

2024 ANNUAL SECURITY REPORT AND ANNUAL FIRE SAFETY REPORT



Brigham Young University–Hawaii issues this report in compliance with the following federal campus safety laws:

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f)

Disclosure of Fire Safety Standards and Measures (Campus Fire Safety Act), 20 U.S.C. § 1092(i)

Missing Person Procedures, 20 U.S.C. § 1092(j)

Drug and Alcohol Abuse Prevention, 20 U.S.C. § 1011i(a)(1)

To request a printed copy of this report, please contact the Office of Compliance & Ethics 130A LSB during university business hours, typically Monday through Friday 9 AM – 4 PM, except for devotionals and university holidays and breaks.

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STATISTICS

Clery statistical information

The following includes information regarding the number of Clery Act crimes that were reported to BYU–Hawaii campus security authorities as having occurred within BYU–Hawaii’s Clery Act geography during the years 2021, 2022, and 2023.

During the years covered in this report, no reported Clery Act Crime was determined to be “unfounded” by sworn or commissioned law enforcement personnel. Therefore, BYU–Hawaii did not withhold any reports of Clery Act Crimes from these statistics.

Criminal Offenses

Criminal Offenses	Campus Total	Campus Total	Campus Total	Residence	Residence	Residence	Non-Campus	Non-Campus	Non-Campus	Public Property	Public Property	Public Property
Year	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	2	1	0	2	0	0	0	0	0	0	0
Fondling	0	4	4	0	1	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	1	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	1	2	1	0	0	0	0	0	0	0	0	0
Burglary	0	0	6	0	0	5	0	0	0	0	0	0
Motor Vehicle Theft*	7	9	29	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0

*Motor Vehicle criminal offenses include all motorized vehicles including e-bikes and motorized skateboards of which there were 12 thefts in 2023.

Arrests and Referrals

Arrests and Referrals	Campus Total	Campus Total	Campus Total	Residence	Residence	Residence	Non-Campus	Non-Campus	Non-Campus	Public Property	Public Property	Public Property
Year	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Arrests for liquor law violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests for drug law violations	0	0	0	0	0	0	0	0	0	0	0	0
Arrests for illegal weapons possessions	0	0	0	0	0	0	0	0	0	0	0	0
Referrals without arrests for campus discipline for liquor law violations	0	8	0	0	2	0	0	0	0	0	0	0
Referrals without arrests for campus discipline for drug law violations	1	0	1	1	0	1	0	0	0	0	0	0
Referrals without arrests for campus discipline for illegal weapons possessions	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crimes

Hate Crimes	Campus Total	Campus Total	Campus Total	Residence	Residence	Residence	Non-Campus	Non-Campus	Non-Campus	Public Property	Public Property	Public Property
Year	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0	0	0	0
Larceny/Theft	0	0	0	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0	0	0	0
Vandalism	0	0	0	0	0	0	0	0	0	0	0	0

Hate Crime Categories of Prejudice:

Disability (D), Ethnicity (E), Gender Identity (GI), Gender (G), National Origin (N), Race (Ra), Religion (Re), Sexual Orientation (S)

VAWA Offenses

VAWA Offenses	Campus Total	Campus Total	Campus Total	Residence	Residence	Residence	Non-Campus	Non-Campus	Non-Campus	Public Property	Public Property	Public Property
Year	2021	2022	2023	2021	2022	2023	2021	2022	2023	2021	2022	2023
Domestic Violence	3	4	4	2	4	2	0	0	0	0	0	0
Dating Violence	3	2	6	0	0	1	0	0	0	0	0	0
Stalking	3	4	5	0	0	0	0	0	0	0	0	0

Fire statistical information

The following are the reported fires that occurred in BYU–Hawaii’s on-campus student housing facilities during the years covered in this report.

Hales

Year	Fires in On-campus housing			Fire related Injuries that were treated			Fire Deaths in on-campus housing		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
Hale 1	0	0	0	0	0	0	0	0	0
Hale 2	0	0	0	0	0	0	0	0	0
Hale 3	0	0	0	0	0	0	0	0	0
Hale 4	1 cooking fire, damage to the stove top \$100-\$999	1 cooking fire, damage to the stove top \$1000-\$9999	0	0	0	0	0	0	0
Hale 5	1 cooking fire, damage to the stove top \$100-\$999	0	0	0	0	0	0	0	0
Hale 6	0	0	1 cooking fire, damage to the stove top \$1000-\$9999	0	0	0	0	0	0
Hale 7	0	0	0	0	0	0	0	0	0
Hale 8	0	0	0	0	0	0	0	0	0
Hale 9	0	0	0	0	0	0	0	0	0
Hale10	0	0	0	0	0	0	0	0	0

TVA

Year	Fires in On-campus Housing			Fire related Injuries that were treated			Fire Deaths in on-campus housing		
	2021	2022	2023	2021	2022	2023	2021	2022	2023
TVA A (removed 2022)	0	0	0	0	0	0	0	0	0
TVA B (removed 2022)	0	0	0	0	0	0	0	0	0
TVA C (removed 2023)	0	0	0	0	0	0	0	0	0
TVA D (removed 2024)	0	0	0	0	0	0	0	0	0
TVA E (removed 2024)	0	0	0	0	0	0	0	0	0
TVA F (removed 2024)	0	0	0	0	0	0	0	0	0
TVA G (removed 2023)	0	0	0	0	0	0	0	0	0
TVA H	0	0	0	0	0	0	0	0	0
TVA J	0	0	0	0	0	0	0	0	0
TVA K	0	0	0	0	0	0	0	0	0

TVA L	0	0	0	0	0	0	0	0	0
TVA M	0	0	1 Electrical \$25000- \$49999	0	0	0	0	0	0
TVA N (removed 2022)	0	0	0	0	0	0	0	0	0
TVA P (removed 2022)	0	0	0	0	0	0	0	0	0
TVA Q	0	0	0	0	0	0	0	0	0
TVA R	0	0	0	0	0	0	0	0	0
TVA S	0	0	0	0	0	0	0	0	0
TVA T	0	0	0	0	0	0	0	0	0
TVA U	0	0	0	0	0	0	0	0	0
TVA V	0	0	0	0	0	0	0	0	0
TVA W	0	0	0	0	0	0	0	0	0
TVA X	0	0	0	0	0	0	0	0	0
TVA Z	0	0	0	0	0	0	0	0	0
TVA A1 (opened 2022)	0	0	1 cooking fire, damage to the stove top \$100-\$999	0	0	0	0	0	0
TVA A3 (opened 2024)	0	0	0	0	0	0	0	0	0
TVA B3 (opened 2024)	0	0	0	0	0	0	0	0	0
TVA B4 (opened 2024)	0	0	0	0	0	0	0	0	0
TVA D2 (opened 2022)	0	0	0	0	0	0	0	0	0
TVA D3 (opened 2022)	0	0	0	0	0	0	0	0	0

List of Campus Security Authorities

All personnel in the following departments

- Campus Safety & Security
- Counseling & Disability Services
- Facilities Management
- Residential Living
- Human Resources
- Office of Honor
- President’s Council
- Student Leadership & Service, including advisors to clubs

The following specific individuals:

- Campus Life director
- Career Services manager
- chief compliance officer
- David O. McKay Center for Intercultural Understanding program lead
- dean of students
- director of human resources at the Polynesian Cultural Center

- Food Services director
- Health Services director
- International Student Services senior manager
- Seaside Sports & Activities manager
- Title IX coordinator

On-campus Clery Geography



POLICIES

Clery Policies

The following are university policies regarding aspects of campus safety that meet Clery Act's policy requirements:

- Clery Act policy
- Emergency Alerts to Campus Community policy
- Sex Discrimination policy
- Sex Discrimination Appeal Procedures
- Sex Discrimination Informal Resolution Procedures
- Sex-Based Harassment Grievance Procedures
- Drug-Free School policy
- Drug-Free Workplace policy
- Missing Student Notification policy

CLERY ACT

1. PURPOSE

Brigham Young University–Hawaii (“BYU–Hawaii” or “university”) is committed to providing “an example to the world of intercultural peace and unity through living the teachings of Jesus Christ.” ([BYU–Hawaii Vision Statement](#))

2. POLICY

Accordingly, the university is committed to creating a campus environment that is safe and that adheres to all federal campus safety laws, including

- The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act), 20 U.S.C. § 1092(f)
- Missing Person Procedures, 20 U.S.C. § 1092(j)
- Drug and Alcohol Abuse Prevention, 20 U.S.C. § 1011i(a)(1)

The university’s compliance with the above laws constitutes the university’s Clery Act compliance program.

3. IMPLEMENTATION

3.1 Definitions

The following terms have the definitions given to them, if any, in the Clery Act regulations, 34 C.F.R. § 668.46(a). For convenience, those definitions are restated here. If discrepancies exist between these definitions and those in the Clery Act regulations, the regulatory definitions prevail.

For purposes of this policy, key terms are defined as follows:

3.1.1 Campus Security Authority (CSA)

1. any employee, independent contractor, or volunteer of Campus Security;
2. any individual who has responsibility for campus security but who is not an employee, independent contractor, or volunteer of Campus Security;
3. any individual or campus unit specified in BYU–Hawaii’s Annual Security Report as an individual or campus unit to which students and employees should report criminal offenses (Timely Warning and Emergency Notification Campus Security Authority or “TWEN CSAs”) (see Section 3.3.3 Victim or Witness Crime Reporting for a complete list of these); and
4. any university official who has significant responsibility for student and campus activities, including, but not limited to, campus security, student housing, and student discipline.

3.1.2 Clery Act Crimes

Clery Act Crimes means arson, aggravated assault, burglary, Dating Violence, Domestic Violence, fondling, incest, motor vehicle theft, murder, manslaughter, Rape, robbery, Statutory Rape, and Stalking; intimidation, larceny, simple assault, and vandalism motivated by bias against the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability; and arrests and referrals for campus disciplinary actions for violations involving drugs, alcohol, and weapons.

3.1.3 Clery Act Geography

Clery Act Geography means buildings and property that are part of the university's campus, non-campus buildings and property owned or controlled by BYU-Hawaii that are used in direct support of or in relation to BYU-Hawaii's educational purposes and are frequently used by students, and public property within or immediately adjacent to and accessible from campus. For a map of on-campus Clery Act Geography, see the university's [Annual Security Report](#).

3.1.4 Dating Violence

For the purposes of complying with Clery Act requirements, including the reporting of Clery Act crimes, Dating Violence means violence, including but not limited to sexual or physical abuse or the threat of such abuse, 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 is determined based on the reporting party's statement and with consideration of the following factors: the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. Dating Violence does not include acts covered under the definition of Domestic Violence.

3.1.5 Domestic Violence

For the purposes of complying with Clery Act requirements, including the reporting of Clery Act Crimes, Domestic Violence means a felony or misdemeanor crime of violence committed by:

1. a current or former spouse or intimate partner of the victim;
2. by a person with whom the victim shares a child in common;
3. by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
4. 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

5. 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.¹

3.1.6 Emergency Notification

Emergency Notification means a report to a segment or segments of the campus community regarding a confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on-campus.

¹ Hawaii state law does not define the crimes of "dating violence" or "domestic violence" but includes the following statutory language that relates to those crimes and which may be used by the university in resolving a report under the university's Sex Discrimination policy:

Hawai'i Revised Statutes § 586-1

"Dating relationship" means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

"Domestic abuse" means:

1. Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, coercive control, or malicious property damage between family or household members; or
2. Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.

"Family or household member":

1. Means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship; and
2. Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

Hawai'i Revised Statutes § 709-906

(1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member

(19) For the purposes of this section "Family or household member":

1. Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and
2. Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

3.1.7 Emergency Notification Situation

Emergency Notification Situation means circumstances that require the issuance of an Emergency Notification.

3.1.8 Pastoral Counselor

Pastoral Counselor means a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a Pastoral Counselor. An individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who meets the definition of a Pastoral Counselor is considered to be a Pastoral Counselor for the purposes of the Clery Act.

3.1.9 Professional Counselor

Professional Counselor means a person 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. This includes professional counselors who are not employees of the university but are under contract to provide counseling to the campus community. An individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who meets the definition of a Professional Counselor is considered to be a Professional Counselor for the purposes of the Clery Act.

3.1.10 Sexual Assault

Sexual Assault means an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's UCR program.²

² Hawaii state law includes the following statutory language that relates to Sexual Assault and which may be used by the university in primary prevention and awareness programs and resolving a report under the university's Sex Discrimination policy:

Hawai'i Revised Statutes § 707-730

- (1) A person commits the offense of sexual assault in the first degree if the person:
 - (a) Knowingly subjects another person to an act of sexual penetration by strong compulsion;
 - (b) Knowingly engages in sexual penetration with a person who is less than fourteen years old;
 - (c) Knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that the actor is:
 - a. No less than five years older than the minor; and
 - b. Not legally married to the minor;

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- (d) Knowingly subjects to sexual penetration a person who is mentally defective; provided that the actor is negligent in not knowing of the mental defect of the victim; or
 - (e) Knowingly subjects to sexual penetration a person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent.

Hawai'i Revised Statutes § 707-731

- (1) A person commits the offense of sexual assault in the second degree if the person:
 - (a) Knowingly subjects another person to an act of sexual penetration by compulsion;
 - (b) Knowingly subjects to sexual penetration a person who is mentally incapacitated or physically helpless;
 - (c) While employed:
 - a. In a state correctional facility;
 - b. By a private company providing services at a correctional facility;
 - c. By a private company providing community-based residential services to persons committed to the director of corrections and rehabilitation and having received notice of this statute;
 - d. By a private correctional facility operating in the State; or
 - e. As a law enforcement officer as defined in section 710-1000,

knowingly subjects to sexual penetration: an imprisoned person; a person confined to a detention facility; a person committed to the director of corrections and rehabilitation; a person residing in a private correctional facility operating in the State; a person in custody; a person who is stopped by a law enforcement officer; or a person who is being accompanied by a law enforcement officer for official purposes; provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause; or

- (d) Knowingly subjects to sexual penetration a person who is at least sixteen years old and the actor is contemporaneously acting in a professional capacity to instruct, advise, or supervise such a person; provided that the actor is:
 - a. No less than five years older than the minor; and
 - b. Not legally married to the minor.

Hawai'i Revised Statutes § 707-732

- (1) A person commits the offense of sexual assault in the third degree if the person:
 - (a) Recklessly subjects another person to an act of sexual penetration by compulsion;
 - (b) Knowingly subjects to sexual contact a person who is less than fourteen years old or causes such a person to have sexual contact with the actor;
 - (c) Knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes such a person to have sexual contact with the actor; provided that the actor is:
 - a. No less than five years older than the minor; and
 - b. Not legally married to the minor;
 - (d) Knowingly subjects to sexual contact a person who is mentally incapacitated or physically helpless, or causes such a person to have sexual contact with the actor;

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- (e) Knowingly subjects to sexual contact a person who is mentally defective, or causes such a person to have sexual contact with the actor; provided that the actor is negligent in not knowing of the mental defect of the victim;
 - (f) While employed:
 - a. In a state correctional facility;
 - b. By a private company providing services at a correctional facility;
 - c. By a private company providing community-based residential services to persons committed to the director of corrections and rehabilitation and having received notice of this statute;
 - d. By a private correctional facility operating in the State; or
 - e. As a law enforcement officer as defined in section 710-1000,

knowingly subjects to sexual contact, or causes to have sexual contact: an imprisoned person; a person confined to a detention facility; a person committed to the director of corrections and rehabilitation; a person residing in a private correctional facility operating in the State; a person in custody; a person who is stopped by a law enforcement officer; or a person who is being accompanied by a law enforcement officer for official purposes; provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause; or

- (g) Knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

Hawai'i Revised Statutes § 707-733

- (1) A person commits the offense of sexual assault in the fourth degree if:
 - (a) The person knowingly subjects another person, not married to the actor, to sexual contact by compulsion or causes another person, not married to the actor, to have sexual contact with the actor by compulsion;
 - (b) The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury;
 - (c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor; or
 - (d) The person knowingly engages in or causes sexual contact with a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that:
 - a. The person is not less than five years older than the minor; and
 - b. The person is not legally married to the minor.

Hawai'i Revised Statutes § 707-733.6

- (1) A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person:
 - (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and
 - (b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.

- 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.
- Fondling: The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

3.1.11 Sex Crime

Sex Crimes means an act of Dating Violence, Domestic Violence, Sexual Assault, or Stalking.

3.1.12 Stalking

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

- 1) fear for the person's safety or the safety of others; or
- 2) suffer substantial emotional distress.

For the purposes of complying with Clery Act requirements, including the reporting of Clery Act Crimes, Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to: fear for the person's safety or the safety of others; or suffer substantial emotional distress.

For the purposes of this definition:

- 1) "Course of conduct" means two or more acts, including, but not limited to, acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- 2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

- 3) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.³

3.1.13 Timely Warning

Timely Warning means a report to the campus community of a Clery Act Crime in the Clery Act Geography that is reported to a TWEN CSA (see Campus Security Authority definition) or to a local police agency when the university considers that crime to represent a threat to students or employees.

3.1.14 Timely Warning Situation

Timely Warning Situation means circumstances that require the issuance of a Timely Warning.

3.1.15 Timely Warning and Emergency Notification Committee

Timely Warning and Emergency Notification Committee means a committee operating under the [Emergency Alerts to Campus Community policy](#).

3.2 Campus Safety

Campus safety requires the active participation of all university community members, including employees, students, volunteers, program participants, and visitors.

³ Hawaii state law includes the following statutory language that relates to Stalking and which may be used by the university in primary prevention and awareness programs and resolving a report under the university's Sex Discrimination policy:

Hawai'i Revised Statutes § 711-1106.5

(1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

(3) For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

Hawai'i Revised Statutes § 711-1106.4

(1) A person commits the offense of aggravated harassment by stalking if that person commits the offense of harassment by stalking as provided in section 711-1106.5 and has been convicted previously of harassment by stalking under section 711-1106.5 within five years of the instant offense.

The university prohibits anyone from committing any criminal act within the Clery Act Geography. Criminal acts are contrary to the teachings of The Church of Jesus Christ of Latter-day Saints, the university's sponsoring institution, and the [Church Educational System \(CES\) Honor Code](#).

The university may take action under the law and university policies to address criminal acts committed by anyone within BYU–Hawaii's Clery Act Geography.

3.3 Federal Campus Safety Laws

As required by law, the university adopts the following:

- Timely Warnings⁴
- Annual disclosure of crime statistics⁵
- Victim or witness crime reports⁶
- Security of campus facilities⁷
- Campus law enforcement⁸
- Reporting of all crimes⁹
- Off-campus student organizations¹⁰
- Emergency response and evacuation notification procedures¹¹
- Preventing Sex Crimes¹²
- Responding to Sex Crimes¹³
- Victims of Sex Crimes¹⁴
- Missing students¹⁵

⁴ 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(i).

⁵ 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(ii).

⁶ 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(iv).

⁷ 20 U.S.C. § 1092(f)(1)(B) – (C); 34 C.F.R. § 668.46(b)(3) – (b)(4).

⁸ 20 U.S.C. § 1092(f)(1)(C); 34 C.F.R. § 668.46(b)(4).

⁹ 20 U.S.C. § 1092(f)(1)(C); 34 C.F.R. § 668.46(b)(4).

¹⁰ 20 U.S.C. § 1092(f)(1)(G); 34 C.F.R. § 668.46(b)(7).

¹¹ 20 U.S.C. § 1092(f)(1)(J)(i); 34 C.F.R. § 668.46(b)(13); 34 C.F.R. § 668.46(g)(2), (5), (6).

¹² 20 U.S.C. § 1092(f)(8)(B)(i) – (ii); 34 C.F.R. § 668.46(b)(11)(i), (vi); 34 C.F.R. § 668.46(k)(1)(iii).

¹³ 20 U.S.C. § 1092(f)(8)(A)(ii), (B)(iv); 34 C.F.R. § 668.46(b)(11)(ii), (vi); 34 C.F.R. § 668.46(k).

¹⁴ 20 U.S.C. § 1092(f)(8)(B)(iii); 34 C.F.R. § 668.46(b)(11)(ii).

¹⁵ 20 U.S.C. § 1092(j)(1)(A); 34 C.F.R. § 668.46(h)(1)-(2).

The following university policies also fulfill federal campus safety policy requirements:

- [Drug-Free School policy](#)¹⁶
- [Sex Discrimination policy](#)¹⁷

The following policies are presented in the order used by the regulations that require them.

3.3.1 Timely Warnings

Employees in various university offices monitor each campus to identify Timely Warning Situations. Reports of possible Timely Warning Situations are relayed to TWEN CSAs through university processes.

When a TWEN CSA receives information about a possible Timely Warning Situation, that TWEN CSA relays the information to the relevant campus's Timely Warning and Emergency Notification Committee (TWEN Committee).

When a TWEN CSA relays information regarding a possible Timely Warning Situation to the university's TWEN Committee, that TWEN Committee decides in accordance with the procedures described in its policy whether a Timely Warning is required.

The TWEN Committee issues Timely Warnings in a manner that

- is timely;
- withholds as confidential the names and other identifying information of victims; and
- aids in the prevention of similar crimes.

Each time the TWEN Committee decides whether to issue a Timely Warning, that TWEN Committee documents in writing that decision and promptly shares that documentation with the Office of Compliance & Ethics.

Each TWEN Committee member is authorized to issue a Timely Warning on behalf of its campus's TWEN Committee if a timely TWEN Committee meeting is not feasible under the circumstances.

The university is not required to provide a Timely Warning with respect to a Clery Act Crime reported to a Pastoral Counselor or a Professional Counselor acting in that capacity.

¹⁶ 20 U.S.C. § 1092(f)(1)(H); 34 C.F.R. § 668.46(b)(8); 20 U.S.C. § 1092(f)(1)(H); 34 C.F.R. § 668.46(b)(9); 20 USC § 1092(i)(1)(D); 34 C.F.R. § 668.49(b)(6).

¹⁷ 20 U.S.C. § 1092(f)(8)(B)(v) – (vii), (C); 34 C.F.R. § 668.46(b)(11)(iii) – (v), (vii); 20 U.S.C. § 1092(f)(8)(C).

3.3.2 Annual Disclosure of Crime Statistics

A CSA must report any alleged Clery Act Crime that may have occurred within the Clery Act Geography using the form available at reportaconcern.byuh.edu and selecting Campus Safety & Security Incident Report. University employees use CSA reports to compile crime statistics each year as required by the Clery Act. As required by the Clery Act, these statistics are

- disclosed annually to current employees and students,
- disclosed to prospective employees and students,
- submitted annually to the U.S. Department of Education; and
- available publicly at safetyandsecurity.byuh.edu/clery-report.

Campus Security is responsible for the collection and compilation of crime statistics for the disclosures required above.

Statistics are collected from the following sources:

- Campus Safety & Security,
- Campus security authorities (CSAs),
- Office of Honor,
- Residential Living,
- Title IX,
- EthicsPoint compliance hotline,
- Report a Concern, and
- Honolulu Police Department.

A CSA who violates the requirements of this section may be subject to disciplinary action.

3.3.3 Victim or Witness Crime Reporting

A victim or witness of a Clery Act Crime may submit via reportaconcern.byuh.edu an anonymous report of an alleged Clery Act Crime occurring within the Clery Act Geography for inclusion in the annual disclosure of crime statistics. (See Annual Disclosure of Crime Statistics section above.)

The following is a list of the titles of each person or organization to whom students and employees should report Clery Act Crimes for the purposes of making Timely Warnings and the annual disclosure of crime statistics.

TWEN CSA's are:

- Campus Security employees
- campus safety and risk manager
- chief compliance officer
- student life vice president
- advancement vice president
- operations vice president

- Counseling Services director

3.3.4 Security of Campus Facilities

University-owned and -controlled facilities are secured in ways appropriate to each facility. University employees consider the security of each facility when making facility maintenance decisions and prioritize safety- or security-related issues that may arise.

As described in the [Banning policy](#), the university retains the right to restrict access to university property.

3.3.4.1 CAMPUS RESIDENCES

The university provides card- access to on-campus residential living quarters only to the assigned tenants and to select employees.

3.3.4.2 NON-RESIDENTIAL FACILITIES

Most non-residential facilities on the campus are unlocked during regular business hours.

3.3.5 Campus Security

Campus Security provides the university's security services for campus. When acting on behalf of Campus Security, employees and independent contractors may assert the university's rights as a private property owner, but they do not exercise law enforcement authority and do not make arrests.

3.3.6 Reporting of Crimes to Law Enforcement

The university encourages accurate and prompt reporting of all crimes that occur to law enforcement, including by others when the victim of a crime elects to, or is unable to, make such a report. Immediate reporting allows law enforcement to identify crimes and situations that pose an immediate or ongoing threat to the campus community and prevent future crime.

Individuals may report crimes that occur on-campus to Campus Security or to Honolulu Police Department and crimes that occur elsewhere to the relevant local law enforcement agency.

3.3.7 Off-Campus Student Organizations

The university does not recognize off-campus student organizations. (See [Student Organizations policy](#) and Student Activities policy.)

3.3.8 Emergency Response and Evacuation Notification Procedures

Employees in various university offices monitor campus to identify situations that might involve a threat to health or safety. Reports of these possible or actual threats are relayed to TWEN CSAs through university processes.

Once a threat or potential threat has been identified by a TWEN CSA, the TWEN CSA relays the information regarding the threat or potential threat to the TWEN Committee. The TWEN Committee then evaluates all reasonably available information to determine whether there is an Emergency Notification Situation.

If the TWEN Committee confirms there is an Emergency Notification Situation, that TWEN Committee issues an Emergency Notification in accordance with the Emergency Notification Procedure described below.

If a campus's TWEN Committee confirms there is not an Emergency Notification Situation, the TWEN Committee documents in writing the facts that led to its decision not to issue an Emergency Notification and promptly shares that documentation with the Office of Compliance & Ethics.

3.3.8.1 EMERGENCY NOTIFICATION PROCEDURE

When the TWEN Committee has confirmed that a significant emergency or dangerous situation is occurring on-campus that involves an immediate or impending threat to the health or safety of students or employees, the TWEN Committee follows the Emergency Notifications to Campus Community policy.

3.3.8.2 EMERGENCY RESPONSE AND EVACUATION PROCEDURE TESTS

The university tests its emergency response and evacuation procedures at least annually, including by

- holding tests that may be announced or unannounced;
- publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
- documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.

These tests are conducted by Campus Safety and other relevant campus units. Documentation regarding these tests is maintained by the sponsoring and participating campus units and reported to the Office of Compliance & Ethics.

3.3.9 Preventing Sex Crimes

The university offers programs to prevent Sex Crimes and to promote awareness of Sex Crimes. These programs include

- training for employees and all individuals involved in administering the Sex-based Harassment Grievance Procedures, as required by the Sex Discrimination policy
- training for all incoming students and new employees on
 - the university's prohibition on Sex Crimes (see the [Sex Discrimination policy](#))
 - the definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
 - the definition of "consent" in reference to sexual activity in Hawaii

- a description of safe and positive options for bystander intervention
- information on risk reduction, or options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence
- the [Sex Discrimination policy](#) and the [Sex-based Harassment Grievance procedures](#)
- awareness programs, which means events, initiatives, and strategies that aim to share information and resources to prevent violence, promote safety, and reduce the occurrence of Sex Crimes
- ongoing prevention and awareness campaigns, which means marketing or outreach efforts that aim to prevent and raise awareness of Sex Crimes
- primary prevention programs, which means events, initiatives, and strategies that aim to foster healthy and safe relationships and thereby prevent Sex Crimes

For descriptions of the specific programs to prevent Sex Crimes offered by the university in the most recent calendar year, see the Annual Security Report.

3.3.10 Responding to Sex Crimes

University employees respond to allegations of Sex Crimes that involve members of the campus community or participants in university programs or activities or that occurred within the Clery Act Geography in accordance with university policies, including the following:

- [CES Honor Code](#)
- [Protection of Minors policy](#)
- [Nondiscrimination and Equal Opportunity policy](#)
- [Personnel Conduct policy](#)
- [Sex Discrimination policy](#)

3.3.11 Victims of Sex Crimes

A victim of a recent Sex Crime should

1. preserve evidence and
2. report the Sex Crime.

3.3.11.1 PRESERVE EVIDENCE

Preserving evidence may assist law enforcement agencies investigating reports of Sexual Assault and may be helpful in obtaining protective orders.

A victim of a Sex Crime who intends to report it to law enforcement should not bathe, shower, or use toothpaste or mouthwash after the incident and should not wash clothing, bed sheets, pillows, or other potential evidence until contacting law enforcement.

3.3.11.2 REPORT THE SEX CRIME

A victim of a Sex Crime who chooses to report the Sex Crime should report to law enforcement and campus authorities as detailed in the [Sex Discrimination policy](#).

The university protects the confidentiality of victims of Sex Crimes and other necessary parties as described in the [Sex Discrimination policy](#). The university completes publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. The university maintains as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

When a student or employee reports to the Title IX Office that the student or employee has been a victim of a Sex Crime, whether the offense occurred on or off campus, the Title IX Office provides the student or employee a written explanation of the student's or employee's rights or options, including

- information 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 institution and in the community; and
- options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The university makes such accommodations or provides such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

When a student or employee reports to the Title IX Office that the student or employee has been a victim of a Sex Crime, whether the offense occurred on or off campus, the Title IX Office provides the student or employee a written explanation of the student's or employee's rights or options, as described in this subsection.

3.3.12 Missing Students

The procedures that the university follows when addressing reports of missing students who reside in on-campus housing facilities are found in the [Missing Student Notification policy](#).

3.3.13 Annual Reporting

The Office of Compliance & Ethics, in conjunction with all other needed reporting departments, prepares and distributes the Annual Security and Fire Safety report.

4. RELATED POLICIES

- [Banning](#)
- [CES Honor Code](#)
- [Drug-Free School](#)
- [Emergency Alerts to Campus Community](#)
- [Fire Safety](#)
- [Missing Student Notification](#)
- [Nondiscrimination and Equal Opportunity](#)
- [Personnel Conduct](#)
- [Protection of Minors](#)
- [Sex Discrimination](#)
- [Sex Discrimination Informal Resolution Procedures](#)
- [Sex-Based Harassment Grievance Procedures](#)
- [Student Activities](#)
- [Student Organizations](#)

EMERGENCY ALERTS TO CAMPUS COMMUNITY

1. PURPOSE

This policy provides information about how the campus community of Brigham Young University–Hawaii (“BYU–Hawaii” or “university”) will be notified of emergency situations.

2. POLICY

The Timely Warning and Emergency Notification Committee (“Committee”) is responsible for providing emergency alerts to the campus community. They issue warnings about certain crimes reported to the Campus Safety and Security department that represents a serious or continuing safety threat. The Committee also issues notifications about significant emergencies or dangerous situations. The Committee is responsible for overseeing the university’s emergency response program and advising university leadership on timely warning and emergency notification requirements.

3. IMPLEMENTATION

3.1 Registration

The university will provide emergency information to the campus community through its emergency mass notification system. To receive messages, faculty, staff, and students must register their contact information in the student information system.

3.2 Timely Warning

The Committee will issue timely warnings for reports of Clery Act crimes in university’s Clery Act Geography that represents a serious or continuing threat to faculty, staff, or students and that are reported to any of the following (identified as Timely Warning and Emergency Notifications Campus Security Authorities in the [Clery Act policy](#)): campus security employees, campus safety & risk manager, chief compliance officer, student life vice president, advancement vice president, operations vice president, or counseling services director. The Committee will determine whether the situation represents a serious or continuing threat to students and employees based on the nature of the crime reported and the continuing danger to the campus community and will determine the content of the warning.

3.3 Emergency Notification

The Committee will issue an emergency notification to students and employees upon confirmation of a significant emergency or dangerous situation occurring on-campus that involves an immediate or impending threat to health or safety.

3.4 Issuing Warnings

Timely Warnings and Emergency Notifications may be issued using some or all the following means of communication: mass email, campus phone system, personal cell phones, Department of Campus Safety & Security webpage, university's webpage, and fire alarm system.

The content of a timely warning will avoid compromising law enforcement efforts and will maintain victim confidentiality while providing sufficient information to prevent similar incidents.

An emergency notification will not be issued if it will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the university issues an emergency notification, it will not issue a timely warning based on the same circumstance.

If a quorum of the Committee cannot convene, the campus safety & security director is authorized to issue a timely warning or emergency notification and determine the content without a Committee meeting. Full-time employees of the Campus Safety and Security department are designated to issue a notification and determine the content of a warning in urgent circumstances.

3.5 Testing

At least annually, the university will test the emergency mass notification system. Tests will be scheduled and may be announced or unannounced. The university will maintain records of each test, including a description of the test, the date of the test, the time the test started and ended, and whether it was announced or unannounced, for seven years.

3.6 Committee

The Timely Warning and Emergency Notification Committee will consist of the advancement, operations and student life vice presidents, as well as the campus safety & security and the counseling services directors.

3.7 Emergency Alert Procedure

When the Committee has confirmed that a significant emergency or dangerous situation is occurring on-campus that involves an immediate or impending threat to

the health or safety of students or employees, the Committee carries out the following Emergency Alert Procedure:

1. identify the segment of campus requiring an Emergency Notification or a Timely Warning;
2. determine the content of the Emergency Notification or Timely Warning, without delay and taking into account the safety of the community;
3. issue an Emergency Notification or Timely Warning, unless issuing the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
4. document the decisions made to fulfill steps 1 – 3 of this procedure; and
5. promptly share the documentation with the Office of Compliance & Ethics.

The Committee delivers the Emergency Notification or Timely Warning to the appropriate segment or segments of the campus community through one or more of the following methods:

- emergency mass notification system
- mass email
- campus phone system
- personal cell phones
- BYU–Hawaii websites
- fire alarm system
- public address systems (available in limited facilities)

If the Committee issues an Emergency Notification, it will not issue a Timely Warning based on the same circumstance.

3.7.1 Disseminating Emergency Information to the Larger Community

If the university issues an emergency alert, the Committee decides whether to disseminate emergency information to the larger community.

If the Committee decides to disseminate emergency information to the larger community, the Committee works with University Communications to relay that emergency information via one or more of the following:

- BYU–Hawaii websites
- official university social media accounts
- local news stations
- print media

4. RELATED POLICIES AND PROCEDURES

- [Clery Act](#)
- [Disruptive Student Conduct](#)

SEX DISCRIMINATION

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 discrimination.

2. POLICY

The university prohibits unlawful sex discrimination by its personnel and students and in all its education programs or activities, in compliance with applicable provisions of Title IX of the Education Amendments Act of 1972 (Title IX).¹

3. IMPLEMENTATION

3.1 Definitions

3.1.1 Complainant

Complainant means an individual alleged to be the victim of conduct that could be Sex Discrimination, where that individual is (i) a student, (ii) an employee, or (iii) someone who was participating or attempting to participate in BYU–Hawaii’s Education Program or Activity at the time of the alleged conduct.

3.1.2 Complaint

Complaint means an oral or written request to the university to investigate and make a determination about allegation(s) of Sex Discrimination.

3.1.3 Consent

Consent means a voluntary agreement to engage in sexual activity and may be expressed or implied by word or action. Consent is determined by the applicable facts and circumstances and may be withdrawn at any time. Consent to any sexual act or prior consensual activity does not necessarily constitute consent to any other sexual act.

Consent cannot be given by a person who is: (i) under the age of consent for sexual activity, (ii) developmentally or intellectually disabled, or (iii) mentally incapacitated or physically helpless. Consent does not exist when the agreement to engage in sexual activity is induced by force, duress, or deception.

3.1.4 Education Program

BYU–Hawaii’s Education Program or Activity means all the operations of the university. Conduct that is subject to BYU–Hawaii’s disciplinary authority (e.g., [CES Honor Code](#)) is considered to have occurred under BYU–Hawaii’s Education Program or Activity.

3.1.5 Party

Party means a Complainant or a Respondent.

3.1.6 Respondent

Respondent means a person who is alleged to have engaged in Sex Discrimination.

3.1.7 Retaliation

Retaliation means intimidation, threats, coercion, or discrimination by the university, student, employee, or agent of the university for the purpose of interfering with any person’s right or privilege provided for under this policy because that person reported information, made a Complaint, or participated or refused to participate in an investigation or proceeding under this policy. Typically, petty slights, minor annoyances, and simple lack of good manners are insufficient to establish a claim of Retaliation.

3.1.8 Sexual Assault

Sexual Assault means a forcible or nonforcible sex offense under the uniform crime reporting system of the Federal Bureau of Investigation, including Fondling, Incest, Rape, and Statutory Rape.

3.1.9 Sex Discrimination

Sex Discrimination means unlawful discrimination on the basis of sex.

3.1.10 Sex-Based Harassment

Sex-Based Harassment is a form of Sex Discrimination and includes:

- Quid pro quo harassment. An employee, agent, or other person authorized by BYU–Hawaii explicitly or impliedly conditions an aid, benefit, or service under BYU–Hawaii’s Education Program or Activity on a person’s participation in unwelcome sexual conduct.
- Hostile environment harassment. Unwelcome sex-based conduct that, based on the totality of the circumstances, is subjectively and objectively offensive and is so severe or pervasive that it limits a person’s ability to participate in or benefit from BYU–Hawaii’s Education Program or Activity.
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking.

3.1.11 Supportive Measures

Supportive Measures means individualized measures, free of charge, that do not unreasonably burden either Party, are not for punitive or disciplinary reasons, and: (1) restore or preserve the Party's access to BYU–Hawaii's Education Program or Activity (e.g., designed to protect the safety of the Parties or the university's educational environment), or (2) provide support to a Party during a grievance or informal resolution process.

3.1.12 Additional Definitions

The following crimes are defined in the university's Annual Security Report: Dating Violence, Domestic Violence, Fondling, Incest, Rape, Stalking, and Statutory Rape.

3.2 Reporting Sex Discrimination

Anyone that believes Sex Discrimination has occurred in BYU–Hawaii's Education Program or Activity is encouraged to contact the Title IX Office, but some employees, as explained below, are required to notify the Title IX Office of Sex Discrimination. An employee who violates the requirements of this section may be subject to disciplinary action.

3.2.1 Mandatory Reporting or Notifications by Employees

3.2.1.1 REQUIRED REPORTERS

Unless exempted under this policy, the following university employees must notify the Title IX coordinator when they learn of conduct that may constitute Sex Discrimination in BYU–Hawaii's Education Program or Activity:

- All non-student employees; and
- All student employees who are employed in the Title IX Office, the Office of Honor, Human Resources, Campus Safety and Security, and Student Living.

Any employee who receives information confidentially in the context of a privileged relationship (e.g., the employee was the reporting person's physician, therapist, lawyer, ecclesiastical leader, or spouse), however, is not subject to this mandatory reporting obligation.

3.2.1.2 CONFIDENTIAL EMPLOYEES

Confidential employees are university employees

1. whose employment-related communications are privileged or confidential under the law;
2. designated as confidential by the university; or
3. conducting IRB-approved human research about Sex Discrimination.

A list of confidential employees and their contact information can be found at <https://titleix.byuh.edu/>.

Confidential employees must explain to any person who informs them, while they are performing employment duties to which privilege or confidentiality applies, of conduct that may constitute Sex Discrimination:

- the employee's status as a confidential employee;
- the employee is not required to notify the Title IX coordinator about the conduct;
- how to contact the Title IX coordinator and how to make a Complaint of Sex Discrimination; and
- the Title IX coordinator may be able to offer and coordinate Supportive Measures, as well as initiate an informal resolution process or an investigation.

3.2.2 How to Report Sex Discrimination

Reports of Sex Discrimination should be made to the Title IX coordinator, as soon as possible, using following contact information:

BYU–Hawaii Title IX Office

LSB 241

55-220 Kulanui Street #1976

Laie, HI 96762-1293

808-675-4585

titleix@byuh.edu

This information is also located on the Title IX Office's website:

<https://titleix.byuh.edu/>. In addition, individuals may submit reports, including anonymous reports, through ReportAConcern by submitting information online at <https://reportaconcern.byuh.edu/>.

3.3 Response by Title IX Coordinator

Upon receiving a report of Sex Discrimination, the Title IX coordinator will promptly contact the Complainant identified in the report to offer and coordinate Supportive Measures, as appropriate, and to notify the Complainant of applicable grievance processes, including how to file a Complaint and available informal resolution processes.

3.3.1 Supportive Measures

The Title IX coordinator coordinates the implementation of Supportive Measures for the Complainant and, as appropriate, for the Respondent. The university will keep confidential Supportive Measures provided to either Party to the extent that maintaining such confidentiality would not inhibit the university from providing the

Supportive Measures. The university may, as appropriate, continue, modify, or terminate Supportive Measures at the conclusion of any grievance or informal resolution process under this policy. A Party may also request modification or termination of a Supportive Measure applicable to them if circumstances materially change.

If a Party does not agree with the Title IX coordinator's decision to provide, deny, modify, or terminate Supportive Measures applicable to them, they may seek a review from the Student Life Vice President. The Student Life Vice President may modify or reverse the decision of the Title IX coordinator regarding Supportive Measures if he or she believes that decision was inconsistent with this policy.

3.3.2 Complaints of Sex Discrimination

Unless a Complaint is filed with the Title IX Office, a report of Sex Discrimination will not initiate a grievance process or result in any disciplinary action under this policy. The grievance process is initiated by (1) the proper filing of a Complaint with the Title IX coordinator alleging Sex Discrimination and requesting that BYU–Hawaii investigate the allegation, or (2) the Title IX coordinator initiating a Complaint.

The Complaint should clearly and concisely describe the conduct allegedly constituting Sex Discrimination, including (if known) the identities of the Parties involved and the date(s) and location(s) of each alleged incident.

3.3.2.1 WHO MAY FILE A COMPLAINT

A Complainant may file a Complaint of Sex Discrimination. A parent, guardian, or other authorized representative with the legal right to act on behalf of the Complainant may also file a Complaint for the Complainant. A Complaint may not be anonymous and must identify the Complainant.

Any other individual may also file a Complaint of Sex Discrimination (except for cases of Sex-Based Harassment) if that individual was participating or attempting to participate in BYU–Hawaii's Education Program or Activity at the time of the alleged Sex Discrimination.

3.3.2.2 COMPLAINTS INITIATED BY TITLE IX COORDINATOR

In the absence of a Complaint, or if a Complainant withdraws any allegations in a Complaint, the Title IX coordinator may initiate a Complaint if he or she determines that the alleged conduct

1. presents an imminent and serious threat to the health or safety of any person, or
2. prevents the university from ensuring equal access on the basis of sex to its Education Program or Activity.

The Title IX coordinator will inform the Complainant prior to initiating the Complaint, and the university will provide the Complainant with applicable notices,

but the Complainant is not required to respond or participate in any resulting grievance process.

3.3.3 Evaluation of Complaint

3.3.3.1 PRELIMINARY EVALUATION AND DISMISSAL

Generally, within five (5) business days of receiving a Complaint, the Title IX coordinator will evaluate the allegations and may dismiss those concerning conduct that would not constitute Sex Discrimination. Prior to dismissing any allegations, the Title IX coordinator will make reasonable efforts to clarify them with the Complainant.

The Title IX coordinator may also dismiss a Complaint entirely, or any of its allegations, or may suspend a grievance process at any time if:

- the Complainant notifies the Title IX coordinator in writing that the Complainant would like to voluntarily withdraw the Complaint or all allegations of Sex Discrimination;
- the university is unable to identify the Respondent after taking reasonable steps to do so;
- the Respondent is not participating in BYU–Hawaii’s Education Program or Activity or not employed by BYU–Hawaii; or
- specific circumstances prevent the Investigator from gathering evidence sufficient to reach a determination as to the allegations in the Complaint.

Dismissal precludes any subsequent Complaint by the same Complainant alleging the same factual allegations. A Complainant may file another Complaint against the same Respondent based on new or additional factual allegations. Dismissal of a Complaint does not preclude action against the Respondent under the [CES Honor Code](#), [Personnel Conduct policy](#), [Progressive Discipline policy](#), [Banning policy](#), or other university policies applicable to the alleged conduct.

The Title IX coordinator will promptly send, at the same time, both Parties written notice of and reasons for any dismissal. If the dismissal occurs before the Respondent has been notified of the allegations, then the written notice will be sent only to the Complainant. The dismissal of allegations of a Complaint may be appealed as provided in the Sex Discrimination Appeal Procedures.

Following the dismissal of a Complaint, the Title IX coordinator will, if appropriate, offer the Complainant and the Respondent Supportive Measures and will take appropriate prompt and effective steps to ensure that Sex Discrimination does not continue or recur within BYU–Hawaii’s Education Program or Activity.

If a Complaint is dismissed or an investigation is suspended because the Respondent is not enrolled at BYU–Hawaii, employed by BYU–Hawaii, or under BYU–Hawaii’s disciplinary authority, the university may reopen the investigation if the Respondent enrolls or applies for work at the university or otherwise comes

under BYU–Hawaii’s disciplinary authority. If a Complaint is reopened, the Title IX coordinator will promptly notify the Parties.

3.3.4 Applicable Procedures

The Title IX coordinator will follow the Sex-Based Harassment Grievance Procedures to respond to Complaints of Sex-Based Harassment alleged to have occurred on or after August 1, 2024, and involving a student Party. Complaints of Sex-Based Harassment alleged to have occurred entirely before August 1, 2024, are subject to the university policies and procedures in place at the time of the alleged conduct.

The Title IX coordinator refers a report or Complaint of Sex Discrimination that is not Sex-Based Harassment involving a student Party for an appropriate response under the [Nondiscrimination and Equal Opportunity policy](#), [Personnel Conduct policy](#), [CES Honor Code](#), and other applicable policies and procedures of the university. Complaints of Sex Discrimination addressed under those policies and procedures will be handled in accordance with the applicable requirements of 34 C.F.R. §106.45, which prevail over any conflicting terms in those policies and procedures.

3.4. General Provisions Applicable to All Sex Discrimination Grievance Processes

3.4.1 Confidentiality by University

The university recognizes that Complainants or witnesses of Sex Discrimination might be hesitant to report the incident if they fear it may lead to the discovery of other honor code violations. To help address this concern and to encourage the reporting of Sex Discrimination, the Title IX Office will not share the identity of a Complainant or witness with the Office of Honor unless requested by that person or if a person’s health or safety is at risk.

Further, during the pendency of the grievance process, the university will keep confidential the identity of any individual who has made a report or filed a Complaint of Sex Discrimination, any individual who has been reported to be a perpetrator of Sex Discrimination, and any witness; except as required by law, as necessary to carry out this policy, or as may be permitted by the [Access to Student Records \(FERPA\) policy](#).

The university does not prohibit Parties from discussing Sex Discrimination allegations, especially (i) as necessary to gather and present relevant evidence; (ii) to consult with family members, confidential resources, or advisors; or (iii) to otherwise prepare for or participate in the grievance process. However, given the sensitive nature of Sex Discrimination allegations, all participants in a grievance process are requested to keep the allegations and investigation proceedings confidential insofar as possible.

3.4.2 Impartiality

Grievance administrators—including the Title IX coordinator, investigators, and reviewers—must treat the Parties equitably and presume the Respondent is not responsible for alleged conduct until a determination is made at the conclusion of the grievance process. Grievance administrators should strive to objectively evaluate all relevant evidence, including any information tending to show the Respondent’s responsibility, or that the Respondent is not responsible, for Sex Discrimination. No grievance administrator may participate in the grievance process if he or she has a conflict of interest or bias for or against Complainants or Respondents generally or individually. Determinations regarding any person’s credibility may not be based on the person’s status as a Complainant, Respondent, or witness.

3.4.3 Overlapping Complaints and Concurrent Investigations or Processes

The university may consolidate Complaints of Sex Discrimination against one or more Respondents, by one or more Complainants, and/or between the same Parties, when the allegations of Sex Discrimination arise out of the same facts or circumstances. If a Complaint includes multiple allegations of Sex Discrimination that do not arise out of the same facts or circumstances or that are not subject to discipline under the same university policies or procedures, the university may address them separately. If a Complaint includes allegations of both Sex Discrimination and other types of misconduct, the university may address the allegations of Sex Discrimination under this policy and related grievance processes and may refer the other allegations to the appropriate office or unit of the university, subject to any applicable confidentiality provisions and amnesty protections, for handling under the pertinent university policies. The Title IX coordinator will provide written notice to all affected Parties of any decision to consolidate the allegations in any Complaint(s) or to address them separately.

Generally, a university investigation or resolution of a Complaint of Sex Discrimination will not be suspended pending the conclusion of a criminal investigation or any other investigation, including another university investigation. Although the findings and conclusions of one investigation will not necessarily determine the outcome of any other, any information or findings developed in any university or external investigation may be shared with and considered in any other university investigation, subject to applicable confidentiality provisions and amnesty protections.

3.4.4 Emergency Removal of Respondent

The university may remove a Respondent from BYU–Hawaii’s Education Program or Activity on an emergency basis at any time if it determines there is an imminent and serious threat to the physical health or safety of anyone (see [Banning policy](#)). In such cases, the university will conduct an individualized safety and risk analysis

and will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal according to the ban review process.

3.4.5 Nonretaliation

The university prohibits any type of Retaliation. Individuals who feel they have been the subject of Retaliation should report the incident to the Title IX coordinator. Making a materially false statement in bad faith during a Sex Discrimination grievance process is grounds for discipline, and imposing discipline in that case does not constitute Retaliation. However, a university determination that the Respondent was or was not responsible for Sex Discrimination, alone, is not sufficient to conclude that any Party made a materially false statement in bad faith.

3.4.6 Required Participation of Employees

In addition to the mandatory reporting and notification requirements in Section 2.1, the university may require an employee to participate as a witness in, or otherwise assist with, an investigation under this policy or related grievance process.

3.4.7 Delivery of Documents and Extensions of Time

Delivery of a document occurs when a Party physically receives the document, when it is sent by email to the Party's email address on file with the university, or three (3) business days after it is sent by U.S. Mail to the Party's residential address on file with the university.

A Party may ask the university for an extension of any deadline imposed by this policy or any related grievance process, and the university may extend timeframes of major stages of a Sex Discrimination grievance process for good cause with a written explanation to both Parties. Good cause may include considerations such as the absence of a Party or a witness, ongoing law enforcement activity, or the need for language assistance or accommodation of disabilities.

3.5 Informal Resolution

Prior to the conclusion of any Sex Discrimination grievance process, the university may offer to the Parties the option to resolve a Complaint or report of Sex Discrimination through an informal resolution process as set forth in the Sex Discrimination Informal Resolution Procedures, which allows the Parties to forego all or some of the grievance process.

3.6 Record Keeping

The university will maintain the following records for a period of seven (7) years or as required by the [University Records Retention policy](#), whichever is longer:

- For each Complaint of Sex Discrimination, records documenting the informal resolution or grievance process followed by the university, including the outcome.
- For each report that the Title IX coordinator receives about conduct that may constitute Sex Discrimination, records documenting the actions the university took.
- All non-privileged materials used to train grievance administrators, which the university will also make available for inspection upon request by members of the public.

3.7 Training

The university is committed to educating members of the campus community on Sex Discrimination prevention and response. All employees must be trained on:

- the university’s obligation to address Sex Discrimination in its Education Program or Activity;
- the scope of conduct that constitutes Sex Discrimination, including the definition of Sex-Based Harassment, and
- all applicable notification and information requirements required by this policy.

This training is required for all employees (1) upon hiring, (2) upon a change of position that alters duties under this policy, and (3) annually after (1) or (2). Supervisors are responsible to ensure that employees within their areas of stewardship are properly trained.

Additionally, all individuals involved in administering any Sex Discrimination grievance process, including the Sex-Based Harassment Grievance Procedures, must have received training within the previous six (6) months on:

- the Sex-Based Harassment Grievance Procedures;
- the definition of Sex-Based Harassment;
- the scope of BYU–Hawaii’s Education Program or Activity;
- how to conduct an investigation, grievance process, and informal resolution process, as applicable;
- how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias; and
- the meaning and application of the term “relevant” in relation to questions and evidence, and the types of evidence that are impermissible regardless of relevance.

This training must not rely on sex stereotypes. All non-privileged materials used to provide training under this section will be made available upon request for inspection by members of the public.

4. RELATED POLICIES AND PROCEDURES

- [Access to Student Records \(FERPA\)](#)
- [Banning](#)
- [CES Honor Code](#)
- [Nondiscrimination and Equal Opportunity](#)
- [Personnel Conduct](#)
- [Progressive Discipline](#)
- [University Records Retention](#)

SEX DISCRIMINATION APPEAL PROCEDURES

The following procedures apply to appeals of dismissals of Sex Discrimination Complaints and Determinations regarding Sex-Based Harassment. Key terms in these procedures are defined herein and in the Sex Discrimination policy and Sex-Based Harassment Grievance Procedures.

1. SUBMITTING AN APPEAL

Either Party may appeal (i) the Title IX coordinator's dismissal of a Complaint (or any of its allegations) of Sex Discrimination; or (ii) a Determination made pursuant to the Sex-Based Harassment Grievance Procedures.

The appealing Party must submit a written appeal to the Title IX office within ten (10) business days of receiving the notice of dismissal/Determination. The written appeal is limited to five (5) pages, exclusive of exhibits, and must identify at least one of the following grounds that the appealing Party believes would change the outcome:

A procedural irregularity.

New evidence that was not reasonably available at the time the dismissal/Determination was made. The appeal must identify the new evidence and include an explanation as to both why the evidence was unavailable at the time the dismissal/Determination was made and its potential impact on the outcome.

That the Title IX coordinator or Investigator had a conflict of interest, a bias for or against Complainants or Respondents generally, or a preexisting bias against a Party.

The Title IX coordinator will send a copy of the written appeal to the designated appeal reviewer (Reviewer) (see Section 2) and will provide the Reviewer with access to the Record, if one exists. The Reviewer will promptly determine if the appealing Party has asserted one of the three permissible bases for appeal listed above. If no permissible basis for appeal is asserted, the Reviewer will dismiss the appeal after providing proper written notice to the appealing Party.

2. APPEAL REVIEWER

Neither the Title IX coordinator nor the Investigator in a matter may serve as the Reviewer of the same matter. The Reviewer is designated based on the status of the Respondent who is the subject of the Determination, as follows:

Student (including a student employee): dean of students (or his or her designee).

Faculty member: academic vice president (or his or her designee). However, if the sanction imposed by the Investigator is for the involuntary termination of a faculty member with continuing faculty status (CFS) or in a CFS-track position, the university president will be the Reviewer and will make the decision.

Administrative or staff employee: employee's line vice president (or his or her designee).

Other individual (neither a student nor an employee): Banning Committee or, where the sanction does not include a ban of the Respondent, the vice president who oversees the area within BYU-Hawaii's Education Program or Activity in which the Complainant was participating or attempting to participate when the alleged harassment occurred, or an individual designated by that vice president.

The Title IX coordinator will send the Determination, written appeal, and any written opposition to the Reviewer for review.

3. REVIEW PROCESS

If the Reviewer determines that a proper basis for appeal has been asserted, the Title IX coordinator will send a copy of the written appeal to the other Party, who may file a written opposition to the appeal with Title IX office within ten (10) business days. The opposition is limited to five (5) pages, exclusive of exhibits. The Title IX coordinator will promptly send a copy of the opposition to the appealing Party for reference, as no further opposition or statements will be accepted.

Except for the appeal of a decision terminating the employment of a CFS or CFS-track faculty member, the Reviewer will not interview the Parties or consider any information outside the Record and the written appeal and opposition of the Parties.

An appeal is not a reconsideration of the case but is limited to consideration of the acceptable bases for appeal.

4. FINAL APPEAL DECISION

Within fifteen (15) business days of receiving the appeal, the Reviewer will simultaneously provide the Parties and the Title IX coordinator with a written appeal decision (Appeal Decision) upholding, reversing, or amending all or part of the original Determination and providing the Reviewer's rationale for the result. If the Reviewer cannot reasonably consider and resolve the appeal within fifteen (15) business days, the Reviewer will advise the Parties as to when the Appeal Decision will be provided. The Reviewer's Appeal Decision is final, and no further review will be allowed.

SEX DISCRIMINATION INFORMAL RESOLUTION PROCEDURES

The following procedures describe the university's informal resolution process for reports or Complaints of Sex Discrimination. The goal of informal resolution is to resolve a matter to the satisfaction of the Parties quickly and confidentially and to protect the safety of all Parties and the university's educational environment. Key terms in these procedures are defined in the Sex Discrimination policy.

1. INITIATING AN INFORMAL RESOLUTION PROCESS

Either Party may ask the Title IX coordinator to facilitate an informal resolution process at any time before a Respondent is determined to be responsible for Sex Discrimination; however, the university will not offer or facilitate an informal resolution process until all Parties have provided their voluntary, written consent to the informal resolution process and have received a written notice that explains:

- the allegations;
- the requirements of the informal resolution process;
- that, prior to agreeing to a resolution, any Party has the right to withdraw from the informal resolution process and to initiate or resume the grievance procedures;
- that the Parties' agreement to a resolution at the conclusion of the informal resolution process precludes the Parties from initiating or resuming grievance procedures arising from the same allegations;
- the potential terms that may be requested or offered in an informal resolution agreement, including notice that an informal resolution agreement is binding only on the Parties; and
- what information the university will maintain and whether and how the university could disclose such information for use in grievance procedures that are initiated or resumed.

The Title IX coordinator retains discretion to determine whether it is appropriate to offer an informal resolution process and may decline to offer informal resolution despite one or more of the Parties' wishes. Circumstances when the university may decline to allow informal resolution include, but are not limited to, when the Title IX coordinator determines that the alleged Sex Discrimination would present a future risk of harm to others.

2. TYPES OF INFORMAL RESOLUTION

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

3. INFORMAL RESOLUTION AGREEMENT

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

4. IMPARTIALITY

The Title IX coordinator will ensure that any person who facilitates an informal resolution process (i) does not have a conflict of interest or bias for or against Complainants or Respondents generally or individually; and (ii) is trained as required by the Sex Discrimination policy. The facilitator for the informal resolution process must not be the same person as the investigator in the university's grievance procedures.

SEX-BASED HARASSMENT GRIEVANCE PROCEDURES

The following procedures describe the university's response to Complaints of Sex-Based Harassment. Key terms in these procedures are defined herein and in the Sex Discrimination policy.

1. INVESTIGATION

The university investigates Sex-Based Harassment allegations in a Complaint as set forth below (Investigation).

1.1 Selection of the Investigator

After receiving or initiating a Complaint of Sex-Based Harassment, the Title IX coordinator promptly selects an individual (Investigator) to investigate the allegations in the Complaint.

1.2 Notice of Allegations

Upon receipt of a Complaint from the Title IX coordinator, the Investigator promptly prepares and delivers a written notice of allegations (Notice of Allegations) to the Parties (if known) at least five (5) business days prior to the Respondent's initial interview. The Notice of Allegations must include at least the following:

- copy of, or links to, these grievance procedures and the university's Sex Discrimination Informal Resolution Procedures;
- description of the conduct alleged to constitute Sex-Based Harassment (including date(s) and location(s)) and the identities of the parties involved, to the extent that information is available;
- statement prohibiting Retaliation (see Sex Discrimination policy);
- statement that the Respondent is presumed not responsible for the alleged Sex-Based Harassment until a Determination is made at the conclusion of the grievance process and that prior to the Determination, the Parties will have an opportunity to present relevant, permissible evidence;
- notice that each Party may seek an advisor of their choice, who may be, but is not required to be, an attorney;
- statement that the Parties are entitled to an equal opportunity to access the relevant, permissible evidence and the Report (see Section 1.5); and
- prohibition on knowingly providing false information during the grievance process, which violates the Church Educational System Honor Code.

A Party who wishes to file a separate Complaint with allegations of Sex Discrimination relating to the incidents identified in the Notice of Allegations must

file that Complaint within fifteen (15) business days of receiving the Notice of Allegations. Allegations in any Complaint received under this paragraph may be consolidated or separated as provided in the Sex Discrimination policy. If, during the Investigation, the Investigator decides to investigate additional Sex Discrimination allegations about the Complainant or Respondent that are not included in the Notice of Allegations, the Investigator will provide the Parties (if known) with a supplemental Notice of Allegations as to the additional allegations.

If the university, after an individualized safety and risk analysis, has reasonable concerns that issuing a Notice of Allegations would compromise the safety of anyone, the university may reasonably delay providing the Notice of Allegations to appropriately address the safety concern.

1.3 Evidence

1.3.1 Relevance

Evidence is relevant when it may aid the Investigator in determining if the alleged Sex-Based Harassment occurred. Questions are relevant when they seek evidence that may aid in showing if the alleged Sex-Based Harassment occurred.

1.3.2 Impermissible Evidence

The following types of evidence, and questions seeking that evidence, are impermissible and may not be considered or used in the Investigation, regardless of whether they are relevant:

- evidence protected under a legal privilege or provided to a confidential employee, in the scope of their work as a confidential employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- a Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the treatment of the Party or witness, unless the university obtains that Party's or witness's voluntary, written consent to use the records in the Investigation; and
- evidence about the Complainant's sexual interests or prior sexual conduct unless (i) it is offered to prove that someone other than the Respondent committed the alleged conduct, or (ii) the evidence concerns specific incidents of the Complainant's prior sexual behavior with respect to the Respondent and are offered to prove Consent to the alleged Sex-Based Harassment.

1.4 Investigation Process

The Investigator gathers sufficient evidence to determine based on the preponderance of the evidence (i.e., more likely than not to be true) whether Sex-

Based Harassment occurred. The Investigator may gather information and evidence through written statements and live interviews. As part of that process, the Investigator provides an equal opportunity for each Party to identify fact witnesses and to provide other relevant, permissible evidence.

The Investigator should, in good faith, attempt to conduct the Investigation and issue a Report within ninety (90) calendar days of receiving the Complaint of Sex-Based Harassment.

1.4.1 Sex-Based Hostile Environment Harassment

For Sex-Based Harassment Complaints alleging a hostile environment, the Investigator will conduct a fact-specific inquiry that includes consideration of the following:

- how the conduct affected the Complainant's ability to access the university's Education Program or Activity;
- the type, frequency, and duration of the conduct;
- the Parties' ages, roles within the university's Education Program or Activity, previous interactions, and other factors about each Party that may be relevant to evaluating the effects of the conduct;
- the location of, and context in which, the conduct occurred; and
- other Sex-Based Harassment in the university's Education Program or Activity.

A Complaint of a sex-based hostile environment harassment within the university's Education Program or Activity will be addressed using these procedures, even when some conduct alleged to be contributing to the hostile environment occurred outside the university's Education Program or Activity or outside the United States.

1.4.2 Parties' Participation in Investigation

When a Party is invited or expected to participate in a meeting as part of the Investigation, the Investigator will give the Party (i) written notice of the meeting date, time, location, participants, and purpose; and (ii) sufficient time to prepare to participate.

Each Party may be accompanied by one advisor of their choice, who may be, but is not required to be, an attorney. The advisor's participation in the grievance process is set forth in Section 5. No other persons will be allowed to accompany the Party in grievance process meetings.

1.4.3 Fact Gathering and Questioning of Parties and Witnesses

INITIAL MEETING WITH RESPONDENT

At least five (5) business days following delivery of the Notice of Allegations to the Respondent, the Investigator will attempt to meet with the Respondent to at least review the Notice of Allegations and document Respondent's responses to the

allegations. The Respondent will then be given five (5) business days to, in writing, submit revisions to, or supplement, the responses to the Notice of Allegations, after which a copy of Respondent's responses is provided by the Investigator to the Complainant.

SUBSEQUENT INDIVIDUAL MEETINGS

Following the initial meeting with the Respondent, the Investigator will typically schedule subsequent individual meetings with at least each Party so that the Investigator may ask relevant questions to evaluate the pertinent allegations and to assess credibility, if applicable.

Each Party will also be given the opportunity to propose questions that it wants the Investigator to ask of the other Party or any witness. The Investigator determines if a proposed question is relevant and must explain to the questioning Party any decision to exclude a question as not relevant or impermissible. The Investigator will not permit questions, even if relevant, that he or she believes are unclear or harassing but will give the questioning Party an opportunity to clarify or revise those questions. The Investigator will provide both Parties with an audio recording or transcript of the answers to the Party-requested questions with enough time for the questioning Party to have a reasonable opportunity to propose follow-up questions.

The number of individual meetings held during the Investigation will be at the reasonable discretion of the Investigator. Such meetings may be conducted in person or remotely using technology enabling the Investigator to see and hear the Party or witness.

The university makes reasonable allowances for students and employees to participate in an individual meeting, if necessary, during regular school or work hours. However, the university will not compel any Party or non-employee witness to participate in an individual meeting. If a Party or witness does not attend an individual meeting or refuses to answer questions from the Investigator, the Investigator may still, at his or her discretion, rely on any relevant statement(s) of that Party or witness in reaching a Determination. The Investigator may not draw any inference about whether Sex-Based Harassment occurred based solely on a Party's or witness's absence from an individual meeting or refusal to answer questions.

1.5 Investigation Record and Report

The Investigator will maintain a record (Record) consisting of all relevant evidence obtained as part of the Investigation, including the Notice of Allegations and the Respondent's written response, and any recordings from the subsequent individual meetings.

At the conclusion of the Investigation, the Investigator will create a report (Report) that

- identifies the allegations potentially constituting Sex-Based Harassment and the Respondent's responses to each allegation;
- describes the procedural steps taken from receipt of the Complaint through the conclusion of the Investigation, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence; and
- impartially summarizes the relevant evidence.

The Investigator will send the Report to each Party and advisor, if any. At the same time, the Investigator will also give both Parties read-only access to the Record through a file-sharing platform (e.g., Box). The Record will remain available to the Parties and their advisors until the conclusion of the grievance process and any further access will be only as permitted by the Access to Student Records (FERPA) policy or as required by law.

Each Party and advisor must maintain the confidentiality of all information and evidence learned by them through the grievance process. The university may restrict further access to the Record and seek appropriate sanctions against a Party or an advisor who discloses this information or evidence without authorization.

1.6 Final Written Responses by Parties; Close of Investigation

Upon delivery of the Report to the Parties, each Party will have ten (10) business days to submit a written response, which the Investigator will add to the Record and consider in making his or her Determination. Absent good cause, the Investigator will close the Investigation and not consider additional evidence, including but not limited to the introduction of new fact witnesses, that would have been discoverable through the exercise of due diligence during the Investigation.

2. WRITTEN DETERMINATION

Within ten (10) business days of the close of the Investigation, the Investigator will provide simultaneously to the Parties and their advisors, if any, a written determination whether Sex-Based Harassment occurred (Determination). In drafting the Determination, the Investigator will objectively evaluate all evidence relevant to the allegations in the Notice of Allegations and will decide, based on the preponderance of the evidence, whether the Respondent is responsible for Sex-Based Harassment.

The Determination will include at least the following:

- a description of the alleged Sex-Based Harassment;
- a reference to these procedures;
- the Investigator's evaluation of the relevant, permissible evidence and determination whether Sex-Based Harassment occurred;

- any disciplinary sanctions (see Section 3) imposed on the Respondent and whether other remedies will be provided to the Complainant, and, to the extent appropriate, other students identified by the university to be experiencing the effects of the Sex-Based Harassment; and
- a reference to the Sex Discrimination Appeal Procedures.

The Determination becomes final unless an appropriate appeal is filed within ten (10) business days of delivery of the Determination. If an appeal is timely filed, the Reviewer's Determination becomes final on the date that the appeal decision is provided to the Parties. The Parties' access to the Record will terminate as soon as the Determination becomes final.

3. SANCTIONS

Sanctions against a Respondent for committing Sex-Based Harassment may include the following:

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

For a student: notice, warning, probation, suspension withheld, suspension, restriction on officially representing the university, expulsion, and a ban from campus. Any disciplinary sanction imposed on a student Respondent and the reason for the sanction may also be noted on the student's academic transcript and Honor Code file. If the Respondent is a student employee, possible sanctions also include those applicable to employees.

Other Respondents: limitation or termination of any agreement or association between the university and the Respondent and a ban from campus.

4. SUPPORTIVE MEASURES

Supportive Measures available to Parties to a Sex-Based Harassment Complaint may vary depending upon what is reasonably available. Such measures may include, but are not limited to: counseling; extensions of deadlines or other course-related adjustments; campus escort services; increased security and monitoring of certain areas of the campus; mutual restrictions on contact between the Parties; modifications of work or class schedules; leaves of absence; changes in work or housing locations; changes to extracurricular activities; training and education programs related to Sex-Based Harassment; and other similar measures.

5. ADVISORS

Either Party may invite an advisor of their choice to accompany them to any meeting under these procedures to provide the Party with support, guidance, or advice. The university will not typically assign advisors or change scheduled meetings to accommodate an advisor's inability to attend. Individuals may change their advisor during the grievance process. Although all Parties have the same opportunity to have an advisor present during any grievance proceeding, the university cannot guarantee equal advisory rights when it comes to advisors.

An advisor may attend for purposes of observation but will not be permitted to represent a Party, to respond to questions posed to the Party, or to otherwise participate in any meeting that may take place under these procedures. Advisors are subject to campus rules and are expected to refrain from interference with the university investigation and resolution process. Advisors are not permitted to contact the other Party or to act concurrently as a witness during the grievance process. Noncompliance with this section may result in the advisor being prohibited from participating in some or all of the grievance process.

6. AMNESTY AND LENIENCY

BYU–Hawaii exists to provide an educational environment consistent with the ideals and principles of the restored gospel of Jesus Christ. The CES Honor Code and its observance by the campus community are essential components of BYU–Hawaii's mission. The university will not tolerate Sex-Based Harassment, and anyone found to have committed Sex-Based Harassment is not entitled to amnesty.

Being a victim of Sex-Based Harassment is never a violation of the CES Honor Code. The university strongly encourages the reporting of all incidents of Sex-Based Harassment to the Title IX coordinator so that Supportive Measures can be offered to Complainants and Sex-Based Harassment can be prevented and addressed.

6.1 Amnesty

Anyone, including a Complainant, who reports an incident of Sex-Based Harassment will not be disciplined by the university for any related honor code violation arising out of the same facts or circumstances as the report unless a person's health or safety is at risk. However, with Complainants or witnesses who have violated the honor code, the university may offer and encourage support, counseling, or education efforts to help students and benefit the campus community.

6.2 Leniency

To encourage the reporting of Sex-Based Harassment, the university will also offer leniency to Complainants and witnesses for other honor code violations that are not related to the incident but which may be discovered as a result of the investigatory

process. Such violations will generally be handled so that the student can remain in school while appropriately addressing these concerns.

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

7. SEX-BASED HARASSMENT COMPLAINTS INVOLVING PCC EMPLOYEES

In the case of a Complaint of Sex-Based Harassment involving an employee of the Polynesian Cultural Center (PCC), the Investigation may be conducted jointly with a second investigator assigned by the PCC. Both investigators will work in good faith to conduct the Investigation consistent with these grievance procedures. The PCC may also implement, independent of BYU–Hawaii, interim measures consistent with its policies and applicable law.

In these cases, BYU–Hawaii and the PCC will independently determine appropriate resolution and sanctions. In cases involving a Respondent who is a BYU–Hawaii student-employee assigned to work at the PCC, both BYU–Hawaii and the PCC may consult with each other on any employment-related sanctions.

DRUG-FREE SCHOOL

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. To comply with this law and further its commitment to support society's effort to eliminate drug and alcohol abuse, Brigham Young University-Hawaii ("BYU-Hawaii" or "university") has adopted this Drug-Free School policy to supplement the Church Educational System (CES) Honor Code ("Honor Code.")

2. 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 university personnel abide by the Honor Code, which includes a personal commitment to abstain, both on and off campus, from alcoholic beverages, tobacco, tea, coffee, vaping, and substance abuse. The possession, use, or distribution of illegal drugs or alcohol is prohibited.

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 university personnel while on or off campus and apply to guests and volunteers while on-campus or participating in any university activities.

This Drug-Free School policy should not be confused with the university's Drug-Free Workplace policy, which is designed to comply with the Drug-Free Workplace Act of 1988 and which governs the workplace environment of university personnel engaged in research sponsored by the federal government.

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

Personnel 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, alcohol, tobacco, vaping, and substance abuse 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 alcohol or tobacco use, vaping, or substance abuse; (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. 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 services detailed below.

3.3 Available Alcohol, Tobacco, and Drug Counseling and Treatment

The university supports student and personnel participation in programs to prevent alcohol and tobacco use, vaping, use of illegal drugs, and abuse of prescription drugs. The BYU–Hawaii 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. Student meetings with Counseling Services counselors are confidential unless there is a threat of harm to self or others, a student reveals abuse of a child or vulnerable adult, or in the case of legal subpoenas. 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..... (808) 293-9221
- Ko’olau Health Center..... (808) 293-9231
- Hawaii State Department of Health Access Line..... (808) 832-3100
- Alcoholics Anonymous..... (808) 946-1438
- Narcotics Anonymous..... (808) 734-4357

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

The university educates students and employees about the detrimental effects of illicit drugs, misuse of prescription drugs, alcohol, and tobacco through the university’s Clery Act Annual Security Report (“Security Report”) publication and distribution. Additional educational training may consist of university sponsored workshops, seminars, informational materials, and lectures as determined appropriate by the counseling services director 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 <https://safetyandsecurity.byuh.edu/clery-report> or can be requested in hard-copy form from Campus Safety & 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 Security Report, which can be requested in hard-copy form from Campus Safety & Security.

Students and personnel involved in intentional alcohol or tobacco use, vaping, or substance abuse 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.

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

3.4 Biennial Drug-Free School Program Review

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

3.5 Applicability

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

4. RELATED POLICIES AND PROCEDURES

- [CES Honor Code](#)
- [Clery Act](#)
- [Disruptive Student Conduct](#)
- [Drug-Free Workplace](#)

DRUG-FREE WORKPLACE

1. PURPOSE

Brigham Young University–Hawaii ("BYU–Hawaii" or "university") 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 <https://safetyandsecurity.byuh.edu/reports> 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](tel:8086753713), or email at hrs@byuh.edu.

The Employee Assistance Program (EAP), offered through Deseret Mutual Benefit Administrators, provides personnel with confidential assistance related to substance abuse, mental health, goal achievement, and more. Personnel can seek assistance from EAP by calling 1-844-280-9629 or visiting <https://myeaphelper.mybeaconwellbeing.com/>.

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

- [CES Honor Code](#)
- [Clery Act](#)
- [Drug-Free Schools](#)

MISSING STUDENT NOTIFICATION

1. PURPOSE

Federal regulations require Brigham Young University–Hawaii ("BYU–Hawaii" or "university") to provide for means of notifying parents, campus authorities and law enforcement when a student who lives in on-campus student housing facilities has been missing for 24 hours.

2. POLICY

Annually, the university will inform all students 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 information 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, those designated to receive missing student reports must immediately notify Campus Safety & Security as outlined in the following implementation guidelines.

3. IMPLEMENTATION

3.1 Definitions

3.1.1 Authorized Campus Officials

Authorized Campus Officials include, but are not limited to, the student life vice president, dean of students, members of Campus Safety & Security, and members of the Conduct Assessment, Response, and Evaluation Team (CARE Team)

3.2 Registration of Contact Persons by the student

The university provides an option for each student living in on-campus housing to provide the name and contact information of one or more individuals to serve as a contact for missing persons purposes (Missing Persons Contact). A student's Missing Persons Contact is registered confidentially, is accessible only to Authorized Campus Officials, and is not disclosed except to law enforcement personnel in furtherance of a missing person investigation. If there is no contact identified, the Honolulu Police Department will be notified by the university.

3.3 Students Under the Age of 18

If a student is under 18 years of age and not emancipated, the university must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any Missing Persons Contact designated by the student.

3.4 Reporting

The following are the titles of the employees or campus units to which students, employees, or other individuals should report that a student who lives in on-campus housing has been missing for 24 hours or more:

- Campus Safety & Security – [\(808\) 675-3911](tel:8086753911), MCK 148;
- residential living manager – [\(808\) 675-4921](tel:8086754921)
- campus life director – [\(808\) 675-3677](tel:8086753677), ACR 166; or,
- dean of students – [\(808\) 675-4586](tel:8086754586), LSB 121.

Reports of missing students may also be made to the Honolulu Police Department by calling 911.

Any report of a student missing from on-campus housing, including reports from individuals not affiliated with the university, must be referred immediately to Campus Safety & Security regardless of how long the student is believed to have been missing.

If a student is determined by Campus Safety & Security or local law enforcement to be missing, Campus Safety & Security will coordinate with the dean of students so that the CARE Team can plan and oversee an investigation.

3.4.1 Information for Missing Student Reports

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

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

3.5 Investigation Procedures

When a student from on-campus housing is reported missing and has been deemed by Campus Safety & Security or local law enforcement to have been missing for 24 hours without any known reason, Campus Safety & Security will notify the CARE Team. The university will then follow the procedures outlined below:

1. The dean of students will contact the student life vice president.
2. The CARE Team will identify and implement actions to assist in locating the missing student.
3. The dean of students will notify the student's Missing Persons Contact(s) within 24 hours of the determination that the student is missing.
4. If the student is under 18 (and not emancipated), the dean of students will notify the student's custodial parent/guardian no later than 24 hours of the determination that the student is missing.
5. The dean of students will notify the Honolulu Police Department within 24 hours of Campus Safety & Security determining that the student is missing.
6. All attempts to notify the Missing Persons Contact(s) and/or the student's parent/guardian should be documented. Any of the foregoing steps may be taken before a student is determined to have been missing for 24 hours if there is reason to believe the student is missing or may otherwise be in danger.

For international students determined to be missing, the CARE Team will immediately inform the international student services manager.

4. RELATED POLICIES AND PROCEDURES

- [Behavioral Intervention and Threat Assessment](#)
- [Clery Act](#)
- [Conduct Assessment, Response and Evaluation Procedures](#)
- [Student Emergency Leave](#)

Fire Policies

The following university policy meets the Campus Fire Safety Act's policy requirements:

- Campus Fire Safety Act policy

FIRE SAFETY

1. PURPOSE

This policy has been developed to help manage the risks associated with fire as a means to help protect the safety of Brigham Young University–Hawaii (“BYU–Hawaii” or “university”) faculty, staff, students, visitors, and campus infrastructure.

2. POLICY

The university is committed to creating a campus environment that is safe and that adheres to all federal campus safety laws. This policy is adopted in compliance with 20 U.S.C. § 1092(i). BYU–Hawaii complies with applicable fire and building safety laws.

3. IMPLEMENTATION

3.1 Definitions

3.1.1 Fire Safety Laws

Includes but is not limited to the Occupational Health and Safety Administration regulations, State of Hawaii Fire Code, BYU–Hawaii's Fire Prevention/Protection Program, and the National Fire Code.

3.1.2 Maintenance Hot Work Areas

Includes but is not limited to cutting and welding with torches. Hot work being performed outside of designated areas must obtain a "Hot Work Permit" before performing the following: brazing, cutting, grinding, soldering, welding, the use of propane heaters, or the use of any pyrotechnic device (see university's Fire Prevention/Protection Program for details).

3.1.3 Open Flame Device

Includes but is not limited to candles, incense, wax warmers, fireworks, barbecue grills, torches, and other incendiary devices.

3.1.4 University Building

Includes but is not limited to classrooms, laboratories, dormitories, married student housing, etc.

3.2 Responsibilities

3.2.1 University Safety Officer

Under the direction of the campus safety & security director, the university safety officer shall implement the university's Fire Prevention Procedures including the following:

- Scheduling and coordinating required surveys and inspections.
- Managing the fire drill plan.
- Managing the fire alarm and fire suppression testing plan.
- Fire safety training.
- Managing the hot work program.
- Monitoring implementation of recommended improvements to the university's Fire Prevention/Protection Program.

3.2.2 Campus University Safety Officer

Campus Safety & Security shall prepare and maintain a Fire Prevention/Protection Program that defines and documents the university's fire safety program, including compliance with federal and state fire safety regulations.

3.2.3 Facilities Management

Facilities Management shall coordinate with Campus Safety & Security to ensure fire safety alert and suppression systems are properly installed as required by applicable building and fire codes and are maintained and tested as required.

3.2.4 Building Coordinators

Individuals designated as fire safety officers for selected facilities shall

- Obtain the necessary training regarding their responsibilities;
- Develop an individual Fire Safety Plan for their facility;
- Ensure the facility has the required evacuation plans and notices; and,
- Ensure employees in the facility understand their responsibilities in the event of an evacuation.

3.2.5 All Faculty, staff and students

All faculty, staff, and students are responsible to understand and act on the following:

- Know what action to take in the event of discovering a fire;
- Upon hearing a fire alarm, evacuate the building by the nearest emergency exit;
- Comply with all fire safety instructions provided by the university and its officers; and,
- Not tamper with any fire safety equipment provided by the university.

3.2 Prohibitions

Open flames and flammable liquids are not permitted in BYU–Hawaii Hales, Temple View Apartments, on-campus faculty housing, or open spaces except for designated food preparation areas, science laboratories, ceramics studio, and designated maintenance hot work areas. Campus Safety & Security must approve any temporary deviation from the fire codes.

The possession or use of fireworks, sky lanterns, pyrotechnic special effects, or blank shots is strictly prohibited on university property except as authorized by Campus Safety & Security.

3.3 Fire Safety Education and Training Programs

The university offers fire safety education and training programs to all students living in on-campus housing.

3.4 Procedures to Follow in Case of a Fire

In the event fire or smoke has been detected:

1. Pull fire alarm and Notify Public Safety (808) 675-3911.
2. Call 911 for fire department.
3. Shut doors, close windows.
4. Evacuate to at least 300 feet from the fire.
5. Public Safety will ensure evacuation of BYU–Hawaii or PCC, whichever is experiencing hazardous material exposure.
6. Campus Safety will ensure that the building has been evacuated.
7. Do not re-enter building(s) until declared safe by Emergency Services Personnel.
8. Campus Safety will notify employees, customers, students, and staff of termination of emergency.

Hale residents are to go to the Hale Pavilion as an assembly point.

4. RELATED POLICIES AND PROCEDURES

- [Clery Act](#)
- [Emergency and Security Procedures](#)
- [Fire Prevention/Protection Program](#)

INFORMATION

Clery information about Clery-related campus safety

Description of Type and Frequency of Programs about Campus Security and Crime Prevention:

- Campus security: 20 U.S.C. § 1092(f)(1)(D), 34 C.F.R. § 668.46(b)(5)
- Crime prevention: 20 U.S.C. § 1092(f)(1)(E), 34 C.F.R. § 668.46(b)(6)

Active Shooter Training

Periodically 3rd party training has been offered by Campus Safety Emergency Management Team about campus safety procedures and practices in the event of an active shooter. Additionally, there are [online videos and training](#) on the campus security website.

Security Awareness Fair

Bi-annually, a Security Awareness Fair is held for all faculty, administration, staff, and students with representatives from the Honolulu Police Department, Office of the Prosecuting Attorney, Disability and Communications Access Board, State tax department, Attorney general's office, and other state departments. During this fair, crime prevention materials are distributed, and representatives are available to answer any questions.

Campus Safety Awareness week

Annually, a Security Awareness Fair, Crime Prevention Expo, Campus Safety Expo, and Fire Safety Expo is held for a week in September in honor of National Campus Safety Awareness Month. Literature and information are provided to students, faculty and staff members. Representatives from the Honolulu Police Department, Honolulu Fire Department, and Campus Safety & Security are available to answer any questions.

Online Videos

Online video training is required by BYU-Hawaii for employees to promote awareness and safety on-campus.

New Student Orientation

Information about the Title IX Office and on-campus resources for individuals who have experienced Sexual Violence are included as part of BYU-Hawaii's new student orientation. Additional resources can be found by visiting <https://titleix.byuh.edu>. Additionally, online training modules for students are available at <https://titleix.byuh.edu/title-ix/training-for-students>.

Online University Core Training

Mandatory online training is required annually for employees on dating violence, domestic violence, stalking and sexual assault topics.

BYU–Hawaii Shuttle Services

A shuttle service is available for any student desiring transportation from campus to their home located off-campus. This service is available Monday-Saturday at 10:00 pm and 12:00 am midnight. The shuttle service provides transportation to student’s residence in Laie, Hauula, Punaluu, and Kahuku.

Group Presentations

The campus safety & security director, security manager or shift supervisors are available upon request to make safety and security presentations to campus groups.

Programs for Drug and Alcohol Abuse Education

- 20 U.S.C. § 1092(f)(1)(H), 34 C.F.R. § 668.46(b)(10)
- 20 U.S.C. § 1011i(a)(1)(D), 34 C.F.R. § 86.100(a)(4)

BYU–Hawaii’s drug and alcohol-abuse education programs are described in the “Available Alcohol, Tobacco, and Drug Counseling and Treatment” section of the [Drug-Free School policy](#) and BYU–Hawaii’s Biennial Report of Institutional Compliance with Drug-Free School and Workplace Requirements, available from the Office of Compliance & Ethics.

Sex Offender Registry Information

- 20 U.S.C. § 1092(f)(1)(I), 34 C.F.R. § 668.46(b)(12)

The campus community can obtain law enforcement agency information provided by each state concerning registered sex offenders through the National Sex Offender Public Website at <https://www.nsopw.gov/>. This website allows for conducting a search of sex offender registries by name or location.

Fire safety information about related campus fire safety

Procedures for Student Housing Evacuation in the Case of a Fire

- 20 U.S.C. § 1092(i)(1)(D), 34 C.F.R. § 668.49(b)(5)

In the event fire or smoke has been detected:

1. Pull fire alarm and Notify Public Safety (808) 675-3911.
2. Call 911 for Fire Department.
3. Shut doors, close windows.
4. Evacuate to at least 300 feet from the fire.
5. Public Safety will ensure evacuation of BYU–Hawaii or PCC, whichever is experiencing the hazardous material exposure.
6. Public Safety will ensure that the building has been evacuated.
7. Do not re-enter building(s) until declared safe by Emergency Services Personnel.
8. Public Safety will notify employees, customers, students, and staff of termination of emergency.

Hale residents are to go to the Hale Pavilion as an assembly point. TVA's assembly point is the Front field Kahuku (west) side of main entrance.

List of Titles of People or Organizations to Which Fires Should Be Reported for Statistical Purposes

- 34 C.F.R. § 668.49(b)(7)

For statistical purposes all fires should be reported to Campus Security at 808-675-3503.

Plans for Future Improvements in Fire Safety

- 20 U.S.C. § 1092(i)(1)(E), 34 C.F.R. § 668.49(b)(8)

No current plans.

On-Campus Student Housing Fire Safety System

- 20 U.S.C. § 1092(i)(1)(B), 34 C.F.R. § 668.49(b)(2), 34 C.F.R. § 668.49(a)

Hales

	Pull Stations	Audio/Visual Warning	Sprinkler System	Fire Curtains	Fire/Smoke Detectors	Fire Extinguishers	# of Fire Drills
Hale 1	Yes	Yes	No	No	Yes	Yes	3
Hale 2	Yes	Yes	Partial	No	Yes	Yes	3
Hale 3	Yes	Yes	Yes	No	Yes	Yes	3
Hale 4	Yes	Yes	Yes	No	Yes	Yes	3
Hale 5	Yes	Yes	Yes	No	Yes	Yes	3
Hale 6	Yes	Yes	Yes	No	Yes	Yes	3
Hale 7	Yes	Yes	Yes	No	Yes	Yes	3
Hale 8	Yes	Yes	Yes	No	Yes	Yes	3
Hale 9	Yes	Yes	Yes	No	Yes	Yes	3
Hale10	Yes	Yes	Yes	No	Yes	Yes	3

TVA

	Pull Stations	Audio/Visual Warning	Sprinkler System	Fire Curtains	Fire/Smoke Detectors	Fire Extinguishers	# of Fire Drills
TVA H	Yes	Yes	No	No	Yes	Yes	0
TVA J	Yes	Yes	No	No	Yes	Yes	0
TVA K	Yes	Yes	No	No	Yes	Yes	0
TVA L	Yes	Yes	No	No	Yes	Yes	0
TVA M	Yes	Yes	No	No	Yes	Yes	0
TVA Q	Yes	Yes	No	No	Yes	Yes	0
TVA R	Yes	Yes	No	No	Yes	Yes	0
TVA S	Yes	Yes	No	No	Yes	Yes	0
TVA T	Yes	Yes	No	No	Yes	Yes	0
TVA U	Yes	Yes	No	No	Yes	Yes	0
TVA V	Yes	Yes	No	No	Yes	Yes	0
TVA W	Yes	Yes	No	No	Yes	Yes	0
TVA X	Yes	Yes	Yes	No	Yes	Yes	0
TVA Z	Yes	Yes	Yes	No	Yes	Yes	0
TVA A1	Yes	Yes	Yes	Yes	Yes	Yes	0
TVA A3	Yes	Yes	Yes	Yes	Yes	Yes	0
TVA B3	Yes	Yes	Yes	Yes	Yes	Yes	0
TVA B4	Yes	Yes	Yes	Yes	Yes	Yes	0
TVA D2	Yes	Yes	Yes	Yes	Yes	Yes	0
TVA D3	Yes	Yes	Yes	Yes	Yes	Yes	0

Legal Sanctions for the Unlawful Possession or Distribution of Illicit Drugs and Alcohol

- 20 U.S.C. § 1011i(a)(1)(B) and 34 C.F.R. § 86.100(a)(2)

Federal and state law impose legal sanctions for the unlawful possession or distribution of illicit drugs and alcohol.

Federal Sanctions

The following tables show sanctions for illegal possession, distribution, or consumption of drugs or alcohol and federal penalties for the manufacture, distribution, or dispensing of specific illegal drugs. 21 U.S.C. § 841.

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). 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).

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 them-selves, these penalties also apply to counterfeit substances. 21 U.S.C. § 841(a)(2).

TABLE 1: FEDERAL PENALTIES FOR ILLEGAL DRUG MANUFACTURING OR DISTRIBUTION—DRUG SPECIFIC

Drug (CSA Schedule)	Quantity	First Offense	Second Offense	Third+ Offense
Heroin (I)	100–999 gm mixture	Penalty 1	Penalty 7	Penalty 7
Heroin (II)	1 kg+ mixture	Penalty 2	Penalty 8	Penalty 13
Cocaine (I)	500–4,999 gm mixture	Penalty 1	Penalty 7	Penalty 7
Cocaine (II)	5 kg+ mixture	Penalty 2	Penalty 8	Penalty 13
Cocaine Base (I)	28–279 gm mixture	Penalty 1	Penalty 7	Penalty 7
Cocaine Base (II)	280 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
PCP (I)	10–99 gm pure or 100–999 gm mixture	Penalty 1	Penalty 7	Penalty 7
PCP (II)	100 gm+ pure or 1 kg+ mixture	Penalty 2	Penalty 8	Penalty 13
LSD (I)	1–9 gm mixture	Penalty 1	Penalty 7	Penalty 7
LSD (II)	10 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Fentanyl (I)	40–399 gm mixture	Penalty 1	Penalty 7	Penalty 7
Fentanyl (II)	400 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Fentanyl Analogue (I)	10–99 gm mixture	Penalty 1	Penalty 7	Penalty 7
Fentanyl Analogue (II)	100 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Marijuana** (I)	Less than 50 kg or fewer than 50 plants	Penalty 3	Penalty 9	Penalty 9
Marijuana** (I)	50–99 kg or 50–99 plants	Penalty 4	Penalty 10	Penalty 10
Marijuana** (II)	100–999 kg mixture or 100–999 plants	Penalty 1	Penalty 7	Penalty 7
Marijuana** (II)	1,000 kg+ mixture or 1,000+ plants	Penalty 2	Penalty 8	Penalty 13
Methamphetamine (I)	5–49 gm pure or 50–499 gm mixture	Penalty 1	Penalty 7	Penalty 7
Methamphetamine (II)	50 gm+ pure or 500 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Any Schedule I or II Controlled Substance Not Otherwise Identified	Any amount	Penalty 4	Penalty 10	Penalty 10
Gamma Hydroxybutyric Acid (I & II)	Any amount	Penalty 4	Penalty 10	Penalty 10
Flunitrazepam (I & II)	1 gm	Penalty 4	Penalty 10	Penalty 10
Hashish (I)	Less than 10 kg	Penalty 3	Penalty 9	Penalty 9
Hashish (II)	10 kg	Penalty 4	Penalty 10	Penalty 10
Hashish Oil (I)	Less than 1 kg	Penalty 3	Penalty 9	Penalty 9
Hashish Oil (II)	1 kg	Penalty 4	Penalty 10	Penalty 10
All Schedule III Controlled Substances (III)	Any amount	Penalty 5	Penalty 11	Penalty 11
All Schedule IV Controlled Substances (IV)	Any amount	Penalty 3 (except only one year minimum supervised release required)	Penalty 9 (except only two years minimum supervised release required)	Penalty 9 (except only two years minimum supervised release required)
All Schedule V Controlled Substances (V)	Any amount	Penalty 6	Penalty 12	Penalty 12

**** If the violator distributed a small amount of marijuana without getting paid for it, the violation will be treated like a simple possession violation.**

All fine limits listed in this section 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)

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); (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

Citation	Summary	First Offense	Second Offense	Third Offense
21 U.S.C. §§ 859(a)- (b), 841(b)(1)(A)	Distribution of controlled substances to persons under 21 years of age by someone of at least 18 years of age.	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.	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.	Imprisonment of at least 25 years. Fined in accordance with their previous sentence.
21 U.S.C. § 860(a)-(b)	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.	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.	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.	Imprisonment of at least 25 years. Fined in accordance with their previous sentence.
21 U.S.C. 860(c)	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.	Imprisonment, fine, or both, up to triple those described in Table 1.	Imprisonment, fine, or both, up to triple those described in Table 1.	Imprisonment, fine, or both, up to triple those described in Table 1.
21 U.S.C. § 855	"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."	N/A	N/A	N/A
21 U.S.C. § 862(a)	Conviction (at either the federal or state level) for distribution of a controlled substance.***	Ineligible for any or all federal benefits for up to 5 years, as decided by the court.	Ineligible for any or all federal benefits for up to 10 years, as decided by the court.	Permanent ineligibility for all federal benefits.
21 U.S.C. § 841(h)	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.	Penalized in accordance with Table 1.	Penalized in accordance with Table 1.	Penalized in accordance with Table 1.
21 U.S.C. § 841(g)	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.	Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.	Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.	Fined in accordance with the penalty identified in Table 1; imprisoned up to 20 years; or both.

21 U.S.C. § 841(b)(7)	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.	Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.	Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.	Fined in accordance with Title 18 of the United States Code and imprisoned up to 20 years.
21 U.S.C. § 841(b)(5)	Unlawfully cultivating or manufacturing a controlled substance on federal property.	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.	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.	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.
21 U.S.C. § 841(b)(6)	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.	Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.	Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.	Fined in accordance with Title 18 of the United States Code, imprisoned up to 5 years, or both.
21 U.S.C. §§ 841(c), 802(33)–(35)	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.	For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both. For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.	For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both. For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.	For violations involving a List I chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 20 years, or both. For violations involving a List II chemical, fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.
21 U.S.C. §§ 841(c), 802(33)–(35)	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.	Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.	Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.	Fined in accordance with Title 18 of the United States Code, imprisoned up to 10 years, or both.

***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.

TABLE 3: FEDERAL PENALTIES FOR ILLEGAL POSSESSION OF DRUGS—ALL DRUGS

Citation	Summary	First Offense	Second Offense	Third+ Offense
21 U.S.C. § 844(a)	Prohibits intentional or knowing possession of a controlled substance without a prescription or registration.	Term of imprisonment no more than 1 year, minimum fine of \$1,000, 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, 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.	Term of imprisonment no less than 15 days and no more than 2 years and a minimum fine of \$2,500. 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, 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.	Term of imprisonment no less than 90 days and no more than 3 years and a minimum fine of \$5,000. 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, 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.
21 U.S.C. § 862(b)(1)	Conviction (at either the federal or state level) for possession of a controlled substance. 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).	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.	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 for the reinstatement of federal benefits.	Same as second offense.
21 U.S.C. § 881(a)	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.			
18 U.S.C. § 922(g)	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.			
21 U.S.C. § 844(a); 28 C.F.R. §§ 76.3(a), 85.5	An individual in knowing possession of a controlled substance can face a civil fine of up to \$11,000 for each violation. 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).			
21 U.S.C. §§ 853(a)(1)-(2), 881(a)(7)	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.			

State Sanctions—Hawaii State

TABLE 4: HAWAII STATE PENALTIES FOR POSSESSION, USE, OR DISTRIBUTION OF ILLEGAL DRUGS

Controlled Substance	Prohibited Conduct	Classification and Penalty**
Methamphetamine	Distributing methamphetamine in any amount to a minor or manufacturing methamphetamine in any amount* (HRS § 712-1240.7(1)-(2))	Class A Felony 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))
Methamphetamine, heroin, morphine, cocaine	Possessing or distributing one or more dangerous drugs (HRS § 712-1241 to 1243)	Class A Felony** Possessing one oz., or 1.5 oz. of any other dangerous drug Distributing 1/8oz./25 capsules, or 3/8 oz. of any other dangerous drug Class B Felony Possessing 1/8 oz./25 capsules, or 1/4 oz. any other dangerous drug Distributing any dangerous drug in any amount Class C Felony Possessing any dangerous drug in any amount
Marijuana	Possessing or distributing marijuana (HRS § 712-1244-1246)	Class A Felony Possessing 1 oz./100 capsules/dosage units Distributing 1/8 oz./25 capsules, or any amount to a minor Class B Felony Possessing 1/8 oz. /50 capsules/dosage units. Distributing any amount Class C Felony Possessing 25 capsules/dosage units
Marijuana	Commercial possession or distribution of marijuana (HRS § 7121249.4-1249.5)	Class A Felony Possessing 25 lbs. /100 plants Distributing five lbs. Cultivating 25 plants Class B Felony Possessing two lbs. /50 plants Distributing one lb. Cultivating any marijuana plant Selling any amount to a minor
Toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, etc.	Promoting intoxicating compounds (HRS § 712-1250(1)(a)-(b))	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

* See HRS § 712-1240.7 for specific penalties for repeated offenses

**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

Prohibited Conduct	Classification and Penalty*
Offering for sale, delivering, or giving intoxicating alcohol to a person under the age of 21 (HRS § 712-1250.5(1))	Misdemeanor – punishable by up to one year in jail and a fine of up to \$2,000 (H.R.S. §§706-640, 706-663)
Keeping alcohol in/on a motor vehicle (opened or unopened) or at any scenic lookout (HRS § 291-3.3(a)–(b))	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.)
Drinking or using drugs in any state park (HAR § 13-146-25, see HRS § 1845(a)–(b))	First offense: petty misdemeanor, minimum \$100 fine
Consuming alcohol while operating a motor vehicle (HRS § 291-3.1(a))	Petty misdemeanor – punishable by up to 30 days in jail and a fine of up to \$2000 (HRS § 291-3.1(c). Second offense: petty misdemeanor, minimum \$200 fine Third offense: petty misdemeanor, minimum \$500 fine
Drinking alcohol (or open containers) as a passenger (HRS § 291-3.2(b))	Petty misdemeanor – punishable by up to 30 days in jail and a fine of up to \$2000 (HRS § 291-3.1(c).
Driving under the influence of an intoxicant (HRS § 291E-61(a))	First offense: 14-hour substance abuse rehabilitation program, one year revocation of license, and one or more of the following: 72 hours of community service; minimum of 48 hours and a maximum of five days imprisonment; a fine between \$150-1000 (HRS § 291E-61(b)(1)). Second offense: 18 to 24 months license revocation; either at least 240 hours of community service work or between 5-30 days imprisonment; fine between \$500-\$1500 HRS § 291E-61(b)(2)). Third offense: two years license revocation, a fine between \$500-\$2500, and between 10-30 days imprisonment HRS § 291E-61(b)(3). (Note: See HRS § 291E-61.5 for penalties beyond the third conviction.)

Local Sanctions

Chapter 41 of the Honolulu Code contains additional sanctions applicable to illegal possession and use of alcohol and drug.

Health Risks Associated with Illicit Drugs and Alcohol Abuse

- 20 U.S.C. § 1011i(a)(1)(C) and 34 C.F.R. § 86.100(a)(3)

The health risks associated with the use of illicit drugs and the abuse of alcohol vary by substance and amount ingested. These health risks include the following:

- alcoholic hepatitis
- anxiety
- brain damage
- cancer
- cirrhosis
- constipation
- death
- depression
- fatty liver disease
- high blood pressure
- impaired coordination and movement
- impaired immune system
- impaired thinking
- irritability
- loss of sense of smell
- mood swings
- nausea and vomiting
- nerve damage
- pancreatitis
- paranoia
- stomach cramps
- stroke
- trouble sleeping

For more detailed information, see the National Institute on Drug Abuse's website <https://www.drugabuse.gov/drugs-abuse/commonly-abused-drugs-charts> and the National Institute on Alcohol Abuse and Alcoholism's website <https://www.niaaa.nih.gov/alcohols-effects-health/alcohols-effects-body>.