2026 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 121 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 2023, 2024, and 2025.

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	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
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	1	2	1	0	0	0	0	0	0	0	0	0
Fondling	4	7	6	1	2	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0	0	0	0
Statutory Rape	1	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	1	2	0	0	1	0	0	0	0	0	0	0
Burglary	6	6	0	5	3	0	0	0	0	0	0	0
Motor Vehicle Theft*	29	23	27	0	2	6	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 25 thefts in 2025.*

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	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
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	0	0	0	0	0	0	0	0	0	0	0
Referrals without arrests for campus discipline for drug law violations	1	0	0	1	0	0	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	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
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	1 (N)	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	2023	2024	2025	2023	2024	2025	2023	2024	2025	2023	2024	2025
Domestic Violence	4	4	4	2	3	4	0	0	0	0	0	0
Dating Violence	6	5	6	1	0	3	0	0	0	0	0	0
Stalking	5	11	5	0	0	1	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

	Fires in on-campus housing			Fire related injuries that were treated			Fire deaths in on-campus housing		
Year	2023	2024	2025	2023	2024	2025	2023	2024	2025
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	0	0	0	0	0	0	0	0	0
Hale 5	0	1 Cooking fire, damage to the stove top $1000-$9999	0	0	1	0	0	0	0
Hale 6	1 cooking fire, damage to the stove top $1000-$9999	0	1 cooking fire, damage to the stove top $100-$999	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
Hale 10	0	0	0	0	0	0	0	0	0
Hale 11 (opened 2025)	-	-	0	-	-	0	-	-	0
Hale 12 (opened 2025)	-	-	0	-	-	0	-	-	0
Hale 13 (opened 2025)	-	-	0	-	-	0	-	-	0

TVA

	Fires in on-campus housing			Fire related injuries that were treated			Fire deaths in on-campus housing		
Year	2023	2024	2025	2023	2024	2025	2023	2024	2025
TVA C (removed 2023)	0	-	-	0	-	-	0	-	-
TVA D (removed 2024)	0	0	-	0	0	-	0	0	-
TVA E (removed 2024)	0	0	-	0	0	-	0	0	-
TVA F (removed 2024)	0	0	-	0	0	-	0	0	-
TVA G (removed 2023)	0	-	-	0	0	-	0	0	-
TVA H (removed 2025)	0	0	0	0	0	0	0	0	0
TVA J (removed 2025)	0	0	0	0	0	0	0	0	0
TVA K (removed 2025)	0	0	0	0	0	0	0	0	0
TVA L (removed 2025)	0	0	0	0	0	0	0	0	0
TVA M (removed 2025)	1 Electrical $25000-$49999	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	1 cooking fire, damage to the stove top $100-$999	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	1 cooking fire, damage to the stove top $100-$999	0	0	0	0	0	0	0	0
TVA A3 (opened 2024)	-	0	1 cooking fire, damage to the stove top $100-$999	-	0	0	-	0	0
TVA A4 (opened 2025)	-	-	0	-	-	0	-	-	0
TVA B3 (opened 2024)	-	0	0	-	0	0	-	0	0
TVA B4 (opened 2024)	-	0	0	-	0	0	-	0	0
TVA D2	0	0	0	0	0	0	-	0	0
TVA D3	0	0	0	0	0	0	0	0	0

Hazing

The university's policies on hazing are found in the Clery Act policy. It includes information about prevention and awareness programs. BYU–Hawaii has not published a Campus Hazing Transparency Report as it has not had a reported case of hazing.

Reports of Hazing	Campus Total	Campus Total	Campus Total
Year	2023	2024	2025
Hazing	-	-	0

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
- Sexual Harassment
- Sexual Harassment Grievance Procedures
- Sexual Harassment Grievance Procedures (Non-Title IX)
- Drug-Free School policy
- Drug-Free Workplace policy
- Missing Student Notification policy

CLERY ACT

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 Campus Safety 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.

IMPLEMENTATION

1.1 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:

1.1.1 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.

1.1.2 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.

1.1.3 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.

1.1.4 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.

1.1.5 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.

1.1.6 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.

1.1.7 Emergency Notification Situation

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

1.1.8 Hazing

Hazing means any intentional, knowing, or reckless act committed by a person (whether individually or in concert with other persons) against another person or persons, regardless of the willingness of such other person or persons to participate, that (i) is committed in the course of an initiation into, an affiliation with, or the maintenance of membership in, a Student Organization; and (ii) causes or creates a risk, above the reasonable risk encountered in the course of participation in the institution of higher education or the organization, of physical or psychological injury.

1.1.9 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.

1.1.10 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.

1.1.11 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

- 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.

1.1.12 Sex Crime

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

1.1.13 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:

1. fear for the person's safety or the safety of others; or
2. 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. Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
2. Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.3

1.1.14 Student Organization

A student organization is one in which two or more of the members are continuing students that (1) is established or recognized by the university, or (2) meets on university property with the university’s implied or explicit consent at the time of an alleged Hazing incident involving that organization or its members.

1.1.15 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.

1.1.16 Timely Warning Situation

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

1.1.17 Timely Warning and Emergency Notification Committee

Timely Warning and Emergency Notification Committee means a committee operating under the Emergency Alerts to Campus Community policy.

1.2 Campus Safety

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

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 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.

1.3 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

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

- Drug-Free School16
- Sexual Harassment17

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

1.3.1 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.

1.3.2 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 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 security.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 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.

1.3.3 Crime Reporting for Timely Warnings and the Annual Disclosure of Crime Statistics

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

1.3.4 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.

1.3.4.1 CAMPUS RESIDENCES

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

1.3.4.2 NON-RESIDENTIAL FACILITIES

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

1.3.5 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.

1.3.6 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.

1.3.7 Off-Campus Student Organizations

The university does not recognize off-campus student organizations. See the Student Activities policy.

1.3.8 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.

1.3.8.1 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 Alerts to Campus Community policy.

1.3.8.2 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.

1.3.9 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 Sexual Harassment Grievance Procedures, as required by the Sexual Harassment policy
- training for all incoming students and new employees on
- the university's prohibition on Sex Crimes (see the Sexual Harassment 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 Sexual Harassment policy and the Sexual Harassment Grievance procedures (Title IX)
- 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.

1.3.10 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
- Minor Protection
- Church Educational System Nondiscrimination
- Personnel Conduct
- Sexual Harassment

1.3.11 Victims of Sex Crimes

A victim of a recent Sex Crime should

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

1.3.11.1 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.

1.3.11.2 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 Sexual Harassment policy.

The university protects the confidentiality of victims of Sex Crimes and other necessary parties as described in the Sexual Harassment 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.

1.3.12 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.

1.3.13 Hazing

Hazing is a violation of the CES Honor Code.

1.3.13.1 REPORTING INCIDENTS OF HAZING

Individuals aware of possible incidents of Hazing are encouraged to timely report those incidents to local law enforcement, if Hazing is unlawful in that jurisdiction (see Information on Local, State, and Tribal Hazing Laws subsection below), or to the Office of Compliance & Ethics.

1.3.13.2 PROCESS USED TO INVESTIGATE INCIDENTS OF HAZING

The university investigates alleged incidents of Hazing according to the following:

- for students, the Honor Code Investigation and Administrative Review Process
- for staff and faculty, the Progressive Discipline and Employee Grievance policies.

1.3.13.3 PREVENTION AND AWARENESS PROGRAMS RELATED TO HAZING

The university provides prevention and awareness programs related to Hazing. The university's Hazing prevention and awareness programs

- are research informed;
- are designed to reach students, staff, and faculty;
- include the university's policies on Hazing, the process used to investigate such incidents of Hazing, and information on applicable local, state, and tribal laws on Hazing; and
- include primary prevention strategies intended to stop Hazing before Hazing occurs (e.g., skill building for bystander intervention, information about ethical leadership, the promotion of strategies for building group cohesion without Hazing).

1.3.13.4 CAMPUS HAZING TRANSPARENCY REPORT

As required by the Clery Act, the university publishes a Campus Hazing Transparency Report ("CHTR") that summarizes findings concerning any Student Organization established or recognized by the university that is found to be in violation of the university's standards of conduct related to Hazing. The CHTR is publicly available on the public website of the university and is updated not less frequently than two times each year.

The CHTR includes, for the period beginning on the date on which the CHTR was last published and ending on the date on which such update is submitted, each incident involving a Student Organization for which a finding of responsibility is issued relating to a Hazing violation, including

- the name of such Student Organization;
- a general description of the violation that resulted in a finding of responsibility, including whether the violation involved the abuse or illegal use of alcohol or drugs, the findings of the university, and any sanctions placed on the Student Organization by the university, as applicable; and
- the dates on which
- the incident was alleged to have occurred;
- the investigation into the incident was initiated;
- the investigation ended with a finding that a Hazing violation occurred; and
- the university provided notice to the Student Organization that the incident resulted in a Hazing violation.

The CHTR does not include any personally identifiable information, including any information that would reveal personally identifiable information, about any

individual student in accordance with the Family Educational Rights and Privacy Act of 1974 and the Access to Student Records Policy.

The university publishes, in a prominent location on the public website of the university, the CHTR, including

- a statement notifying the public of the annual availability of statistics on Hazing in the ASR, including a link to the ASR;
- information about the university's policies relating to Hazing and applicable local, state, and tribal laws on Hazing; and
- the information included in each required update, which information is maintained for a period of five calendar years from the date of publication of such update.

The university does not develop the CHTR until the university has a finding of a Hazing violation and does not update the CHTR if the university does not have a finding of a Hazing violation.

1.3.13 Annual Reporting

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

FOOTNOTES

[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 Sexual Harassment 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:

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

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":

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

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

Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

[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 Sexual Harassment 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;

(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;

(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.

[1] Hawaii state law includes the following statutory language

[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 Sexual Harassment 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.

[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).

[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 U.S.C. § 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).

EMERGENCY ALERTS TO CAMPUS COMMUNITY

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 that represent a serious or continuing safety threat to employees or students. 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.

IMPLEMENTATION

1.1 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.

1.2 Timely Warning

The Committee will issue timely warnings for reports of Clery Act crimes in the university's Clery Act Geography that represent 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 Notification Campus Security Authorities in the Clery Act policy): Campus Security employees, campus safety and 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.

1.3 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.

1.4 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, Campus Security department 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 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 Security department are designated to issue a notification and determine the content of a warning in urgent circumstances.

1.5 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.

1.6 Committee

The Timely Warning and Emergency Notification Committee will consist of the advancement, operations and student life vice presidents, as well as the Campus Security and the Counseling services directors.

1.7 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 one through three 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.

1.7.1 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 Marketing and 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

SEXUAL HARASSMENT

POLICY

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

IMPLEMENTATION

1.1 Definitions

1.1.1 Complainant

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

1.1.2 Consent

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

1. the Complainant expresses lack of consent to sexual activity through words or conduct;
2. the Respondent subjects a Complainant to sexual activity through force, duress, or deception;
3. the Respondent subjects the Complainant to sexual activity by compulsion, which is a threat, express or implied, that places a person in fear of public humiliation, property damage, or financial loss;
4. the Complainant suffers from a disease, disorder, or defect that renders the Complainant incapable of appraising his or her conduct and the Respondent is aware of the Complainant's disease, disorder, or defect;
5. the Complainant is mentally incapacitated, which means the Complainant is rendered temporarily incapable of appraising or controlling his or her conduct as a result of the influence of a substance administered without his or her consent;
6. the Complainant is physically helpless, which means the Complainant is unconscious or for any other reason is unable to communicate unwillingness to sexual activity;
7. the Complainant is under the age of 14;

8. the Complainant is at least 14 years old but less than 16 years old and the Respondent is not less than 5 years older than the Complainant and the Respondent and Complainant are not married;
9. the Complainant is a minor who is at least 16 years old and the Respondent is a person contemporaneously acting in a professional capacity to instruct, advise, or supervise the Complainant, provided that the Respondent is not less than 5 years older than the Complainant and the Respondent and Complainant are not married.

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

1.1.3 Dating Violence

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

1.1.4 Domestic Violence

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

1.1.5 Education Program or Activity

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

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

1.1.6 Formal Complaint

Means a document filed by a complainant or signed by the Title IX coordinator alleging sexual harassment against a Respondent and requesting that BYU–Hawaii investigate the Sexual Harassment allegation.

1.1.7 Party

Means a Complainant or a Respondent.

1.1.8 Respondent

Means an individual who is alleged to be the perpetrator of conduct that could constitute sexual harassment.

1.1.9 Sexual Assault

Means any sexual act directed against the Complainant without the Complainant's Consent. Sexual Assault includes fondling, incest, rape, sexual assault with an object, sodomy, and statutory rape.

1.1.10 Sexual Harassment

Means conduct on the basis of sex that satisfies one or more of the following:

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

1.1.11 Sexual Violence

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

1.1.12 Stalking

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

1.1.13 Supportive Measures

Means non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Formal Complaint or where no Formal

Complaint has been filed. Supportive Measures are measures designed to restore or preserve equal access to BYU–Hawaii's Education Program or Activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the university's educational environment, or deter Sexual Harassment. Supportive Measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

1.1.14 Title IX coordinator

Means the person authorized by BYU–Hawaii to coordinate the university's efforts to comply with its responsibilities under Title IX and to institute corrective measures on behalf of the university.

1.2 Reporting

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

1.2.1 Mandatory Reporters

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

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

1.2.2 Where to Report

To ensure that the university has the information necessary to respond appropriately to complaints, reports of Sexual Harassment must be made to the

Title IX coordinator. BYU–Hawaii has actual knowledge of alleged Sexual Harassment only when its Title IX coordinator receives a report. Reports may be made in person, by mail, by telephone, or by electronic mail, at the following locations:

BYU–Hawaii Title IX Office
LSB 241
55-220 Kulanui Street #1976
Laie, HI 96762-1293
(808) 675-4585
titleix@byuh.edu

This information is also located on the Title IX Office's website: titleix.byuh.edu. Reports may be made at any time, including during non-business hours, although in-person reports may be made only during regular business hours. In addition, individuals may submit reports, including anonymous reports, through the university's Report a Concern web page at reportaconcern.byuh.edu; or, through EthicsPoint, the university's 24-hour hotline provider, by telephone at (888) 238-1062, or by submitting information online at EthicsPoint Compliance Hotline.

1.2.3 Timing

Reports of sexual harassment should be made to the Title IX coordinator as soon as possible. However, supportive measures are available to complainants regardless of when a report is made.

1.3 Formal Complaints of Sexual Harassment

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

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

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

1.3.1 Filed by Complainants

Unlike a report of Sexual Harassment, Formal Complaints may not be filed anonymously. A Complainant's Formal Complaint must contain the Complainant's

physical or electronic signature or otherwise indicate that the Complainant is the person filing the Formal Complaint.

1.3.2 Signed by Title IX Coordinator

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

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

1.4 University Response to Sexual Harassment

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

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

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

1.4.1 Supportive Measures

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

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

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

Human Resource Services may also place a staff or administrative non-student employee Respondent on administrative leave, and Faculty Relations may place a faculty or athletic professional Respondent on administrative leave, during the pendency of a formal or informal grievance process under these procedures.

1.4.2 Notice of Applicable Procedures

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

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

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

Other Formal Complaints of Sexual Harassment received by the Title IX coordinator will be jointly evaluated by the Title IX coordinator and the university's Chief Compliance Officer to ensure the university provides an appropriate response under the CES Nondiscrimination policy, Nondiscrimination and Equal Opportunity procedures, Personnel Conduct policy, CES Honor Code, and other applicable policies and procedures of the university.

1.4.3 Sanctions

Sanctions for violating this policy may include the following:

- For a faculty, staff, or administrative employee: verbal counseling, written warning, final written warning, probation, reassignment, demotion, reduction in pay, suspension, restriction on officially representing the university, termination of employment, and a ban from campus. Any disciplinary sanction imposed on an employee Respondent and the reason for the sanction may also be noted on the employee's employment record.
- For a student: notice, warning, probation, suspension withheld, short suspension, suspension, restriction on officially representing the university, expulsion, and a ban from campus. Any disciplinary sanction imposed on a student Respondent and the reason for the sanction may also be noted on the student's academic transcript and CES Honor Code file. Any sanction imposed on a student Respondent may include an educational action plan prescribed and administered through the CES Honor Code Office. If the Respondent is a student employee, possible sanctions include all sanctions applicable to students and all sanctions applicable to employees.
- For a Respondent who is neither a student nor an employee: limitation or termination of any agreement or association between the university and the Respondent and a temporary or complete ban of the Respondent from all or any part of the campus or other university property.

1.5 Overlapping Complaints and Concurrent Investigations or Process

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

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

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

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

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

1.6 Informal Resolution

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

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

- a Formal Complaint has been filed;

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

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

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

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

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

1.7 Confidentiality, Nonretaliation, Amnesty, and Leniency

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

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

1.7.1 Confidentiality

The university recognizes that Complainants or witnesses of Sexual Harassment might be hesitant to report an incident to university officials if they fear the discovery of CES Honor Code violations, such as alcohol use, drug use, or

consensual sexual activity outside of marriage. To help address this concern and to encourage the reporting of Sexual Harassment, the Title IX Office will not share the identity of a Complainant or witness with the Office of Honor unless requested by such person or a person's health or safety is at risk.

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

1.7.2 Nonretaliation

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

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

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

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

1.7.3 Amnesty

Anyone, including a Complainant, who reports an incident of Sexual Harassment will not be disciplined by the university for any related CES 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 CES Honor Code, the university may offer and encourage support, counseling, or education efforts to help students and benefit the campus community.

1.7.4 Leniency

To encourage the reporting of Sexual Harassment, the university will also offer leniency to Complainants and witnesses for other CES 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.

1.8 Training

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

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

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

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

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

1.9 Disclosing Relationships

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

SEXUAL HARASSMENT GRIEVANCE PROCEDURES

Brigham Young University–Hawaii ("BYU–Hawaii" or "University") prohibits sexual harassment (see sexual harassment.) As described in the Sexual Harassment Policy, the university will respond to allegations of sexual harassment by offering supportive measures designed to restore or preserve a complainant's equal access to BYU–Hawaii's education program or activity. The university will also follow the grievance process outlined in these procedures before imposing any disciplinary sanctions or other actions against a respondent that are not supportive measures.

The following procedures describe the university's equitable, fair, prompt, and impartial response to formal complaints of sexual harassment occurring against a person in the United States who is participating in or attempting to participate in BYU–Hawaii's education program or activity, as required by federal regulations under Title IX of the Education Amendments Act of 1972.

Capitalized terms in these procedures are defined in the Sexual Harassment Policy or as indicated herein.

1. INVESTIGATION

The university will investigate allegations in a formal complaint as follows:

1.1 Preliminary Investigation and Dismissal

The university will investigate the allegations in a formal complaint and will dismiss the formal complaint with regard to any alleged conduct that

- would not constitute sexual harassment, even if proved;
- did not occur in a BYU–Hawaii education program or activity; or
- did not occur against a person in the United States.

Dismissal for any of the foregoing reasons precludes any subsequent formal complaint alleging the same factual allegations. However, a complainant may file another formal complaint against the same respondent based on new or additional factual allegations.

The Title IX coordinator may dismiss the formal complaint or any of its allegations or may suspend an investigation if at any time during the investigation or hearing

- a complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein,

- the respondent is not or is no longer enrolled at or employed by BYU–Hawaii, or
- specific circumstances prevent the investigator from gathering evidence sufficient to reach a determination as to the allegations in the formal complaint or allegations therein.

Dismissal of a formal complaint does not preclude action against the respondent under the Sexual Harassment Grievance procedures (non-Title IX sexual violence), Church Educational System Honor Code, Personnel Conduct Policy, Grievance Policy, Academic Governance Policy, Campus Threat Assessment Committee Policy, or other university policies applicable to the conduct.

Upon a dismissal required or permitted pursuant to this subsection, the Title IX coordinator will promptly send written notice of the dismissal and reason(s) for the dismissal simultaneously to the parties. A determination to dismiss allegations of a formal complaint may be appealed as provided in these procedures.

If a formal complaint is dismissed or an investigation is suspended because the respondent is not or is no longer enrolled at or employed by BYU–Hawaii, the university may re-open the investigation if the respondent enrolls, re-enrolls, reapplies, or applies for work at the university or any organization owned, controlled, or sponsored by The Church of Jesus Christ of Latter-day Saints. If a formal complaint is re-opened, the Title IX coordinator will promptly notify the parties, and the parties will be entitled to the same rights and responsibilities as set out in these procedures.

1.2 Selection of the Investigator

Upon receiving or signing a formal complaint of sexual harassment, the Title IX coordinator will promptly deliver the formal complaint to an employee or independent contractor selected by the Title IX coordinator to investigate the allegations in the formal complaint (“investigator”). The Title IX coordinator will ensure that any individual selected as an investigator has received training in the previous 12 months on issues of relevance to create an investigative report that fairly summarizes relevant evidence, as provided in these procedures, and meets all other standards required of individuals involved in administering this grievance process (grievance administrators) under these procedures.

1.3 Notice of Allegations

Upon receipt of a formal complaint, the investigator will promptly collect the information necessary to prepare a written notice of allegations and will provide such notice to the known parties at least five business days prior to the respondent’s initial interview. The notice of allegations will include the following:

- Notice of the allegations potentially constituting sexual harassment, including the identities of the parties involved in the incident (if known), the

conduct allegedly constituting sexual harassment, and the date and location of each alleged incident constituting sexual harassment (if known).
- Notice of the university's formal and informal grievance resolution processes.
- A statement that the respondent is presumed not responsible for the alleged conduct and that a determination as to whether the respondent is responsible for sexual harassment (determination regarding responsibility) will be made only after the grievance process is complete.
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney.
- Notice to the parties that they may inspect and review evidence.
- Notice prohibiting any party from knowingly making false statements or knowingly submitting false information during the grievance process, and informing the parties that those actions constitute a material violation of the Church Educational System Honor Code commitment to "be honest."
- Notice prohibiting any party from engaging in retaliation (see sexual harassment.)

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

If, in the course of an investigation, the investigator decides to investigate allegations of sexual harassment about the complainant or respondent that are not included in the notice of allegations, the investigator must provide all known parties with a supplemental notice of allegations as to the additional allegations.

1.4 Information Gathering

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

The investigator will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. The investigator will seek to collect information sufficient for the individuals assigned to make a determination regarding responsibility (decision makers) to reach a determination regarding responsibility based on the preponderance of the evidence (i.e., evidence sufficient to show that the determination is more likely than not to be true).

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

1.5 Investigation Record

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

Each party and advisor must maintain the confidentiality of all information shared with them during the proceedings, must use this information only for purposes of these procedures, and must not further distribute or disclose this information. The university may restrict further access to the investigation record and seek appropriate sanctions against a party or an advisor who violates a confidentiality obligation under these procedures. The investigation record will remain available to the parties and their advisors until a final determination regarding responsibility is made at the conclusion of the grievance process.

1.6 Final Written Response

After the investigator sends the investigation record to the parties, they will have 10 business days to submit a written response, which the investigator will consider

prior to completing the investigative report. Any written response and any additional evidence provided in connection with a party's final written response will be added to the investigation record.

1.7 Investigative Report

At the conclusion of the investigation, the investigator will create an investigative report (investigative report) that

- Identifies the allegations potentially constituting sexual harassment and the respondent's responses to each allegation;
- Describes the procedural steps taken from the receipt of the formal complaint through the conclusion of the investigation, including notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- Impartially summarizes the relevant evidence;
- Makes any recommendations that the investigator deems appropriate; and
- Provides the name and contact information of the decision makers.

The investigator will simultaneously send the investigative report to the Title IX coordinator and to each party and each party's advisor, if any, and will include the investigative report as part of the investigation record.

The investigator will, in good faith, attempt to conclude the investigation and issue an investigative report within 90 calendar days of receiving the formal complaint of sexual harassment. If, as a result of the complexity of a case or other good cause- including considerations such as the absence of a party, a party's advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities- the investigation cannot reasonably be concluded within the 90-day period, the investigator will provide the complainant and the respondent with written notice of the delay and the reason for the delay or extension.

2. HEARING

After receiving the investigative report, the Title IX coordinator will schedule a live hearing and will provide written notice of the time and place of the hearing to each party and each party's advisor, if any. The hearing must take place at least 10 business days after the investigative report is delivered to the parties and should take place within 45 calendar days after the investigative report is delivered unless it is delayed by unavoidable circumstances such as the unavailability of the parties, decision makers, investigator, or key witnesses.

2.1 Live Hearings

The decision makers will ensure that the hearing is conducted impartially. Live hearings will either be conducted with all parties physically present in the same

room or with the parties located in separate rooms with technology enabling the decision makers and parties to simultaneously see and hear the party or the witness answering questions. In the decision makers' discretion, witnesses and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other. In these circumstances, the decision makers may impose conditions on the person(s) appearing virtually to ensure the integrity of the process.

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

The Title IX office will arrange for an audio or audiovisual recording, or transcript, of the hearing to be made and will make the recording or transcript available within the investigation record for the parties' inspection and review after the hearing.

2.2 Decision Makers

The hearing will be held before a decision maker designated by the Title IX coordinator (the presiding decision maker). Additional decision makers may be designated as follows:

- For a student respondent, the dean of students or a designee authorized by the dean of students to impose all sanctions provided under these procedures; the counseling services director or designee; if the alleged sexual harassment occurred in a student employment context, the decision makers may also include the student employee's immediate supervisor and the employee relations manager or designee.
- For a faculty respondent, the associate academic vice president for faculty or a designee authorized by the academic vice president to impose all sanctions provided under these procedures.
- For an administrative or staff employee respondent, the responsible vice president or assistant to the president or a designee authorized by the vice president or assistant to the president to impose all sanctions provided under these procedures and the rmployee relations manager or designee.
- For a respondent who is neither a student nor an employee, an individual designated by the Threat Assessment Committee and an individual designated by the vice president who oversees the area within BYU–Hawaii's education program or activity in which the complainant was participating or attempting to participate when the alleged harassment occurred.

Neither the Title IX coordinator nor the investigator may serve as a decision maker.

The decision makers will determine by majority vote all points in the written determination regarding responsibility; however, the presiding decision maker may

independently decide questions of relevance or other procedural questions. The Title IX coordinator will ensure that any individual designated as a decision maker receives training or has received training in the previous 12 months on any technology to be used at a live hearing and on issues of relevance of questions and evidence—including when questions and evidence about a complainant's sexual predisposition or prior sexual behavior are not relevant—and meets all other standards required of grievance administrators under these procedures.

2.3 Written Submissions

After receiving the investigative report and no fewer than 10 business days before the hearing, the parties must provide a written submission to the decision makers that includes

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

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

The decision makers will review the parties' written submissions, and, at least five business days prior to the hearing, forward the written submissions to the other party.

2.4 Opening and Closing Statements

The decision makers may ask the complainant and the respondent to make a brief statement at the opening and/or the closing of the hearing. The decision makers may limit the time for these statements but will give each party an equal opportunity to make any such statements at the hearing.

2.5 Investigation Record

The investigation record will be available to the decision makers and the parties during the hearing, and each party will be given equal opportunity to refer to information in the investigation record during the hearing, including for purposes of cross-examination. Physical or documentary information not included in the investigation record will not be admissible during the hearing unless the presiding decision maker determines that such information was not reasonably available to the party seeking its admission during the investigation.

2.6 Witnesses

The decision makers and the parties may ask the investigator and any witness who has provided a statement to the investigator in the investigation record to answer questions at the hearing. The university will make reasonable allowance for BYU–Hawaii students and employees to participate in a sexual harassment hearing, if necessary, during regular school or work hours. However, the university will not compel any party or witness to participate in a hearing.

If a party or witness does not attend or does not submit to cross-examination at the hearing, the decision maker must not rely on any statement of that party or witness in reaching a determination regarding responsibility. However, the decision makers cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the hearing or refusal to answer cross-examination or other questions, including any inference that a respondent's absence or refusal to answer questions implies his or her responsibility for the sexual harassment alleged or that a complainant's absence or refusal to answer implies that the respondent is not responsible for the sexual harassment alleged by the complainant.

2.7 Direct and Cross-examination of Parties and Witnesses

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

2.8 Relevance

Only relevant questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the presiding decision maker must first determine whether the question is relevant and explain any decision to exclude a question as not relevant.

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

2.9 Determination Regarding Responsibility

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

Within 10 business days of the hearing, the decision makers will issue a written determination regarding responsibility to the parties. The determination regarding responsibility must include the following:

- Identification of the allegations potentially constituting sexual harassment and the respondent's responses to each allegation;
- Description of the procedural steps taken from the receipt of the formal complaint through the determination, including notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- Findings of fact supporting the determination regarding responsibility;
- Conclusions regarding the application of the Sexual Harassment Policy to the facts;
- A statement of, and the rationale for, the result as to each allegation, including
    - a determination regarding responsibility;
    - any disciplinary sanctions the university imposes on the respondent;
    - whether remedies designed to restore or preserve equal access to BYU–Hawaii's education program or activity will be provided to the complainant; and
- The procedures and permissible bases for the complainant and respondent to appeal and the date the determination regarding responsibility becomes final.

Remedies provided by the decision makers may include supportive measures and disciplinary sanctions against the respondent as detailed in the Sexual Harassment Policy.

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

The presiding decision maker will promptly and simultaneously send a copy of the written determination regarding responsibility to the parties and their advisors and will provide copies to the Title IX coordinator and the investigator. The determination regarding responsibility becomes final 11 calendar days after it is delivered to the parties, unless an appeal is filed within 10 calendar days of the parties receiving the written determination. If an appeal is timely filed, the reviewer's determination regarding responsibility becomes final on the date that the appeal decision is provided to the parties. The parties' access to the investigation record will terminate as soon as the determination regarding responsibility becomes final, and any further access will be only as permitted by the Access to Student Records Policy.

3. APPEAL

Either party may appeal from a determination regarding responsibility and from the dismissal of a formal complaint or any of its allegations.

The appealing party must submit a written appeal to the Title IX office within 10 business days of receiving the determination regarding responsibility or notice of dismissal. The written appeal is limited to five pages, exclusive of exhibits, and must identify at least one of the following grounds as the basis for the appeal:

- A procedural irregularity affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. This new evidence and an explanation of both why it was unavailable at the time the determination regarding responsibility was made and its potential impact must be included in the appeal.
- The Title IX coordinator, investigator, or any decision maker had a conflict of interest, a bias for or against complainants or respondents generally, or a preexisting bias against the individual complainant or respondent, that affected the outcome of the matter.

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

The Title IX coordinator will send the determination regarding responsibility, written appeal, and any written opposition to a designated appeal reviewer

(Reviewer) for review and will provide the reviewer with access to the investigation record. Neither the Title IX coordinator nor any person designated as an investigator or decision maker in a matter may be designated as a reviewer of the same matter. The reviewer will be determined as follows:

- The reviewer of a determination involving a student respondent, including a student employee, will be the student life vice president.
- The reviewer of a determination involving a faculty respondent will be the academic vice president or an associate academic vice president designated by the academic vice president. However, if the academic vice president was a decision maker or if the sanction imposed by the decision maker is for the involuntary termination of a faculty member with continuing faculty status (CFS) or in a CFS-track position, the university president will be the reviewer. See Progressive Discipline Policy and Grievance Policy.
- The reviewer of a determination involving an administrative or staff employee respondent will be the employee's line vice president or member of the President's Council. However, if the employee's line vice president was a decision maker or if the sanction imposed by the decision maker was for the employee's involuntary termination, the university president will be the reviewer.
- The reviewer of a determination involving a respondent who is neither a student nor an employee will be the Campus Threat Assessment Committee or, where the sanction does not include a ban of the respondent, the vice president who oversees the area within BYU–Hawaii's education program or activity in which the complainant was participating or attempting to participate when the alleged harassment occurred, or an individual designated by that vice president.

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

Within 30 business days of receiving the appeal, the reviewer will simultaneously provide the parties and the Title IX coordinator with a written determination regarding responsibility upholding, reversing, or amending all or part of the original determination regarding responsibility and providing the reviewer's rationale for the result. If the reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the reviewer will advise the parties as to when the appeal decision will be provided. The reviewer's determination regarding responsibility is final, and no further review will be allowed.

4. GENERAL PROVISIONS

4.1 Impartiality

Grievance administrators—including the Title IX coordinator, investigators, decision makers, reviewers will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process. Grievance administrators will strive to objectively evaluate all relevant evidence, including both information tending to show the respondent's responsibility for sexual harassment and information tending to show the respondent is not responsible. No grievance administrator may participate in the grievance process if he or she has a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. Determinations regarding any person's credibility may not be based on the person's status as a complainant, respondent, or witness.

4.2 Confidentiality

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

Records kept by the university relating to sexual harassment allegations are not publicly available, but in the event that the university is required to make any records publicly available, any identifying information about the parties will be redacted, to the extent permissible by law, to protect the parties' confidentiality.

4.3 Advisors

An investigation under these procedures is an internal university student or employment disciplinary matter. Nevertheless, parties may invite an advisor of their choice to accompany them to any meeting or proceeding related to the investigation or resolution of a formal complaint. The advisor may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide advice and support. The university will not typically change scheduled meetings to accommodate an advisor's inability to attend. Individuals may elect to

change their advisor during the investigative process and are not required to use the same advisor throughout the process.

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

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

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

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

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

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

4.4 Record Keeping

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

- Records of any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment. In each instance, the university must document the basis for its conclusion that its response was not deliberately indifferent, and document that it has taken measures designed to restore or preserve equal access to BYU–Hawaii's education program or activity. If the university does not provide a complainant with supportive measures, then the university must document the reasons why such a response was not clearly unreasonable in light of the known circumstances. The documentation of certain bases or measures does not limit the university in the future from providing additional explanations or detailing additional measures taken.
- Records of any informal resolution, including any written agreement of informal resolution.
- Records of each sexual harassment investigation, including any determination regarding responsibility and any audio or audiovisual recording or transcript created during the live hearing, any disciplinary sanctions imposed on the respondent, and any remedies provided to the complainant designed to restore or preserve equal access to the university's education program or activity.
- Records of any appeal and the result therefrom.
- All materials used to train grievance administrators (which the university will also make publicly available on its Title IX website).

SEXUAL HARASSMENT GRIEVANCE PROCEDURES (NON-TITLE IX SEXUAL VIOLENCE)

Brigham Young University–Hawaii ("BYU–Hawaii" or "university") prohibits sexual harassment (see Sexual Harassment policy). As described in the Sexual Harassment Policy, the university will respond to allegations of sexual harassment by offering supportive measures designed to restore or preserve a complainant's equal access to BYU–Hawaii's education program or activity. The university will also follow the applicable grievance process before imposing any disciplinary sanctions or other actions against a respondent that are not supportive measures.

The following procedures describe the university's equitable, fair, prompt, and impartial response to formal complaints of sexual violence that did not occur in the United States or did not occur within BYU–Hawaii's education program or activity, and where the respondent is a BYU–Hawaii employee or a BYU–Hawaii student.

The Title IX coordinator will follow the Sexual Harassment Grievance Procedures (Title IX) to respond to formal complaints of sexual harassment occurring against a person in the United States who is participating in or attempting to participate in BYU–Hawaii's education program or activity, as required by federal regulations under Title IX of the Education Amendments Act of 1972.

1. INVESTIGATION

The university will investigate allegations in a formal complaint as follows:

1.1 Preliminary Investigation and Dismissal

The university will consider the allegations in a formal complaint and will dismiss the formal complaint with regard to any alleged conduct that would not constitute sexual violence, even if proved. Dismissal for this reason precludes any subsequent formal complaint alleging the same factual allegations. However, a complainant may file another formal complaint against the same respondent based on new or additional factual allegations.

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

The Title IX coordinator may also dismiss a formal complaint or may suspend an investigation if a complainant notifies the Title IX coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations

therein or if specific circumstances prevent gathering evidence sufficient to reach a determination as to the allegations in the formal complaint.

Upon a dismissal, the Title IX coordinator will simultaneously send written notice of the dismissal and the reason for the dismissal to the parties. Dismissal of a formal complaint does not preclude action against the respondent under the CES Honor Code Personnel Conduct, Administrative and Staff Employee Grievance, Academic Governance, Behavioral Intervention and Threat Assessment or other university policies applicable to the conduct.

1.2 Selection of the Investigator

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

1.3 Notice of Allegations

Upon receipt of a formal complaint, the investigator will collect the information necessary to prepare a written Notice of Allegations and will provide the notice to the known parties at least five (5) business days before the respondent's initial interview. The Notice of Allegations will include the following:

- Notice of the allegations potentially constituting sexual violence, including the identities of the parties involved in the incident (if known), the conduct allegedly constituting sexual violence, and the date and location of each alleged incident constituting sexual violence (if known);
- Notice of the university's formal and informal grievance resolution processes;
- Notice to the parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney;
- Notice prohibiting any party from knowingly making false statements or knowingly submitting false information during the grievance process, and informing the parties that those actions constitute a material violation of the CES Honor Code commitment to "be honest"; and,
- Notice prohibiting any party from engaging in retaliation.

A party who wishes to file a formal complaint against another party or individual based on allegations arising out of the same facts or circumstances identified in the Notice of Allegations must file the formal complaint within fifteen (15) business days of receiving the Notice of Allegations or becoming aware of the facts on which the formal complaint is based, whichever is later.

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

If, in the course of an investigation, the investigator decides to investigate allegations of sexual violence about the complainant or respondent that are not

included in the Notice of Allegations, the investigator will provide all known parties with a supplemental Notice of Allegations as to the additional allegations.

1.4 Information Gathering

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

The investigator will seek to collect information sufficient for the decision maker(s) to make findings of fact and reach a determination as to whether the respondent engaged in sexual violence (determination regarding responsibility) based on the preponderance of the evidence (i.e., evidence sufficient to show that the determination is more likely than not to be true).

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

1.5 Investigation Record

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

1.6 Investigative Report

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

- Identifies the allegations potentially constituting sexual violence and the respondent's responses to each allegation;
- Describes the procedural steps taken following the receipt of the formal complaint, including notifications to the parties, interviews with parties and witnesses, site visits, and methods used to gather other evidence;
- Impartially summarizes the relevant evidence;
- Makes recommended findings of fact; and
- Makes any other recommendations the investigator deems appropriate.

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

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

After the investigator sends the Preliminary Investigative Report and Investigation Record to the parties, they will have ten (10) business days to submit a written response, which the investigator will consider prior to finalizing the Investigative Report. Any written response and any additional evidence provided in connection with a party's written response will be added to the Investigation Record. After the deadline for the parties to submit their written responses to the Preliminary Investigative Report and Investigation Record has passed, the investigator will promptly finalize the Investigative Report and send it and the Investigation Record to the decision makers.

The investigator will, in good faith, attempt to conclude the investigation and issue the Preliminary Investigative Report and Investigation Record to the decision makers within 90 calendar days of receiving the formal complaint of sexual violence. If, as a result of the complexity of a case or other good cause—including considerations such as the absence of a party, a party's advisor, or a witness; ongoing law enforcement activity; or the need for language assistance or accommodation of disabilities—the investigation cannot reasonably be concluded within the 90-day period, the investigator will provide the complainant and the respondent with written notice of the delay and the reason for the delay or extension.

2. DETERMINATION REGARDING RESPONSIBILITY

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

- For a student respondent, the dean of students or designee the director, Counseling Services or designee; or, a decision maker designated by the Title IX coordinator. If the alleged sexual violence occurred in a student employment context, the decision makers may also include the student employee's immediate supervisor and a representative from employee relations or designee.
- For a faculty respondent, the academic vice president or designee, the faculty member's dean or immediate supervisor, or a decision maker designated by the Title IX coordinator.
- For an administrative or staff employee respondent, the responsible vice president or assistant to the president or designee, the managing director of employee relations or designee, or a decision maker designated by the Title IX coordinator.

Neither the Title IX coordinator nor the investigator may serve as a decision maker. However, the Title IX coordinator will serve as a non-voting resource to assist the decision makers.

The decision makers will objectively evaluate all evidence in the Investigative Report and Investigation Record, and, by a majority vote, make a determination regarding responsibility based on the preponderance of evidence. At the decision makers' discretion, the investigator may be invited to respond to questions about the Investigative Report and the Investigation Record. The decision makers' discussions with the investigator and their deliberations will be closed to the parties and their advisors. Remedies provided by the decision makers may include supportive measures and disciplinary sanctions against the respondent as detailed in the Sexual Harassment policy.

Within 60 calendar days of the investigator's transmission of the Investigative Report and Investigation Record, the decision makers will simultaneously issue a written determination regarding responsibility to the parties and their advisors, if any, and the Title IX coordinator.

The determination regarding responsibility must include the following:

- Findings of fact supporting the determination regarding responsibility;
- Conclusions regarding the application of the Sexual Harassment Policy to the facts;
- A statement of, and the rationale for, the result as to each allegation, including

    - A determination regarding responsibility and
    - Any disciplinary sanctions the university imposes on the respondent; and
- The procedures and permissible bases for the complainant and respondent to appeal and the date the determination regarding responsibility becomes final.

The parties will be simultaneously notified of any delay in issuing the determination regarding responsibility and the reason for the delay and of any changes to the determination before it becomes final.

The Title IX coordinator is responsible for coordinating the implementation of any remedies identified in the determination regarding responsibility with the university units and management personnel authorized to implement the remedies.

3. APPEAL

A party who is unsatisfied with the decision makers' determination regarding responsibility (Appealing party) or notice of dismissal may submit an appeal within ten (10) business days of the date of the email delivery of the determination regarding responsibility. An appeal is not a reconsideration of the case but is limited to the contents of the determination regarding responsibility and the Investigation Record. The appealing party must show at least one of the following:

- A procedural irregularity affected the outcome of the matter.
- New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter. This new evidence and an explanation of both why it was unavailable at the time the determination regarding responsibility was made and its potential impact must be included in the appeal.
- The Title IX coordinator, investigator, or any decision maker had a conflict of interest, a bias for or against complainants or respondents generally, or a preexisting bias against the individual complainant or respondent that affected the outcome of the matter.

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

The reviewer will be determined as follows:

- The reviewer of a determination involving a student respondent, including a student employee, will be the dean of students.
- The reviewer of a determination involving a faculty respondent will be the academic vice president or an associate academic vice president designated by the academic vice president. However, if the academic vice president was a decision maker or if the sanction imposed by the decision maker is for the involuntary termination of a faculty member with continuing faculty status (CFS) or in a CF-Strack position, the university president will be the reviewer. (See Progressive Discipline policy and Employee Grievance policy).
- The reviewer of a determination involving an administrative or staff employee respondent will be the employee's responsible vice president or a member of the President's Council. However, if the employee's responsible vice president was a decision maker or if the sanction imposed by the decision maker is for the employee's involuntary termination, the university president will be the reviewer.

The reviewer will not interview the parties or consider any information outside the determination regarding responsibility, the Investigative Report, and the Investigation Record.

Within 30 calendar days of receiving the appeal, the reviewer will simultaneously provide the parties and the Title IX coordinator with a written determination regarding responsibility upholding, reversing, or amending all or part of the original determination regarding responsibility and providing the reviewer's rationale for the result. If the reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the reviewer will simultaneously advise the parties as to when the appeal decision will be provided. The reviewer's determination regarding responsibility is final, and no further review will be allowed.

The Title IX coordinator is responsible for coordinating the implementation of the reviewer's determination regarding responsibility with the university units and management personnel authorized to implement the actions. In cases where the reviewer's determination regarding responsibility results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the respondent's prior status.

4. GENERAL PROVISIONS

4.1 Impartiality

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

4.2 Confidentiality

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

Records kept by the university relating to sexual harassment allegations (including sexual violence allegations) are not publicly available, but in the event the university is required to make any records publicly available, any identifying information about the parties will be redacted, to the extent permissible by law, to protect the parties' confidentiality.

4.3 Advisors

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

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

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

4.4 Notice, Delivery of Documents, and Extensions of Time

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

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

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

4.5 Record Keeping

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

DRUG-FREE SCHOOL

POLICY

BYU–Hawaii encourages an academic environment that promotes the health, safety, and welfare of all university members. As a condition of enrollment or employment, the university requires that all students and 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 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.

IMPLEMENTATION

1.1 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.

1.2 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.

1.3 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://security.byuh.edu/clery-report or can be requested in hard-copy form from Campus Security.
- The university recognizes that potential legal sanctions may accompany an individual's use of drugs. The applicable legal sanctions under federal, state, or local law may include significant fines and imprisonment. A summary of applicable legal sanctions from the unlawful use of drugs may be obtained from the university's annual Security Report, which can be requested in hard-copy form from Campus 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 Security. Remaining silent or waiting until a situation has escalated is unwise and often dangerous.

1.4 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.

DRUG-FREE WORKPLACE

POLICY

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

As a condition of employment or participation in the university workplace, BYU–Hawaii requires all workforce participants to abide by 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.

IMPLEMENTATION

1.1 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://security.byuh.edu/reports and click on the Annual Security and Fire Safety Report tab.

1.2 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 Administration Building, call (808) 675-3713, 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://www.carelonwellbeing.com/myeaphelper.

MISSING STUDENT NOTIFICATION

POLICY

Annually, the university will inform all students via an automated alert of the option to confidentially register the name of one or more emergency contacts to be notified in the event that the student is determined to be missing. Students may update this information at any time through the student 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 Security as outlined in the following implementation guidelines.

IMPLEMENTATION

1.1 Definitions

1.1.1 Authorized Campus Officials

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

1.2 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.

1.3 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.

1.4 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 Security – (808) 675-3911, MCK 148;
- Residential living manager – (808) 675-4921
- Campus life director – (808) 675-3677, McKay Gym 282; or,
- Dean of students – (808) 675-4586, LSB 291.

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 Security regardless of how long the student is believed to have been missing.

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

1.4.1 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 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 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.

1.5 Investigation Procedures

When a student from on-campus housing is reported missing and has been deemed by Campus Security or local law enforcement to have been missing for 24 hours without any known reason, Campus Security will notify the Collaboration

Assessment Response & Evaluation team. The university will then follow the procedures outlined below:

1. The dean of students will contact the student life vice president.
2. The Collaboration Assessment Response & Evaluation 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 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 Collaboration Assessment Response & Evaluation team will immediately inform the international student services manager.

Fire Policies

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

- Campus Fire Safety Act policy

FIRE SAFETY

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.

IMPLEMENTATION

1.1 Definitions

1.1.1 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 Procedures, and the National Fire Code.

1.1.2 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).

1.1.3 Open flame devices

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

1.1.4 University building

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

1.2 Responsibilities

1.2.1 University Safety Officer

Under the direction of the chief compliance officer, the university safety officer shall implement the university's Fire Prevention/Protection Program 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.

1.2.2 Campus University Safety Officer

Safety & Risk Management 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.

1.2.3 Facilities Management

Facilities Management shall coordinate with Safety & Risk Management 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.

1.2.4 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.

1.2.5 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.

1.3 Prohibitions

Open flames and flammable liquids are not permitted in BYU–Hawaii hales, Temple View Apartments, on-campus employee housing, or open spaces except for designated food preparation areas, science laboratories, ceramics studio, and designated maintenance hot work areas. Safety & Risk Management 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 Safety & Risk Management.

1.4 Fire Safety Education and Training Programs

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

1.5 Procedures to Follow in Case of a Fire

In the event fire or smoke has been detected:

1. Pull fire alarm and notify Safety & Risk Management (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 Security will ensure that the building has been evacuated.
7. Do not re-enter building(s) until declared safe by emergency services personnel.
8. Safety & Risk Management will notify employees, customers, students, and staff of termination of emergency.

Evacuate to at least 300 feet from the fire and away from areas that may be accessed by first responders. Residents should gather at building assembly points.

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 Security, during Safety Week, 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.

Safety Awareness Fair

Annually, Safety Week Awareness Fair is held for all faculty, administration, staff, and students that covers emergency preparedness, safety and security issues. There are representatives from the Honolulu Police Department, Honolulu Fire Department, Hawaii Emergency Management agency and others. During this fair, crime prevention materials are distributed, and representatives are available to answer any questions.

Online Videos

Online video training is provided 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, all new students are required to complete the online Title IX training modules for students, 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 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.

Evacuate to at least 300 feet from the fire and away from areas that may be accessed by first responders. Residents should gather at building assembly points.

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)

We are updating, replacing or remodeling many buildings on-campus.

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 in 2025
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
Hale 10	Yes	Yes	Yes	No	Yes	Yes	3
Hale 11 (opened 2025)	Yes	Yes	Yes	Yes	Yes	Yes	3
Hale 12 (opened 2025)	Yes	Yes	Yes	Yes	Yes	Yes	1
Hale 13 (opened 2025)	Yes	Yes	Yes	Yes	Yes	Yes	

TVA

	Pull Stations	Audio/Visual Warning	Sprinkler System	Fire Curtains	Fire/Smoke Detectors	Fire Extinguishers	# of Fire Drills in 2025
TVA H (Closed 2025)	Yes	Yes	No	No	Yes	Yes	1
TVA J (Closed 2025)	Yes	Yes	No	No	Yes	Yes	1
TVA K (Closed 2025)	Yes	Yes	No	No	Yes	Yes	1
TVA L (Closed 2025)	Yes	Yes	No	No	Yes	Yes	1
TVA M (Closed 2025)	Yes	Yes	No	No	Yes	Yes	1
TVA Q	Yes	Yes	No	No	Yes	Yes	1
TVA R	Yes	Yes	No	No	Yes	Yes	1
TVA S	Yes	Yes	No	No	Yes	Yes	1
TVA T	Yes	Yes	No	No	Yes	Yes	1
TVA U	Yes	Yes	No	No	Yes	Yes	1
TVA V	Yes	Yes	No	No	Yes	Yes	1
TVA W	Yes	Yes	No	No	Yes	Yes	1
TVA X	Yes	Yes	Yes	No	Yes	Yes	1
TVA Z	Yes	Yes	Yes	No	Yes	Yes	1
TVA A1	Yes	Yes	Yes	Yes	Yes	Yes	1
TVA A3	Yes	Yes	Yes	Yes	Yes	Yes	1
TVA A4	Yes	Yes	Yes	Yes	Yes	Yes	1
TVA B3	Yes	Yes	Yes	Yes	Yes	Yes	1
TVA B4	Yes	Yes	Yes	Yes	Yes	Yes	1
TVA D2	Yes	Yes	Yes	Yes	Yes	Yes	1
TVA D3	Yes	Yes	Yes	Yes	Yes	Yes	1

On-Campus Clery Geography



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 of-fender); 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 im-prisoned 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 of-fender); 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
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.