2019 Annual Security and Fire Safety Report

Brigham Young University–Hawaii
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Resource Phone Numbers

Alcohol and Drug Abuse Counseling
Department of Health (Alcohol and Drug Abuse) .............................................. (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)

Department of Public Safety
Dispatcher.......................................................(808) 675-3911 or 5-3911 from campus phones

Counseling and Victim Assistance
BYU–Hawaii Counseling Services ............................................................... (808) 675-3518
Ko‘olaupoa Health Center .................................................................(808) 293-9231/(808) 293-9216
LDS Family Services ..................................................................................... (808) 945-3690

Fire
Honolulu Fire Department – Kahuku Fire Station 13............................... 911 or (808) 293-8565
Honolulu Fire Department – Hau‘ula Station 15 ................................. 911 or (808) 293-5677

Hazards
BYU–Hawaii Department of Public Safety ......................................... 5-3911 or (808) 675-3503
BYU–Hawaii Housing Department......................................................... (808) 675-3534
Facilities Management Service Center ................................................. (808) 675-3400

Health Care
BYU–Hawaii Health Center ................................................................. (808) 675-3510
Castle Medical Center (Kailua) .............................................................. (808) 263-5500
Kahuku Medical Center ............................................................................. (808) 293-9221
Ko‘olaupoa Health Center .................................................................(808) 293-9231/(808) 293-9216

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

Title IX Reports
Deputy Title IX Coordinator (pabbott@byuh.edu) ................................. (808) 675-4585
Message from President Tanner

As an institution of higher education sponsored by The Church of Jesus Christ of Latter-day Saints, BYU–Hawaii is guided by core values that include ensuring a safe educational environment conducive to achieving the university’s educational mission.

Each year, in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, the university publishes an Annual Security and Fire Safety Report to provide you with information to help you stay safe.

This report includes crime statistics, practical ideas to prevent or deter crime, how to report crimes, and the services available to you should you or a friend become a victim of a crime.

Please take a few minutes to review this report and become familiar with the many ways you can help continue to make our campus a safe learning environment.

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

The BYU–Hawaii Department of Public Safety prepares this report annually by compiling policy information and crime statistics maintained in its own 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:

Michael Kuehn, Director, Department of Public Safety
(808) 675-3501, michael.kuehn@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. The report contains three calendar years’ of campus crime and fire statistics and pertinent safety and security policy statements. The BYU–Hawaii Department of Public Safety is responsible for preparing and distributing this report. The Department works with many other departments and agencies, such as the 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. Each member of the university community receives a campus 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 Department of Public Safety website at https://publicsafety.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. For a printed copy, please contact (808-675-3911) or mail your request to Department of Public Safety, 55-220 Kulanui Street, Laie, Hawaii 96762.

Department of Public Safety

The Department of Public Safety 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 Department of Public Safety provides 24/7 patrol, investigative processes, and emergency response services for the campus and the Polynesian Cultural Center. The Department of Public Safety cooperates with local police and fire departments in a collaborative and supportive relationship.
Statistical Data

Statistical data for these reports is compiled by the Department of Public Safety 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.

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### BYU–Hawaii

**Annual Security and Fire Safety Report 2019**

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

1 Effective Oct. 1, 2018, this number changed from “5” in the prior report due to an internal audit.
2 Effective Oct. 1, 2018, this number changed from “10” in the prior report due to an internal audit.
3 Effective Oct. 1, 2018, this number changed from “2” in the prior report due to an internal audit.
4 Effective Oct. 1, 2018, this number changed from “2” 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.
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.
2016: For calendar year 2016, there were no reportable hate crimes.

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.

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**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 2016, 2017, or 2018.

**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.\(^7\)

- **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

\(^7\) 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. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**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 Misconduct section later in this report.

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**Reporting Crimes and Emergencies**

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 ASR. Reports may be in any form desired, including via phone, in writing, or in person.
Where to Report

Department of Public Safety (Officers and Dispatchers)

BYU–Hawaii Department of Public Safety 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 the Department of Public Safety to make a report:

<table>
<thead>
<tr>
<th>Emergency Phone Line:</th>
<th>(808) 675-3911 (5-3911 from campus phones)</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

Calling from campus phones: 9-911 or off-campus and cell: 911

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) CSA as defined below, and
e) Title IX Office.
BYU–Hawaii Campus Security Authorities

BYU–Hawaii Department of Public Safety is the preferred contact for reporting campus crimes. However, individuals may also report criminal incidents to campus security authorities, 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 may receive reports of criminal offenses:

- All personnel in the BYU–Hawaii Department of Public Safety;
- 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,
  - Vice President of Administration,
  - 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 profes-
sional or ecclesiastical counselor and the other as an official who qualifies as a campus security au-
thority—and the roles cannot be separated, that individual is considered a campus security au-
thority 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 defini-
tion 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 wit-
tnesses 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 wit-
tnesses, 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 Department of Public Safety 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 pro-
vided to the victim, to the extent that maintaining such confidentiality would not impair the abil-
ity 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 writ-
ing 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 em-
ployees at BYU–Hawaii, the BYU–Hawaii Department of Public Safety is responsible for confirming
facts that would indicate that timely warnings are appropriate. Subsequently, the Department of
Public Safety will create and transmit the message in a timely manner using an appropriate means
that may include the university’s emergency notification system, emails, posters, broadcast an-
nouncements, local news media, or other appropriate means.

If time permits, the Department of Public Safety will notify the President, a Vice-President, or the
assigned Duty-officer prior to making the timely warning.

The Director of the Department of Public Safety 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 appro-
priate notification to the university community taking into account the nature of the crime, the con-
tinuing 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, the Department of Public Safety 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 the Department of Public Safety 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.

Department of Public Safety 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 the Department of Public Safety 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 the Department of Public Safety 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 the Department of Public Safety 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 the BYU–Hawaii Department of Public Safety 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.

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**Department of Public Safety**

The BYU–Hawaii Department of Public Safety 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. The BYU–Hawaii Department of Public Safety 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.

**Department of Public Safety Authority**

Department of Public Safety 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**

The BYU–Hawaii Department of Public Safety 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 the Department of Public Safety 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**

Public Safety 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

The Department of Public Safety 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 Security Programs

The BYU–Hawaii Department of Public Safety 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, the Department of Public Safety 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 the Department of Public Safety 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:** The Public Safety Department 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 the Department of Public Safety.

- **Crime Awareness and Crime Prevention Educations Aids:** Free literature is available in the Department of Public Safety Operation Center and on its website: 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 the Department of Public Safety 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 the Department of Public Safety website (https://publicsafety.byuh.edu). Also, a Campus Crime
Log is posted in the Department of Public Safety 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:** A shuttle service is available for any student desiring transportation from campus to their off-campus home. This service is available Monday-Saturday at 10:00 pm and 12:00 am (midnight.) The shuttle service provides transportation from the Department of Public Safety offices (148 McKay) on campus to student residences in Laie, Hauula, Punaluu, and Kahuuku.

- **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 the Department of Public Safety are available upon request to make safety and security presentations to campus groups.

- **Housing Orientation:** Annually, housing supervisors, Residential Coordinators, and Resident 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.

### 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.

#### 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.

**Risks Associated with Drugs and Alcohol**

The health risks associated with the inappropriate use of drugs and alcohol include, but are not limited to, physical and psychological addiction; physical, psychological and spiritual deterioration; disease; and death. The National Institute of Health outlines the risks associated with alcohol use and the most commonly used drugs and prescriptions on a chart found at the Appendix 3.

**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.

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### Sexual Misconduct

**General Guidelines**

Sexual Misconduct is not only a violation of university policy; it is against the law. BYU–Hawaii has an extensive policy outlining its procedures regarding allegations of sexual misconduct. See Appendix 5 for the BYU–Hawaii Sexual Misconduct Policy.

Victims of a sexual offense are encouraged to report such incidents immediately to the Department of Public Safety or, if the offense occurred off campus, to the Honolulu Police Department. BYU–Hawaii is committed to assisting victims of a sexual assault 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 Misconduct 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 a forcible or non-forcible sexual offense, they should immediately report it to an officer in the Department of Public Safety 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/.

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 Department of Public Safety 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.

*Note: Victims have the right to notify proper law enforcement authorities, including the Department of Public Safety 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 misconduct to the Title IX Coordinator who oversees all sexual misconduct 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.

<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 workplace) | Equal Employment Opportunity Commission (EEOC) | Ph. #: (800) 669-4000  
Website: [https://www.eeoc.gov/employees/charge.cfm](https://www.eeoc.gov/employees/charge.cfm) |

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.

Title IX Coordinator

Ph #: (808) 675-4819  
Email titleIX@byuh.edu  
For more info on Title IX, go to [titleix.byuh.edu](http://titleix.byuh.edu).
In situations where criminal conduct is involved or personal safety is a concern, it is important that victims of sexual misconduct 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/.

Adjudication and Sanctions

In the event the allegation involves a university employee, Human Resources will make an assessment of the allegation and institute any appropriate sanctions based on established policies and procedures.

Possible sanctions for sexual assault violations by students include the following:

- Dismissal from BYU–Hawaii,
- Dismissal from all LDS Church Education System institutions,
- Trespass Ban from the campuses within the LDS Church Education System,
- Suspension from BYU–Hawaii,
- Suspension from all LDS Church Education System institutions, or
- Probation.

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. Often, the best defense against becoming the victim of a sex offense or any crime is one’s own personal alertness and awareness, and taking care not to place oneself at risk. The university will make every reasonable effort to provide training and education to students in order to assist them with crime prevention.

Safety Awareness

Good advice for minimizing the possibility of becoming a victim is to be selective in your activities at all times by not putting yourself at risk. In order to avoid situations that may place you at greater risk of becoming a victim of a rape or sexual assault, it is advisable to do the following:

1. Be aware of your rights and obligations. Don’t give mixed messages. You have both a right and an obligation to say “NO.”
2. Let a friend or roommate know whom you will be with, where you will be, and when you expect to return. Leave an address and phone number.
3. Be sensitive to the spirit, your intuition, and your instincts. If you feel you may be at risk, take...
control by leaving the situation immediately. Don’t be afraid to “make waves” if you feel threatened, pressured, or coerced into an activity that is against your will.

4. Attend activities with friends and in groups. “Look out” for one another.

5. Walk with confidence and walk with another person. Stick to well-lighted, populated areas.

6. Refrain from drug and alcohol use.

7. Be extremely selective as to whom you date and where you go with your date.

8. Be extremely cautious when responding to personal classified ads or using social media and dating apps to meet new people. Especially remain cautious if you decide to meet someone you have only contacted online or over the phone.

9. Often when using social media we allow others to have access to our contact information and information 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.

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

<table>
<thead>
<tr>
<th>Service Provider</th>
<th>Phone Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>BYU–Hawaii Counseling Services</td>
<td>(808) 675-3518</td>
</tr>
<tr>
<td>BYU–Hawaii Health Center</td>
<td>(808) 675-3510</td>
</tr>
<tr>
<td>Kahuku Medical Center</td>
<td>(808) 293-9221</td>
</tr>
<tr>
<td>Ko’olauloa Health Center</td>
<td>(808) 293-9231</td>
</tr>
</tbody>
</table>

Other Sexual Assault Information
The Rape, Abuse & Incest National Network (RAINN) ([https://www.rainn.org/](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](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 Public Safety Department will evaluate the potential threat and, using professional judgement and in light of the conditions then extant (student and visitor population, warnings from federal and state agencies, etc.) 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 Department of Public
Safety 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 (Everbridge) 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. Public Safety Officers will, throughout the emergency as appropriate, 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.

Department of Public Safety and Risk Management personnel will continually evaluate the situation and assess the need to provide additional informative notification to the campus population.

Additionally, the university will provide notification, where appropriate, through the campus loudspeaker system. 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 the Department of Public Safety 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 provide links to these procedures via the Everbridge notification system.

**Evacuation Drills**

Under the direction of the Department of Public Safety, 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.
• 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.

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.

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, the Department of Public Safety has determined a student to be missing.

If you believe a student is missing, immediately alert one of the following:
• Department of Public Safety – (808) 675-3911, 148 McKay;
Other Crimes and Situations

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 the Department of Public Safety 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).

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

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 Public Safety 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-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. 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 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.

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8 Hawaii Revised Statutes §350-1.1(a)(2)
9 Id. at (a).
10 See id. at (b).
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.
- 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;
- 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 Department of Public Safety ........................... (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 the Department of Public Safety, 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 Department of Public Safety 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

The Department of Public Safety 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 Department of Public Safety office, and then evacuate the building immediately. After assembling in a designated
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 2018 calendar year, all campus fire alarm systems were tested. No fire drills were held in 2018 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 the Department of Public Safety 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.

Fire Statistics Report 2016 – 2018

The following table presents the on-campus student housing available at BYU–Hawaii, the fire
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<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>
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</thead>
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<td>0</td>
<td>0</td>
<td>Yes</td>
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<td>Yes</td>
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<td>Hale 8</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
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<td>Hale 9</td>
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<td>0</td>
<td>0</td>
<td>Yes</td>
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<td>Yes</td>
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<tr>
<td>Hale 10</td>
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<td>0</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**Temple View Apartments**

<table>
<thead>
<tr>
<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>
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<tbody>
<tr>
<td>TVA - A 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
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<td>TVA - B 55-550 Naniloa Loop, Laie, HI</td>
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<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>TVA - C 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>TVA - D 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<td>TVA - E 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
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<td>Yes</td>
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<td>TVA - F 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
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<td>Yes</td>
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<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<td>0</td>
<td>Yes</td>
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<td>0</td>
<td>0</td>
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<td>No</td>
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<td>Yes</td>
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<td>TVA - P 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
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<td>TVA - Q 55-550 Naniloa Loop, Laie, HI</td>
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<td>No</td>
<td>Yes</td>
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</tr>
<tr>
<td>TVA - R 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>TVA - S 55-550 Naniloa Loop, Laie, HI</td>
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<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>TVA - T 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>TVA - U 55-550 Naniloa Loop, Laie, HI</td>
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<td>Yes</td>
<td>No</td>
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<td>TVA - V 55-550 Naniloa Loop, Laie, HI</td>
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<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<td>TVA - W 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
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<tr>
<td>TVA - X 55-550 Naniloa Loop, Laie, HI</td>
<td>0</td>
<td>0</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Note: Residents who will need special assistance are pre-identified so that arrangements can be made in advance to meet their needs.

15 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
16 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
17 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
18 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
19 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
20 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
21 This category was corrected as of October 1, 2018, from “Yes” based on an internal audit.
safety systems available, and the total fires occurring during the reporting period.

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 2016-2018

<table>
<thead>
<tr>
<th>Date</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>2016</td>
<td>No reported fires in Hales or TVA</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
<td>–</td>
</tr>
<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>
</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 Department of Public Safety 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 Department of Public Safety 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 the 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 Department of Public Safety 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.

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\(^{17}\) 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.
Policies Related to Fire Safety Measures

**Building Evacuation Maps:** Every occupied building has posted Emergency Evacuation Maps, 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 federal, 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 Services.

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 dependents 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. Educational training programs, health information, preliminary evaluations, and counseling for possible referral 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 counseling. 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 following:

Kahuku Medical Center............................................ 293-9221
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 available as follows:

- The university will educate students and employees about the detrimental effects of illicit drugs, misuse of prescription drugs, alcohol, and tobacco through the university’s annual Clery Act Campus Security 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 administration.

- 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/security/home or can be requested in hard-copy form from Campus Safety and Security.
• 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 the Department of Public Safety. 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
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**

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**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>
<th>First Offense</th>
<th>Second Offense</th>
<th>Third+ Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>Heroin (I &amp; II)</td>
<td>100–999 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1 kg+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>Cocaine (I &amp; II)</td>
<td>500–4,999 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>5 kg+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>Cocaine Base (I &amp; II)</td>
<td>28–279 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>280 gm+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>PCP (I &amp; II)</td>
<td>10–99 gm pure or 100–999 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100 gm+ pure or 1 kg+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>LSD (I &amp; II)</td>
<td>1–9 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
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<tr>
<td></td>
<td>10 gm+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>Fentanyl (I &amp; II)</td>
<td>40–399 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
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<tr>
<td></td>
<td>400 gm+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>Fentanyl Analogue (I &amp; II)</td>
<td>10–99 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100 gm+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>Marijuana 20 (I &amp; II)</td>
<td>Less than 50 kg or fewer than 50 plants</td>
<td>Penalty 3</td>
<td>Penalty 9</td>
<td>Penalty 9</td>
<td></td>
</tr>
<tr>
<td></td>
<td>50–99 kg or 50–999 plants</td>
<td>Penalty 4</td>
<td>Penalty 10</td>
<td>Penalty 10</td>
<td></td>
</tr>
<tr>
<td></td>
<td>100–999 kg mixture or 100–999 plants</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>1,000 kg+ mixture or 1,000+ plants</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></td>
</tr>
<tr>
<td>Methamphetamine (I &amp; II)</td>
<td>5–49 gm pure or 50–499 gm mixture</td>
<td>Penalty 1</td>
<td>Penalty 7</td>
<td>Penalty 7</td>
<td></td>
</tr>
<tr>
<td></td>
<td>50 gm+ pure or 500 gm+ mixture</td>
<td>Penalty 2</td>
<td>Penalty 8</td>
<td>Penalty 13</td>
<td></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>
<td>Penalty 10</td>
<td>Penalty 10</td>
<td></td>
</tr>
</tbody>
</table>

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18 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).

19 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).

20 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></td>
<td></td>
<td>First Offense</td>
</tr>
<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</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(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);

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21 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. Unless “a greater minimum sentence is otherwise provided,” a term of imprisonment not less than 1 year. This does not apply to offenses involving 5 gm or less of marijuana.</td>
<td>Three times the maximum penalties described in Table 1 and at least three times any authorized term of supervised release. Unless “a greater minimum sentence is otherwise provided,” a term of imprisonment not less than 1 year.</td>
<td>Imprisonment of at least 25 years. Fined in accordance with their previous sentence.</td>
</tr>
<tr>
<td>21 U.S.C. § 860(a)–(b)</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>Twice the maximum penalties described in Table 1 and “at least twice any [authorized] term of supervised release.” Unless a greater minimum sentence is otherwise provided, a term of imprisonment not less than 1 year. This does not apply to offenses involving 5 gm or less of marijuana.</td>
<td>Imprisonment of either (1) not less than 3 years and not more than life or (2) three times the maximum punishment described in Table 1, whichever term of imprisonment is longer. “[A]t least three times any term of supervised release” described in Table 1. A fine up to three times any fine described in Table 1.</td>
<td>Imprisonment of at least 25 years. Fined in accordance with their previous sentence.</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.</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>

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22 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.</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.</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.</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. §§ 853(a)(1)–(2), 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>

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23 “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.</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>

24 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)(C).
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{25}) (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 (HRS § 712-1249.4–1249.5)</td>
<td>Marijuana</td>
<td>Class A Felony</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Possessing 25 lbs. /100 plants Distributing five lbs.</td>
</tr>
</tbody>
</table>

\(^{25}\) See HRS § 712-1240.7 for specific penalties for repeated offenses
<table>
<thead>
<tr>
<th>Prohibited Conduct</th>
<th>Controlled Substance</th>
<th>Classification and Penalty*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cultivating 25 plants</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class B Felony</td>
<td>Class B Felony</td>
<td></td>
</tr>
<tr>
<td>Possessing two lbs. /50 plants Distributing one lb.</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cultivating any marijuana plant</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Selling any amount to a minor</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Promoting intoxicating compounds (HRS § 712-1250(1)(a)–(b))</td>
<td>Toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, etc.</td>
<td>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</td>
</tr>
</tbody>
</table>

*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)).</td>
</tr>
<tr>
<td></td>
<td>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)).</td>
</tr>
<tr>
<td></td>
<td>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>
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<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, snorted 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/sworted, 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: ben-nies, 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</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>Also, for methamphetamine—severe dental problems</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>
<tr>
<td>Substances: Category and Name</td>
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<tr>
<td>-------------------------------</td>
<td>---------------------------------------</td>
<td>----------------------------------</td>
<td>---------------------------</td>
</tr>
<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>Other Compounds</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, shrunken 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>
</tbody>
</table>

Seizures; coma

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, shrunken testicles, breast enlarge-
<table>
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</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>propane, aerosol propellants, nitrous oxide; nitrites (isobutyl, cyclohexyl): laughing masculine characteristics gas, poppers, snappers, whippets</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Prescription Medications

| CNS Depressants. | For more information on prescription medications, please visit https://www.drugabuse.gov/drugs-abuse/prescription-medicines |
| Stimulants       |                                                         |
| Opioid Pain Relievers |                                             |

* 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 Misconduct Policy
Sexual Misconduct Policy

Date Approved by President’s Council:
09/04/2018

Policy Owner:
Title IX Deputy Coordinator

Executive Sponsor:
Vice President of Student Development and Services

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 misconduct 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).

2. POLICY

Brigham Young University – Hawaii is committed to promoting and maintaining a safe and respectful environment for the campus community. The university will not tolerate sexual harassment, sexual violence, domestic violence, dating violence, or stalking (collectively “Sexual Misconduct”) regardless of the sex or marital status of the parties involved. This policy prohibits Sexual Misconduct perpetrated by or against university employees (including all faculty, staff, administrative employees, and student employees), university students, visitors to the university (such as independent contractors, vendors, visiting lecturers, camp participants, and visiting students), and other participants in university programs and activities on campus and in off-campus areas controlled by the university.

This policy establishes an administrative process whereby an individual who believes he or she has been subjected to Sexual Misconduct (“Reporting Party”) may report to the university. The university will take prompt and appropriate steps to stop Sexual Misconduct, prevent its recurrence, and address its effects by

- educating members of the campus community about this policy and applicable laws,
- promptly addressing and resolving reports of Sexual Misconduct in accordance with this policy,
- protecting the rights of all parties involved in a complaint,
- providing support and assistance to the parties involved in a report of Sexual Misconduct, and
- imposing appropriate discipline against those who have engaged in Sexual Misconduct.

Any person who violates this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, and a ban from campus, depending on the circumstances and the severity of the violation and the violator’s status as an employee, student, or visitor.
3. PROHIBITED CONDUCT

As required by Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, the university prohibits unlawful sex discrimination (including Sexual Misconduct) in its educational programs or activities, admission, and employment. (See Nondiscrimination and Equal Opportunity Policy.)

Sexual Misconduct includes a range of unwelcome and unwanted sexual conduct, including verbal and physical sexual harassment, sexual assault (non-consensual physical contact, nonconsensual intercourse), sexual exploitation, and other forms of sexual violence, each of which is a form of prohibited sex discrimination. Domestic violence, dating violence, and stalking are also considered Sexual Misconduct under this policy. This policy does not address other kinds of sex discrimination of a non-sexual or non-criminal nature prohibited under the Nondiscrimination and Equal Opportunity Policy, or consensual sexual activity prohibited under the Church Educational System Honor Code.

3.1 Consent

Consent is respect for the agency of another. It is respecting their autonomy to make choices about their own behavior, boundaries, and their body. This respect is best shown by obtaining clear, affirmative consent before engaging in any sexual interaction with another.

Consent is a voluntary agreement to engage in sexual activity and is determined by all the relevant facts and circumstances. Consent cannot be given by someone who lacks the capacity to consent (e.g., because of age, disability, unconsciousness, or use of drugs or alcohol). Consent is invalid where it is given under coercion, force, or threats. Consent should not simply be assumed from silence, the absence of resistance, or past consent with the same or another person. Even if a person has given his or her consent to engage in sexual activity, consent to engage in further sexual activity can be withdrawn at any time.

3.2 Sexual Harassment

Sexual harassment is unwelcome and unwanted conduct of a sexual nature, whether verbal, nonverbal, or physical, and can include unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature. Conduct is unwelcome and unwanted if the individual towards whom it is directed did not request or invite it and regarded the conduct as undesirable or offensive. A wide variety of sexual conduct may constitute sexual harassment including but not limited to, the following:

- Sexually suggestive or sexually offensive joking, flirting, or comments;
- Sexually oriented verbal abuse or threats;
- Sexually oriented comments about an individual’s body;
- Displaying objects or pictures that are sexual in nature;
- Sending sexually explicit or offensive communications (e.g., text message, emails, social media messages or posts); and
- Voyeurism.

Sexual harassment of any kind is contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the Church Educational System Honor Code. It is also prohibited by Title VII of the Civil Rights Act of 1964 (prohibiting unlawful discrimination, including sex discrimination, in employment) when it affects the conditions of employment, and Title IX of the Educational Amendments of 1972 (prohibiting sex discrimination in federally-funded education programs and activities).
when it affects the educational environment. Sexual harassment generally falls within one of the three following categories:

3.2.1 **Quid pro quo sexual harassment** exists when submission to or rejection of the unwelcome sexual conduct is used as a basis for employment decisions affecting an employee, or when a teacher or other employee conditions an educational decision or benefit on a student’s submission to unwelcome sexual conduct. This form of sex or gender harassment relies heavily on a power and authority imbalance between those involved, such as an intimate relationship between a supervisor and supervisee or a faculty member and a student. Quid pro quo means “something for something.” It occurs when sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature occurs by a person having power or authority over another. Also, when submission to or rejection of the unwelcome sexual conduct is used as a basis for rating, evaluation, or providing a benefit to an individual’s education, employment, or performance.

To avoid the possibility or appearance of quid pro quo sexual harassment, employees and students should avoid dating, romantic, or sexual 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 sexual 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.

3.2.2 **Hostile environment sexual harassment** exists when the unwelcome and unwanted sexual conduct is so severe, persistent, or pervasive, and objectively offensive that it alters the conditions of an employee’s employment and creates a hostile, intimidating, or abusive working or educational environment or it denies or limits a student’s or employee’s ability to participate in or benefit from the university’s programs or activities.

Sexual harassment that creates a hostile environment is more common than quid pro quo harassment, but it is more difficult to define. In order for harassment to create a hostile environment, the unwelcome sexual conduct must be sufficiently severe or pervasive to alter the conditions of employment or education, both subjectively (as considered by the employee or student who experiences the conduct) and objectively (as considered by a reasonable person in the same or similar circumstances).

The fact that someone did not intend to sexually harass an individual is not a defense to a complaint of sexual harassment. In most cases, determining whether the behavior has created a hostile environment depends on the effect the behavior has on the Reporting Party (such as the effect on an employee’s job performance or a student’s education) and the surrounding circumstances (such as the type, frequency, and duration of the conduct; the relationship between the parties and the location and context of the incidents). Unwelcome sexual conduct that is mildly offensive and isolated, or incidental does not rise to the level of unlawful sexual harassment under Title VII or Title IX, even though it may still be considered sexual harassment in violation of this policy and the Church Educational System Honor Code.

3.2.3 **Sexual exploitation** is taking sexual advantage of another person without their consent for personal or financial gain. Sexual exploitation includes but is not limited to the following:

- Recording, photographing, transmitting, or allowing another to view images of a private sexual activity and/or the intimate parts of another person;
- Allowing third parties to observe private sexual acts;
• Voyeurism (spying or peeping on a person engaged in an intimate behavior such as undressing);
• Indecent exposure (exposing one's genitals in non-consensual circumstances);
• Knowingly or recklessly exposing another person to a significant risk of sexually transmitted disease without their knowledge; and
• Prostituting another individual.

3.3 Non-consensual Sexual Contact/Intercourse

All non-consensual sexual contact and/or intercourse is considered sexual assault and is a violation of university policy. Non-consensual sexual contact is any intentional sexual touching, however slight, with any object or body part, by a person upon another person who has not consented or who is incapable of giving consent. Sexual contact includes the following:

• Intentional contact with the breast, buttock, groin, or genitals, or touching another with any of these body parts, or making another touch you or themselves with or on any of these body parts; or
• Any other intentional bodily contact in a sexual manner.

Non-consensual sexual intercourse includes non-consensual vaginal or anal penetration by a penis, object, tongue, or finger; or, mouth to genital contact, no matter how slight the penetration or contact.

3.4 Domestic Violence, Dating Violence, and Stalking

Domestic violence, dating violence, and stalking are criminal offenses under the Hawaii Criminal Code and constitute Sexual Misconduct prohibited under this policy, even when the criminal behavior is not specifically sexual in nature.

Domestic violence is a violent crime committed by a current or former spouse, intimate partner (or someone similarly situated), or any other person against a victim who is protected from that person’s acts under state domestic or family violence laws. Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or to suffer substantial emotional distress. This policy prohibits stalking that occurs both in-person or electronically.

3.5 Pregnancy and Parenting

Discrimination involving pregnancy, postpartum recovery, and breastfeeding is also prohibited under Title IX and this policy.

4. REPORTING

4.1 Confidentiality, Amnesty, and Leniency for Victims and Witnesses

Brigham Young University—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 Misconduct (defined in this policy as sexual harassment, sexual violence, domestic violence, dating violence, and stalking). Anyone found to have committed Sexual Misconduct as defined in this policy is not entitled to confidentiality or amnesty.

Being a victim of Sexual Misconduct is never a violation of the Church Educational System Honor Code. The university strongly encourages the reporting of all incidents of Sexual Misconduct so that support services can be offered to victims and Sexual Misconduct can be prevented and stopped.

Confidentiality: The university recognizes that victims or witnesses of Sexual Misconduct might be hesitant to report an incident to university officials if they fear the discovery 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 Misconduct, the Title IX Office will not share the identity of a victim or witness with the Honor Code Office unless requested by such person or a person’s health or safety is at risk.

Amnesty: Anyone, including a victim, who reports an incident of Sexual Misconduct will not be disciplined by the university for any related honor code violation occurring at or near the time of the reported Sexual Misconduct unless a person’s health or safety is at risk. However, with victims 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.

Leniency: To encourage the reporting of Sexual Misconduct, the university will also offer leniency to victims 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 any applicable facts and circumstances of each case, including the rights, responsibilities, and needs of each of the involved individuals.

4.2 Duty to Report

Some university employees have a duty under this policy to report Sexual Misconduct. Even so, all persons are encouraged to and may voluntarily report incidents of Sexual Misconduct to the Title IX Coordinator. State law imposes additional reporting obligations related to sexual or other forms of abuse or neglect of a child. Victims of Sexual Misconduct are strongly encouraged to report incidents of Sexual Misconduct so that support services can be offered to them and Sexual Misconduct can be prevented and stopped.

4.2.1 Mandatory Reporters (Responsible Employees)

A professor, dean, director, security officer, or any other university employee in a managerial or supervisory role, including Residential Advisors, are Mandatory Reporters of incidents of Sexual Misconduct. A Mandatory Reporter who becomes aware of or reasonably suspects any incident of Sexual Misconduct which has occurred while the individual is a student or employee must promptly report all relevant information to the Title IX Coordinator and should inform the Reporting Party that as a Mandatory Reporter they must report the incident. Mandatory Reporters with information regarding an incident of Sexual Misconduct who fail to report relevant information or to cooperate in an investigation may be subject to disciplinary action.

While the university will make every reasonable effort to maintain the privacy of the Reporting Party, such privacy cannot be guaranteed.
Mandatory Reporters who receive the information as part of a confidential communication in the context of a professional or otherwise privileged relationship (e.g., the Mandatory Reporter was the reporting person’s physician, therapist, lawyer, ecclesiastical leader, or spouse) do not have a reporting obligation. Note that this exception to mandatory reporting for these privileged communications is different from the confidentiality given to university-designated confidential sources of support, described below.

4.2.2 Child Abuse Reporters

All university employees and officer who have reason to believe that a child (anyone under 18 years old) has been subjected to sexual violence or other forms of abuse or neglect, or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future, must immediately report the matter orally to the police department or to Child Welfare Services within the State of Hawaii Department of Human Services at 808-832-5300, as required by state law and the university’s Protection of Minors Policy.

4.2.3 Campus Security Authorities

A university employee who has been designated as a Campus Security Authority (“CSA”) and who receives a report of sexual assault, dating violence, domestic violence, or stalking occurring on the university campus or any property controlled by the university must inform the Department of Public Safety of that report so the university may issue timely warnings about crimes that pose a threat to students and employees and so the incident can be accounted for in the university’s annual security report, as required by federal law. CSAs are persons who have responsibility for campus security or who have significant responsibility for student and campus activities. CSAs include, but are not limited to, security staff, deans, directors, managers, Office of Honor staff, and Residence Life hale coordinators and advisors. A complete list of the BYU-Hawaii employees designated as CSAs can be found in the university’s annual security report.

4.2.4 Public Awareness Events

Public awareness events or other forums in which campus community members may disclose incidents of Sexual Misconduct do not initiate the university’s Title IX response, including investigating reports of sexual harassment or sexual violence. These events may, however, inform the need for campus-wide educational and prevention efforts, and the university may implement campus initiatives in response to such events, as appropriate.

4.3 Where to Report

4.3.1 Timing

Reports of Sexual Misconduct should be made to the Title IX Coordinator as soon as possible. If Sexual Misconduct occurred more than four years before the report is made, the university may decline to investigate the report. However, counseling, advocacy, and support are available to the Reporting Party regardless of when they make a report. (See Section 4.4 below.)

4.3.2 Where

Sexual Misconduct should be reported to the Title IX Coordinator by selecting Report A Concern from the link on the university’s Homepage (https://www.byuh.edu) and filing an associated report; by calling the Title IX Officer at 808-675-4819; by sending an email to the Title IX Officer at titleIX@byuh.edu; or in person at 207 Lorenzo Snow Administration Building. The names, office addresses, and telephone numbers of the Title IX Coordinator and the deputy coordinator are also posted on the university’s Title IX website at

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In addition, individuals may submit reports, including anonymous reports, 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/en/default_reporter.asp](https://secure.ethicspoint.com/domain/en/default_reporter.asp). Mandatory Reporters may not make anonymous reports. A report of Sexual Misconduct (“Report”) can be made verbally or in writing.

The Title IX Coordinator oversees all Title IX complaints and investigations and coordinates the university’s response to sex discrimination. The university’s Title IX Coordinator will also work with the Deputy Title IX Coordinator and the Human Resources EEO/Title IX investigator.

If a Report involves potentially criminal acts (i.e., rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking), the alleged victim should be informed in writing that he or she also has the option to make a formal criminal complaint by reporting the incident to BYU-Hawaii Department of Public Safety at 808-675-3911 or directly to the local police by calling 9-1-1. Alleged victims also have the option to decline to notify law enforcement authorities. Additionally, the university will assist alleged victims in notifying local police, if requested. BYU-Hawaii Department of Public Safety will notify the Title IX Coordinator of all such reports received.

The Office for Civil Rights within the U.S. Department of Education (OCR) also investigates claims of unlawful sex discrimination, including sexual harassment and sexual violence, in the university’s educational programs and activities. The OCR may be contacted by email at [ocr@ed.gov](mailto:ocr@ed.gov) or through its website at [https://www2.ed.gov/about/offices/list/ocr/index.html](https://www2.ed.gov/about/offices/list/ocr/index.html). The U.S. Equal Employment Opportunity Commission (EEOC) investigates claims of unlawful employment discrimination, including sexual harassment and sexual violence, in the workplace. The EEOC may be contacted by telephone at 800-669-4000 or through its website at [https://eeoc.gov/employees/charge.cfm](https://eeoc.gov/employees/charge.cfm).

Students in the United States on a J-1 visa may report abuse or exploitation to the U.S. Department of State. A Department of State representative is available 24 hours a day for emergencies and can be contacted by calling 1-866-283-9090. Non-emergency issues, questions, and concerns can be addressed by sending an email to jvisas@state.gov.

### 4.4 Other Procedures and Services for Victims

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 their rights and options as follows:

- Procedures victims should follow, including information about preserving evidence, reporting the offense, and obtaining protective orders;
- Information about how confidentiality will be protected;
- Existing counseling, health, mental health, and other services available for the Reporting Party, both within the university and in the community;
- Information about interim measures available, such as how to request changes to academic, living, transportation, and working situations or other protective measures;
- Procedures for institutional disciplinary action in cases of alleged sexual harassment, dating violence, domestic violence, sexual assault, or stalking; and
- Possible sanctions or protective measures the university may impose following a final determination of an institutional disciplinary procedure.

Victims of Sexual Misconduct should preserve evidence as necessary to substantiate the crime or secure a protective order through the court system. They 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 (SANE) through law enforcement or
Counseling support is available to all parties whether or not they request to proceed with an official investigation. Confidential disclosures can be made to BYU-Hawaii Counseling Services, McKay Building 181 (808) 675-3518.

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

4.5 Report Log

The university’s Title IX Coordinator will maintain a confidential log of Title IX complaints. When reported, information will be added to the log. To the extent that other campus departments receive complaints of Sexual Misconduct, are involved with complaint investigations, or conduct any part of the resolution proceedings, they should promptly report this activity to the Title IX Coordinator so that the Title IX log can be updated.

4.6 Retaliation

The university prohibits retaliation against any person for raising good faith concerns about conduct that violates this policy. Retaliation is any adverse action taken against a person because he or she made a Report; testified, assisted, or participated in any manner in an investigation or proceeding under Title IX; or opposed any conduct prohibited by this Sexual Misconduct Policy. Retaliation can take many forms, including but are not limited to the following:

- Adverse employment action (e.g., termination, demotion, reduction in pay, adverse change in schedule, adverse change in work location, etc.);
- Adverse action related to participation in any educational program offered by the university (e.g., adverse change to grades, class schedule, research opportunities, etc.);
- Stalking, harassment, bullying, intimidation, threats, or engaging in physical violence;
- Adverse social actions such as exclusion or removal from a living group, student organization, or committee, or publishing personally identifiable information about an individual, including on websites or social media sites; or
- Encouraging or asking others to engage in retaliatory behavior on one’s behalf.

Individuals who participate in a Sexual Misconduct investigation should be advised that university policy and federal law prohibit retaliation against them or against individuals closely associated with them and should be assured that the university will take steps to prevent retaliation and will take strong responsive action to any act of retaliation of which it becomes aware. See Nondiscrimination and Equal Opportunity Policy. An individual who feels that he or she has been subjected to retaliation should report the incident to the Title IX Coordinator or the Human Resources Equal Opportunity/Title IX investigator.

5. COMPLAINT RESOLUTION PROCEDURES

The following procedures are designed to provide for the prompt and equitable investigation and resolution of allegations of Sexual Misconduct perpetrated by or against university employees, students, or campus visitors. Additionally, these procedures will be conducted by officials who do not have a
conflict of interest or bias for or against the parties and who receive annual training on the issues related to sexual harassment, domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation that protects the parties involved and promotes accountability.

5.1 Informal Resolution

Although not required, whenever it is reasonably possible and safe to do so, and all parties voluntarily agree, an individual who believes he or she has been subjected to Sexual Misconduct ("Reporting Party") and the person alleged to be responsible for the misconduct ("Respondent") may attempt to resolve the issue privately. An informal resolution is not appropriate, even on a voluntary basis, in instances of sexual violence or other criminal behavior, or when sexual harassment is severe and affects the working and learning environment of others.

The goal of informal resolution is to conclude the matter to the satisfaction of both parties quickly and confidentially. Either party may enlist the assistance of the Title IX Coordinator or a Deputy Title IX Coordinator in this effort. If a satisfactory resolution is not reached after such informal efforts either party may forego the informal resolution process or discontinue it at any time and address the concern using the formal resolution process described below. Additionally, if the Title IX Coordinator believes informal resolution is not appropriate or potentially unsafe, he or she may require formal resolution.

5.2 Formal Resolution

A formal resolution process may be initiated by submitting a Report to the Title IX Coordinator. Anyone can submit a Report under this policy; however, the submission of such a Report does not prevent the Reporting Party from subsequently pursuing informal resolution with the Respondent in appropriate circumstances.

5.2.1 Preliminary Assessment

Upon receiving a Report, the Title IX Coordinator or university designee will promptly perform a preliminary assessment based on the allegations to determine whether the Report reasonably alleges violations of the Sexual Misconduct Policy. If the Report contains allegations for which the Title IX Office has authority, the Title IX Coordinator will seek the Reporting Party’s consent to conduct an investigation. Note that if the Reporting Party asks the university not to pursue an investigation, the university may not be able to honor this request if doing so would prevent the university from meeting its obligations and responsibilities as indicated throughout this policy. If the Report does not contain allegations of Sexual Misconduct for which the Title IX Office has authority, the Title IX Coordinator will inform the Reporting Party that no investigation of the Report will be conducted.

5.2.2 Selection of the Investigator

Upon receiving a Report, the Title IX Coordinator or Deputy Title IX Coordinator will record the incident in the confidential Title IX log. The Title IX Coordinator will select a qualified employee to promptly investigate the allegations in the Report ("Investigator"). Generally, a deputy Title IX coordinator will serve as the Investigator. The Title IX Coordinator will consider conflicts of interest, time constraints, and other relevant factors in selecting an Investigator. The Reporting Party and the Respondent may each raise issues regarding bias or a potential conflict of interest of investigators or others involved in the resolution process by contacting the Title IX Coordinator.

5.2.3 Confidentiality

Given the sensitive nature of Sexual Misconduct allegations and the potential for damage to the parties’ personal reputations, all Reports will be investigated as confidentially as is reasonably possible.
All participants in the investigation—including the Reporting Party, the Respondent, the Investigator, and individuals interviewed by the Investigator—should keep the allegations and proceedings confidential, and should provide information only to those university and government employees who are authorized to investigate the Report or who otherwise have a legitimate need to know. Records kept by the university relating to Sexual Misconduct allegations are not publicly available, but in the event that the university is required to make any such records publicly available, any identifying information about the parties will be excluded, to the extent permissible by law, to protect the parties’ confidentiality. Federal law requires the university to publicly disclose statistics about reported incidents of sexual assault, domestic violence, dating violence, and stalking; however, no individual information is maintained or published for purposes of such reporting.

Notwithstanding the foregoing confidentiality provisions, parties and witnesses who participate in an investigation of Sexual Misconduct should be advised that their confidentiality will be preserved only to the extent it does not interfere with the university’s ability to investigate the Report and take corrective action, and that if the investigation results in litigation, the university may be legally required to disclose any information it has received.

If a Reporting Party requests that his or her identity be kept confidential or asks the university not to pursue an investigation, the Reporting Party should be notified that (1) the university’s ability to investigate and respond to the Report may be limited by such a request, and (2) under some circumstances the university may not be able to honor such a request. The university will take all reasonable steps to investigate and respond to a Report consistent with the Reporting Party’s request for confidentiality. However, without conducting a full investigation or disclosing the full nature of the Report (including its source) to the Respondent, the university may be unable to impose any discipline, and its corrective actions might be limited to informing the Respondent that allegations of discriminatory behavior have been made against him or her, preserving a record of the discrimination allegation in the Respondent’s employment or student disciplinary file, and pursuing other steps to limit the effects of the alleged Sexual Misconduct and prevent its recurrence, such as training or surveys in the affected area or department. Reporting Parties who desire complete confidentiality may be advised that they can address their confidential concerns to ecclesiastical leaders, mental or physical health providers, or their own legal counsel. If the university ultimately decides not to pursue an investigation, the report along with the reasoning behind the decision will be documented.

The Investigator, in consultation with the Title IX Coordinator, is responsible for evaluating requests for confidentiality or to forgo an investigation. The Investigator will consider the following factors in determining whether to disclose the identity of a Reporting Party or pursue an investigation contrary to the Reporting Party’s request:

- The seriousness of the alleged Sexual Misconduct,
- The age or maturity of the Reporting Party,
- The existence of any previous accusations against the alleged violator,
- The existence of independent evidence to substantiate the allegations, and
- In the case of accusations against a student, the rights of the student under the Access to Student Records Policy and Procedures and corresponding federal and state privacy laws or laws mandating disclosure.

If the Investigator determines he or she cannot honor a Reporting Party’s request for confidentiality or a Reporting Party’s request to forego an investigation, the Investigator will inform the Reporting Party prior to commencing or continuing with an investigation.
5.2.4 Interim Measures

Based on information acquired in the course of a preliminary assessment or investigation, the Title IX Coordinator or Investigator may recommend that interim measures be offered to the Reporting Party, Respondent or others before or during the investigation. This recommendation should be submitted to an office or individual within the university administration authorized to implement the recommendation.

If requested and reasonably available, interim measures will be provided whether or not a Reporting Party chooses to report to the Department of Public Safety or local law enforcement. The university will provide written notification to the parties about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations and other protective measures. Other remedial interim measures may also be appropriate, such as special training in the affected department or area, or the dissemination of information about how to report Sexual Misconduct. The nature of any interim measures granted to a party will be kept confidential to the extent reasonably possible.

In situations deemed to be extreme or dangerous, an office or individual within the university administration authorized to impose discipline on the Respondent (the “Responsible Administrator”) may take interim disciplinary action against the Respondent, up to and including a temporary suspension and ban from campus; in such cases, both parties will receive simultaneous written notification.

5.2.5 Delivery of Documents and Extensions of Time

Delivery occurs when the university provides documents to a party in person or by electronic delivery mechanisms. If neither option is available, the university will mail documents to the residential address of the party that is on file with the university. If delivery is by mail, the deadline for a response or reply permitted in this policy is extended by five days.

A party may ask the Title IX Office for an extension of any deadline imposed by this policy. The Title IX Office will grant the extension only when the request is reasonable under the circumstances.

5.2.6 The Reporting Party’s Written Complaint, Supporting Documentation, and Evidence

If a Reporting Party has not already submitted a sufficient written statement in connection with the initial Report, the Investigator will invite the Reporting Party to prepare and sign a written statement of the facts involved (“Complaint”). The Complaint should clearly and concisely describe the incident(s), including when and where the alleged Sexual Misconduct occurred. The Complaint may also include an explanation of why the Reporting Party believes the Respondent’s behavior was in violation of university policy, corroborating facts and evidence, the names of other individuals who may have information relevant to the Complaint, other materials or evidence in support of the Complaint, and a proposal for an appropriate resolution. The Complaint may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within five days of the Investigator’s request. Based on the Reporting Party’s written and oral statements, the Investigator will prepare a written statement of the allegations (“Allegation Sheet”).

The Investigator will ask the Reporting Party to review the Allegation Sheet, make any necessary corrections, and affirm it with a signature. If the Reporting Party refuses to sign the Allegation Sheet, the Investigator may either (a) note that the allegations have been withdrawn and terminate the investigation, or (b) note that the Reporting Party has refused to sign the Allegation Sheet, but that the investigation will nevertheless proceed to determine what occurred.
The Investigator will provide the Reporting Party with a description of their rights and responsibilities under this policy, including a statement of the sanctions that may be imposed against the Respondent.

**5.2.7 The Respondent’s Written Response, Supporting Documentation, and Evidence**

The Title IX Office will make a reasonable effort to provide a Respondent with a copy of the Allegation Sheet in person. The Investigator will not interview or take any evidence from the Respondent at this time. The Title IX Office will provide Respondent with a description of their rights and responsibilities under this policy, including a statement of the sanctions that may be imposed against them. The Title IX Office will also provide the Respondent with a list of available university resources. If the Title IX Office is unable to meet in person with the Respondent, this information and a copy of the Allegation Sheet will be delivered to the Respondent as set forth in Section 6 above. In either event, a copy of the Allegation Sheet will be provided to the Respondent fourteen days before the Respondent’s response is due.

The Respondent may prepare and submit a signed written statement in response to the Allegation Sheet (“Response”). The Response should indicate whether the Respondent admits or denies the allegations in the Allegation Sheet and should provide any relevant facts or evidence, including the names of other individuals who may have information relevant to the allegations and other materials in response to the Allegation Sheet. The Response may also include an explanation as to why the Respondent believes any admitted conduct was not in violation of university policy and whether any resolution proposed by the Reporting Party is or is not appropriate. The Response may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within fourteen days of delivery of the Allegation Sheet to the Respondent. While reasonable efforts will be made to communicate with the Respondent, delivery occurs when the university sends the Allegation Sheet to the email or residential address of the Respondent that is on file with the university.

Like the Reporting Party, the Respondent may choose to answer the Allegation Sheet orally rather than in writing. At the Respondent’s request, and no later than fourteen days after the Allegation Sheet’s delivery, the Investigator will meet with the Respondent so that the Investigator can document the Respondent’s answer. The Investigator will ask the Respondent to review the Investigator’s written record of the Respondent’s oral answer, make any necessary corrections, and affirm it with a signature. The Investigator’s written answer then becomes the Response.

The Title IX office will promptly provide a copy of the Response to the Reporting Party.

**5.2.8 Concurrent Investigations or Processes**

An investigation conducted under this policy will be conducted independent of any associated criminal investigation or any other university investigation or procedures. If the university determines the issues raised in this investigation may be relevant to its determination in another non-criminal investigation or another process that is simultaneously pending at the university, it may direct that the other investigation or process be suspended until this investigation and any appeals or administrative reviews are concluded.

An investigation under these procedures will not be suspended pending the conclusion of a criminal investigation or any other 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 this policy.
Although the findings and conclusions of one investigation will not determine the outcome of any other, any evidence or findings developed in any university or non-university investigation may be shared with and considered in any other university investigation.

**5.2.9 Cooperation with University Investigations**

BYU-Hawaii will not tolerate intentional false reporting of incidents. It is a violation of the Honor Code to make an intentionally false report, and amnesty and confidentiality do not extend to such conduct.

Employees or students who fail to cooperate in an investigation, including those who knowingly or recklessly misrepresent any facts or who withhold pertinent information, may be subject to disciplinary action up to and including suspension or dismissal from the university or termination of university employment. A visitor who fails to cooperate may be banned from campus. It is not deemed a failure to cooperate for a Reporting Party to ask for confidentiality or request that the Title IX Office not investigate a Report. Any witness who declines to participate in an investigation may not be permitted to offer evidence or testimony later in the process, and failure to offer evidence during the investigative process does not constitute grounds for a review/appeal on the basis of new evidence. The university prefers to interview witnesses in person. However, if a witness cannot appear in person for an interview, the investigator may, in his or her discretion, interview a witness telephonically or allow a witness to provide a written statement.

**5.2.10 Support Person**

Each individual participating in the formal process may be accompanied by a support person. The support person may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide support. The support person cannot be someone who may be otherwise involved in the investigation. The university will not typically change scheduled meetings to accommodate a support person’s inability to attend. Individuals may elect to change their support person during the investigative process and are not required to use the same support person throughout the process.

A support person may attend for purposes of observation but will not be permitted to participate in any employee or student interview, meeting, or other proceeding that may take place under these procedures. All support persons are subject to campus rules and are expected to refrain from interference with the university investigation and resolution. Any support person, including an attorney, may be immediately excluded from the proceedings if he or she attempts to intervene or participate in any way. If a support person is excluded from a proceeding, the meeting will typically continue without the support person present. Subsequently, the Title IX Coordinator or Investigator will determine whether this particular support person may continue to be involved, whether another support person may attend, or whether the individual has forfeited the right to a support person for the remainder of the process.

Support persons are expected to maintain the privacy of information shared with them during the proceedings, and the university may seek appropriate action against a support person who does not respect the sensitive nature of the process or who fails to abide by the university’s privacy expectations.

The university cannot guarantee equal advisory rights when it comes to support persons (e.g., if one party selects a support person who is an attorney, but the other party does not have or cannot afford an attorney, the university is not obligated to provide one).
5.2.11 The Investigation

An investigation should be prompt and equitable. The university will, in good faith, attempt to con-
clude the investigation and resolution within sixty days of the Title IX Coordinator receiving the Re-
port. If, as a result of the complexity of the case, unavailability of witnesses, or other extenuating 
facts and circumstances, the investigation cannot reasonably be concluded within the sixty-day pe-
riod, the Reporting Party and the Respondent will be provided with written notice of the delay and 
the reason for the delay.

During the investigation, the Investigator will consider the Complaint and the Response, conduct in-
terviews, and review any other documents or evidence submitted by the parties or discovered during 
the investigation. An investigation under these procedures is an internal university employment or 
student disciplinary matter. Both the Reporting Party and the Respondent are entitled to have the 
same opportunity to present evidence.

At any time during the investigation, either of the parties or the Investigator may propose a resolu-
tion of the matter, or an Informal Resolution (section IV A.). If both the Reporting Party and the Re-
spondent are satisfied with this proposed resolution, and if the Investigator, and the Title IX Coordi-
nator are also satisfied that the university’s interests are protected, the matter may be resolved as 
proposed.

5.2.12 Investigation Outcome and Finding(s)

Prior to the conclusion of an investigation, the Investigator will inform the parties that the investiga-
tion is concluding and ask them to submit any final information not already included in the investi-
gation. The parties will have five days to submit additional information.

At the conclusion of the investigation, the Investigator will make findings regarding the misconduct 
alleged in the Allegation Sheet, and will determine, based on the preponderance of the evidence (i.e., 
whether it is more likely than not), whether the Respondent has violated the sexual misconduct pol-
icy. The Investigator will provide a written investigatory report of the findings of the investigation 
(“Investigatory Report”) to the Title IX Coordinator for review. The Investigatory Report shall not 
contain any proposed sanctions. Sanctions will be considered separately.

The Title IX Coordinator will promptly and simultaneously send a copy of the Investigatory Report 
to the Reporting Party and the Respondent to their email or residential addresses on file with the 
university.

5.2.13 Resolution and Sanctions

Upon receiving the Investigatory Report a committee comprised of two or more Responsible Admin-
istrators or trained designees will determine the imposition of any disciplinary sanctions, as pro-
vided in the applicable policy for faculty, staff, and students. The Title IX Coordinator is responsible 
to ensure the committee is trained the resolution and sanctions process. Any person found in viola-
tion of this policy may be subject to discipline as described below, depending on the circumstances 
and the severity of the violation.

Responsible Administrators and the applicable disciplinary policy will be determined as follows:

- The Responsible Administrators for allegations of Sexual Misconduct against a faculty mem-
ber are the Associate Academic Vice President of Faculty and a representative from Human 
Resources. The Responsible Administrators may consult with the faculty member’s dean and 
the Title IX Coordinator to administer any discipline. Possible sanctions include verbal coun-
seiling, written warning, probation, reassignment, demotion, reduction in pay, suspension, 
termination of faculty employment, and a ban from campus. If it is determined there may be
adequate cause for involuntary termination of the faculty member’s employment, the Academic Vice President will be consulted and must give final approval for the termination.

- The Responsible Administrators for allegations of Sexual Misconduct against a non-faculty (non-student) employee are the director or managing director over the employee’s area and a representative from Human Resources. Possible sanctions include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, termination of employment, and a ban from campus.

- The Responsible Administrators for allegations of Sexual Misconduct against a student are two or more representatives from the following areas: Counseling Services, the Department of Public Safety, a full-time faculty member, Human Resources, and when applicable Polynesian Cultural Center Human Resources. Possible sanctions include counsel and education, loss of privileges, nonacademic probation for a specified period of time, suspension (involuntary withdrawal for a specified period of time), suspension withheld, short suspension, restriction on officially representing the university, or dismissal (permanent, involuntary withdrawal), and a ban from campus.

- The Responsible Administrators for allegations of Sexual Misconduct against an individual who is neither a student nor an employee of the university, is the Behavior Intervention Team. Possible sanctions include banning the visitor from all or a part of the university campus for a designated period of time or indefinitely.

A resolution may include, in addition to any discipline imposed, reasonable steps designed to correct any discriminatory effects on the Reporting Party and on others who may have been affected, and to prevent the recurrence of any discriminatory or otherwise inappropriate actions. Possible protective measures that may be imposed following the investigation include the following: making interim measures permanent, offering remedies and accommodations to the Reporting Party, implementing changes in programs or activities, or providing training for the campus community or specific groups or individuals.

The Title IX Coordinator will communicate the outcome of the investigation and resolution, including any sanctions, and the university’s procedures to appeal the results in writing to both the Reporting Party and the Respondent simultaneously (“Outcome Notice”).

5.2.14 Review of Outcome

A party who remains unsatisfied with the outcome may request an administrative review of the investigation outcome and resolution (“Review”). The Reporting Party or Respondent must request a Review within five days of delivery of the Outcome Notice to the parties. The party requesting a Review must identify at least one of the following grounds in requesting the Review:

- The outcome of the investigation is clearly contrary to the preponderance of the evidence.
- A procedural error significantly impacted the outcome of the investigation (e.g., a substantiated bias or material deviation from these procedures).
- New evidence, unavailable to the party during the original investigation, has been discovered that could substantially impact the original outcome. This new evidence and an explanation of its potential impact must be included in the request for review.
- The discipline imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).
- The non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the Reporting Party and on others who may have been affected or to prevent the recurrence of further discriminatory or otherwise inappropriate actions.
The petition for Review should be submitted to the Review Committee which is comprised of the Title IX Coordinator and (a) the Vice President for Academics when the Respondent is a faculty member, (b) the Administrative Vice President when the Respondent is a staff or administrative employee, (c) or an authorized university designee who may stand in for any reviewing party if there is a conflict of interest or unavailability. The Title IX Coordinator will provide a copy of the Review petition to the other party to the case and invite him or her to submit, within five days, a written response not to exceed five pages. The Review Committee will meet with the parties and with the Investigator and will review the petition, any response submitted, and the documentary record of the investigation and resolution process.

In a request for a Review, the Review Committee will presume that the outcome of the investigation was reasonable and appropriate, and the party filing the Review bears the burden of establishing that the outcome was reached in clear error. In other words, the Review Committee must be presented with information that the findings in the Investigatory Report were unquestionably erroneous. The Review Committee can affirm the decision reached in the Investigatory Report, overturn the decision, or remand the matter back to the Title IX Office for further investigation. The Review Committee will issue its decision within thirty days of receiving the request. The Title IX Coordinator will provide the parties with copies.

The decision of the Review Committee is final and is not subject to further review.

6. TRAINING

The university will seek to make all employees and students familiar with the contents of this policy. All administrators, deans, chairs, directors, managers, and supervisors are responsible to ensure that employees within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will develop and oversee training and education programs to promote the awareness of domestic violence, dating violence, sexual assault, stalking, sexual harassment, and sexual violence, including rape. Deputy Title IX coordinators may assist in fulfilling that responsibility. All training sessions and participants should be documented, and those records should be provided to the Title IX Coordinator. The training and education should consist of at least the following:

- Primary prevention and awareness programs for all incoming students and new employees, and ongoing prevention and awareness campaigns for continuing students and employees
- Annual training for the Title IX Coordinator, deputy Title IX coordinators, Investigators, and Responsible Administrators on issues related to domestic violence, dating violence, sexual assault, and stalking, and how to conduct an investigation and hearing process that protects the safety of the parties and promotes accountability.

BYU-Hawaii’s Title IX Office will sponsor and conduct events and campaigns that effectively promote the awareness and prevention of rape, acquaintance rape, domestic violence, dating violence, sexual assault, stalking, and sexual harassment. Additionally, the university will work to make the campus community aware of risk reduction methods and positive options for bystander intervention where any of these behaviors occur.

The Title IX Office events, campaigns, and trainings at BYU-Hawaii should include in-person trainings, such as trainings during New Student Orientation, and passive poster and banner campaigns, such as during Domestic Violence Awareness Month and at prevention and awareness events that call for active participation by students and the members of the campus community. The events, campaigns, and trainings should be tasteful, sensitive, and consistent with the university’s 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” (34 C.F.R. § 668.46(a)(i)(A)(2018)).

A calendar of events can be found at [https://events.byuh.edu/MasterCalendar.aspx](https://events.byuh.edu/MasterCalendar.aspx). Additionally, online training modules for students are available at titleix.byuh.edu.

7. **APPLICABILITY**

This policy applies to all university students, all university personnel (including faculty, administrative and staff employees, volunteers, and representatives), and all visitors to the university (including, but not limited to, independent contractors, vendors, visiting lecturers, and visiting students).

8. **RELATED POLICIES AND PROCEDURES**

   - [Honor Code Policy](#)
   - [Nondiscrimination and Equal Opportunity Policy](#)
   - [Protection of Minors Policy](#)
Appendix 6 – 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 will 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