable hate crimes.

2017: For calendar year 2017, there was one on-campus simple assault hate crime characterized by racial bias.

Arrests and Referrals for Disciplinary Action

BYU–Hawaii reports violations of the law that result in arrests or persons being referred for disciplinary action. See category definitions on page 6 below.

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>ON CAMPUS</th>
<th>RESIDENCE FACILITIES</th>
<th>NON-CAMPUS</th>
<th>PUBLIC PROPERTY</th>
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<tr>
<td>Arrests</td>
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<tr>
<td>Drug Abuse Violations</td>
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</table>

**Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transporting, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use; the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession,
transportation, or importation of any controlled drug or narcotic substance; and, arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons Law Violations** are defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices, or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature. Included in this classification are the following: manufacturing, selling, or possessing deadly weapons; carrying deadly weapons, concealed or openly; using, manufacturing, etc., of silencers; furnishing deadly weapons to minors; aliens possessing deadly weapons; and attempting to commit any of the above.

**Unfounded Crimes**

BYU–Hawaii is required to include in the annual security report statistics the total number of Clery crime reports that were determined to be “unfounded” and subsequently withheld from crime statistics during each of the three most recent calendar years.

The standard for “unfounding” a reported crime is very high. To count a crime as “unfounded” for Clery Act purposes, the reported crime must have been

- A Clery Act crime;
- Reported to have occurred on Clery Act geography;
- Thoroughly investigated by sworn or commissioned law enforcement personnel; and
- Found through investigation to be false or baseless, meaning that the crime did not occur and was never attempted.

There were no unfounded crimes in 2017, 2018, or 2019.

**Crime Definitions**

The statistical information above reflects specific crimes and arrests reported to the appropriate authorities. These crimes are classified according to definitions from the Federal Bureau of Investigation’s (FBI) Uniform Crime Reporting Handbook (UCR) and Clery Act requirements. For sex offenses only, the definitions are from the FBI’s National Incident Based Reporting System edition of the UCR. Hate crimes are defined according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

**Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. This includes any death caused by injuries received in a fight, argument, quarrel, assault, or the commission of a crime.

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

**Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent because of his or her age or because of temporary or permanent incapacity. This category includes the following:

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

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent. In Hawaii, the age of consent is 16 years old.\(^2\)

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

- **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

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\(^2\) HRS §707-730
of giving consent.

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

**Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon that could cause serious personal injury is used.)

**Burglary**: The unlawful entry of a structure to commit a felony or a theft. For reporting purposes, this definition includes unlawful entry with intent to commit a larceny or felony, breaking and entering with intent to commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

**Arson**: Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, a public building, a motor vehicle or aircraft, personal property of another, etc.

**Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle. (Includes all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**Hate Crimes**: A criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability, as defined below:

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

- **Ethnicity**: A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion), and/or ideology that stresses common ancestry.

- **Gender**: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender (e.g., male or female).

- **Gender Identity**: A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity (e.g., bias against transgender or gender non-conforming individuals).

- **National Origin**: A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

- **Race**: A preformed negative attitude toward a group of persons who possess common physical characteristics (e.g., color of skin, eyes, and/or hair; facial features, etc.) genetically transmitted by descent and heredity that distinguish them as a distinct division of humankind.

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

- **Sexual Orientation**: A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

For reporting purposes, hate crimes include any of the following offenses that are motivated by bias: murder and non-negligent manslaughter, sexual assault, robbery, aggravated assault, burglary, motor vehicle theft, and arson. Additionally, the following offenses are included in our crime statistics only if they are hate crimes:
Larceny Theft: The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Simple Assault: An unlawful physical attack by one person upon another where neither the offender displays a weapon nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Intimidation: To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct but without displaying a weapon or subjecting the victim to actual physical attack.

Destruction/Damage/Vandalism of Property: To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of it.

Violence Against Women Act Offenses

In compliance with the Violence Against Women Act of 1994 (VAWA), the university reports the following crimes:

Dating Violence: Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

Domestic Violence: A felony or misdemeanor crime of violence committed (A) by a current or former spouse or intimate partner of the victim; (B) by a person with whom the victim shares a child in common; (C) by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; (D) by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking: Engaging in a course of conduct (two or more acts such as following, monitoring, observing, surveilling, threatening, communicating or interfering) directed at a specific person that would cause a reasonable person to—(A) fear for the person's safety or the safety of others; or (B) suffer substantial emotional distress.

Note: Sexual assault is also a VAWA offense and is included in both the VAWA and Criminal Offenses categories for Clery Act reporting purposes. Sexual assault is discussed in the Sexual Harassment section later in this report.

Reporting Crimes and Emergencies

The university encourages accurate and prompt reporting of all crimes to the Campus Safety & Security and the appropriate police agencies, when the victim of a crime elects to, or is unable to, make such a report. In addition, all members of the university community (students, faculty, staff, and guests) who become aware of suspected criminal actions, suspicious activities, or emergencies, should report these activities for assistance, to prevent crime, to help the university to make timely warning reports, to improve safety, and for purposes of including the activities in the Annual Security Report. Reports may be in any form desired, including via phone, in writing, or in person.
Where to Report

Campus Safety & Security (Officers and Dispatchers)
BYU–Hawaii Campus Safety & Security Officers have jurisdiction over all security-related issues occurring on BYU–Hawaii’s properties and at the Polynesian Cultural Center. Any suspicious activities, suspected crimes, or emergencies, should be reported immediately to an officer or dispatcher on duty.

Following are different ways to reach Campus Safety & Security to make a report:

<table>
<thead>
<tr>
<th>Emergency Phone Line:</th>
<th>(808) 675-3911 (5-3911 from campus phones)(Note: You may call this number any desired assistance)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dispatcher:</td>
<td>(808) 675-3503 (5-3503 from campus phones)</td>
</tr>
<tr>
<td>Email:</td>
<td><a href="mailto:security@byuh.edu">security@byuh.edu</a></td>
</tr>
<tr>
<td>In Person:</td>
<td>Office in McKay 148</td>
</tr>
</tbody>
</table>

EthicsPoint Compliance Hotline
Individuals may submit non-emergency reports, including anonymous reports, through EthicsPoint, the university’s 24-hour hotline provider. These reports can be submitted verbally, or in writing.

  - Telephone:  (888) 238-1062
  - Online:    https://secure.ethicspoint.com/domain/media/en/gui/17652/index.html

Report a Concern
Reports may also be made through the university’s Report a Concern (https://reportaconcern.byuh.edu/) system for reporting student conduct and academic issues.

Honolulu Police Department
Students may report crimes to the Honolulu Police Department, whose jurisdiction includes the campus and all off-campus housing. The Honolulu Police Department is available at the following location:

  - Kahuku Substation
    56-470 Kamehameha Hwy.
    Kahuku, HI 96731
    Calling from campus phones: 9-911 or off-campus and cell: 911
    Phone:  (808) 723-8650

Honolulu Fire Department

  - Kahuku Fire Station 13
    56-460 Kamehameha Hwy.
    Kahuku, HI 96731
    (808) 293-8565
  - Hau’ula Fire Station 15
    54-064 Kamehameha Hwy.
    Hau’ula, HI 96717
    (808) 293-5677

Criminal actions of a non-emergency nature, and other prohibited conduct, may also be reported to the following individuals or offices:
  a) Dean of Students,
  b) Department of Human Resources,
  c) Residential Housing Office,
  d) Campus Security Authority as defined below, and
  e) Title IX Office.
BYU–Hawaii Campus Security Authorities

BYU–Hawaii Campus Safety & Security is the preferred contact for reporting campus crimes. However, individuals may also report criminal incidents to campus security authorities (CSA), who include individuals responsible for campus security and others who have been designated due to their significant responsibility for student and campus activities. Specifically, the following persons and organizations have been designated as CSAs and may receive reports of criminal offenses:

- All personnel in the BYU–Hawaii Campus Safety & Security;
- All personnel in BYU–Hawaii Facilities Management;
- All personnel in Housing and Residential Life, including Residential Advisor Mentors (RAs) and Residential Coordinators;
- All personnel in Human Resources;
- All personnel in the Office of Honor;
- All personnel in Student Leadership, Activities, and Service;
- All personnel in Counseling and Disability Services;
- The following specific individuals:
  - Title IX Coordinator,
  - Title IX Deputy Coordinator,
  - Dean of Students,
  - Administrative Vice President,
  - Director of Food Services,
  - Chief Compliance Officer,
  - Director of International Student Services,
  - Director of the Student Health Center,
  - Director of Alumni & Career Services,
  - Director, David O. McKay Center for Intercultural Understanding,
  - Manager of Seasider Sports & Student Activities,
  - Advisors to Campus Clubs and Societies, and
  - Director of Human Resources at the Polynesian Cultural Center.

Pastoral and Professional Counselors

A professional counselor whose official responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification; and, a pastoral or ecclesiastical counselor who is associated with a religious order or denomination, and is recognized by that religious order or denomination as someone who provides confidential counseling, and who is functioning within the scope of that recognition as a pastoral counselor, are generally not obligated to report crimes they may have learned about as a result of their counseling duties.

Professional counselors at the university and ecclesiastical counselors are encouraged to inform the persons they are working with that they may voluntarily and confidentially report crimes for inclusion in the annual disclosure of crime statistics. This can be done through a second party serving as an intermediary or through the EthicsPoint Hotline, or individuals can always report a case in person (which is the preferred method).

The professional or ecclesiastical counselor exemption allows these individuals to provide appropriate counseling services without an obligation to report crimes they may have learned about. This is similar to the privilege provided under certain circumstances to doctors and attorneys when they may learn of crimes from patients or clients. This exemption is intended to protect the counselor-client role. However, even these legally recognized privileges acknowledge some exemptions, such as certain situations in which counselors are, in fact, under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but who is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be a counselor for the purposes of the Clery Act. For example, a Dean of Students who has a professional counselor’s license, but who is employed by the university only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by BYU–Hawaii as both a professional counselor and an academic counselor, and he or she learns of a criminal incident while he or she is engaged in academic counseling,
he or she is not exempt from reporting that incident. If an individual has dual roles—one as a professional or ecclesiastical counselor and the other as an official who qualifies as a campus security authority—and the roles cannot be separated, that individual is considered a campus security authority and is obligated to report Clery crimes of which she or he are aware.

An individual who is counseling students and/or employees, but who does not meet the Clery definition of a pastoral or professional counselor, is not exempt from being a campus security authority if he or she otherwise has significant responsibility for student and campus activities.

Confidential Voluntary Reporting of Crimes

BYU–Hawaii continually seeks to meet its obligation to protect the confidentiality of victims and witnesses by complying with two specific requirements:

1. The university will complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim and witnesses, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 12291(a)(20)). This includes eliminating any reference to individual names from the Clery Act statistical reporting; maintaining secure, confidential logs in the Title IX office; excluding victim information from the daily crime log; and training Campus Safety & Security Officers to be sensitive to the confidential nature of information they obtain from persons they interview.

2. The university will maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

In addition, the university provides a confidential third-party hotline for non-emergency reports through EthicsPoint. This service is available 24/7 and reports can be submitted verbally or in writing as follows:

Telephone: (888) 238-1062
Online: https://secure.ethicspoint.com/domain/media/en/gui/17652/index.html

Timely Warning Policy

In the event of a Clery Act crime that represents an ongoing threat to the safety of students or employees at BYU–Hawaii, BYU–Hawaii Campus Safety & Security is responsible for confirming facts that would indicate that timely warnings are appropriate. Subsequently, Campus Safety & Security will create and transmit the warning message in a timely manner using an appropriate means that may include the university’s emergency notification system, emails, posters, broadcast announcements, local news media, or other appropriate means.

If time permits, Campus Safety & Security will notify the President, a Vice-President, or the assigned Duty-officer prior to making the timely warning.

The Director of Campus Safety & Security or designee reviews reports of violent crimes, on a case-by-case basis, that may impact the safety of students, employees or visitors, and makes appropriate notification to the university community taking into account the nature of the crime, the continuing danger to the campus community, and the possible risk of compromising law enforcement efforts.

The timely warning notification should include all information that would promote safety and aid in the prevention of similar crimes. The timely warning notification should be issued in a format likely to reach the entire campus community where appropriate, as noted above.
Safety and Security of Campus Facilities and the Polynesian Cultural Center

The physical facilities of the university are maintained by Facilities Management, with a focus on safety. This means they inspect campus facilities and promptly make appropriate repairs. They also respond twenty-four hours a day to reports from the public or authorities of potential safety hazards. Outside contractors, coordinated through the Safety Manager, inspect the entire campus to review lighting and environmental safety concerns. Additionally, Campus Safety & Security and Facilities Management routinely survey the entire campus for safety concerns and monitor exterior areas for adequate lighting at night.

University facilities are patrolled by Campus Safety & Security to ensure that only authorized persons are actually using the facilities and equipment during authorized hours. Classrooms and other facilities that are used for students and education purposes are generally open during the day when classes are in session, and secured at night—unless authorized and verified with proper scheduling documentation. Classrooms and buildings are also generally closed for holidays unless authorized otherwise. The majority of campus buildings and on-campus housing are also equipped with electronic card access.

Campus Safety & Security officers also ensure that the Polynesian Cultural Center is secure and report crimes, suspicious activities, or other hazardous situations or emergencies as needed 24 hours a day, seven days a week.

Reporting a Hazard

Students and employees are encouraged to assist by reporting any potentially unsafe area, facility, or hazardous situation as follows:

- Housing areas, call the housing office at (808) 675-3534;
- General campus areas or buildings, call Facilities Management at (808) 675-3400; and,
- After business hours (5:00 pm) call the Security Operations Center at (808) 675-3503 or (808) 675-3911.

On-Campus Housing

The residence halls or “hales” for unmarried students on campus are two-story and three-story buildings. The Temple View apartments (TVA) are for married students and their families located on campus.

Housing Safety and Security

BYU–Hawaii University Housing strives to provide a safe environment for student residents. Once a year Campus Safety & Security provides an updated crime awareness and prevention orientation for Residential Coordinators and Residential Advisor Mentors. Each fall, programming efforts are dedicated to educating residents on safety and security.

After hours, residence halls are restricted to persons who live and work there. All entrances are locked for security; crash bars provide for emergency exit. Residential Coordinators and Residential Advisor Mentors serve as primary monitors for dorm safety and security. When situations arise requiring emergency response, housing staff and students contact Campus Safety & Security Operations Center to initiate the call for appropriate services from other departments.

To enhance personal security, students and residents in housing facilities are advised to do the following:

- Lock doors to individual rooms,
- Report strangers and suspicious individuals to Campus Safety & Security Operations Center or Residential Coordinator or Residential Advisor Mentor,
• Never prop open secured entrances, and
• Be sure visitors are accompanied by a resident, even when the halls are open and unlocked (residents are responsible for their guests’ actions).

The Housing Department has policies and procedures reasonably designed to protect students in the residence halls. These processes and procedures are only effective if each resident takes an interest and an active role in making sure visitors or strangers are promptly reported to the Residential Coordinator or a Residential Advisor Mentor. The cooperative effort between departments helps to properly secure buildings and doors.

Off-Campus Student Housing
All single students under the age of twenty-five years who reside off campus must reside in university-approved housing. In order to meet the housing need, there are numerous privately-owned rental units off campus in which students may reside. The university approves these off-campus living units based on specific minimum living standards. Landlords, owners, or property managers sign a contract that requires them to make reasonable efforts to maintain rental facilities in good repair, including properly functioning locks on doors and windows. Although housing representatives are required to make annual inspections of all their university-approved rental units, the university cannot and does not guarantee or represent that owners and managers always meet health or safety standards established by BYU–Hawaii, the city, county, or state. Thus, students are individually responsible to choose carefully a safe and secure off-campus apartment.

Crime prevention and campus awareness programs emphasizing security and what residents can do for their own safety and well-being are provided for students who reside off campus.

These programs and other crime prevention materials are free and available upon request by calling Campus Safety & Security at (808) 675-3911.

BYU–Hawaii does not authorize, permit, or recognize off-campus student organizations. The university does not promote, sponsor, or affiliate with any societies, sororities, or fraternities either on a national or local basis. Because BYU–Hawaii does not recognize off-campus student organizations, the school does not monitor or record criminal activity related to such organizations.

Campus Safety & Security
Campus Safety & Security provides security services to the university community, which consists of approximately 3,000 students, faculty, and staff, as well as security coverage for the Polynesian Cultural Center. Campus Safety & Security consists of eight full-time employees, and sufficient part-time temporary workers and student employees to cover all shifts 24 hours a day, 7 days a week.

Campus Safety & Security Authority
Campus Safety & Security officers derive their authority to prevent and investigate crime and to enforce campus regulations and policies from the BYU–Hawaii President’s Council. They do not have law enforcement authority (e.g., make arrests).

Mission Statement
Campus Safety & Security strives to provide a safe and secure environment in a courteous and professional manner and is committed to honor the standards of BYU–Hawaii in a fair, ethical, and non-biased manner.

Training
All personnel in Campus Safety & Security are trained to be first responders in any emergency. Such responders may include department administrators, shift supervisors, officers, and dispatchers. Moreover, officers receive specialized and on-going training on crime prevention and awareness, defensive tactics, legal regulation updates, evidence gathering, and traffic control.
Patrol and Daily Log

Security Officers are responsible for providing a full range of public safety services to the BYU–Hawaii campus community. This includes the response to all reported crimes; the recording of all reported crimes; follow-up investigations; traffic accident investigation; medical and fire emergencies; enforcement of criminal, alcohol, drug, and traffic laws; and any other matters requiring police presence or assistance.

All activities and incidents addressed by officers and staff in the department are captured in the department’s electronic tracking software program, *Spillman Nova*. Dispatchers provide 24/7 coverage with detailed logs of all daily activities occurring on campus and at the Polynesian Cultural Center.

Investigation

Campus Safety & Security dedicates officers to investigate crimes and incidents reported on campus. Investigative reports are maintained on the department’s *Spillman* records management system and receive a case number, once filed with the department.

Crime Prevention and Campus Safety Programs

Campus Safety & Security provides a variety of resources and programs to promote crime prevention and awareness and to encourage students and employees to be responsible for their own security and the security of others. In addition to direct efforts in crime prevention and detection, Campus Safety & Security sponsors safety and security programs to teach the campus community about procedures they can follow to enhance their personal awareness of safety, protection, crime prevention, and emergency measures. The following list itemizes the many ways this information is disseminated to the campus community:

- **Literature**: Pamphlets on various topics are available from Campus Safety & Security regarding crime prevention, campus safety, rape awareness, alcohol awareness, sexual harassment, and family violence. There is also information on emergency procedures and contact information. The university paper, *Ke Alaka‘i*, is also utilized, when needed, to inform and educate the campus about safety and security issues.

- **Campus Safety Awareness Open House**: Campus Safety & Security sponsors an open house twice a year to provide students with information about campus safety and awareness and to introduce students to personnel in the department.

- **Building Security**: Most academic buildings are unlocked until evening unless there are evening classes or special events. However, when the campus is officially closed, buildings are locked and only employees and authorized students with proper ID are admitted. Custodians are also instructed to report any suspicious situations to Campus Safety & Security.

- **Crime Awareness and Crime Prevention Education Aids**: Free literature is available in Campus Safety & Security Operation Center and on its website: [https://publicsafety.byuh.edu/](https://publicsafety.byuh.edu/). Faculty, administration, staff, and students are encouraged to avail themselves of these materials.

- **Health and Wellness Fair**: Annually, a health and wellness fair is held for all faculty, administration, staff, and students. During this fair, an information booth is staffed to distribute crime prevention materials.

- **New Student Orientation**: At the beginning of a new semester, the Department of Public Service provides an information booth to familiarize students with services and to distribute crime prevention materials. Students are also given safety tips and information to make them aware of crime and ways to avoid becoming victimized by it.
• **Seasider Guardian (Rave Guardian):** Using a mobile app, which students can download to their phone, the entire campus community can deliver crime tips and chat in real-time with campus safety officials twenty-four hours a day. Rave Guardian may be downloaded free from a student’s favorite mobile app store.

• **Operation Identification:** Students and employees are encouraged to borrow an engraver from Campus Safety & Security for engraving identifying numbers on personal property and to maintain an accurate inventory of their belongings.

• **Public Information:** Crime information is reported in the Crime Log, which is posted on Campus Safety & Security website ([https://safetyandsecurity.byuh.edu/reports](https://safetyandsecurity.byuh.edu/reports)). Also, a Campus Crime Log is posted in the Campus Safety & Security office and is available for public view, 24 hours a day. According to 34 CFR §668.46(f)(2)-(4), the daily crime log will not reflect personal information or an incident that may jeopardize an investigation or the safety of the victim until after the investigation is closed.

• **Aloha Late Night Shuttle:** Campus Safety & Security provides the Aloha Late Night Shuttle Service for all students free of charge. CSS will transport students from campus to their off-campus home in Laie, Hauula, Punaluu, and Kahuku. This service is provided Monday through Saturday at 10:00 p.m. and 12:00 a.m. (midnight).

  Students can come to Campus Safety & Security in McKay Classroom Building Room 148 and sign up for a shuttle ride. One of their security officers will drive you home.

• **Security Survey Program:** Periodic security surveys of campus facilities provide suggestions for improving security of an area and for improving the safety of personnel and students.

• **Housing Safety Presentations:** Presentations are available to groups of married students and their children upon request by calling the Housing office at (808) 675-3541. The purpose is to teach safety tips and how to avoid becoming crime victims.

• **Group Presentations:** The Director, Manager, or Shift Supervisors, in Campus Safety & Security are available upon request to make safety and security presentations to campus groups.

• **Housing Orientation:** Annually, housing supervisors, Residential Coordinators, and Residential Advisor Coordinators, are taught how to help prevent crime and assist students to avoid becoming victims of crime.

• **Sexual Assault Seminars:** Throughout the school year, seminars are held in campus residence halls and elsewhere to familiarize students and employees with how to avoid or minimize the possibility of becoming a victim of sexual assault.

COVID-19 was not an identified threat to student safety in 2019. As the pandemic unfolded in 2020, BYU–Hawaii took steps to protect students and employees from its spread. These efforts are ongoing, as they are for universities throughout the United States. Due to the pandemic and changing state and local health restrictions, some of the anticipated events described above may be modified to take place virtually or may be canceled if they do not comply with current health advisories. Please contact program coordinators for information about training and safety program schedules. For up-to-date information about BYU–Hawaii’s efforts to combat COVID-19, including the number of current cases, housing guidelines, mask requirements, changes to campus services, and to report a confirmed case of COVID-19 within the campus community, please visit [https://www.byuh.edu/covid19](https://www.byuh.edu/covid19).

In the event a situation related to COVID-19 warrants emergency notification to some or all of the campus community, the university will follow established emergency notification procedures.

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**Alcohol, Tobacco, and Drug Use Policy**

**Drug-Free School Policy**

BYU–Hawaii encourages an academic environment that promotes the health, safety, and welfare of all university members. As a condition of enrollment or employment, the university requires that all
students and employees abide by a personal commitment to the CES Honor Code (“Honor Code”), which includes abstaining from alcoholic beverages, tobacco, tea, coffee and substance abuse. The university also (i) prohibits the use of kava, e-cigarettes and other electronic smoking or similar devices, (ii) prohibits the manufacture, cultivation, possession, use, sale, or distribution of illicit drugs, including marijuana; and (iii) requires abstaining from the intentional use or distribution of any prescription or legal drugs without specific medical authorization. These requirements and prohibitions apply to students and employees while on or off campus and apply to guests and volunteers while on campus or participating in any university activities. The university strictly enforces federal and state drug and alcohol laws and State of Hawaii underage drinking laws. You can read the university’s complete Drug-Free School Policy at Appendix 1. Students are reminded that under Section 484(r) of the Higher Education Act of 1998, a student’s eligibility for federal student aid may be suspended if that student is convicted under federal or state law of any offense involving the possession or sale of a controlled substance (not including alcohol or tobacco). The suspension of eligibility ranges from as much as one year to an indefinite period of time, depending upon the number and type of convictions. A student may regain eligibility early by completing a drug rehabilitation program that meets certain statutory and regulatory requirements or if the conviction is overturned. (See Financial Aid Eligibility.)

Drug-Free Workplace Policy

The university prohibits the unlawful manufacture, use, dispensing, possession, or distribution of controlled substances by any employee, student, volunteer, or other individual participating in the university workplace (collectively referred to in this policy as “workforce participant(s)”). As a condition of employment or participation in the university workplace, BYU–Hawaii requires all workforce participants to abide by the BYU–Hawaii Drug-Free Workplace Policy (see Appendix 2). In addition, all workforce participants are required to adhere to the more restrictive prohibitions of the CES Honor Code and to the university’s Drug-Free School Policy (see Appendix 1).

Procedures

All workforce participants at the university will receive a copy of the Drug-Free Workplace Policy at least annually.

Any workforce participant at the university convicted of violating a criminal drug statute inside or outside of the workplace must notify Human Resources, in writing, no later than five calendar days after the conviction.

If any workforce participant violates this policy, Human Resources, in consultation with the appropriate unit management and within thirty days of receiving notification of a conviction, will take appropriate personnel action against the individual, up to and including termination of employment, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended.

Sanctions and Health Risks Associated with Drugs and Alcohol

Appendix 3 and Appendix 4 contain tables outlining the federal and state sanctions for unlawful possession, distribution, or consumption of drugs or alcohol and the known health risks associated with drug and alcohol use.

Biennial Drug-Free School Program Review

The university has appointed a standing Alcohol and Drug Abuse Prevention Committee, which meets at least once every two years or more often as needed. The committee reviews the university’s substance abuse prevention program to determine its effectiveness, implement changes to the program as needed, and confirm that appropriate disciplinary sanctions are consistently enforced against students and personnel who violate this policy.
Sexual Harassment

General Guidelines

Brigham Young University–Hawaii prohibits sexual harassment by its personnel and students and in all of its education programs or activities. Sexual Harassment includes Sexual Assault, Dating Violence, Domestic Violence, and Stalking. Sexual harassment is not only a violation of university policy, it is against the law. BYU–Hawaii has an extensive policy and procedures regarding allegations of sexual harassment. See Appendix 5 for the BYU–Hawaii Sexual Harassment Policy and Appendix 6 for the BYU–Hawaii Sexual Harassment Grievance Procedures (Title IX and Non-Title IX).

Victims of a sexual offense are encouraged to report such incidents immediately to Campus Safety & Security or, if the offense occurred off campus, to the Honolulu Police Department. BYU–Hawaii is committed to assisting victims of sexual harassment by doing, at minimum, the following:

- Meeting with you privately, at a place of your choice in this area, to take a report.
- Maintaining full confidentiality consistent with applicable law and university policy.
- Treating you and your case with courtesy, sensitivity, dignity, understanding, and professionalism.
- Making every reasonable effort to accommodate your preferences for comfort when discussing the case.
- Assisting in making arrangements for support services and/or medical attention.
- Providing thorough and fair investigation of your case.
- Keeping you completely informed on the status of your case, and be available to answer any questions or concerns you may have.
- Considering your case seriously regardless of your gender or the gender of the respondent.

A violation of the university’s Sexual Harassment policy by students or employees may result in disciplinary actions, suspension, dismissal, or banning from school or employment at BYU–Hawaii, in addition to possible prosecution under the laws of the State of Hawaii. When any person becomes aware of sexual harassment, they should immediately report it to an officer in Campus Safety & Security or the Honolulu Police Department, as well as to the university’s Title IX Coordinator.

Additional Requirements

BYU–Hawaii seeks to be fully compliant with The Student Right-To-Know and Campus Security Act of 1990, which specifies that campus authorities must treat victims with respect, help them understand their rights and legal options, and fully cooperate with them in exercising those rights, including the following:

- Refer sexual assault cases to civil and criminal authorities (Title IX) for investigation;
- Free victims of any pressure to report sexual assault crimes or to report them as lesser offenses;
- Provide information about equal rights for legal representation, like the accused, and the ability to have others present in campus proceedings;
- Cooperate in obtaining medical evidence;
- Inform victims of any federal or state rights to test alleged sexual assault suspects for communicable diseases;
- Provide access to campus mental health and victim support services;
- Promote on-campus housing, free of sexually intimidating circumstances, with the option to move out of such circumstances if they exist;
- Assist in obtaining a trespass order to help prevent future harassment;
- Assist with necessary academic schedule modifications until case details are settled;
- Provide an authorized letter of absence, if needed;
- Assist in addressing attendance and enrollment options, as needed, on a case-by-case basis; and,
- Provide information concerning the victim’s rights and privileges.

Under the direction of the Title IX Coordinator, Title IX cases on campus receive high priority and attention to facilitate the university’s compliance with federal requirements. BYU–Hawaii reaffirms
its commitment to follow these guidelines and to act promptly to implement these protections and processes.

For more information on Title IX, please refer to https://titleix.byuh.edu/.

**Prevent Assault**

No victim is responsible for the actions of their attacker, but there are some steps you can take to help protect yourself. Avoid circumstances that may make you vulnerable to assault. These include jogging at night and walking near dense shrubbery where assailants might hide. You should always stay near well-lighted paths and walkways at night, carry a cell phone and a whistle to summon help, and let friends or family know where you are going and when you will return. Lock windows and doors, and close drapes and blinds while dressing.

**Sexual Harassment Policy**

A copy of the university’s current Sexual Harassment Policy, which sets forth the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, is attached as Appendix 5. The policy is also available online at https://byuh.teamdynamix.com/TDClient/1902/Portal/KB/ArticleDet?ID=113966.

**Educational Programs and Campaigns**

BYU–Hawaii’s Title IX Office is committed to sponsoring and conducting events and campaigns that effectively promote the awareness and prevention of sexual harassment, including dating violence, domestic violence, sexual assault/sexual violence and stalking. Additionally, the university aims to make the campus community aware of risk reduction methods and positive options for bystander intervention where any of these behaviors occur.

The events, campaigns, and trainings at BYU–Hawaii include in-person trainings (such as trainings during new student orientation), passive poster and banner campaigns (including Domestic Violence Awareness month), and prevention and awareness events.

Our events, campaigns, and trainings are tasteful, sensitive, and consistent with our campus values, and in keeping with legal guidance to be “culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome.” (See 34 C.F.R. § 668.46 (a)(i)(A)) BYU–Hawaii’s educational programs to prevent and raise awareness about consent, dating violence, domestic violence, sexual assault, and stalking include and refer to state law definitions, which can be found in the Crime Definitions above.

Additional resources can be found by visiting https://titleix.byuh.edu/. Additionally, online training modules for students are available at https://titleix.byuh.edu/title-ix/training-for-students.

**Bystander Intervention and Risk Reduction**

The only person responsible for committing sexual assault is a perpetrator, but all of us have the ability to look out for each other’s safety. Whether it’s giving someone a safe ride home from a party or directly confronting a person who is engaging in inappropriate behavior, each of us can make a difference in ending sexual misconduct on campus and in our communities. The university encourages all members of the campus community to be engaged bystanders—persons who intervene in a positive way before, during, or after a situation or event in which they see or hear behaviors that promote sexual misconduct in any of its forms. A bystander is a person who is present when an event takes place but isn’t directly involved. Bystanders might be present when sexual assault or abuse occurs, or they could witness the circumstances that led up to these crimes. Through positive bystander intervention, you can make a difference in other people’s lives.
How to Intervene: C.A.R.E.

Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, and overcoming barriers to intervening. It’s important to be aware of what’s going on around you and behavior that seems out-of-place or concerning. We can all make the decision that we have a responsibility to help when we observe trouble and then choose positive and safe ways to intervene.

There is no single “right” way to intervene, and what is appropriate depends on the situation and the individuals involved. Here are four basic steps you can take to be an engaged bystander when a harmful event is occurring. All it takes is for you to C.A.R.E.!

**Create a Distraction**

Do what you can to interrupt the situation. A distraction can give the person at risk a chance to get to a safe place.

- Cut off the conversation with a diversion like, “Let’s get pizza, I’m starving,” or “This party is lame. Let’s try somewhere else.”
- Bring out fresh food or drinks and offer them to everyone at the party, including the people you are concerned about.
- Start an activity that draws other people in, like a game, a debate, or a dance party.

**Ask Questions**

- Talk directly to the person who might be in trouble.
- Ask questions like “Who did you come here with?” or “Would you like me to stay with you?”

**Refer to an Authority**

Sometimes the safest way to intervene is to refer to a neutral party with the authority to change the situation, like an RA, a security guard, waiter, or another employee. Tell them about your concerns. It’s in their best interest to ensure that their patrons are safe, and they will usually be willing to step in. Don’t hesitate to call 911 if you are concerned for someone else’s safety.

**Enlist Others**

It can be intimidating to approach a situation alone. Enlist another person to support you.

- Ask someone to come with you to approach the person at risk. When it comes to expressing concern, sometimes there is power in numbers.
- Ask someone to intervene in your place. For example, you could ask someone who knows the person at risk to escort them to the bathroom.
- Enlist the friend of the person you’re concerned about. “Your friend looks like they’ve had a lot to drink. Can you check on them?”

**How Can I Help?**

Sometimes, you may not witness the event during which harm was caused, but you can be an engaged bystander. You can intervene by helping and supporting a victim. If the individual is a victim of dating violence, domestic violence, sexual violence, or stalking, remember that these behaviors are crimes and the victim is NOT at fault, nor are they responsible for another person’s criminal behavior. These are all actions you can take:

- Listen. Be there. Communicate without judgment.
- Encourage a victim to seek medical attention immediately if the circumstances warrant it.
- Encourage the victim to seek professional help such as counseling or therapy.
- Remind the victim that they have the option of informing the police.
- Report instances of Sexual Misconduct to the university Title IX Coordinator, who will be able to help victims access additional resources.


BYU–Hawaii Title IX [https://titleix.byuh.edu/](https://titleix.byuh.edu/)
Overcoming Barriers to Being an Engaged Bystander

Sometimes, you and others may witness a harmful situation occurring, but you decide not to positively intervene. Some reasons that people give themselves for not being an engaged bystander and some things you should consider include the following:

<table>
<thead>
<tr>
<th>You might think--</th>
<th>But consider--</th>
</tr>
</thead>
<tbody>
<tr>
<td>Someone else will take care of it, help, or speak up.</td>
<td>I can do something about this and get other people to help too.</td>
</tr>
<tr>
<td>It’s none of my business.</td>
<td>I want to help, because if I were in the same situation as that person, I hope someone would help me.</td>
</tr>
<tr>
<td>It’s not my responsibility.</td>
<td>People might say or think certain things about me, but I would rather help than wonder if I could have done something to stop the harm. What could happen if I don’t help seems scarier than the alternative.</td>
</tr>
<tr>
<td>I am afraid of what other people might say or think about me if I do something.</td>
<td>I can enlist help from others or the police if I’m worried about getting hurt or someone retaliating against me.</td>
</tr>
<tr>
<td>They might do something to me if I try to help the person they’re harming. It doesn’t seem like that big of a deal.</td>
<td>It’s a big deal to that person who is being harmed, and I can help them.</td>
</tr>
<tr>
<td>It must be okay, because no one else is doing anything about it.</td>
<td>What’s going on is not okay, and I bet everyone else is thinking the same thing.</td>
</tr>
<tr>
<td>I’m too busy. I have my own problems to take care of.</td>
<td>I am never too busy to help someone in need.</td>
</tr>
</tbody>
</table>

Recognize Ways to Prevent Harm

When someone causes harm to someone else, it is the person causing the harm that is at fault. There are things individuals and communities can do to reduce the risk of being victimized by perpetrators. Regarding sexual misconduct, be sure to advise others of the following when the time is appropriate.

- Be extremely cautious when responding to personal classified ads or using social media and dating apps to meet new people. Furthermore, remain cautious if you decide to meet someone you have only connected with online or over the phone.
- Often when using social media, we allow others to have access to our contact information and details about where we have been and where we currently are. Reconsider what information you make available on social media. Consider whether you would give the information to a stranger, and if not, then it is likely not safe to post the information on social media.
- If you are meeting a date for the first time, consider taking a friend with you, or at the very least tell your roommates or family members where you are going and with whom you are meeting.
- Do not accept a ride from someone you do not know, including a blind date. Consider providing your own transportation to and from the date. Be independent and aware in social settings. Express opinions on where to go and appropriate places to meet.
- Carry your cell phone with you and keep it charged. Save emergency contact numbers into your phone and have the most important emergency contact phone numbers memorized just in case you need to make a call and you don’t have your cell phone with you.
- If you are dating or getting to know someone, remember that it takes time to build healthy relationships and to truly get to know an individual. Arrange group or double dates to give you time to get to know someone well.
• Lock your residence and car doors to reduce the risk of having unwanted visitors. Utilize the university’s Safe Walk Program provided by University Police if you are uncomfortable walking alone on campus at night.

At times, there may be circumstances that make you wonder whether positively intervening will actually be the right thing to do or if it will cause trouble for you or the person you are trying to help. For example:

• You might worry that calling the police if you hear your neighbors violently arguing or fighting next door will get your neighbors in trouble,
• You might worry that if you make a report to the university's Title IX Office about a friend being sexually assaulted, your friend will get in trouble if they initiated any of the sexual activity that happened right before they were assaulted, or
• You might worry because the perpetrator is someone that is highly regarded by your roommates, friends, or your ward members, and therefore, no one will believe you when you make a report.

Though these circumstances may seem difficult to address, the most important thing that can be done is to get help for the victim. Reporting sexual misconduct can help the victim, may prevent others from being victimized, and helps to end behavior and conditions that facilitate violence. Again, ignoring harmful situations and not addressing them is never the right option.

**Reporting Incidents**

Prompt reporting of sex offenses allows for the collection and preservation of crucial evidence in order to prove a criminal offense or obtain a protective order and facilitates the victim receiving medical assistance, counseling, and other support services as soon as possible.

**If you are the victim of sexual assault or rape:**

1. Go to a safe place as soon as possible.
2. Preserve all physical evidence. Do not bathe, douche, brush teeth, wash hands, or change clothing.
3. Contact the BYU–Hawaii Campus Safety & Security at (808) 675-3911 immediately or the local police at 911.
4. Ask the police to assist in getting you medical attention.
5. Find someone you can trust and stay with them until you can get further help.

Victims have the right to notify proper law enforcement authorities, including Campus Safety & Security and Honolulu Police, be assisted by campus authorities in notifying law enforcement authorities, or decline to notify such authorities.

**Where to Report**

In addition to law enforcement agencies, you may report incidents of sexual harassment to the Title IX Coordinator who oversees all sexual harassment complaints and investigations and coordinates the university’s response to sex discrimination. The Equal Opportunity Manager in Human Resources also assists with sex discrimination cases involving employees.

Within the U.S. Department of Education, there are other government agencies and departments, which assist with specific sexual assault and sex discrimination cases. The following provides a summary of these additional contacts and resources. Note that both categories include sexual harassment and sexual violence.
### Victim Rights and Other Procedures and Services

A student or employee who reports to the university that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking—even if the offense occurred off campus—will be provided with a written explanation of victims’ rights and options which includes the following:

- Procedures victims should follow, including information about preserving evidence, reporting the offense, and obtaining protective orders.
- Information about how confidentiality will be protected.
- Written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available for victims, both within the university and in the community.
- Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures.
- Possible sanctions or protective measures the university may impose following a final determination of an institutional disciplinary procedure.
- The right to obtain an order of protection, a “no contact” order, a restraining order, or a similar lawful order issued by a criminal or civil court. The university does not issue institutional orders of restraint or protection, although it may ban individuals from entering the campus.
- The right to know and understand what options are available to you and to help you understand your rights and responsibilities.
- After a sexual misconduct disciplinary proceeding, the university will disclose the results of the disciplinary proceeding, any change in results, when results are final, and procedures for appeal, in writing simultaneously to the accuser and the accused. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this policy.

In situations where criminal conduct is involved or personal safety is a concern, it is important that victims of sexual harassment preserve evidence as necessary to prove the crime or secure a protective order through the court system. Victims may choose to seek medical treatment in order to preserve evidence, treat injuries, or prevent sexually transmitted diseases. It is also possible to get a rape kit or find a Sexual Assault Nurse Examiner through law enforcement or local hospitals. Health care services are available at local clinics, medical offices, or hospitals, as well as the on-campus Health Center.

Counseling support is also available to victims, whether or not they choose to make an official report.

The university will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims, both within the institution and in the community. Such information will be made available through various university communications and on the university’s Title IX website at https://titleix.byuh.edu/.

<table>
<thead>
<tr>
<th>Sexual Assault Category</th>
<th>US Government Department</th>
<th>Contact Information</th>
</tr>
</thead>
</table>
| Sex Discrimination (in educational programs and activities) | Office for Civil Rights (OCR) | Email: ocr@ed.gov  
Website: [https://www2.ed.gov/about/offices/list/ocr/index.html](https://www2.ed.gov/about/offices/list/ocr/index.html) |
| Employment Discrimination (in the work place) | Equal Employment Opportunity Commission (EEOC) | Ph. #: (800) 669-4000  
Website: [https://www.eeoc.gov//employees/charge.cfm](https://www.eeoc.gov//employees/charge.cfm) |
Adjudication and Sanctions

Possible sanctions for a student Respondent include notice, warning, probation, suspension withheld, short suspension, suspension, restriction on officially representing the University, expulsion, and a ban from campus. Any disciplinary sanction imposed on a student Respondent and the reason for the sanction may also be noted on the student’s academic transcript and Honor Code file. If the Respondent is a student-employee, possible sanctions include all sanctions applicable to students and all sanctions applicable to employees.

Possible sanctions for a faculty, staff, or administrative employee Respondent include verbal counseling, written warning, final written warning, probation, reassignment, demotion, reduction in pay, suspension, restriction on officially representing the University, termination of employment, and a ban from campus. Any disciplinary sanction imposed on an employee Respondent and the reason for the sanction may also be noted on the employee’s employment record.

Counseling and Student Services for Victims of Sex Offenses

The safety and well-being of our students, faculty, staff, and community patrons are a high priority at BYU–Hawaii. The full support and cooperation of the entire university community are required to allow for the pursuit of knowledge in a safe and secure environment. Please do not feel you need to deal with this situation alone. Call a friend, family member, or someone with whom you feel you can talk. Confidential counselors at BY–Hawaii’s Counseling Services are available to assist you.

Support Services

The following are service providers on campus, and in the nearby communities, who work with victims of Sexual Misconduct:

BYU–Hawaii Counseling Services..............................................(808) 675-3518
BYU–Hawaii Health Center.......................................................(808) 675-3510
Kahuku Medical Center............................................................(808) 293-9221
Ko’olauloa Health Center......(808) 293-9231 (Kahuku)/(808) 293-9216 (Hau’ula)

Other Sexual Assault Information

The Rape, Abuse & Incest National Network (RAINN) (https://www.rainn.org/) is the nation’s largest anti-sexual violence organization and provides a variety of resources to victims of sexual assault and their families.

Registered Sex Offenders

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

Information on convicted sex offenders can be accessed online at the following link: http://sexoffenders.ehawaii.gov/sexoffender/search.html.
Emergency Notification, Response, and Evacuation

Confirmation
Upon a report of a significant emergency or dangerous situation representing a threat to the university campus or the Polynesian Cultural Center, personnel within the BYU–Hawaii Campus Safety & Security Department will evaluate the potential threat and, using professional judgement and in light of the conditions then extant (e.g., student and visitor population, warnings from federal and state agencies) confirm the magnitude and scope of an emergency.

Notification
Upon confirmation of any significant emergency or dangerous situation involving an imminent threat to the health or safety of the campus community, the BYU–Hawaii Campus Safety & Security Director, Manager, or on-duty Supervisor, in consultation with the university administration where possible, but without delay, and taking into account the safety of the community, will determine the content of the notification and initiate the emergency notification system and will notify appropriate police and fire authorities, 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. Campus Safety & Security Officers will, throughout the emergency as appropriate, identify and provide notifications to the appropriate segments of the campus including evacuation and/or shelter-in-place alert directions and, as time permits, the state of emergency and actions required to preserve personal safety.

Campus Safety & Security and Risk Management personnel will continually evaluate the situation and assess the need to provide additional informative notification to the campus population.

Emergency notification may be made, where appropriate, through the campus emergency alert system (Everbridge), campus loudspeaker system, text, email, or other means appropriate to the emergency. Notification to the local community will be through the Everbridge system, which includes registered community members and members of the Laie Emergency Planning Committee.

Response/Evacuation
If evacuation is necessary, the university emergency evacuation plan will be followed, including use of building coordinators to evacuate buildings, providing emergency gear and equipment, securing residence halls, directing students and employees to a safe location, implementing rescue and preservation procedures, etc.

Follow-up information and information to the community at large will be posted to the university website and through the university email system under the direction of the Director of Communication & Marketing.

Reporting an Emergency Situation
Any member of the university community should report situations they feel represent an imminent threat to the health or safety of the campus community by contacting Campus Safety & Security at (808) 675-3911 or by calling Honolulu Police at 911 (9-911 for on-campus phones).

Testing
In addition to daily testing and usage of the mass notification system, there is an announced test of the system on a semiannual basis. The semiannual test message sent to the campus community will read in a manner similar to the following: “This is a test of BYU–Hawaii’s emergency notification system. In the event of a real emergency, the alert message will tell you what the emergency is and what to do. For additional information see [website link].” A record is made of each test, including a description, the date and time of the test, and whether it was announced or unannounced. At least
annually, the university will publicize its emergency response and evacuation procedures in conjunction with the testing of the emergency notification system by providing links to these procedures via the Everbridge notification system.

Evacuation Drills
Under the direction of Campus Safety & Security, evacuation drills are to be conducted on an annual basis or more frequently as required by state law or applicable codes and university policy. A record is made for each drill that includes a description, the location, date, time, and whether the drill was announced or unannounced.

Natural Disasters
In the event of an emergency, there are some basic life protecting behaviors, which every person can follow in order to minimize the losses when there is a natural disaster.

Recommended protecting behaviors include the following:

- Avoid panic, remain calm, use common sense, and render assistance as required.
- Report all emergencies by dialing (808) 675-3911, 5-3911 from an on-campus phone, or 911 (Honolulu Police – 9-911 from on-campus phone).
- Evacuate buildings immediately upon request of authorities, upon hearing an alarm, or if remaining becomes life threatening.
- Know the location of at least two emergency exits in your working/living area.
- Keep a flashlight nearby both at work and in living areas.
- Listen for instructions broadcast over emergency warning systems.

Do NOT do the following during an emergency:

- Do not use the telephone except to report emergencies.
- Do not delay reporting an emergency to the police or to those responsible for handling emergencies.
- Do not jeopardize your life or the lives of others by attempting to save personal or university property.
- Do not cross police barriers without authorization.
- Do not exceed your training or knowledge when attempting to render first aid.

Fires
Upon discovery of a fire, activate the nearest fire alarm, and then call 911. Additional guidelines and instructions are provided below, wherein bystanders can assist.

- Clear the area of people and items or objects that are possible explosives.
- Do not attempt to fight fires alone.

The Everbridge emergency notification system provides immediate alert and information messages to the campus community utilizing all or a portion of the following:

1. Email,
2. Campus IP telephone system,
3. Personal cell phones,
4. Public address systems,
5. BYU–Hawaii Department of Public Safety web page,
6. Fire alarm system, and
7. Local news stations.

To receive emergency alert messages by way of text messaging and email, campus members must register their information online via their myBYUH personal account profile. Under “Student,” “Employee” or “Faculty,” select “Student Center,” “My Account,” or “Faculty Center,” respectively; under “Contact Information” select “Phone;” under “Phone Type” select “Add a Phone Number;” add “Campus Alert” from the drop-down menu, and insert the desired notification phone number, select “Save.”

The campus community may also subscribe to the Honolulu area emergency notification service at www.nixle.com.
• Do not attempt to rescue others unless you are certain you can do so safely. When fire fighters arrive, inform them of the location of persons still in the building.
• When a fire alarm sounds, close windows, open drapes, and exit quickly to the nearest stairwell. Close doors behind you. Never use elevators.
• If the door is hot or the hallway is too smoky, stay in the room. Stuff towels or blankets around door cracks. Stay low to the floor where the air is fresher and cooler. Go to the window and attract attention by waving a sheet or coat outside.
• After you have left the building, stand clear of the structure and obey the instructions of fire fighters and police. Do not reenter the building until you have permission.

Missing Student Notification Policy and Procedure
The university has established a policy (see Appendix 6) and procedures to assist in locating students residing in on-campus housing when, based upon facts and circumstances, Campus Safety & Security has determined a student to be missing.

If you believe a student is missing, immediately alert one of the following:
   • Campus Safety & Security – (808) 675-3911, 148 McKay;
   • A Residential Coordinator;
   • A Residential Advisor Mentor; or
   • Dean of Students – (808) 364-9907, Aloha Center 166.

Any missing student report must be immediately referred to BYU–Hawaii’s Campus Safety & Security. In the event that a student is determined to be missing, authorized campus officials should notify the Dean of Students so that the Behavioral Intervention Team can plan and oversee an investigation.

Annually, and as needed during academic registration, the university will inform all students via an automated alert (Everbridge) of the option to confidentially register the name of one or more emergency contacts to be notified within twenty-four hours in the event that the student is determined to be missing.

Additional information regarding how to identify a contact person, confidentiality, etc., can be seen at Appendix 7.

Other Crimes and Situations
Rights of Victims of a Crime of Violence or a Non-forcible Sex Offense
BYU–Hawaii will, upon written request, disclose to the alleged victim of a crime of violence (e.g., use or threatened use of physical force) or a non-forcible sex offense (incest or statutory rape), the report on the results of any disciplinary proceeding conducted by the university against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

Other Sex Offenses
Sex offenses are not limited to rape and sexual assault. Other offensive and unacceptable sexual behavior may be in violation of BYU–Hawaii policy or may be criminal in nature.

Exhibitionism and Voyeurism
Exhibitionists, voyeurs, and persons who make obscene or harassing phone calls are in violation of
BYU–Hawaii standards and may be in violation of the law.

If you are the victim of an exhibitionist or voyeur, try not to panic. Stay calm and do not show any reaction. Call Campus Safety & Security immediately, or the Honolulu Police. Pay attention to the following details for reporting purposes:

- Report the time and place of the incident.
- If witnesses are present, get their names and phone numbers.
- Try to get a good look at the offender. A description of the person’s appearance will help the police with identification.
- Lock your doors and windows immediately.
- If a car is involved, note the color, make, license plate number, and direction of travel.

**Obscene and Harassing Phone Calls**

Use the telephone on your terms, not the terms of the caller. If you receive such a call

- Do not give out your name or address.
- Hang up at once, if a caller makes obscene or harassing remarks or does not respond to your “hello.”
- Report these calls to the police.
- Keep logs of repeated calls noting the date, time, content, voice characteristics, background noises, etc.
- Be wary of callers conducting surveys.
- Don’t give out confidential information (i.e., credit card numbers or personal information).

**Other Crimes**

**Active Shooter**

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

- Assess the current situation;
- Silence your phone;
- Run to a safer area if possible;
- Call 911 for a police response;
- Hide if you are unable to get out;
- Keep out the shooter by locking doors, blocking doorways, etc.;
- Spread out (do not huddle together) and quietly develop a plan of action; and
- In the event the shooter enters your area, fight to disable the shooter. Assume the shooter’s intentions are lethal and be prepared to do whatever it takes (survival mindset) to neutralize the threat

An online video explains the aforementioned concepts in detail. To view this video, go to [https://publicsafety.byuh.edu/node/17.html](https://publicsafety.byuh.edu/node/17.html)

**Theft**

Theft is the most frequently committed crime on campus. This is because so many personnel and students carelessly leave doors unlocked and valuables unprotected. As with crimes against the person, your best defense against theft is vigilance. Recognize that danger exists and take precautions. Here are a few suggestions:

- NEVER leave personal belongings unattended, even for a minute.
• Keep doors and windows locked.
• Do not keep large amounts of money in your room or on your person
• Lock your bicycle with a quality “U” style lock.
• Register your bike with City and County of Honolulu and the Campus Safety & Security department.
• Do not lend your keys or credit cards to anyone.
• Do not attach ID to your keys.
• Engrave ID numbers on personal property.
• Keep records of your property including description, make, model, and serial number.
• Do not leave your laundry unattended.
• Always lock your car. Do not leave valuables inside.

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

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

Any of the following crimes committed against a cohabitant constitute the crime of domestic violence:
• Aggravated assault;
• Assault;
• Criminal homicide;
• Harassment;
• Telephone harassment;
• Kidnapping, child kidnapping, or aggravated kidnapping;
• Mayhem;
• Sexual offenses;
• Stalking;
• Unlawful detention;
• Violation of a protective order or ex parte protective order;
• Any offense against property;
• Possession of a deadly weapon with intent to assault;
• Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building or vehicle, and
• Child abuse.

Spousal Abuse
One of the most common forms of domestic abuse is spousal abuse. Some warning signs of domestic abuse include the following:
• One spouse’s social relationships have narrowed;
• One spouse makes all the rules;
• One puts the other down;
• One is afraid; or
• One has been physically injured.

Child Abuse

Child Abuse or Neglect includes any acts or omissions of any person that have resulted in the physical or psychological health or welfare of a child to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed. This includes sex trafficking or severe forms of trafficking in persons.

The University is committed to maintaining a safe environment for all children on campus or who are participating in University-sponsored activities. Consistent with this objective and with Hawaii
state law, University employees and officers are mandated reporters and have a legal duty to immediately report to the Honolulu Police Department (808-723-8650) or the State of Hawaii Department of Human Services (808-832-5300) any situation, whether on or off campus, in which they “have reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future.” Reporters must also immediately notify the responsible university vice president or a member of the university’s administration of the report and must follow up with a written report to the State of Hawaii Department of Human Services. For questions about this reporting obligation, including how to make a report, or for questions about any other provision of this policy, please call the University’s Event Services & Outreach Department (808-675-3780), Office of Compliance & Ethics (808-675-3368), or Office of the General Counsel at (801) 422-3089. In case of immediate threat of violence call the police at 911.

Incidents of sexual abuse or sexual exploitation of children on campus or in any University-sponsored activity should also be reported to the University’s Title IX coordinator, who should ensure that University policies and procedures for investigating such complaints are followed and, if appropriate, disciplinary procedures are initiated.

For more information, see the university’s Protection of Minors policy.

**Suspicious Packages or Letters and Possible Biological Materials**

If you receive a suspicious package or envelope:

- Do not shake or empty the contents of any suspicious envelope or package.
- Place the envelope or package in a plastic bag or some other type of container to prevent leakage of contents.
- If you don’t have a container, cover the envelope or package with anything (clothing, paper, trashcan) do not remove this cover. Then leave the room and close the door or section of the area to prevent others from entering.
- Report the incident to the police IMMEDIATELY.

If you open a package or envelope with a powdery substance:

- Do not try to clean up the powder. Cover the spilled contents immediately with anything (clothing, paper, trash can) and do not remove this cover.
- Leave the room and close the door, or section off the area to prevent entrance.
- Wash your hands and exposed skin with soap and water thoroughly.
- Contact the police IMMEDIATELY.
- Remove heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed. Give to emergency responders.
- Shower with soap and water as soon as possible.
- Make a list of all the people that were in the area, especially those who had actual contact with the powder.

To identify suspicious packages and letters look for the following:

- Excessive postage;
- Handwritten or poorly typed addresses;
- Incorrect titles;

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3 Hawaii Revised Statutes §350-1.1(a)(2)  
4 *Id.* at (a).  
5 *Id.* at (b).
• Title, but no name;
• Misspellings of common words;
• Oily stains, discolorations or odor;
• No return address;
• Excessive weight;
• Lopsided or uneven envelope;
• Protruding wires or aluminum foil;
• Excessive security material such as masking tape, string, etc.;
• Visual distractions;
• Ticking sound;
• Marked with restrictive endorsements, such as “Personal” or “Confidential;” or
• Shows a city or state in the postmark that does not match the return address.
Annual Fire Safety Report

BYU–Hawaii encourages accurate and prompt reporting of all fires and emergencies. For the purpose of record keeping and statistical reporting, students and employees should report any fires that occurred to one of the following:

- Director of Campus Safety & Security: (808) 675-3911
- Director of University Housing: (808) 675-3544
- Campus Safety & Risk Manager: (808) 675-3411

Overview

The Higher Education Opportunity Act (Public Law 110-315) became law in August 2008, and requires all United States academic institutions to produce an annual fire safety report with a focus on campus housing. In conformance with the Act, the Annual Fire Safety Report is available at https://publicsafety.byuh.edu/reports. A paper copy of the report is available at Campus Safety & Security, 148 McKay.

Fire Detection/Suppression Systems

Most single-student university residence housing units have built-in fire suppression systems. These systems are equipped with water flow and valve tamper switches that are monitored by a fire alarm control panel in the building where they are located, as well as the Campus Safety & Security office, which is constantly attended. There are also fire detection systems in every on-campus housing unit that include smoke detectors located in rooms and hallways, as well as smoke/heat detectors in electrical/mechanical rooms and lounges. Fire detection systems exist to provide early warning and the opportunity to safely evacuate the building should it be necessary. Fire extinguishers are located in each elevator, electrical/mechanical room, and in the hallways of the dorms.

Reporting Requirements

Campus Safety & Security maintains and compiles an Annual Fire Statistics Report that includes, for all residence housing on campus, the following:

- The number of fires and the cause of each fire;
- The number of deaths related to the fire;
- The number of injuries related to the fire that resulted in treatment at a medical facility;
- The value of property damage related to the fire;
- A description of the fire safety system for each on-campus student housing facility;
- The number of fire drills held the previous calendar year;
- The institution’s policies or rules on portable electrical appliances, smoking and open flames in student housing facilities;
- Procedures for student housing evacuation;
- Policies for fire safety education and training programs for students and staff;
- A list of the titles of each person or organization to which individuals should report that a fire has occurred; and.
- Plans for future improvements in fire safety determined necessary by the institution.

Evacuation Procedures

If a resident discovers a fire in an on-campus student-housing unit, they are directed to activate a pull alarm, which initiates an audible alarm to notify building occupants and/or the Campus Safety & Security office, and then evacuate the building immediately. After assembling in a designated
area, the resident must contact the university Campus Safety & Security at (808) 675-3911 and/or the Honolulu Fire department at 911 (9-911 from campus phones.)

Each building has a posted evacuation route map for residents to follow. Students should become familiar with the evacuation map for their apartment when they move into the housing unit each semester. Residential Advisors receive annual training on how to utilize fire extinguishers to extinguish small fires in addition to conducting an orderly evacuation.

• If you reside in the Hales, residents are to evacuate to the far end of the tennis courts.
• If you reside in the TVA apartments, residents are to evacuate to the Stake Pavilion.

Fire Hazards
Potential Ignition Sources
Flammable or combustible materials and other fuel sources may not ignite on their own without an external source of ignition. The following procedures are used to control known ignition sources at BYU–Hawaii.

Fire Protection Equipment
With the exception of specific fire extinguishers for data/electrical equipment and areas in the Cafeteria and Seasider, ABC Fire Extinguishers are located and may be used throughout the campus. These extinguishers are selected and purchased by the Safety Officer. In addition, the following equipment is also present to control fires:

• Standpipe and hose systems;
• Fixed fire suppression equipment, which includes automatic sprinkler systems;
• Fixed extinguisher systems, along with the Piranha Fire Suppression Systems at the Seasider and Food Services.

Fire Alarm Systems
In the 2019 calendar year, all campus fire alarm systems were tested. One fire drill was held in 2019 involving on-campus single-student housing buildings.

Residents are encouraged to report mechanical problems that might arise with fire protection equipment to the Residential Advisor Mentors, who then report the necessary information to University Housing. If residents detect an odor of smoke prior to the activation of a smoke detector or some other early warning device, they are directed to contact Campus Safety & Security at (808) 675-3911 or 911 (9-911 from campus phones). They are advised to report the exact location of the fire and, if known, what is burning.

On Campus Student Housing Fire Protection Systems
Every building designated as “on-campus” resident housing has an early detection and warning system consisting of fire alarm pull stations, audible and visual alarms, smoke alarms and heat detectors, and in many cases fire sprinkler systems.

All fire alarms in residential housing are tested regularly and per the requirements of the National Fire Protection Association (NFPA), Publication 72. Students who occupy an on-campus residential housing unit as well as university employees should receive instruction on how to evacuate a building when a fire alarm is activated and at least annually participate in an exercise assuring their understanding of this process.

The following table presents the on-campus student housing available at BYU–Hawaii, the fire
safety systems available, and the total fires occurring during the reporting period.

<table>
<thead>
<tr>
<th>Building</th>
<th>Location</th>
<th>Total Fires</th>
<th>Fire Alarm Pull Stations</th>
<th>Sprinkler System</th>
<th>Smoke Detectors</th>
<th>Fire Extinguishers</th>
<th>Fire Drills*</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>2017</td>
<td>2018</td>
<td>2019</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hale 1</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No(^7)</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 2</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Partial(^8)</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 3</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 4</td>
<td>55-220 Kukanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 5</td>
<td>55-220 Kukanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 6</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 7</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 8</td>
<td>55-220 Kukanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 9</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Hale 10</td>
<td>55-220 Kulanui Street, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Temple View Apartments**

| TVA - A | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No\(^9\) | Yes | Yes | No |
| TVA - B | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - C | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | No\(^10\) | No | Yes | Yes | No |
| TVA - D | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - E | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - F | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | No\(^11\) | No | Yes | Yes | No |
| TVA - G | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - H | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - J | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - K | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - L | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - M | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - N | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - P | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - Q | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - R | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - S | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - T | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - U | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - V | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - W | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | No | Yes | Yes | No |
| TVA - X | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | Yes | Yes | Yes | No |
| TVA - Z | 55-550 Naniloa Loop, Laie, HI | 0 | 0 | 0 | Yes | Yes | Yes | Yes | No |

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6 Note: Residents who will need special assistance are pre-identified so that arrangements can be made in advance to meet their needs.
7 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
8 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
9 This category was corrected as of October 1, 2018, from “Yes” in all cases based on an internal audit.
10 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
11 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
Fire Log
The following chart reflects fires reportable under the Clery Act that occurred in on-campus residence housing during the last three years.

Statistical Fire Loss Data: Calendar Year 2017-2019\(^{12}\)

<table>
<thead>
<tr>
<th>Date Reported</th>
<th>Cause</th>
<th>Date/Time of Fire</th>
<th>Location</th>
<th>Property Damage</th>
<th>Injuries</th>
<th>Deaths</th>
</tr>
</thead>
<tbody>
<tr>
<td>2017</td>
<td>No reported fires in Hales or TVA.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>2018</td>
<td>No reported fires in Hales or TVA.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<tr>
<td>2019</td>
<td>No reported fires in Hales or TVA.</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
</tbody>
</table>

Fire Safety Procedures

Actions to Take in the Event of a Fire

- If you can control the fire without personal danger, take action with available firefighting equipment. If not, leave the area and report the fire immediately by dialing 911 (9-911 using campus phones) or Campus Safety & Security at (808) 675-3911 (5-3911 using campus phones).
- Activate a local alarm station, which will cause the alarm to sound. This action will also send an automatic notification alarm to the Campus Safety & Security dispatcher who will also respond by dispatching an officer to assist.
- Never allow the fire to come between you and an exit.
- Remove all persons from the area of danger. Close doors behind you to help confine the fire.

Respond to an Audible Fire Alarm

- If an audible fire alarm sounds, evacuate the building immediately.
- Do not use an elevator, instead, use the stairs.
- If requested, accompany and assist persons with disabilities who appear to need assistance.
- Do not delay your evacuation in order to remove personal property from your room.
- Remain a safe distance away from the building, at least 100 feet, to help facilitate clear access to the building for the fire department.
- Return to the building only when instructed to do so by Campus Safety & Security staff or fire department officers.

Fire Safety Education

Fire safety training is provided for the Residential Advisor Mentors every fall and winter semesters. Fire extinguisher training is made available to students, faculty, and staff upon request. The Fire Safety training class includes hands-on training with a fire extinguisher. To schedule a fire safety training class, contact the Campus Safety Officer at (808) 675-3411.

Policies Related to Fire Safety Measures

Building Evacuation Maps: Every occupied building has posted Emergency Evacuation Maps,

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\(^{12}\) Information in this table has been updated as of October 1, 2018, based on an internal audit, to accurately reflect only Clery reportable fires. Previous reports included other fire alerts (smoke, defective batteries, etc.) that were not reportable per The Handbook of Campus Safety and Security Reporting – 2016 Edition.
which identify directions for clearing all residents, faculty, staff, and visitors from the building, including procedures for people with disabilities.

**Decorative Candles and Open Flames:** BYU–Hawaii strictly prohibits the use of open flame candles and other open flames, including incense, in campus residential housing.

**Portable Electrical Appliance Safety Guidelines:** Residents of on-campus residential housing must comply with electrical safety guidelines. The use of multiple outlet adapters, power strips, and overloading wall outlets with electric appliances, is prohibited. The use of cooking appliances in the dormitory-style dorms is not permitted in the hale rooms or units.

**Smoking:** BYU–Hawaii is a non-smoking university. Smoking is not allowed in any BYU–Hawaii housing facility.

**Grills:** Charcoal grills are not permitted in any residential on-campus housing areas.

**Emergency Evacuations for People with Disabilities:** Each on campus residential housing building has an Emergency Action Plan with evacuation procedures for residents with disabilities to safely exit the building.

**Plans for Future Improvements**

When and where possible, improvements in the area of fire prevention education will be provided, including ongoing training of students, faculty, and staff in the safe use of fire extinguishers. Whenever there are upgrades to a facility the fire suppression and notification systems are evaluated for compliance with the current codes.
Appendix 1: BYU–Hawaii Drug-Free School Policy
Drug-Free School

Policy #: HRSD-026

Date Approved by President's Council:
09/18/2017

Policy Owner:
Student Development and Services

Executive Sponsor:
Vice President – Student Development and Services

1. Purpose

The Drug-Free Schools and Communities Act Amendments of 1989 provides that, as a condition of receiving federal funds under any federal program, a higher education institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of drugs and alcohol by students and employees (see 20 U.S.C. § 1011i; 34 C.F.R. §86.1). To comply with this law and further its commitment to support society’s effort to eliminate drug and alcohol abuse, the university has adopted this Drug-Free School Policy to supplement the Honor Code.

2. Policy

Brigham Young University Hawaii (“BYU-Hawaii”) encourages an academic environment that promotes the health, safety, and welfare of all university members. As a condition of enrollment or employment, the university requires that all students and employees abide by a personal commitment to the CES Honor Code (“Honor Code”), which includes abstaining from alcoholic beverages, tobacco, tea, coffee and substance abuse.

The university also (i) prohibits the use of kava, e-cigarettes and other electronic smoking or similar devices, (ii) prohibits the manufacture, cultivation, possession, use, sale, or distribution of illicit drugs, including marijuana; and (iii) requires abstaining from the intentional use or distribution of any prescription or legal drugs without specific medical authorization.

These requirements and prohibitions apply to students and employees while on or off campus and apply to guests and volunteers while on campus or participating in any university activities.

If there is a conflict between this policy and the Honor Code, the Honor Code will be the controlling document.

3. Implementation

3.1 Alcohol and Drug Abuse Prevention Program

The university has adopted and implemented an alcohol and drug abuse prevention program for its students and university employees. This program includes annual distribution in writing to each student—regardless of the length of the student’s program of study—and to all employees the following information:

(1) the standard of conduct expected of students and employees in relation to the possession, use, or distribution of drugs and alcohol;

(2) the standard of conduct related to the misuse of prescription drugs, alcohol, and tobacco;

(3) a description of the applicable legal sanctions under state and federal law that may arise from the abuse of alcohol or the unlawful possession or distribution of drugs;

(4) a description of the health risks associated with the abuse of alcohol or the use of illicit drugs;

(5) a description of the university’s substance abuse counseling and treatment resources available to students and employees; and
(6) a clear statement of the disciplinary sanctions that may be imposed upon students and employees for
violations of the university’s Drug-Free School Policy.

3.2 Disciplinary Sanctions for Alcohol and Drug Violations

Employees or students found to be knowingly possessing, using, or distributing illicit drugs, alcohol, or
tobacco are subject to university disciplinary action and, if applicable, to legal sanctions pursuant to fed-
eral, state, or local law. A student or employee who violates this policy or the related prohibitions on drug,
alcohol, and tobacco use in the Honor Code will be subject to applicable disciplinary sanctions up to and
including dismissal from the university or termination of employment.

The university will determine the appropriate sanction(s) on a case-by-case basis and may consider all of
the circumstances involved, including, but not limited to, the following factors: (1) whether the violation
constitutes a first offense; (2) the scope and duration of the individual’s drug, alcohol, or tobacco use; (3)
whether the individual has requested assistance to obtain substance abuse treatment; and (4) any other
efforts the individual has undertaken to correct the misconduct, such as counseling with an ecclesiastical
leader about the drug, alcohol, or tobacco use. In applicable cases discipline may involve referral to local
law enforcement for criminal prosecution.

Individuals involved in the unintentional misuse of prescription drugs are not subject to the sanctions
stated in this policy, but rather are encouraged to seek assistance from the university’s Counseling Ser-

3.3 Available Alcohol, Tobacco, and Drug Counseling and Treatment

The university supports student and employee participation in programs to prevent the abuse of illicit
drugs, prescription drugs, alcohol, and tobacco. The BYU-H Counseling Services located in the McKay
building, room 181H (808-675-3999), has been established to provide full-time students and their depend-
ents with initial confidential assistance for drug and alcohol abuse problems. Counselors are experienced
professionals who offer support for students in an atmosphere of understanding and confidentiality. Edu-
cational training programs, health information, preliminary evaluations, and counseling for possible refer-
ral to an outside medical provider are also available. The Office of Honor (808-675-3531) and the Human
Resources Department (808-675-3713) also provide information regarding available professional coun-
seling. Several independent off-campus entities also offer counseling services that are not affiliated with
the university or its sponsor, The Church of Jesus Christ of Latter-day Saints. These include the follow-
ing:

Kahuku Medical Center........................................... 293-9211
Ko'olau Health Center.......................................... 293-9231
Hawaii State Department of Health Access Line...... 832-3100
Alcoholics Anonymous........................................... 946-1438
Narcotics Anonymous.......................................... 734-4357

The general university prevention program of information dissemination, consultation, and referral is avail-
able as follows:

• The university will educate students and employees about the detrimental effects of illicit drugs, mis-
use of prescription drugs, alcohol, and tobacco through the university’s annual Clery Act Campus Se-
curity Report (“Security Report”) publication and distribution. Additional educational training for those
who request the service may consist of university sponsored workshops, seminars, and lectures as
determined appropriate by the Director of Counseling Services and approved by university admin-
istration.

• A description of the health risks associated with any particular drug (i.e., physical and psychological
addiction; physical, psychological, and spiritual deterioration; disease; and death) may be obtained
from the university’s annual Security Report, which is available online at studentlife.byuh.edu/secu-

40
The university recognizes that potential legal sanctions may accompany an individual's use of drugs. The applicable legal sanctions under Federal, state, or local law may include significant fines and imprisonment. A summary of applicable legal sanctions from the unlawful use of drugs may be obtained from the university's annual Security Report, which is available online at studentlife.byuh.edu/security/home or can be requested in hard-copy form from Campus Safety and Security.

Full-time students and their dependents involved in the intentional use of drugs, alcohol, or tobacco may seek a consultative interview through Counseling Services for possible referral to an outside medical provider. All discussions will be handled in a confidential manner to the extent permitted by law.

The university supports the premise that employees and students should cooperatively help one another to solve alcohol and substance abuse problems. Persons aware of those with substance abuse problems enrolled at or employed by the university are encouraged to act responsibly by consulting with Counseling Services, Human Resources, the Office of Honor, or Campus Safety & Security. Remaining silent or waiting until a situation has escalated is unwise and often dangerous.

3.4 Biennial Drug-Free School Program Review

The university has appointed a standing Alcohol and Drug Abuse Prevention Committee which meets at least once every two years or more often as needed. The committee reviews the university's alcohol and drug abuse prevention program to determine its effectiveness, implement changes to the program as needed, and confirm that appropriate disciplinary sanctions are consistently enforced against students and employees who violate this policy.

3.5 Applicability

This policy applies to all university students, faculty, employees and volunteers.

4. Related Policies and Procedures

Honor Code Policy
CES Honor Code
Drug-Free Workplace Policy
Appendix 2: BYU–Hawaii Drug-Free Workplace Policy
Drug-Free Workplace

Policy #:

Date Approved by President's Council: 09/18/2017

Policy Owner: Human Resources (student, administrative, and staff employees), Associate Academic Vice President (faculty)

Executive Sponsor: Administrative Vice President (student, administrative, and staff employees), Academic Vice President (faculty)

1. Purpose

Brigham Young University Hawaii (“BYU-Hawaii”) encourages an academic environment that promotes the health, safety, and welfare of all university members and that is consistent with the requirements of the Drug-Free Workplace Act of 1988.

2. Policy

The university prohibits the unlawful manufacture, use, dispensing, possession, or distribution of controlled substances by any employee, student, volunteer, or other individual participating in the university workplace (collectively referred to in this policy as “workforce participant(s)”).

As a condition of employment or participation in the university workplace, BYU-Hawaii requires all workforce participants to abide by this BYU-Hawaii Drug-Free Workplace Policy. In addition, all workforce participants are required to adhere to the more restrictive prohibitions of the CES Honor Code (“Honor Code”) and to the university’s Drug-Free School Policy.

If there is a conflict between this policy and the Honor Code, the Honor Code will be the controlling document.

3. Implementation

3.1 Notification and Requirements

All workforce participants at the university will receive a copy of the Drug-Free Workplace Policy at least annually.

Any workforce participant at the university convicted of violating a criminal drug statute inside OR outside of the workplace must notify Human Resources, in writing, no later than five calendar days after the conviction.

If any workforce participant violates this policy, Human Resources, in consultation with the appropriate unit management and within 30 days of receiving notification of a conviction, will take appropriate personnel action against the individual, up to and including termination of employment, consistent with the requirements of the Rehabilitation Act of 1973 (29 U.S.C. § 794), as amended.

Other disclosures associated with the university’s drug-free workplace responsibilities are available in the annual campus security report available at studentlife.byuh.edu/security/home and click on the Annual Security and Fire Safety Report tab.

3.2 Drug Prevention Assistance

In an effort to deter drug abuse, the university has given responsibility for assisting employees with abuse issues to Human Resources. For individual assistance, please visit the Human Resources office in the Lorenzo Snow Building, call (808) 675-3713, or email at hrs@byuh.edu.

3.3 Applicability
This policy applies to all employees, including faculty, administrative, staff, and student employees of the university. It also applies to any volunteer or other individual who participates in the workplace at the university.

4. Related Policies and Procedures

- Church Educational System Honor Code
- Honor Code Policy
- Drug-Free School Policy
Appendix 3: Legal Sanctions for Unlawful Possession, Distribution, or Consumption of Drugs or Alcohol

Table 1– Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific
Table 2– Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs
Table 3– Federal Penalties for Illegal Possession of Drugs—All Drugs
Table 4– Hawaii State Penalties for Possession, Use, or Distribution of Illegal Drugs
Table 5– Hawaii State Penalties for Unlawful Possession, Use, or Distribution of Alcohol
The following tables show sanctions for illegal possession, distribution, or consumption of drugs or alcohol.

Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific

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

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

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

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

Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific

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

<table>
<thead>
<tr>
<th>Drug (CSA Schedule)</th>
<th>Quantity</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>First Offense</td>
</tr>
<tr>
<td>Heroin (I &amp; II)</td>
<td>100–999 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>1 kg+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Cocaine (I &amp; II)</td>
<td>500–4,999 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>5 kg+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Cocaine Base (I &amp; II)</td>
<td>28–279 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>280 gm+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>PCP (I &amp; II)</td>
<td>10–99 gm pure or 100–999 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>100 gm+ pure or 1 kg+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>LSD (I &amp; II)</td>
<td>1–9 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>10 gm+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Fentanyl (I &amp; II)</td>
<td>40–399 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>400 gm+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Fentanyl Analogue (I &amp; II)</td>
<td>10–99 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>100 gm+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Marijuana (I &amp; II)</td>
<td>Less than 50 kg or fewer than 50 plants</td>
<td>Penalty 3</td>
</tr>
<tr>
<td></td>
<td>50–99 kg or 50–999 plants</td>
<td>Penalty 4</td>
</tr>
<tr>
<td></td>
<td>100–999 kg mixture or 100–9999 plants</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>1,000 kg+ mixture or 1,000+ plants</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Methamphetamine (I &amp; II)</td>
<td>5–49 gm pure or 50–499 gm mixture</td>
<td>Penalty 1</td>
</tr>
<tr>
<td></td>
<td>50 gm+ pure or 500 gm+ mixture</td>
<td>Penalty 2</td>
</tr>
<tr>
<td>Any Schedule I or II Controlled Substance Not Otherwise Identified (I &amp; II)</td>
<td>Any amount</td>
<td>Penalty 4</td>
</tr>
</tbody>
</table>

13 The penalties referenced in Table 1 are explained in detail at the end of Table 1 below. Note that when this table refers to Second Offense or Third+ Offense, it is not referring only to convictions of the particular drug offense at hand. Rather, for Penalties 7, 8, and 13, the offense is considered a Second Offense (or greater, if applicable) if any “prior conviction for a serious drug felony or serious violent felony has become final.” See 21 U.S.C. § 841(b)(1)(A)–(B) (emphasis added). And for Penalties 9, 10, 11, and 12, the offense is considered a Second Offense (or greater, if applicable) if any “prior conviction for a felony drug offense has become final.” See 21 U.S.C. § 841(b)(1)(C)–(E) (emphasis added).

14 These penalties also apply if the person possessed the drug “with intent to manufacture, distribute, or dispense” the drug. 21 U.S.C. § 841(a)(1) (emphasis added). Along with the illegal drugs themselves, these penalties also apply to counterfeit drugs. 21 U.S.C. § 841(a)(2).

15 If the violator distributed a small amount of marijuana without getting paid for it, the violation will be treated like a simple possession violation.
<table>
<thead>
<tr>
<th>Drug (CSA Schedule)</th>
<th>Quantity</th>
<th>Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gamma Hydroxybutyric Acid (I &amp; II)</td>
<td>Any amount</td>
<td>Penalty 4</td>
</tr>
<tr>
<td>Flunitrazepam (I &amp; II)</td>
<td>1 gm</td>
<td>Penalty 4</td>
</tr>
<tr>
<td>Hashish (I &amp; II)</td>
<td>Less than 10 kg</td>
<td>Penalty 3</td>
</tr>
<tr>
<td></td>
<td>10 kg</td>
<td>Penalty 4</td>
</tr>
<tr>
<td>Hashish Oil (I &amp; II)</td>
<td>Less than 1 kg</td>
<td>Penalty 3</td>
</tr>
<tr>
<td></td>
<td>1 kg</td>
<td>Penalty 4</td>
</tr>
<tr>
<td>All Schedule III Controlled Substances (III)</td>
<td>Any amount</td>
<td>Penalty 5</td>
</tr>
<tr>
<td>All Schedule IV Controlled Substances (IV)</td>
<td>Any amount</td>
<td>Penalty 3 (except only one year minimum supervised release required)</td>
</tr>
<tr>
<td>All Schedule V Controlled Substances (V)</td>
<td>Any amount</td>
<td>Penalty 6</td>
</tr>
</tbody>
</table>

**Description of Penalties for Table 1—Imprisonment and Fines**

**Penalty 1:** (1) Imprisoned 5 to 40 years, but if there is death/serious injury, then 20 years to life (no parole available for any prison term, and supervised release required for at least 4 years after any prison term); (2) fined no more than $5 million (for an individual offender) or no more than $25 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 2:** (1) Imprisoned 10 years to life, but if there is death/serious injury, then 20 years to life (no parole available for any prison term, and supervised release required for at least 5 years after any prison term); (2) fined no more than $10 million (for an individual offender) or no more than $50 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 3:** (1) Imprisoned no more than 5 years (supervised release required for at least 2 years after any prison term); (2) fined no more than $250,000 (for an individual offender) or no more than $1 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 4:** (1) Imprisoned up to 20 years, but if there is death/serious injury, then 20 years to life (no parole available, and supervised release required for at least 3 years after any prison term); (2) fined no more than $1 million (for an individual offender) or no more than $5 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 5:** (1) Imprisoned up to 10 years, but if there is death/serious injury, then up to 15 years (supervised release required for at least 2 years after any prison term); (2) fined no more than $500,000 (for an individual offender) or no more than $2.5 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 6:** (1) Imprisoned up to 1 year; (2) fined no more than $100,000 (for an individual offender) or no more than $250,000 (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 7:** (1) Imprisoned 10 years to life, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 8 years after any prison term);

---

16 All fine limits listed in this paragraph are subject to preemption by Title 18 of the United States Code; for first-time offenders, the fine limit will be raised to the limit authorized by Title 18 if that amount is higher than the fine listed here, and for subsequent offenders, the fine limit will be raised to twice the limit authorized by Title 18 if that amount is higher than the fine listed here. 21 U.S.C. § 841(b)(1)(A)–(E).
(2) fined no more than $8 million (for an individual offender) or no more than $50 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 8:** (1) Imprisoned 15 years to life, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 10 years after any prison term); (2) fined no more than $20 million (for an individual offender) or no more than $75 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 9:** (1) Imprisoned up to 10 years (supervised release required for at least 4 years after any prison term); (2) fined no more than $500,000 (for an individual offender) or no more than $2 million (for any other type of offender); or (3) both.

**Penalty 10:** (1) Imprisoned up to 30 years, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 6 years after any prison term); (2) fined no more than $2 million (for an individual offender) or no more than $10 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 11:** (1) Imprisoned up to 20 years, but if there is death/serious injury, then up to 30 years (supervised release for at least 4 years after any prison term); (2) fined no more than $1 million (for an individual offender) or no more than $5 million (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 12:** (1) Imprisoned up to 4 years (possibility of supervised release up to 1 year after any prison term); (2) fined no more than $200,000 (for an individual offender) or no more than $500,000 (for any other type of offender); or (3) both imprisoned and fined.

**Penalty 13:** Imprisoned at least 25 years (no parole) and fined no more than $20 million (for an individual offender) or no more than $75 million (for any other type of offender).
Table 2—Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs

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

<table>
<thead>
<tr>
<th>Citation</th>
<th>Summary</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 U.S.C. §§ 859(a)–(b), 841(b)(1)(A)</td>
<td>Distribution of controlled substances to persons under 21 years of age by someone of at least 18 years of age.</td>
<td>Twice the maximum penalties described in Table 1 and at least twice any authorized term of supervised release.</td>
<td>Three times the maximum penalties described in Table 1 and at least three times any authorized term of supervised release.</td>
<td>Imprisonment of at least 25 years. Fined in accordance with their previous sentence.</td>
</tr>
<tr>
<td></td>
<td>Distribution, possession with intent to distribute, or manufacture of a controlled substance in or within one thousand feet of school property (including elementary schools and universities), a playground, or a public housing facility, or within 100 feet of a youth center, public swimming pool, or video arcade.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>21 U.S.C. § 860(c)</td>
<td>A person 21 years or older employing, coercing, or persuading children to distribute drugs in one of the places prohibited above (e.g. schools, playgrounds, video arcades) or “to assist in avoiding detection or apprehension” of these violations.</td>
<td>Imprisonment, fine, or both, up to triple those described in Table 1.</td>
<td>Imprisonment, fine, or both, up to triple those described in Table 1.</td>
<td>Imprisonment, fine, or both, up to triple those described in Table 1.</td>
</tr>
<tr>
<td>21 U.S.C. § 855</td>
<td>“In lieu of [an otherwise authorized fine], a defendant who derives profits or other proceeds from an offense may be fined not more than twice the gross profits or other proceeds.”</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Citation</td>
<td>Summary</td>
<td>First Offense</td>
<td>Second Offense</td>
<td>Third Offense</td>
</tr>
<tr>
<td>----------</td>
<td>---------</td>
<td>---------------</td>
<td>----------------</td>
<td>---------------</td>
</tr>
<tr>
<td>21 U.S.C. § 862(a)</td>
<td>Conviction (at either the federal or state level) for distribution of a controlled substance. 17</td>
<td>Ineligible for any or all federal benefits for up to 5 years, as decided by the court.</td>
<td>Ineligible for any or all federal benefits for up to 10 years, as decided by the court.</td>
<td>Permanent ineligibility for all federal benefits.</td>
</tr>
<tr>
<td>21 U.S.C. § 841(h)</td>
<td>Knowingly or intentionally (1) using the Internet to deliver, distribute, or dispense a controlled substance without legal authorization or (2) aiding or abetting such activity.</td>
<td>Penalized in accordance with Table 1.</td>
<td>Penalized in accordance with Table 1.</td>
<td>Penalized in accordance with Table 1.</td>
</tr>
<tr>
<td>21 U.S.C. § 841(g)</td>
<td>Knowingly using the Internet to distribute a date rape drug to any person, knowing or with reasonable cause to believe that (1) the drug would be used in the commission of criminal sexual conduct or (2) the person is not an authorized purchaser. Date rape drugs include gamma hydroxybutyric acid (or a GHB analog, including gamma butyrolactone and 1,4-butanediol); ketamine; flunitrazepam; or any drug designated by the Attorney General as a date rape drug.</td>
<td>Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.</td>
<td>Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.</td>
<td>Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.</td>
</tr>
<tr>
<td>21 U.S.C. § 841(b)(7)</td>
<td>Distributing a controlled substance or controlled substance analog to another person without that person’s knowledge, with intent to commit a crime of violence (including rape) against that person.</td>
<td>Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.</td>
<td>Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.</td>
<td>Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.</td>
</tr>
<tr>
<td>21 U.S.C. § 841(b)(5)</td>
<td>Unlawfully cultivating or manufacturing a controlled substance on federal property.</td>
<td>Penalized in accordance with Table 1; except that if the fine limits for the base violation are less than $500,000 (for an individual offender) and $1 million (for any other type of offender), the fine limits will be raised to $500,000 and $1 million, respectively.</td>
<td>Penalized in accordance with Table 1; except that if the fine limits for the base violation are less than $500,000 (for an individual offender) and $1 million (for any other type of offender), the fine limits will be raised to $500,000 and $1 million, respectively.</td>
<td>Penalized in accordance with Table 1; except that if the fine limits for the base violation are less than $500,000 (for an individual offender) and $1 million (for any other type of offender), the fine limits will be raised to $500,000 and $1 million, respectively.</td>
</tr>
</tbody>
</table>

17 For the penalties listed in this row, the federal benefits that may be denied to the person do not include benefits relating to long-term addiction treatment programs if 1) the person declares himself or herself to be an addict, the circumstances reasonably substantiate that claim, and the person submits to a long-term addiction treatment program; or (2) the person is determined to be successfully rehabilitated under the rules of the Secretary of Health and Human Services. 21 U.S.C. § 862(a)(2). The person’s ineligibility for federal benefits will also be suspended if he or she completes a supervised drug rehabilitation program, has otherwise been rehabilitated, or has made a good faith effort to join a supervised drug rehabilitation program, but is unable to join due to program inaccessibility or unavailability, or due to the person’s inability to pay for a program. 21 U.S.C. § 862(c)(C).
<table>
<thead>
<tr>
<th>Citation</th>
<th>Summary</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 U.S.C. § 841(b)(6)</td>
<td>Manufacturing, distributing, or dispensing a drug or counterfeit substance; possessing with intent to manufacture, distribute, or dispense a drug or counterfeit substance; or attempting to carry out one of these actions; and knowingly or intentionally using a poison, chemical, or other hazardous substance on federal land, thereby (1) creating a serious hazard to humans, wildlife, or domestic animals; (2) degrading or harming the environment or natural resources; or (3) polluting an aquifer, spring, stream, river, or body of water.</td>
<td>Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.</td>
<td>Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.</td>
<td>Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.</td>
</tr>
<tr>
<td>21 U.S.C. §§ 841(c), 802(33)–(35)</td>
<td>Knowingly or intentionally (1) possessing a List I or List II chemical with intent to manufacture a controlled substance without legal authorization; or (2) possessing or distributing a List I or List II chemical knowing, or having reasonable cause to believe, that the listed chemical will be used to manufacture a controlled substance without legal authorization.</td>
<td>For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both. For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.</td>
<td>For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both. For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.</td>
<td>For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both. For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.</td>
</tr>
<tr>
<td>21 U.S.C. §§ 841(c), 802(33)–(35)</td>
<td>With the intention of evading the recordkeeping or reporting requirements of 21 U.S.C. § 830 or its subsequent regulations, receiving or distributing a reportable amount of any List I or List II chemical in units small enough that the making of records or filing of reports under that section is not required.</td>
<td>Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.</td>
<td>Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.</td>
<td>Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.</td>
</tr>
</tbody>
</table>
Table 3—Federal Penalties for Illegal Possession of Drugs—All Drugs

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

<table>
<thead>
<tr>
<th>Citation</th>
<th>Summary</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third+ Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 U.S.C. § 844(a)</td>
<td>Prohibits intentional or knowing possession of a controlled substance without a prescription or registration.</td>
<td>Term of imprisonment no more than 1 year, minimum fine of $1,000 (unless the defendant lacks the ability to pay), or both. However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of $1,000 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay.</td>
<td>Term of imprisonment no less than 15 days and no more than 2 years and a minimum fine of $2,500 (unless the defendant lacks the ability to pay), or both. However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of $2,500 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay.</td>
<td>Term of imprisonment no less than 90 days and no more than 3 years and a minimum fine of $5,000 (unless the defendant lacks the ability to pay). However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of $5,000 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay.</td>
</tr>
<tr>
<td>21 U.S.C. § 844(a); 28 C.F.R. §§ 76.3(a), 85.5</td>
<td>An individual in knowing possession of a controlled substance can face a civil fine of up to $20,521 for each violation.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>21 U.S.C. §§ 853(a)(1), 881(a)(7)</td>
<td>If the drug offense is punishable by more than 1 year of imprisonment, an individual must forfeit any real property, as well as personal property obtained as the result of a violation or used (or intended to be used) in facilitating the violation.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

18 “A civil penalty may not be assessed on an individual under this part on more than two separate occasions.” 28. C.F.R. § 76.3(d).
<table>
<thead>
<tr>
<th>Citation</th>
<th>Summary</th>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third+ Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>21 U.S.C. § 862(b)(1)</td>
<td>Conviction (at either the federal or state level) for possession of a controlled substance.(^{19})</td>
<td>Ineligible for any or all federal benefits for up to 1 year, as decided by the court. The court may order participation in an approved drug treatment program, which includes periodic testing. The court may also order community service.</td>
<td>Same penalty possibilities as first offense, except ineligibility for federal benefits for up to 5 years. The court may require that the completion of the conditions listed in the first offense be required for the reinstatement of federal benefits.</td>
<td>Same as second offense.</td>
</tr>
<tr>
<td>21 U.S.C. § 881(a)</td>
<td>An individual may be required to forfeit vehicles, boats, aircrafts, or any other conveyance used (or intended to be used) to transport or conceal a controlled substance; an individual may also be required to forfeit other property (books, records, research, raw materials, money, real estate, illegal drugs, manufacturing equipment, firearms, etc.) used (or intended to be used) to facilitate the violation of a drug law.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>18 U.S.C. § 922(g)</td>
<td>An individual convicted of a crime punishable by imprisonment for more than one year, or who “is an unlawful user of or addicted to any controlled substance” is ineligible to transport, possess, or receive a firearm.</td>
<td>N/A</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>

\(^{19}\) All penalties listed in this row will be waived if (1) the person declares himself or herself to be an addict, the circumstances reasonably substantiate that claim, and the person submits to a long-term addiction treatment program; or (2) the person is determined to be successfully rehabilitated under the rules of the Secretary of Health and Human Services. 21 U.S.C. § 862(b)(2). The person’s ineligibility for federal benefits will also be suspended if he or she completes a supervised drug rehabilitation program, has otherwise been rehabilitated, or has made a good faith effort to join a supervised drug rehabilitation program, but is unable to due to program inaccessibility or unavailability, or due to the person’s inability to pay for a program. 21 U.S.C. § 862(c)(O).
Table 4—Hawaii State Penalties for Possession, Use, or Distribution of Illegal Drugs

Below are highlights of Hawaii laws imposing penalties for possession, use, or distribution of illegal drugs.

<table>
<thead>
<tr>
<th>Prohibited Conduct</th>
<th>Controlled Substance</th>
<th>Classification and Penalty*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Distributing methamphetamine to a minor or manufacturing methamphetamine in any amount(^\text{20}) (HRS § 712-1240.7(1–(2))</td>
<td>Methamphetamine</td>
<td>Class A Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Distributes methamphetamine in any amount to a minor or manufactures methamphetamine in any amount</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Penalty: Indeterminate term of imprisonment of twenty years with a minimum of not less than two years and a fine not to exceed $20,000,000. (HRS §712-1240.7(3)</td>
</tr>
<tr>
<td>Possessing or distributing one or more dangerous drugs (HRS § 712-1241 to 1243)</td>
<td>Methamphetamine, heroin, morphine, cocaine</td>
<td>Class A Felony*</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing one oz., or 1.5 oz. of any other dangerous drug</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Distributing 1/8oz./25 capsules, or 3/8 oz. of any other dangerous drug</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Class B Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing 1/8 oz./25 capsules, or 1/4 oz. any other dangerous drug</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Distributing any dangerous drug in any amount</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Class C Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing any dangerous drug in any amount</td>
</tr>
<tr>
<td>Possessing or distributing marijuana (HRS § 712-1244–1246)</td>
<td>Marijuana</td>
<td>Class A Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing 1 oz./100 capsules/dosage units</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Distributing 1/8 oz./25 capsules, or any amount to a minor</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Class B Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing 1/8 oz. /50 capsules/dosage units.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Distributing any amount</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Class C Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing 25 capsules/dosage units</td>
</tr>
<tr>
<td>Commercial possession or distribution of marijuana</td>
<td>Marijuana</td>
<td>Class A Felony</td>
</tr>
</tbody>
</table>

\(^{20}\) See HRS § 712-1240.7 for specific penalties for repeated offenses
### Prohibited Conduct

<table>
<thead>
<tr>
<th>Prohibited Conduct</th>
<th>Controlled Substance</th>
<th>Classification and Penalty*</th>
</tr>
</thead>
</table>
| (HRS § 712-1249.4–1249.5) | Possessing 25 lbs. /100 plants Distributing five lbs.  
Cultivating 25 plants | Class B Felony  
Possessing two lbs. /50 plants Distributing one lb.  
Cultivating any marijuana plant  
Selling any amount to a minor |

**Promoting intoxicating compounds** (HRS § 712-1250(1)(a)–(b))  
Toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, etc.  
Misdemeanor  
Breathing, inhaling or drinking an intoxicating compound or offering for sale, delivering, or giving an intoxicating compound to someone under the age of 18  

### Description of Possible Penalties for Possession, Use, or Distribution of Illegal Drugs:

**Petty Misdemeanor:** Imprisonment not more than 30 days; fine not to exceed $1,000

**Misdemeanor:** Imprisonment not more than 1 year; fine not to exceed $2,000

**Class C Felony:** Imprisonment not more than 5 years; fine not to exceed $10,000

**Class B Felony:** Imprisonment not less than 2 years nor more than 20 years; fine not to exceed $25,000

**Class A Felony:** Imprisonment not less than 20 years and which may be up to life; fine not to exceed $50,000
Table 5—Hawaii State Penalties for Unlawful Possession, Use, or Distribution of Alcohol

Below are highlights of Hawaii laws imposing penalties for possession, use, or distribution of alcohol.

<table>
<thead>
<tr>
<th>Prohibited Conduct</th>
<th>Classification and Penalty*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Offering for sale, delivering, or giving intoxicating alcohol to a person under the age of 21 (HRS § 712-1250.5(1))</td>
<td>Misdemeanor – punishable by up to one year in jail and a fine of up to $2,000 (H.R.S. §§706-640, 706-663)</td>
</tr>
<tr>
<td>Keeping alcohol in/on a motor vehicle (opened or unopened) or at any scenic lookout (HRS § 291-3.3(a)–(b))</td>
<td>Petty misdemeanor – punishable by up to 30 days in jail and a fine of up to $1,000 (H.R.S. §§706-640, 706-663.)</td>
</tr>
<tr>
<td>Drinking or using drugs in any state park (HAR § 13-146-25, see HRS § 184-5(a)–(b))</td>
<td>First offense: petty misdemeanor, minimum $100 fine</td>
</tr>
<tr>
<td></td>
<td>Second offense: petty misdemeanor, minimum $200 fine</td>
</tr>
<tr>
<td></td>
<td>Third offense: petty misdemeanor, minimum $500 fine</td>
</tr>
<tr>
<td>Consuming alcohol while operating a motor vehicle (HRS § 291-3.1(a))</td>
<td>Petty misdemeanor – punishable by up to 30 days in jail and a fine of up to $2000 (HRS § 291-3.1(c).)</td>
</tr>
<tr>
<td>Drinking alcohol (or open containers) as a passenger (HRS § 291-3.2(b))</td>
<td>Petty misdemeanor – punishable by up to 30 days in jail and a fine of up to $2000 (HRS § 291-3.1(c).)</td>
</tr>
<tr>
<td>Driving under the influence of an intoxicant (HRS § 291E-61(a))</td>
<td>First offense: 14 hour substance abuse rehabilitation program, one year revocation of license, and one or more of the following: 72 hours of community service; minimum of 48 hours and a maximum of five days imprisonment; a fine between $150-1000 (HRS § 291E-61(b)(1)). Second offense: 18 to 24 months license revocation; either at least 240 hours of community service work or between 5-30 days imprisonment; fine between $500-$1500 HRS § 291E-61(b)(2)). Third offense: two years license revocation, a fine between $500-$2500, and between 10-30 days imprisonment HRS § 291E-61(b)(3)). (Note: See HRS § 291E-61.5 for penalties beyond the third conviction.)</td>
</tr>
</tbody>
</table>
### Appendix 4: Health Risks of Drug and Alcohol Use

All information is derived from the National Institute on Drug Abuse’s Commonly Abused Drugs Chart. Click [here](#) to view detailed information.

<table>
<thead>
<tr>
<th>Substances: Category and Name</th>
<th>Example of Commercial and Street Names</th>
<th>DEA Schedule*/How Administered**</th>
<th>Acute Effects/Health Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Tobacco</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Nicotine</td>
<td>Found in cigarettes, cigars, bidis, and smokeless tobacco</td>
<td>Not scheduled/smoked, snorted, chewed</td>
<td>Increased blood pressure and heart rate/chronic lung disease; cardiovascular disease; stroke; cancers of the mouth, pharynx, larynx, esophagus, stomach, pancreas, cervix, (snuff, spit tobacco, chew) kidney, bladder, and acute myeloid leukemia; adverse pregnancy outcomes; addiction</td>
</tr>
<tr>
<td><strong>Alcohol</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol (ethyl alcohol)</td>
<td>Found in liquor, beer, and wine Not scheduled/swallowed</td>
<td></td>
<td>In low doses, euphoria, mild stimulation, relaxation, lowered inhibitions; in higher doses, drowsiness, slurred speech, nausea, emotional volatility, loss of coordination, visual distortions, impaired memory, sexual dysfunction, loss of consciousness/ increased risk of injuries, violence, fetal damage (in pregnant women); depression; neurologic deficits; hypertension; liver and heart disease; addiction; fatal overdose</td>
</tr>
<tr>
<td><strong>Cannabinoids</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Marijuana</td>
<td>Blunt, dope, ganja, grass, herb, joint, bud, Mary Jane, pot, reefer, green, trees, smoke, sinsemilla, skunk, weed</td>
<td>I/smoked, swallowed</td>
<td>Euphoria; relaxation; slowed reaction time; distorted sensory perception; impaired balance and coordination; increased heart rate and appetite; impaired learning, memory; anxiety; panic attacks; psychosis/cough; frequent respiratory infections; possible mental health decline; addiction</td>
</tr>
<tr>
<td>Hashish</td>
<td>Boom, gangster, hash, hash oil, hemp</td>
<td>I/smoked, swallowed</td>
<td></td>
</tr>
<tr>
<td>Substances: Category and Name</td>
<td>Example of Commercial and Street Names</td>
<td>DEA Schedule*/How Administered**</td>
<td>Acute Effects/Health Risks</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------------------</td>
<td>---------------------------------</td>
<td>---------------------------</td>
</tr>
<tr>
<td><strong>Opioids</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Heroin</td>
<td>Diacetylmorphine: smack, horse, brown sugar, dope, H, junk, skag, skunk, white horse, China white; cheese (with OTC cold medicine and antihistamine)</td>
<td>II, III, V/swallowed, smoked</td>
<td>Euphoria; drowsiness; impaired coordination; dizziness; confusion; nausea; sedation; I/injected, smoked, sniffed feeling of heaviness in the body; slowed or arrested breathing; constipation; endocarditis; hepatitis; HIV; addiction; fatal overdose</td>
</tr>
<tr>
<td>Opium</td>
<td>Laudanum, paregoric: big O, black stuff, block, gum, hop</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Stimulants</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cocaine</td>
<td>Cocaine hydrochloride: blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot</td>
<td>II/snorted, smoked, injected</td>
<td>Increased heart rate, blood pressure, body temperature, metabolism; feelings of exhilaration; increased energy, mental alertness; tremors; reduced appetite; irritability; anxiety; panic; paranoia; violent behavior; psychosis/weight loss; insomnia; cardiac or cardiovascular complications; stroke; seizures; addiction speed, truck drivers, uppers</td>
</tr>
<tr>
<td>Amphetamine</td>
<td>Biphetamine, Dexedrine: bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers</td>
<td>II/swallowed, snorted, smoked, injected</td>
<td>Also, for cocaine—nasal damage from snorting Also, for methamphetamine—severe dental problems</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td>Desoxyn: meth, ice, crank, chalk, crystal, fire, glass, go fast, speed</td>
<td>II/swallowed, snorted, smoked, injected</td>
<td></td>
</tr>
<tr>
<td><strong>Club Drugs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>MDMA (methylenedioxymethamphetamine)</td>
<td>Ecstasy, Adam, clarity, Eve, lover’s speed, peace, uppers</td>
<td>I/swallowed, snorted, injected</td>
<td>MDMA—mild hallucinogenic effects; increased tactile sensitivity, empathic feelings; lowered inhibition; anxiety; chills; sweating; teeth clenching; muscle cramping/sleep disturbances; depression; impaired memory; hyperthermia; addiction</td>
</tr>
<tr>
<td>Flunitrazepam***</td>
<td>Rohypnol: forget-me pill, Mexican Valium, R2, roach, Roche, roofies, roofinol, rope, rophies</td>
<td>IV/swallowed, snorted</td>
<td>Flunitrazepam—sedation; muscle relaxation; confusion; memory loss; dizziness; impaired coordination/addiction grievous bodily harm, liquid</td>
</tr>
<tr>
<td>GHB***</td>
<td>Gamma-hydroxybutyrate: G, Georgia home boy, ecstasy, soap, scoop, goop, liquid X</td>
<td>I/swallowed</td>
<td>GHB—drowsiness; nausea; headache; disorientation; loss of coordination; memory loss/ unconsciousness;</td>
</tr>
</tbody>
</table>

*DEA Schedule: I, II, III, IV, V

**How Administered: I/injected, II/snorted, III/swallowed, IV/injected, V/smoked, VI/insufflated

***GHB: Gamma-hydroxybutyrate; Flunitrazepam: Rohypnol; MDMA: Ecstasy, Adam, clarity, Eve; GHB: Georgia home boy, ecstasy, soap, scoop, goop, liquid X; GHB: Gamma-hydroxybutyrate; Flunitrazepam: Rohypnol.
<table>
<thead>
<tr>
<th>Substances: Category and Name</th>
<th>Example of Commercial and Street Names</th>
<th>DEA Schedule*/How Administered**</th>
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</tr>
</thead>
<tbody>
<tr>
<td><strong>Dissociative Drugs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Ketamine</td>
<td>Ketalar SV: cat Valium, K, Special K, vitamin K III</td>
<td>III/injected, snorted, smoked</td>
<td>Feelings of being separate from one’s body and environment; impaired motor function/anxiety; tremors; numbness; memory loss; nausea</td>
</tr>
<tr>
<td>PCP and analogs</td>
<td>Phencyclidine: angel dust, boat, hog, love boat, peace pill</td>
<td>I, II/swallowed, smoked, injected</td>
<td>Also, for ketamine— analgesia; impaired memory; delirium; respiratory depression and arrest; death</td>
</tr>
<tr>
<td>Salvia Divinorum</td>
<td>Salvia, Shepherdess’s Herb, Maria Pastora, magic mint, Sally-D</td>
<td>Not scheduled/chewed, swallowed, smoked</td>
<td>Also, for PCP and analogs—analgesia; psychosis; aggression; violence; slurred speech; loss of coordination; hallucinations</td>
</tr>
<tr>
<td>Dextromethorphan (DXM)</td>
<td>Found in some cough and cold medications: Robotripping, Robo, Triple C</td>
<td>Not scheduled/swallowed</td>
<td>Also, for DXM—euphoria; slurred speech; confusion; dizziness; distorted visual perceptions</td>
</tr>
<tr>
<td><strong>Hallucinogens</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LSD</td>
<td>Lysergic acid diethylamide: acid, blotter, cubes, microdot, yellow sunshine, blue heaven</td>
<td>I/swallowed, absorbed through mouth tissues</td>
<td>Altered states of perception and feeling; hallucinations; nausea</td>
</tr>
<tr>
<td>Mescaline</td>
<td>Buttons, cactus, mesc, peyote</td>
<td>I/swallowed, smoked</td>
<td>Also, for LSD and mescaline—increased body temperature, heart rate, blood pressure; loss of appetite; sweating; sleeplessness; numbness; dizziness; weakness; tremors; impulsive behavior; rapid shifts in emotion</td>
</tr>
<tr>
<td>Psilocybin</td>
<td>Magic mushrooms, purple passion, shrooms, little smoke</td>
<td>I/swallowed</td>
<td>Also, for LSD—Flashbacks, Hallucinogen Persisting Perception Disorder</td>
</tr>
<tr>
<td><strong>Other Compounds</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Anabolic steroids</td>
<td>Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise: roids, juice, gym candy, pumpers</td>
<td>III/injected, swallowed, applied to skin</td>
<td>Steroids—no intoxication effects/hypertension; blood clotting and cholesterol changes; liver cysts; hostility and aggression; acne; in adolescents—premature stoppage of growth; in males—prostate cancer, reduced sperm production, shrunked testicles, breast enlarge-</td>
</tr>
<tr>
<td>Inhalants</td>
<td>Solvents (paint thinners, gasoline, glues); gases (butane,</td>
<td>Not scheduled/inhaled through nose or mouth</td>
<td></td>
</tr>
<tr>
<td>Substances: Category and Name</td>
<td>Example of Commercial and Street Names</td>
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</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------</td>
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<td>---------------------------</td>
</tr>
<tr>
<td></td>
<td>propane, aerosol propellants, nitrous oxide; nitrites (iso-amyl, isobutyl, cyclohexyl): laughing masculine characteristics gas, poppers, snappers, whippets</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>ment; in females—menstrual irregularities, development of beard and other masculine characteristics</td>
</tr>
</tbody>
</table>

**Prescription Medications**

CNS Depressants.
Stimulants
Opioid Pain Relievers

For more information on prescription medications, please visit [https://www.drugabuse.gov/drugs-abuse/prescription-medicines](https://www.drugabuse.gov/drugs-abuse/prescription-medicines)

* Schedule I and II drugs have a high potential for abuse. They require greater storage security and have a quota on manufacturing, among other restrictions. Schedule I drugs are available for research only and have no approved medical use; Schedule II drugs are available only by prescription (unrefillable) and require a form for ordering. Schedule III and IV drugs are available by prescription, may have five refills in 6 months, and may be ordered orally. Some Schedule V drugs are available over the counter.

** Some of the health risks are directly related to the route of drug administration. For example, injection drug use can increase the risk of infection through needle contamination with staphylococci, HIV, hepatitis, and other organisms.

*** Associated with sexual assaults.
Appendix 5: Sexual Harassment Policy
1. Purpose

Brigham Young University–Hawaii (“BYU–Hawaii” or “University”) is committed to fostering an environment in which all members of the campus community are safe, secure, and free from sexual harassment in any form. To this end, this policy helps the University ensure the safety of our campus community as well as comply with federal law (e.g., Title IX of the Education Amendments of 1972 and the Violence Against Women Act of 1994).

2. Policy

All forms of sexual harassment, including sexual assault, dating violence, domestic violence, and stalking, are contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the Church Educational System Honor Code. Brigham Young University–Hawaii prohibits sexual harassment by its personnel and students and in all of its education programs or activities.

3. Implementation

3.1. Definitions

Complainant means an individual who is alleged to be the victim of conduct that could constitute Sexual Harassment.

Consent means a voluntary agreement or concurrence to engage in sexual activity and is determined by all the relevant facts and circumstances. Consent may be express or implied. An act is without consent of the Complainant under any of the following circumstances:

a. the Complainant expresses lack of consent to sexual activity through words or conduct;

b. the Respondent subjects a Complainant to sexual activity through force, duress, or deception;

c. the Respondent subjects the Complainant to sexual activity by compulsion, which is a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss;

d. the Complainant suffers from a disease, disorder, or defect that renders the Complainant incapable of appraising his or her conduct and the Respondent is aware of the Complainant’s disease, disorder, or defect;
e. the Complainant is mentally incapacitated, which means the Complainant is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a substance administered without his or her consent;

f. the Complainant is physically helpless, which means the Complainant is unconscious or for any other reason is unable to communicate unwillingness to sexual activity;

g. the Complainant is under the age of 14;

h. the Complainant is at least 14 years old but less than 16 years old and the Respondent is not less than 5 years older than the Complainant and the Respondent and Complainant are not married;

i. the Complainant is a minor who is at least 16 years old and the Respondent is a person contemporaneously acting in a professional capacity to instruct, advise, or supervise the Complainant, provided that the Respondent is not less than 5 years older than the Complainant and the Respondent and Complainant are not married.

Consent to any sexual act or prior consensual activity between or with any person does not necessarily constitute consent to any other sexual act. Consent may be initially given but may be withdrawn through words or conduct at any time prior to or during sexual activity.

_Dating Violence_ means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the Complainant. The existence of such a relationship will be determined based on a consideration of the following factors: the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

_Domestic Violence_ means a violent act committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, by a person similarly situated to a spouse of the Complainant, or by any other person against a victim who is protected from that person’s acts under state domestic or family violence laws.

_Education Program or Activity_ means all of a school’s operations, and BYU–Hawaii’s Education Program or Activity includes all locations, events, or circumstances over which the University exercised substantial control over both the Respondent and the context in which the Sexual Harassment occurred.

Locations include both on-campus locations and off-campus buildings owned or controlled by BYU–Hawaii. Off-campus locations that are not subject to substantial control of the University are not within BYU–Hawaii’s Education Program or Activity. However, BYU–Hawaii will consider factors such as whether the University funded, promoted, or sponsored the event or circumstance in which the alleged off-campus Sexual Harassment occurred in determining whether it occurred in a BYU–Hawaii Education Program or Activity.

_Formal Complaint_ means a document filed by a Complainant or signed by the Title IX Coordinator alleging Sexual Harassment against a Respondent and requesting that BYU–Hawaii investigate the Sexual Harassment allegation.

_Party_ means a Complainant or a Respondent.

_Respondent_ means an individual who is alleged to be the perpetrator of conduct that could constitute Sexual Harassment.
Sexual Assault means any sexual act directed against the Complainant without the Complainant’s Consent. Sexual Assault includes fondling, incest, rape, sexual assault with an object, sodomy, and statutory rape.

Sexual Harassment means conduct on the basis of sex that satisfies one or more of the following:

1. A BYU–Hawaii employee or faculty member conditions the provision of an aid, benefit, or service of BYU–Hawaii on an individual’s participation in unwelcome sexual conduct;
2. Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to BYU–Hawaii’s Education Program or Activity; or
3. Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

Sexual Violence means Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

Stalking means engaging in a course of conduct (two or more acts) directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others, or to suffer substantial emotional distress. Both in-person and electronic stalking are prohibited.

Supportive Measures means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge, to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal Complaint has been filed. Supportive Measures are measures designed to restore or preserve equal access to BYU–Hawaii’s Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University’s educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

Title IX Coordinator means the person authorized by BYU–Hawaii to coordinate the University’s efforts to comply with its responsibilities under Title IX and to institute corrective measures on behalf of the University.

3.2. Reporting

A Sexual Harassment report may be made by any person who believes that Sexual Harassment may have occurred that requires BYU–Hawaii’s response under this policy. The person reporting need not be the Complainant.

3.2.1. Mandatory Reporters

University employees in the following positions who become aware of Sexual Harassment committed by University personnel or students or occurring in BYU–Hawaii’s Education program or activity must report all relevant information to the Title IX Coordinator: president, vice president, assistant to the president, associate vice president, dean, faculty member, director, assistant director, senior manager, manager, assistant manager, supervisor, lead, and Title IX Office employees.

Any of these employees who receive a report of Sexual Harassment committed by University personnel or students or occurring in BYU–Hawaii’s Education program or Activity should in-
form the reporting individual that the employee must report the incident to the Title IX Coordinator, and the employee must then promptly make the report. Any employee who knowingly fails to report relevant information to the Title IX Coordinator as required by this paragraph may be subject to disciplinary action. An employee who receives the information as part of a confidential communication in the context of a professional or otherwise privileged relationship (e.g., the employee was the reporting person’s physician, therapist, lawyer, ecclesiastical leader, or spouse) does not have a reporting obligation under this policy.

3.2.2. Where to Report

To ensure that the University has the information necessary to respond appropriately to complaints, reports of Sexual Harassment must be made to the Title IX Coordinator. BYU–Hawaii has actual knowledge of alleged Sexual Harassment only when its Title IX Coordinator receives a report. Reports may be made in person, by mail, by telephone, or by electronic mail, at the following locations:

BYU–Hawaii Title IX Office
LSB 241
55-220 Kulanui Street #1976
Laie, HI 96762-1293
(808) 675-4819
	
titleix@byuh.edu

This information is also located on the Title IX Office’s website: https://titleix.byuh.edu/. Reports may be made at any time, including during non-business hours, although in-person reports may be made only during regular business hours. In addition, individuals may submit reports, including anonymous reports, through the University’s Report a Concern web page at https://reportaconcern.byuh.edu/; or, through EthicsPoint, the University’s 24-hour hotline provider, by telephone at 888-238-1062, or by submitting information online at https://secure.ethicspoint.com/domain/media/en/gui/17652/index.html.

3.2.3. Timing

Reports of Sexual Harassment should be made to the Title IX Coordinator as soon as possible. However, Supportive Measures are available to Complainants regardless of when a report is made.

3.3. Formal Complaints of Sexual Harassment

Unless a Formal Complaint is filed, a report of Sexual Harassment will not initiate any type of grievance process or result in any disciplinary action against an individual who is alleged to be the perpetrator of Sexual Harassment (Respondent) under this policy. Only a filed Formal Complaint will initiate a process that could result in discipline against a Respondent.

The grievance process is initiated by (1) a Complainant filing a Formal Complaint document with the Title IX Coordinator alleging Sexual Harassment by a Respondent and requesting that BYU–Hawaii investigate the Sexual Harassment allegation or (2) the Title IX Coordinator signing and issuing a Formal Complaint.

A Formal Complaint should clearly and concisely describe the incident(s), including the identities of the Parties involved in the incident(s), if known; the conduct allegedly constituting Sexual Harassment; and the date and location of each alleged incident constituting Sexual Harassment, if known.
3.3.1. Filed by Complainants

Unlike a report of Sexual Harassment, Formal Complaints may not be filed anonymously. A Complainant’s Formal Complaint must contain the Complainant’s physical or electronic signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

3.3.2. Signed by Title IX Coordinator

Generally, the University will honor a Complainant’s request that the University not conduct an investigation. However, if the Complainant is unwilling to file a Formal Complaint and the Title IX Coordinator determines that a failure to investigate would prevent the University from meeting its responsibility to provide students and employees with an environment free from Sexual Harassment, the Title IX Coordinator may initiate an investigation by signing a Formal Complaint. The Title IX Coordinator will inform the Complainant prior to signing a Formal Complaint, and the University will provide the Complainant with all notices required under the applicable procedures, but the Complainant is not required to respond or participate in any manner.

When the Title IX Coordinator initiates a grievance by signing a Formal Complaint, the Title IX Coordinator is not a Complainant or otherwise a Party to the grievance and must comply with the impartiality requirements and all other standards required of individuals involved in administering processes under this policy.

3.4. University Response to Sexual Harassment

Upon receiving a report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant identified in the report to discuss and provide written information about the availability of Supportive Measures; consider the Complainant’s wishes with respect to Supportive Measures; inform the Complainant that Supportive Measures are available with or without the filing of a Formal Complaint; and explain the process for filing a Formal Complaint, including possible sanctions the University may impose after determining the Respondent’s responsibility for Sexual Harassment.

If the report includes allegations of Sexual Violence, the Title IX Coordinator will also provide the Complainant with written information about the following:

- the importance of preserving evidence that may be necessary to prove a crime or obtain a protective order;
- law enforcement options, including the Complainant’s options to
  - notify BYU-Hawaii Security or Honolulu Police, with the assistance of the Title IX Office if the Complainant so chooses, or
  - decline to notify law enforcement authorities;
- the Complainant’s rights regarding protective orders or similar orders issued by a criminal or civil court; and,
- existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on campus and in the community.

3.4.1. Supportive Measures

As part of the University’s response to any report of Sexual Harassment, the Title IX Coordinator will promptly contact the Complainant to discuss and provide written notice of the availability of Supportive Measures, with or without the filing of a Formal Complaint, and will discuss
and provide written notice of the Formal Complaint process. The University will maintain as confidential any Supportive Measures provided to the Complainant, to the extent that maintaining such confidentiality would not impair the ability of the University to provide the Supportive Measures. The Title IX Coordinator is responsible for coordinating the effective implementation of Supportive Measures for the Complainant and, as appropriate, for the Respondent.

Supportive Measures will be offered to both the Complainant and the Respondent as the Title IX Coordinator deems appropriate and as such measures are reasonably available.

The University may remove a Respondent from BYU–Hawaii’s Education Program or Activity on an emergency basis if it determines that an immediate threat to the physical health or safety of any student or other individual arising from the Sexual Harassment allegations justifies immediate removal pending further investigation and disposition. See Banning Policy. In such cases, the University will conduct an individualized safety and risk analysis and will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Human Resources may also place a staff, faculty, or administrative non-student employee Respondent on administrative leave, during the pendency of a formal or informal grievance process under these procedures.

3.4.2. Notice of Applicable Procedures

If the Complainant elects to file a Formal Complaint against a Respondent, the Title IX Coordinator will also notify the Respondent and provide the Complainant and the Respondent with a written notice of allegations that includes an explanation of the grievance resolution processes used for institutional disciplinary actions. The University will not impose any disciplinary sanctions or other actions against a Respondent that are not Supportive Measures prior to making a determination as to whether the Respondent is responsible for Sexual Harassment under the applicable resolution process.

The Title IX Coordinator will follow the Sexual Harassment Grievance Procedures (Title IX) to respond to Formal Complaints of Sexual Harassment occurring against a person in the United States who is participating in or attempting to participate in the University’s Education Program or Activity, as required by federal regulations promulgated under Title IX of the Education Amendments Act of 1972.

The Title IX Coordinator will follow the Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence) to respond to Formal Complaints of Sexual Violence against a BYU–Hawaii employee or a BYU–Hawaii student that do not fall under federal Title IX regulations because the allegations in the Formal Complaint did not occur in the United States or did not occur within BYU–Hawaii’s Education Program or Activity.

Other Formal Complaints of Sexual Harassment received by the Title IX Coordinator will be jointly evaluated by the Title IX Coordinator and the University’s Chief Compliance Officer to ensure the University provides an appropriate response under the Nondiscrimination and Equal Opportunity Policy, Personnel Conduct Policy, Church Educational System Honor Code, and other applicable policies and procedures of the University.

3.4.3. Sanctions

Sanctions for violating this policy may include the following:
• For a faculty, staff, or administrative employee: verbal counseling, written warning, final written warning, probation, reassignment, demotion, reduction in pay, suspension, restriction on officially representing the University, termination of employment, and a ban from campus. Any disciplinary sanction imposed on an employee Respondent and the reason for the sanction may also be noted on the employee’s employment record.

• For a student: notice, warning, probation, suspension withheld, short suspension, suspension, restriction on officially representing the University, expulsion, and a ban from campus. Any disciplinary sanction imposed on a student Respondent and the reason for the sanction may also be noted on the student’s academic transcript and Honor Code file. Any sanction imposed on a student Respondent may include an educational action plan prescribed and administered through the Honor Code Office. If the Respondent is a student employee, possible sanctions include all sanctions applicable to students and all sanctions applicable to employees.

• For a Respondent who is neither a student nor an employee: limitation or termination of any agreement or association between the University and the Respondent and a temporary or complete ban of the Respondent from all or any part of the campus or other University property.

3.5. Overlapping Complaints and Concurrent Investigations or Process

If the Sexual Harassment allegations arise out of the same facts or circumstances, the Title IX Coordinator may consolidate Formal Complaints against more than one Respondent, by more than one Complainant against one or more Respondents, or by one Party against the other Party.

Likewise, if a Formal Complaint includes multiple allegations of Sexual Harassment that do not arise out of the same facts or circumstances or that are not subject to discipline under the same University policies or procedures, the University may address them separately. And if a Formal Complaint includes allegations of Sexual Harassment together with allegations of other misconduct or violations of University policy, the University may address the allegations of Sexual Harassment under the Sexual Harassment Grievance Procedures (Title IX) or the Sexual Harassment Grievance Procedures (Non-Title IX) and may refer allegations not subject to these procedures to the appropriate office or unit of the University, subject to any applicable confidentiality provisions and amnesty protections, which will still be in force.

The Title IX Coordinator will provide written notice to all affected Parties of any decision to consolidate the allegations in any Formal Complaint(s) or to address them separately.

An investigation or resolution of a Formal Complaint will not be suspended pending the conclusion of a criminal investigation or any other investigation, including another University investigation. However, the fact-finding portion of the investigation may be delayed temporarily to comply with a law enforcement request for cooperation (e.g., to allow for criminal evidence collection) when the criminal charges are based on the same allegations that are being investigated under these procedures. In addition, if the University determines the issues raised in a Formal Complaint may be relevant to its determination in another investigation or another process that is simultaneously pending at the University, the other investigation or process may be suspended until this process and any appeal are concluded.

Although the findings and conclusions of one investigation will not necessarily determine the outcome of any other, any information or findings developed in any University or external investigation may be shared with and considered in any other University investigation.
3.6. Informal Resolution

The Parties may resolve a Formal Complaint through an informal resolution process that allows the Parties to forego all or some of the formal grievance process. The goal of informal resolution is to conclude the matter to the satisfaction of the Parties quickly and confidentially and to protect the safety of all Parties and the University’s educational environment.

Either Party may ask the Title IX Coordinator to facilitate an informal resolution process at any time before a Respondent is determined to be responsible for Sexual Harassment; however, the University will not offer or facilitate an informal resolution process until

- a Formal Complaint has been filed;
- all Parties have received a written notice of allegations; and
- all Parties have provided their voluntary, written consent to the informal resolution process.

Informal resolution may encompass a broad range of conflict resolution strategies, including but not limited to arbitration, mediation, restorative justice, or any other process acceptable to the Parties and the University.

Participation in an informal resolution process is never required as a condition of enrollment or employment or as a precondition to any Party’s right to an investigation and adjudication of Formal Complaints of Sexual Harassment or any other right provided as part of the formal resolution provisions set forth in these procedures. At any time prior to signing a written agreement of informal resolution, a Party may withdraw from the informal resolution process and resume the Formal Complaint resolution process described in these procedures. The University will not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.

Parties who reach an informal resolution must sign a written agreement documenting the terms and conditions for dismissing the Complainant’s Formal Complaint and releasing the Parties’ claims against each other and against the University based on the allegations in the Formal Complaint and notice of allegations. The written agreement of informal resolution must also be approved and signed by the Title IX Coordinator or by her or his designee.

The Title IX Coordinator will ensure that any person who facilitates an informal resolution process does not have a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent, and is trained as set forth below.

3.7. Confidentiality, Nonretaliation, Amnesty, and Leniency

BYU–Hawaii exists to provide an educational environment consistent with the ideals and principles of the restored gospel of Jesus Christ. The Church Educational System Honor Code and its observance by the campus community are essential components of BYU–Hawaii’s mission. The University will not tolerate Sexual Harassment and anyone found to have committed Sexual Harassment is not entitled to amnesty.

Being a victim of Sexual Harassment is never a violation of the Church Educational System Honor Code. The University strongly encourages the reporting of all incidents of Sexual Harassment to the Title IX Coordinator so that Supportive Measures can be offered to Complainants and Sexual Harassment can be prevented and addressed.

3.7.1. Confidentiality. The University recognizes that Complainants or witnesses of Sexual Harassment might be hesitant to report an incident to University officials if they fear the dis-
covery of honor code violations, such as alcohol use, drug use, or consensual sexual activity outside of marriage. To help address this concern and to encourage the reporting of Sexual Harassment, the Title IX Office will not share the identity of a Complainant or witness with the Office of Honor unless requested by such person or a person’s health or safety is at risk.

Further, the University will keep confidential the identity of any individual who has made a report or filed a Formal Complaint of Sexual Harassment, any Complainant, any individual who has been reported to be the perpetrator of Sexual Harassment, any Respondent, and any witness; except as required by law, as necessary to carry out this policy, or as may be permitted by the Access to Student Records Policy.

3.7.2. Nonretaliation. BYU–Hawaii prohibits retaliation by anyone, including any University disciplinary office. Retaliation means intimidation, a threat, coercion, or discrimination—including discipline of an individual for honor code violations that do not involve Sexual Harassment but arise out of the same facts or circumstances as a report of Sexual Harassment—for the purpose of interfering with any right or privilege secured by this policy or because the individual has made a report or complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under this policy. However, the University may discipline an employee who is a mandatory reporter under this policy and fails or refuses to forward a complaint of Sexual Harassment or provide any relevant information to the Title IX Office in violation of this policy.

Any materially adverse action or course of conduct taken against a person could be the basis for a retaliation claim if the conduct would deter a reasonable person from complaining about Sexual Harassment, but normally, petty slights, minor annoyances, and simple lack of good manners will not create such deterrence and are insufficient to establish a retaliation claim.

BYU–Hawaii students and personnel agree to be honest as part of their commitment to live by the Church Educational System Honor Code and Personnel Conduct Policy. Making a materially false statement in bad faith during a grievance proceeding is grounds for discipline. Imposing discipline, or filing reports seeking to impose discipline, for such a false statement does not constitute retaliation prohibited under this policy. However, a University determination that the Respondent was or was not responsible for Sexual Harassment, alone, is not sufficient to conclude that any party made a materially false statement in bad faith. For example, the fact that a Respondent who denies his or her responsibility for Sexual Harassment is determined to be responsible for the Sexual Harassment does not necessarily mean that the Respondent has made a materially false statement in bad faith. Likewise, a determination that a Respondent is not responsible for Sexual Harassment, as alleged by a Complainant, does not necessarily mean that the Complainant’s allegation was a materially false statement made in bad faith.

Individuals who feel they have been subjected to retaliation under this policy should report the incident to the Title IX Coordinator, who will address the report in accordance with the Discrimination Complaint Procedures.

3.7.3. Amnesty. Anyone, including a Complainant, who reports an incident of Sexual Harassment will not be disciplined by the University for any related honor code violation arising out of the same facts or circumstances as the report unless a person’s health or safety is at risk. However, with Complainants or witnesses who have violated the honor code, the University may offer and encourage support, counseling, or education efforts to help students and benefit the campus community.
3.7.4. **Leniency.** To encourage the reporting of Sexual Harassment, the University will also offer leniency to Complainants and witnesses for other honor code violations that are not related to the incident but which may be discovered as a result of the investigatory process. Such violations will generally be handled so that the student can remain in school while appropriately addressing these concerns.

In applying these principles, the University may consider the facts and circumstances of each case, including the rights, responsibilities, and needs of each of the involved individuals.

3.8. **Training**

The University is committed to educating members of the campus community on sexual harassment prevention and response. Training on this policy will be required for all personnel. All administrators, deans, chairs, directors, managers, and supervisors are responsible to ensure that personnel within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will ensure that all individuals involved in administering the Sexual Harassment Grievance Procedures (Title IX) receive training on the following:

- the definition of Sexual Harassment;
- the scope of BYU–Hawaii’s Education Program or Activity;
- how to conduct an investigation and grievance process, including hearings, appeals, and informal resolution processes, as applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.

Training materials must not rely on sex stereotypes and must promote impartial investigations and adjudications of Formal Complaints of Sexual Harassment.

Those involved in administering the Sexual Harassment Grievance Procedures (Non-Title IX) will receive annual training on the issues related to Sexual Violence and how to conduct an investigation and decision-making process that protects the safety of victims and promotes accountability.

3.9. **Disclosing Relationships**

To avoid the possibility or appearance of Sexual Harassment, personnel and students should avoid dating, romantic, or amorous relationships where a power differential exists. Examples of such relationships include, but are not limited to, a professor or teaching assistant involved in a relationship with his or her student, or a supervisor involved in a relationship with a subordinate employee. If such a relationship exists and both parties want to continue the relationship, the supervisor(s) of both parties must be informed of the relationship, must document the disclosure of the relationship, and must confirm with each of the parties independently that the relationship is voluntary and not unwelcome to either party. However, as a general rule, dating, romantic, or amorous relationships should not be entered into or continued while one individual in the relationship has the power to either reward or penalize the other in work or in school.

**RELATED POLICIES:**

- [Access to Student Records (FERPA) Policy](#)
- [Church Educational System Honor Code](#)
• Grievance Policy
• Faculty Grievances Policy
• Hiring, Rank, and Status Policy
• Nondiscrimination and Equal Opportunity Policy
• Progressive Discipline Policy
• Protection of Minors Policy
• Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence)
• Sexual Harassment Grievance Procedures (Title IX)
Appendix 6 – Sexual Harassment Grievance Procedures (Title IX and Non-Title IX)
Brigham Young University–Hawaii (“BYU–Hawaii” or “University”) prohibits Sexual Harassment (See Sexual Harassment Policy). As described in the Sexual Harassment Policy, the University will respond to allegations of Sexual Harassment by offering Supportive Measures designed to restore or preserve a Complainant’s equal access to BYU–Hawaii’s Education Program or Activity. The University will also follow the grievance process outlined in these Procedures before imposing any disciplinary sanctions or other actions against a Respondent that are not Supportive Measures.

The following procedures describe the University’s equitable, fair, prompt, and impartial response to Formal Complaints of Sexual Harassment occurring against a person in the United States who is participating in or attempting to participate in BYU–Hawaii’s Education Program or Activity, as required by federal regulations under Title IX of the Education Amendments Act of 1972.

I. Investigation

The University will investigate allegations in a Formal Complaint as follows:

A. Preliminary Investigation and Dismissal

The University will investigate the allegations in a Formal Complaint and will dismiss the Formal Complaint with regard to any alleged conduct that

- would not constitute Sexual Harassment, even if proved;
- did not occur in a BYU–Hawaii Education Program or Activity; or
- did not occur against a person in the United States.

Dismissal for any of the foregoing reasons precludes any subsequent Formal Complaint alleging the same factual allegations. However, a Complainant may file another Formal Complaint against the same Respondent based on new or additional factual allegations.

The Title IX Coordinator may dismiss the Formal Complaint or any of its allegations or may suspend an investigation if at any time during the investigation or hearing

- a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein,
- the Respondent is not or is no longer enrolled at or employed by BYU–Hawaii, or
- specific circumstances prevent the Investigator from gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint or allegations therein.

Dismissal of a Formal Complaint does not preclude action against the Respondent under the Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence), Church Educational System Honor Code, Personnel Conduct Policy, Grievance Policy, Academic Governance Policy, Campus Threat Assessment Committee Policy, or other University policies applicable to the conduct.

Upon a dismissal required or permitted pursuant to this subsection, the Title IX Coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the Parties. A determination to dismiss allegations of a Formal Complaint may be appealed as provided in these Procedures.

If a Formal Complaint is dismissed or an investigation is suspended because the Respondent is not or is no longer enrolled at or employed by BYU–Hawaii, the University may re-open the investigation if the

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21 Capitalized terms in these procedures are defined in the Sexual Harassment Policy or as indicated herein.
Sexual Harassment Grievance Procedures (Title IX)

Respondent enrolls, re-enrolls, re-applies, or applies for work at the University or any organization owned, controlled, or sponsored by The Church of Jesus Christ of Latter-day Saints. If a Formal Complaint is re-opened, the Title IX Coordinator will promptly notify the Parties, and the Parties will be entitled to the same rights and responsibilities as set out in these Procedures.

**B. Selection of the Investigator**

Upon receiving or signing a Formal Complaint of Sexual Harassment, the Title IX Coordinator will promptly deliver the Formal Complaint to an employee or independent contractor selected by the Title IX Coordinator to investigate the allegations in the Formal Complaint ("Investigator"). The Title IX Coordinator will ensure that any individual selected as an Investigator has received training in the previous 12 months on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as provided in these Procedures, and meets all other standards required of individuals involved in administering this grievance process (Grievance Administrators) under these Procedures.

**C. Notice of Allegations**

Upon receipt of a Formal Complaint, the Investigator will promptly collect the information necessary to prepare a written Notice of Allegations and will provide such notice to the known Parties at least five business days prior to the Respondent’s initial interview. The Notice of Allegations will include the following:

- Notice of the allegations potentially constituting Sexual Harassment, including the identities of the Parties involved in the incident (if known), the conduct allegedly constituting Sexual Harassment, and the date and location of each alleged incident constituting Sexual Harassment (if known).
- Notice of the University’s formal and informal grievance resolution processes.
- A statement that the Respondent is presumed not responsible for the alleged conduct and that a determination as to whether the Respondent is responsible for Sexual Harassment (Determination Regarding Responsibility) will be made only after the grievance process is complete.
- Notice to the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notice to the Parties that they may inspect and review evidence.
- Notice prohibiting any Party from knowingly making false statements or knowingly submitting false information during the grievance process, and informing the Parties that those actions constitute a material violation of the Church Educational System Honor Code commitment to “be honest.”
- Notice prohibiting any Party from engaging in retaliation (see Sexual Harassment Policy.)

A Party who wishes to file a Formal Complaint of Sexual Harassment or other violation of the Sexual Harassment Policy against another Party or individual based on allegations arising out of the same facts or circumstances identified in the Notice of Allegations must file the Formal Complaint within fifteen business days of receiving the Notice of Allegations or becoming aware of the facts on which the Formal Complaint is based, whichever is later. Allegations in any Formal Complaint received under this paragraph may be consolidated or separated as provided in the Sexual Harassment Policy.

If, in the course of an investigation, the Investigator decides to investigate allegations of Sexual Harassment about the Complainant or Respondent that are not included in the Notice of Allegations, the Investigator must provide all known Parties with a supplemental Notice of Allegations as to the additional allegations.

**D. Information Gathering**
The Investigator will provide an equal opportunity for the Parties to identify witnesses, including fact and expert witnesses, and to provide other information, whether the information tends to show the Respondent’s responsibility for Sexual Harassment or tends to show the Respondent is not responsible. The Investigator may ask the Parties to provide this information in a written statement and/or through live interview(s). The Investigator will not restrict the ability of either Party to discuss the allegations under investigation with others or to gather and present relevant information, but the parties are reminded that any discussions held must not violate any protective orders then in force and must not include intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by the Sexual Harassment Policy or these Procedures.

The Investigator will presume that the Respondent is not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process. The Investigator will seek to collect information sufficient for the individuals assigned to make a Determination Regarding Responsibility (Decision Makers) to reach a Determination Regarding Responsibility based on the preponderance of the evidence (i.e., evidence sufficient to show that the determination is more likely than not to be true).

The Investigator will consider all relevant information—including information tending to show the Respondent’s responsibility for Sexual Harassment and information tending to show the Respondent is not responsible—from the Parties or from other sources, including University records. However, the Investigator will not interview a Party’s ecclesiastical leader, physician, psychiatrist, psychologist, lawyer, or other professional or paraprofessional acting or assisting in that capacity, nor will the Investigator access, consider, disclose, or otherwise use records that are made or maintained in connection with the confidential communication with or treatment by any such person, unless the Investigator obtains that Party’s voluntary, written consent to do so for a grievance process under these Procedures. The Investigator will not intentionally require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the Party holding the privilege has waived the privilege.

E. Investigation Record

The Investigator will create a record (Investigation Record) consisting of all information obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether the Investigator thinks the information is relevant. Prior to completion of the investigative report, the Investigator will send the Investigation Record to each Party and the Party’s advisor, if any, through a file-sharing platform that provides the parties with read-only access and maintains the confidentiality of the transmitted data.

Each Party and advisor must maintain the confidentiality of all information shared with them during the proceedings, must use this information only for purposes of these Procedures, and must not further distribute or disclose this information. The University may restrict further access to the Investigation Record and seek appropriate sanctions against a Party or an advisor who violates a confidentiality obligation under these Procedures. The Investigation Record will remain available to the Parties and their advisors until a final Determination Regarding Responsibility is made at the conclusion of the grievance process.

F. Final Written Response

After the Investigator sends the Investigation Record to the Parties, they will have 10 business days to submit a written response, which the Investigator will consider prior to completion of the Investigative Report. Any written response and any additional evidence provided in connection
Sexual Harassment Grievance Procedures (Title IX)

with a Party’s final written response will be added to the Investigation Record.

G. Investigative Report

At the conclusion of the investigation, the Investigator will create an investigative report (Investigative Report) that

- Identifies the allegations potentially constituting Sexual Harassment and the Respondent’s responses to each allegation;
- Describes the procedural steps taken from the receipt of the Formal Complaint through the conclusion of the investigation, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence;
- Impartially summarizes the relevant evidence;
- Makes any recommendations that the investigator deems appropriate; and
- Provides the name and contact information of the Decision Makers.

The Investigator will simultaneously send the Investigative Report to the Title IX Coordinator and to each Party and each Party’s advisor, if any, and will include the Investigative Report as part of the Investigation Record.

The Investigator will, in good faith, attempt to conclude the investigation and issue an Investigative Report within 90 calendar days of receiving the Formal Complaint of Sexual Harassment. If, as a result of the complexity of a case or other good cause—including considerations such as the absence of a Party, a Party’s advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities—the investigation cannot reasonably be concluded within the 90-day period, the Investigator will provide the Complainant and the Respondent with written notice of the delay and the reason for the delay or extension.

II. Hearing

After receiving the Investigative Report, the Title IX Coordinator will schedule a live hearing and will provide written notice of the time and place of the hearing to each Party and each Party’s advisor, if any. The hearing must take place at least 10 business days after the Investigative Report is delivered to the Parties and should take place within 45 calendar days after the Investigative Report is delivered unless it is delayed by unavoidable circumstances such as the unavailability of the Parties, Decision Makers, Investigator, or key witnesses.

A. Live Hearings

The Decision Makers will ensure that the hearing is conducted impartially. Live hearings will either be conducted with all Parties physically present in the same room or with the Parties located in separate rooms with technology enabling the Decision Makers and Parties to simultaneously see and hear the Party or the witness answering questions. In the Decision Makers’ discretion, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In these circumstances, the Decision Makers may impose conditions on the person(s) appearing virtually to ensure the integrity of the process.

Any Party wishing to be physically separated from the other Party during the hearing, or any Party requesting that any witness be permitted to appear virtually at a live hearing, must submit a written request to the Title IX Coordinator at least 10 business days before the date of the hearing so the Title IX Coordinator can make the appropriate arrangements.

The Title IX Office will arrange for an audio or audiovisual recording, or transcript, of the hearing to
be made and will make the recording or transcript available within the Investigation Record for the Parties’ inspection and review after the hearing.

B. **Decision Makers**

The hearing will be held before a Decision Maker designated by the Title IX Coordinator (the Presiding Decision Maker). Additional Decision Makers may be designated as follows:

- For a student Respondent, the Dean of Students or a designee authorized by the Dean of Students to impose all sanctions provided under these procedures; the Director, BYU–Hawaii Counseling Services or designee; if the alleged Sexual Harassment occurred in a student employment context, the Decision Makers may also include the student employee’s immediate supervisor and the Employee Relations Manager or designee.

- For a faculty Respondent, the Associate Academic Vice President for Faculty or a designee authorized by the Academic Vice President to impose all sanctions provided under these procedures.

- For an administrative or staff employee Respondent, the responsible vice president or assistant to the president or a designee authorized by the vice president or assistant to the president to impose all sanctions provided under these procedures and the Manager, Employee Relations or designee.

- For a Respondent who is neither a student nor an employee, an individual designated by the Threat Assessment Committee and an individual designated by the vice president who oversees the area within BYU–Hawaii’s Education Program or Activity in which the Complainant was participating or attempting to participate when the alleged harassment occurred.

Neither the Title IX Coordinator nor the Investigator may serve as a Decision Maker.

The Decision Makers will determine by majority vote all points in the written Determination Regarding Responsibility; however, the Presiding Decision Maker may independently decide questions of relevance or other procedural questions. The Title IX Coordinator will ensure that any individual designated as a Decision Maker receives training or has received training in the previous 12 months on any technology to be used at a live hearing and on issues of relevance of questions and evidence—including when questions and evidence about a Complainant’s sexual predisposition or prior sexual behavior are not relevant—and meets all other standards required of Grievance Administrators under these Procedures.

C. **Written Submissions**

After receiving the Investigative Report and no fewer than 10 business days before the hearing, the Parties must provide a written submission to the Decision Makers that includes

- The Party’s written response, if any, to the Investigative Report;
- The name and contact information of any witnesses the Party intends to call at the hearing and the substance of the witnesses’ anticipated statements; and
- The name and contact information of the Party’s chosen advisor for the hearing.

If a Party does not identify a chosen advisor in the written submission, the Title IX Coordinator will, without fee or charge to the Party, appoint an advisor for that Party and, at least five business days prior to the hearing, provide the advisor’s name and contact information to the Parties.

The Decision Makers will review the Parties’ written submissions, and, at least five business days
prior to the hearing, forward the written submissions to the other Party.

**D. Opening and Closing Statements**

The Decision Makers may ask the Complainant and the Respondent to make a brief statement at the opening and/or the closing of the hearing. The Decision Makers may limit the time for these statements but will give each Party an equal opportunity to make any such statements at the hearing.

**E. Investigation Record**

The Investigation Record will be available to the Decision Makers and the Parties during the hearing, and each Party will be given equal opportunity to refer to information in the Investigation Record during the hearing, including for purposes of cross-examination. Physical or documentary information not included in the Investigation Record will not be admissible during the hearing unless the Presiding Decision Maker determines that such information was not reasonably available to the Party seeking its admission during the investigation.

**F. Witnesses**

The Decision Makers and the Parties may ask the Investigator and any witness who has provided a statement to the Investigator in the Investigation Record to answer questions at the hearing. The University will make reasonable allowance for BYU–Hawaii students and employees to participate in a Sexual Harassment hearing, if necessary, during regular school or work hours. However, the University will not compel any Party or witness to participate in a hearing.

If a Party or witness does not attend or does not submit to cross-examination at the hearing, the Decision Maker must not rely on any statement of that Party or witness in reaching a Determination Regarding Responsibility. However, the Decision Makers cannot draw an inference about the Determination Regarding Responsibility based solely on a Party’s or witness’s absence from the hearing or refusal to answer cross-examination or other questions, including any inference that a Respondent’s absence or refusal to answer questions implies his or her responsibility for the Sexual Harassment alleged or that a Complainant’s absence or refusal to answer implies that the Respondent is not responsible for the Sexual Harassment alleged by the Complainant.

**G. Direct and Cross-examination of Parties and Witnesses**

The Decision Makers may ask any relevant questions of any Party or witness at the hearing, including the Investigator. The Decision Makers will permit each Party’s advisor to ask the Parties and any witnesses all relevant questions and follow-up questions, including questions challenging credibility. Any cross-examination at the live hearing will be conducted directly, orally, and in real time by a Party’s advisor and never by a Party personally. If a Party does not have an advisor present at the live hearing, the University, without fee or charge to that Party, will provide an advisor of the University’s choice to conduct cross-examination on behalf of that Party.

**H. Relevance**

Only relevant questions may be asked of a Party or witness. Before a Complainant, Respondent, or witness answers a cross-examination or other question, the Presiding Decision Maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

Questions and evidence about the Complainant’s sexual predisposition or prior sexual behavior are not relevant and may not be asked, unless offered to prove that someone other than the Respondent committed the conduct alleged by the Complainant, or if the questions and evidence concern
specific incidents of the Complainant’s prior sexual behavior with respect to the Respondent and are offered to prove consent.

I. Determination Regarding Responsibility

The Decision Makers will objectively evaluate all evidence relevant to the allegations in the Notice of Allegations—including both information tending to show the Respondent’s responsibility for Sexual Harassment and information tending to show the Respondent is not responsible—and must unanimously determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent is responsible for Sexual Harassment. The Decision Makers will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived it. The Decision Makers will presume that the Respondent is not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process and will not base any credibility determinations on a person’s status as a Complainant, Respondent, or witness. It is the responsibility of the Decision Makers to ensure that the burden of proof is met with regard to any Determination Regarding Responsibility of Respondent.

Within 10 business days of the hearing, the Decision Makers will issue a written Determination Regarding Responsibility to the Parties. The Determination Regarding Responsibility must include the following:

- Identification of the allegations potentially constituting Sexual Harassment and the Respondent’s responses to each allegation;
- Description of the procedural steps taken from the receipt of the Formal Complaint through the determination, including notifications to the Parties, interviews with Parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the Determination Regarding Responsibility;
- Conclusions regarding the application of the Sexual Harassment Policy to the facts;
- A statement of, and the rationale for, the result as to each allegation, including
  - a Determination Regarding Responsibility;
  - any disciplinary sanctions the University imposes on the Respondent;
  - whether remedies designed to restore or preserve equal access to BYU–Hawaii’s Education Program or Activity will be provided to the Complainant; and
- The procedures and permissible bases for the Complainant and Respondent to appeal and the date the Determination Regarding Responsibility becomes final.

Remedies provided by the Decision Makers may include Supportive Measures and disciplinary sanctions against the Respondent as detailed in the Sexual Harassment Policy.

The Title IX Coordinator is responsible for effective implementation of any remedies in conjunction with University units and management personnel authorized to implement the remedies.

The Presiding Decision Maker will promptly and simultaneously send a copy of the written Determination Regarding Responsibility to the Parties and their advisors and will provide copies to the Title IX Coordinator and the Investigator. The Determination Regarding Responsibility becomes final 11 calendar days after it is delivered to the Parties, unless an appeal is filed within 10 calendar days of
the Parties receiving the written determination. If an appeal is timely filed, the Reviewer’s Determination Regarding Responsibility becomes final on the date that the appeal decision is provided to the Parties. The Parties’ access to the Investigation Record will terminate as soon as the Determination Regarding Responsibility becomes final, and any further access will be only as permitted by the Access to Student Records Policy.

III. Appeal

Either Party may appeal from a Determination Regarding Responsibility and from the dismissal of a Formal Complaint or any of its allegations.

The appealing Party must submit a written appeal to the Title IX Office within 10 business days of receiving the Determination Regarding Responsibility or notice of dismissal. The written appeal is limited to five pages, exclusive of exhibits, and must identify at least one of the following grounds as the basis for the appeal:

- A procedural irregularity affected the outcome of the matter.
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter. This new evidence and an explanation of both why it was unavailable at the time the Determination Regarding Responsibility was made and its potential impact must be included in the appeal.
- The Title IX Coordinator, Investigator, or any Decision Maker had a conflict of interest, a bias for or against Complainants or Respondents generally, or a preexisting bias against the individual Complainant or Respondent, that affected the outcome of the matter.

The Title IX Coordinator will send a copy of the written appeal to the other Party, who may file a written opposition to the appeal. The opposition must be sent to the Title IX Office within 10 business days of receiving the written appeal and is limited to five pages, exclusive of exhibits. The Title IX Coordinator will send a copy of the opposition to the appealing Party for reference, as no further opposition or statements will be accepted.

The Title IX Coordinator will send the Determination Regarding Responsibility, written appeal, and any written opposition to a designated appeal reviewer (Reviewer) for review and will provide the Reviewer with access to the Investigation Record. Neither the Title IX Coordinator nor any person designated as an Investigator or Decision Maker in a matter may be designated as a Reviewer of the same matter. The Reviewer will be determined as follows:

- The Reviewer of a determination involving a student Respondent, including a student employee, will be the Student Life Vice President.
- The Reviewer of a determination involving a faculty Respondent will be the Academic Vice President or an associate academic vice president designated by the Academic Vice President. However, if the Vice President for Academics was a Decision Maker or if the sanction imposed by the Decision Maker is for the involuntary termination of a faculty member with continuing faculty status (CFS) or in a CFS-track position, the University president will be the Reviewer. See Progressive Discipline Policy and Grievance Policy.
- The Reviewer of a determination involving an administrative or staff employee Respondent will be the employee’s line vice president or member of the President’s Council. However, if
the employee’s line vice president was a Decision Maker or if the sanction imposed by the Decision Maker was for the employee’s involuntary termination, the University president will be the Reviewer.

- The Reviewer of a determination involving a Respondent who is neither a student nor an employee will be the Campus Threat Assessment Committee or, where the sanction does not include a ban of the Respondent, the vice president who oversees the area within BYU–Hawaii’s Education program or Activity in which the Complainant was participating or attempting to participate when the alleged harassment occurred, or an individual designated by that vice president.

Except as provided in the Progressive Discipline Policy for the appeal and hearing of a decision terminating the employment of a CFS or CFS-track faculty member, the Reviewer will not interview the Parties or consider any information outside the Investigation Record and the written appeal and opposition of the Parties.

Within 30 business days of receiving the appeal, the Reviewer will simultaneously provide the Parties and the Title IX Coordinator with a written Determination Regarding Responsibility upholding, reversing, or amending all or part of the original Determination Regarding Responsibility and providing the Reviewer’s rationale for the result. If the Reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the Reviewer will advise the Parties as to when the appeal decision will be provided. The Reviewer’s Determination Regarding Responsibility is final, and no further review will be allowed.

iv. General Provisions

A. Standards Required of Grievance Administrators

Grievance Administrators—including the Title IX Coordinator, Investigators, Decision Makers, Reviewers will presume that the Respondent is not responsible for the alleged conduct until a Determination Regarding Responsibility is made at the conclusion of the grievance process. Grievance Administrators will strive to objectively evaluate all relevant evidence, including both information tending to show the Respondent’s responsibility for Sexual Harassment and information tending to show the Respondent is not responsible. No Grievance Administrator may participate in the grievance process if he or she has a conflict of interest or bias for or against Complainants or Respondents generally or an individual Complainant or Respondent. Determinations regarding any person’s credibility may not be based on the person’s status as a Complainant, Respondent, or witness.

B. Confidentiality

Parties to the investigation of a Formal Complaint are not restricted from discussing the allegations under investigation, especially as necessary to gather and present relevant evidence. However, given the sensitive nature of Sexual Harassment allegations and the potential for damage to the Parties’ personal reputations, all participants in the grievance process, including individuals who have made a report of Sexual Harassment, Complainants, Respondents, advisors, and witnesses, are requested to keep the allegations and investigation proceedings confidential insofar as possible. Any use or dissemination of information relating to the allegations or investigation that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Harassment Policy or these Procedures is prohibited retaliation.

Records kept by the University relating to Sexual Harassment allegations are not publicly available,
but in the event that the University is required to make any records publicly available, any identifying information about the Parties will be redacted, to the extent permissible by law, to protect the Parties’ confidentiality.

C. Advisors

An investigation under these procedures is an internal University student or employment disciplinary matter. Nevertheless, Parties may invite an advisor of their choice to accompany them to any meeting or proceeding related to the investigation or resolution of a Formal Complaint. The advisor may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide advice and support. The University will not typically change scheduled meetings to accommodate an advisor’s inability to attend. Individuals may elect to change their advisor during the investigative process and are not required to use the same advisor throughout the process.

An advisor may attend for purposes of observation but will not be permitted to represent a Party, respond to questions posed to the Party they advise, or to otherwise participate in any meeting or proceeding that may take place under these Procedures, except during live hearings, as provided in these Procedures. Advisors are subject to campus rules and are expected to refrain from interference with the University investigation and resolution process. Advisors are not permitted to contact or ask the other Party or any witness questions other than as permitted during the live hearing.

Although all Parties have the same opportunity to have an advisor present during any grievance proceeding, the University cannot guarantee equal advisory rights when it comes to advisors (e.g., if one Party selects an attorney as their advisor, but the other Party does not have or cannot afford an attorney, the University is not obligated to provide one). However, if a Party does not have an advisor present at the live hearing, the University will provide, without fee or charge to that Party, an advisor of the University’s choice to conduct cross-examination of the other Party and witnesses on behalf of that Party. If the advisor provided by the University is an attorney, he or she will not have an attorney-client relationship with the Party, and their communications will not be subject to an attorney-client privilege. However, the University will treat the communications as confidential.

D. Notice, Delivery of Documents, and Extensions of Time

Grievance Administrators will provide any Party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all hearings, investigative interviews, or other meetings, with sufficient time for the Party to prepare to participate.

Delivery of notice occurs when a Party receives documents in person, when they are sent by email to the Party’s email address on file with the University, or three days after they are posted by U.S. Mail to the Party’s residential address on file with the University.

A Party may ask the Title IX Coordinator or designee for an extension of any deadline imposed by these Procedures. The Title IX Office will grant the extension only for good cause with written notice to the other Party of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a Party, a Party’s advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities.

E. Record Keeping

The University will maintain the following records for a period of seven years or as required by the University Records Retention Policy, whichever is longer:

- Records of any actions, including any Supportive Measures, taken in response to a report or
Formal Complaint of Sexual Harassment. In each instance, the University must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to BYU–Hawaii’s Education Program or Activity. If the University does not provide a Complainant with Supportive Measures, then the University must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the University in the future from providing additional explanations or detailing additional measures taken.

- Records of any informal resolution, including any written agreement of informal resolution.
- Records of each Sexual Harassment investigation, including any Determination Regarding Responsibility and any audio or audiovisual recording or transcript created during the live hearing, any disciplinary sanctions imposed on the Respondent, and any remedies provided to the Complainant designed to restore or preserve equal access to the University’s Education Program or Activity.
- Records of any appeal and the result therefrom.
- All materials used to train Grievance Administrators (which the University will also make publicly available on its Title IX website).
Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence)

Brigham Young University–Hawaii (“BYU–Hawaii” or “University”) prohibits Sexual Harassment. (See Sexual Harassment Policy) As described in the Sexual Harassment Policy, the University will respond to allegations of Sexual Harassment by offering Supportive Measures designed to restore or preserve a Complainant’s equal access to BYU–Hawaii’s Education Program or Activity. The University will also follow the applicable grievance process before imposing any disciplinary sanctions or other actions against a Respondent that are not Supportive Measures.

The following procedures describe the University’s equitable, fair, prompt, and impartial response to Formal Complaints of Sexual Violence that did not occur in the United States or did not occur within BYU–Hawaii’s Education Program or Activity, and where the Respondent is a BYU–Hawaii employee or a BYU–Hawaii student.

I. Investigation

The University will investigate allegations in a Formal Complaint as follows:

A. Preliminary Investigation and Dismissal

The University will consider the allegations in a Formal Complaint and will dismiss the Formal Complaint with regard to any alleged conduct that would not constitute Sexual Violence, even if proved. Dismissal for this reason precludes any subsequent Formal Complaint alleging the same factual allegations. However, a Complainant may file another Formal Complaint against the same Respondent based on new or additional factual allegations.

If, at any time after the filing of a Formal Complaint, it is determined that the allegations constitute Sexual Harassment that is subject to Title IX, the Formal Complaint will be addressed under the Sexual Harassment Grievance Procedures (Title IX).

The Title IX Coordinator may also dismiss a Formal Complaint or may suspend an investigation if a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to withdraw the Formal Complaint or any allegations therein or if specific circumstances prevent gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint.

Upon a dismissal, the Title IX Coordinator will simultaneously send written notice of the dismissal and the reason for the dismissal to the Parties. Dismissal of a Formal Complaint does not preclude action against the Respondent under the Church Educational System Honor Code, Personnel Conduct Policy, Faculty Grievances Policy, Academic Governance Policy, Campus threat Assessment Committee Policy, or other University policies applicable to the conduct.

B. Selection of the Investigator

Upon receiving or signing a Formal Complaint, the Title IX Coordinator will deliver it to an employee or independent contractor selected by the Title IX Coordinator (Investigator) to investigate the allegations in the Formal Complaint.

C. Notice of Allegations

Upon receipt of a Formal Complaint, the Investigator will collect the information necessary to prepare a written Notice of Allegations and will provide the notice to the known Parties at least five business days before the Respondent’s initial interview. The Notice of Allegations will include the following:

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Capitalized terms in these procedures are defined in the Sexual Harassment Policy or as indicated herein.
Sexual Harassment Grievance Procedures
(Non-Title IX Sexual Violence)

- Notice of the allegations potentially constituting Sexual Violence, including the identities of the Parties involved in the incident (if known), the conduct allegedly constituting Sexual Violence, and the date and location of each alleged incident constituting Sexual Violence (if known);

- Notice of the University’s formal and informal grievance resolution processes;

- Notice to the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;

- Notice prohibiting any Party from knowingly making false statements or knowingly submitting false information during the grievance process, and informing the Parties that those actions constitute a material violation of the Church Educational System Honor Code commitment to “be honest”; and,

- Notice prohibiting any Party from engaging in retaliation.

A Party who wishes to file a Formal Complaint against another Party or individual based on allegations arising out of the same facts or circumstances identified in the Notice of Allegations must file the Formal Complaint within fifteen business days of receiving the Notice of Allegations or becoming aware of the facts on which the Formal Complaint is based, whichever is later.

Allegations in any Formal Complaint received under this paragraph may be consolidated or separated as provided in the Sexual Harassment Policy.

If, in the course of an investigation, the Investigator decides to investigate allegations of Sexual Violence about the Complainant or Respondent that are not included in the Notice of Allegations, the Investigator will provide all known Parties with a supplemental Notice of Allegations as to the additional allegations.

**D. Information Gathering**

The Investigator will provide an equal opportunity for the Parties to identify witnesses, including fact witnesses, and to provide other information, whether the information tends to show the Respondent’s responsibility for Sexual Violence or tends to show the Respondent is not responsible. The Investigator may ask the Parties to provide this information in a written statement and/or through live interview(s). The Investigator will not restrict the ability of either Party to discuss the allegations under investigation with others or to gather and provide relevant information to the Investigator, but the Parties are reminded that any discussions may not violate any protective orders then in force and must not include intimidation, threats, coercion, or discrimination against any person for the purpose of interfering with any right or privilege secured by the Sexual Harassment Policy or these procedures.

The Investigator will seek to collect information sufficient for the Decision Maker(s) to make findings of fact and reach a determination as to whether the Respondent engaged in Sexual Violence (Determination Regarding Responsibility) based on the preponderance of the evidence (i.e., evidence sufficient to show that the determination is more likely than not to be true).

The Investigator will consider all relevant information—including information tending to show the Respondent’s responsibility for Sexual Violence and information tending to show the Respondent is not responsible—from the Parties or from other sources, including University records. However, the Investigator will not interview a Party’s ecclesiastical leader, physician, psychiatrist, psychologist, lawyer, or
Sexual Harassment Grievance Procedures  
(Non-Title IX Sexual Violence)

other professional or paraprofessional acting or assisting in that capacity; nor will the Investigator access, consider, disclose, or otherwise use records that are made or maintained in connection with the confidential communication with or treatment by any such person, unless the Investigator obtains that Party’s voluntary, written consent to do so for a grievance process under these procedures. The Investigator will not intentionally require, allow, rely on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the Party holding such privilege has waived the privilege.

E. Investigation Record

The Investigator will create a record (Investigation Record) consisting of all information obtained as part of the investigation that is directly related to the allegations raised in the Formal Complaint, regardless of whether the Investigator thinks the information is relevant.

F. Investigative Report

At least 10 business days before the conclusion of the investigation, the Investigator will create a report (Preliminary Investigative Report) that

• Identifies the allegations potentially constituting Sexual Violence and the Respondent’s responses to each allegation;
• Describes the procedural steps taken following the receipt of the Formal Complaint, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence;
• Impartially summarizes the relevant evidence;
• Makes recommended findings of fact; and
• Makes any other recommendations the Investigator deems appropriate.

The Investigator will simultaneously send the Preliminary Investigative Report and the Investigation Record to each Party and each Party’s advisor, if any, through a file-sharing platform that provides the Parties with read-only access and maintains the confidentiality of the transmitted data.

Each Party and advisor must maintain the confidentiality of all information in the Preliminary Investigative Report and the Investigation Record, must use this information only for purposes of these procedures, and must not further distribute or disclose this information. The University may seek appropriate sanctions against a Party or an advisor who violates a confidentiality obligation under these procedures.

After the Investigator sends the Preliminary Investigative Report and Investigation Record to the Parties, they will have 10 business days to submit a written response, which the Investigator will consider prior to finalizing the Investigative Report. Any written response and any additional evidence provided in connection with a Party’s written response will be added to the Investigation Record. After the deadline for the Parties to submit their written responses to the Preliminary Investigative Report and Investigation Record has passed, the Investigator will promptly finalize the Investigative Report and send it and the Investigation Record to the Decision Makers.

The Investigator will, in good faith, attempt to conclude the investigation and issue the Preliminary
Investigative Report and Investigation Record to the Decision Makers within 90 calendar days of receiving the Formal Complaint of Sexual Violence. If, as a result of the complexity of a case or other good cause—including considerations such as the absence of a Party, a Party’s advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities—the investigation cannot reasonably be concluded within the 90-day period, the Investigator will provide the Complainant and the Respondent with written notice of the delay and the reason for the delay or extension.

II. Determination Regarding Responsibility

The Decision Makers, who are authorized to impose all sanctions described in the Sexual Harassment Policy, may be selected as follows:

- For a student Respondent, the Dean of Students or designee, the Director, Counseling Services or designee, or a Decision Maker designated by the Title IX coordinator; if the alleged Sexual Violence occurred in a student employment context, the Decision Makers may also include the student employee’s immediate supervisor and the managing director of Employee Relations or designee;

- For a faculty Respondent, the academic vice president or designee, the faculty member’s dean or immediate supervisor, or a Decision Maker designated by the Title IX coordinator; and,

- For an administrative or staff employee Respondent, the responsible vice president or assistant to the president or designee, the managing director of Employee Relations or designee, or a Decision Maker designated by the Title IX coordinator.

Neither the Title IX coordinator nor the Investigator may serve as a Decision Maker. However, the Title IX coordinator will serve as a non-voting resource to assist the Decision Makers.

The Decision Makers will objectively evaluate all evidence in the Investigative Report and Investigation Record, and, by a majority vote, make a Determination Regarding Responsibility based on the preponderance of evidence. At the Decision Makers’ discretion, the Investigator may be invited to respond to questions about the Investigative Report and the Investigation Record. The Decision Makers’ discussions with the Investigator and their deliberations will be closed to the Parties and their advisors. Remedies provided by the Decision Makers may include Supportive Measures and disciplinary sanctions against the Respondent as detailed in the Sexual Harassment Policy.

Within 60 days of the Investigator’s transmission of the Investigative Report and Investigation Record, the Decision Makers will simultaneously issue a written Determination Regarding Responsibility to the Parties and their advisors, if any, and the Title IX Coordinator.

The Determination Regarding Responsibility must include the following:

- Findings of fact supporting the Determination Regarding Responsibility;
- Conclusions regarding the application of the Sexual Harassment Policy to the facts;
- A statement of, and the rationale for, the result as to each allegation, including
  - a Determination Regarding Responsibility and
  - any disciplinary sanctions the University imposes on the Respondent; and,
The procedures and permissible bases for the Complainant and Respondent to appeal and the date the Determination Regarding Responsibility becomes final.

The Parties will be simultaneously notified of any delay in issuing the Determination Regarding Responsibility and the reason for the delay and of any changes to the Determination before it becomes final.

The Title IX Coordinator is responsible for coordinating the implementation of any remedies identified in the Determination Regarding Responsibility with the University units and management personnel authorized to implement the remedies.

III. Appeal

A Party who is unsatisfied with the Decision Makers’ Determination Regarding Responsibility (Appealing Party) or notice of dismissal may submit an appeal within 10 business days of the date of the email delivery of the Determination Regarding Responsibility. An appeal is not a reconsideration of the case but is limited to the contents of the Determination Regarding Responsibility and the Investigation Record. The Appealing Party must show at least one of the following:

- A procedural irregularity affected the outcome of the matter.
- New evidence that was not reasonably available at the time the Determination Regarding Responsibility or dismissal was made, that could affect the outcome of the matter. This new evidence and an explanation of both why it was unavailable at the time the Determination Regarding Responsibility was made and its potential impact must be included in the appeal.
- The Title IX Coordinator, Investigator, or any Decision Maker had a conflict of interest, a bias for or against Complainants or Respondents generally, or a preexisting bias against the individual Complainant or Respondent that affected the outcome of the matter.

An appeal may not exceed five pages in length and must be submitted to the Title IX Coordinator, who will send a copy of the appeal to the non-appealing Party (Non-appealing Party) and advisor, if any. The Non-appealing Party will have 10 business days after the delivery of the appeal to provide a response, which may not exceed five pages in length, to the Title IX Coordinator. The Title IX Coordinator will promptly send the appeal and response, if any, to a designated appeal reviewer (Reviewer) for review.

The Reviewer will be determined as follows:

- The Reviewer of a determination involving a student Respondent, including a student employee, will be the dean of students.
- The Reviewer of a determination involving a faculty Respondent will be the academic vice president or an associate academic vice president designated by the academic vice president. However, if the academic vice president was a Decision Maker or if the sanction imposed by the Decision Maker is for the involuntary termination of a faculty member with continuing faculty status (CFS) or in a CFS-track position, the University president will be the Reviewer and will make the decision after a hearing before a Termination Hearing Committee (See Faculty Discipline and Termination Policy.)
• The Reviewer of a determination involving an administrative or staff employee Respondent will be the employee’s responsible vice president or the assistant to the president. However, if the employee’s responsible vice president or the assistant to the president was a Decision Maker or if the sanction imposed by the Decision Maker is for the employee’s involuntary termination, the Human Resources Committee (HRC) will be the Reviewer. Any HRC members who were involved in the Determination Regarding Responsibility or dismissal will be recused from the HRC’s review of the appeal.

The Reviewer will not interview the Parties or consider any information outside the Determination Regarding Responsibility, the Investigative Report, and the Investigation Record.

Within 30 business days of receiving the appeal, the Reviewer will simultaneously provide the Parties and the Title IX Coordinator with a written Determination Regarding Responsibility upholding, reversing, or amending all or part of the original Determination Regarding Responsibility and providing the Reviewer’s rationale for the result. If the Reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the Reviewer will simultaneously advise the Parties as to when the appeal decision will be provided. The Reviewer’s Determination Regarding Responsibility is final, and no further review will be allowed.

The Title IX Coordinator is responsible for coordinating the implementation of the Reviewer’s Determination Regarding Responsibility with the University units and management personnel authorized to implement the actions. In cases where the Reviewer’s Determination Regarding Responsibility results in reinstatement to the University or resumption of privileges, all reasonable attempts will be made to restore the Respondent’s prior status.

iv. General Provisions

A. Impartiality

These procedures will be conducted by individuals who do not have a conflict of interest or bias for or against the Complainant or the Respondent.

B. Confidentiality

Parties to the investigation of a Formal Complaint are not restricted from discussing the allegations under investigation, especially as necessary to gather and present relevant evidence. However, given the sensitive nature of Sexual Violence allegations and the potential for damage to the Parties’ personal reputations, all participants in the grievance process, including individuals who have made a report of Sexual Violence, Complainants, Respondents, advisors, and witnesses, are requested to keep the allegations and investigation proceedings confidential insofar as possible. Any use or dissemination of information relating to the allegations or investigation that is intimidating, threatening, coercing, or discriminating against any individual for the purpose of interfering with any right or privilege secured by the Sexual Harassment Policy or these procedures is prohibited retaliation.

Records kept by the University relating to Sexual Harassment allegations (including Sexual Violence allegations) are not publicly available, but in the event the University is required to make any records publicly available, any identifying information about the Parties will be redacted, to the extent permissible by law, to protect the Parties’ confidentiality.

C. Advisors
Sexual Harassment Grievance Procedures
(Non-Title IX Sexual Violence)

An investigation under these procedures is an internal University student or employment disciplinary matter. The Parties may invite an advisor of their choice to accompany them to meetings related to the investigation or resolution of a Formal Complaint of Sexual Violence that the Parties are invited to attend. The advisor may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide advice and support. The University will not typically change scheduled meetings to accommodate an advisor’s inability to attend. Individuals may elect to change their advisor during the investigative process and are not required to use the same advisor throughout the process.

An advisor may attend for purposes of observation but will not be permitted to represent a Party, to respond to questions posed to the Party they advise, or to otherwise participate in any meeting or proceeding that may take place under these procedures. Advisors are subject to campus rules and are expected to refrain from interference with the University investigation and resolution process. Advisors are not permitted to contact the other Party or any witness.

The University will not provide an advisor for a party. Although all Parties have the same opportunity to have an advisor present, the University cannot guarantee equal advisory rights when it comes to advisors (e.g., if one Party selects an attorney as their advisor, but the other Party does not have or cannot afford an attorney, the University is not obligated to provide one).

D. Notice, Delivery of Documents, and Extensions of Time

Any Party whose participation is invited or expected in proceedings described in these procedures will receive written notice of the date, time, location, participants, and purpose of the proceeding, which will be provided in sufficient time for the Party to prepare to participate.

Delivery of documents occurs when a Party receives documents in person, when they are sent by email to the Party’s email address on file with the University, or three days after they are posted by U.S. Mail to the Party’s residential address on file with the University.

A Party may ask the Title IX Coordinator or designee for an extension of any deadline imposed by these procedures. The Title IX Office, in consultation with the Investigator or Reviewer, will grant the extension only for good cause with written notice to the other Party of the delay or extension and the reasons for the action. Good cause may include considerations such as the absence of a Party, a Party’s advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities.

E. Record Keeping

The University will maintain records related to the application of these procedures for a period of seven years or as required by the Information and Records Retention Policy, whichever is longer.

RELATED POLICIES:

- Access to Student Records (FERPA) Policy
- Campus Threat Assessment Committee Policy
- Church Educational System Honor Code
- Faculty Discipline and Termination Policy
- Faculty Grievance Policy
- Grievance Policy
Sexual Harassment Grievance Procedures
(Non-Title IX Sexual Violence)

- Honor Code Policy
- Nondiscrimination and Equal Opportunity Policy
- Protection of Minors Policy
- Sexual Harassment Grievance Procedures (Title IX)
- Sexual Harassment Policy
Appendix 7 – Missing Student Notification Policy
Missing Student Notification

Policy #: SEC-006

Date Approved by President's Council: 9/7/2016

Policy Owner: Dean of Students

Executive Sponsor: Vice President for Student Development & Services

1 PURPOSE

The Jeanne Clery Campus Safety Act of 1992 enacted by Congress and codified through Federal Regulation 34 CFR 668.64(b)(14) requires the University to provide for means of notifying parents, campus authorities and law enforcement when a student who lives in on-campus housing has been missing for more than 24 hours.

2 POLICY

Annually, the university will inform all students via an automated alert, of the option to confidentially register the name of one or more emergency contacts to be notified in the event that the student is determined to be missing. Students may update this information at any time through the Student Center of the Student Registration system. Information regarding registered emergency contacts will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing student investigation. In the event that a student is missing, authorized campus officials should notify the Dean of Students and Campus Security so that the Behavior Assessment Team can plan and oversee an investigation as outlined in the following implementation guidelines.

2.1 Registration of Contact Persons by the student

The university affords all students with the option to identify a contact person or persons whom the university shall notify within 24 hours of a determination that the student is missing. A general emergency contact and a missing student contact may be registered, although the contact person may be the same for both purposes. A student may choose to designate a parent as their contact person; however, the contact person may be anyone they choose. If there is no contact identified, only the Honolulu Police Department must be notified.

2.2 Students under the age of 18

The University will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person identified by the student and the Honolulu Police Department no later than 24 hours after a student is determined missing.

2.3 Notification of law enforcement

The university, regardless of age or status, and regardless of whether the student has registered a confidential contact person, will also notify Honolulu Police Department within 24 hours of the determination that the student is missing, unless the Honolulu Police Department made the determination that the student is missing.

3 IMPLEMENTATION

3.1 DEFINITIONS
3.1.1 Authorized campus officials

Authorized campus official is deemed to include the Vice President of Student Development and Services, Dean of Students, Director of Security and Safety.

3.2 SCOPE OF CONTROL

Any person who believes that a student is missing should immediately alert Campus Security (or an authorized campus official) by: a) clicking the Report a Concern button on the homepage, b) file a report with the Dean of Students, Security Office, or Residential Life Coordinator. Reports of missing students may also be made to the Honolulu Police Department by calling 9-1-1.

3.3 INVESTIGATION PROCEDURES

3.3.1 Obligation of the reporter

When a university employee or faculty member receives notification that a student is missing, the employee should help the reporter contact Campus Security to file a missing student report. If the reporter is unwilling to make a report, the employee should attempt to collect and report as much information as possible, including the following:

- Name of the missing person
- Contact information of the missing person
- Physical description of the missing person, including clothing; hair, eye, and skin color; and any distinguishing features
- Time and location where the person was last seen
- Names and contact information of persons close to the missing person or recently seen with the missing person
- Name and contact information of the reporter

3.3.2 Behavior Intervention Team responsibilities

When a student is reported missing, and has been deemed to have been missing for more than 24 hours without any known reason, Campus Security will notify the TAC chair, who is the Dean of Students, who shall:

1. Initiate an investigation to determine the validity of the missing student report;
2. Contact the Vice President of Student Development and Services;
3. The Behavior Intervention Team will identify and implement actions to assist in locating the missing student.
4. Make a determination as to the status of the missing student. Determination can be made at any time within the 24 hours and notification with be made within 24 hours of when a determination is made.
5. Notify the missing student notification contact(s), as identified by the missing student, within 24 hours of determining that the student is missing;
6. If the student is under 18 (and not emancipated), notify the student’s custodial parent/guardian no later than 24 hours of determining that the student is missing; and,
7. Notify Honolulu Police Department within 24 hours of determining that the student is missing.
8. All attempts to notify the contact person(s) will be documented. Dean of Students may take any of the foregoing steps before a person is determined to have been missing for more than 24 hours if they determine that there is reason to believe the person is missing or may otherwise be in danger.
4. Related Policies and Procedures

Campus Threat Assessment

Student Emergency Leave Policy