

2020 BYU Salt Lake Center Annual Security Report



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Resource Phone Numbers

Police

Emergency.....	911
Salt Lake City Police Department.....	801-799-3000
BYU Police	801-422-2222

Fire

Emergency.....	911
Salt Lake City Fire Department.....	801-799-3473
BYU Fire Marshal	801-422-6880
BYU Police	801-422-2222

Alcohol and Drug Abuse Counseling

Alcoholics Anonymous	801-375-8620
BYU Substance Abuse Prevention Services.....	801-422-1942

Counseling & Victim Assistance

BYU Comprehensive Clinic.....	801-422-7759
BYU Counseling and Psychological Services	801-422-3035
BYU Sexual Assault Survivor Advocate	801-422-9071
BYU Title IX Coordinator	801-422-7256
BYU Women's Services and Resources Office.....	801-422-4877
Center for Women and Children in Crisis	801-377-5500
Child Abuse Intake Hotline	855-323-3237
Child and Family Services	801-538-4100
Church of Jesus Christ of Latter-day Saints Family Services.....	801-422-7620
Protective Services (Department of Human Services).....	801-538-4001
Salt Lake City Police Department Victim Advocate.....	801-799-3000
Rape and Sexual Assault Crisis Line	888-421-1100
Rape Recovery Center	801-467-7282
Utah State Hospital (Psychiatric Care)	801-344-4400
Utah Valley Regional Medical Center	801-357-7850
Utah Coalition Against Sexual Assault	801-746-0404

Domestic Violence and Sexual Assault

BYU Sexual Assault Survivor Advocate	801-422-9071
BYU Title IX Coordinator	801-422-7256
Child Abuse Reporting.....	855-323-3237
Domestic Violence 24-Hour Hotline for Deaf and Hard of Hearing (TTY).....	800-787-3224
Domestic Violence 24-Hour Hotline for Deaf and Hard of Hearing (Video Phone)	855-812-1001
Domestic Violence Shelter and Intervention.....	801-377-5500
National Domestic Violence Hotline.....	800-799-7233
Intermountain Specialized Abuse Treatment Center.....	801-886-8900
Legal Center for Victims of Domestic Violence (Salt Lake)	801-328-8891
Protective Orders/Legal Services.....	801-375-1031
Rape Abuse and Incest National Network (RAINN)	800-656-4673
Rape Recovery Center (24-hour crisis line)	801-467-7273
Utah Domestic Violence LINKLine	800-897-5465
Utah Legal Services.....	801-374-6766

Resource Phone Numbers

Health Care

Emergency.....	911
BYU Student Health Center	801-422-2771
Intermountain Medical Center—Murray (emergency).....	801-507-6600
Intermountain Medical Center—Murray.....	801-507-7000
Intermountain LDS Hospital	801-408-1100
St. Marks Hospital	801-268-7111
University of Utah Hospital	801-581-2121
Poison Center	800-222-1222

Health Information, Confidential Evaluation, and Counseling

BYU Comprehensive Clinic.....	801-422-7759
BYU Counseling and Psychological Services	801-422-3035
BYU Student Health Center	801-422-2771

Reporting Hazards

Salt Lake Center Director	801-933-9436
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Message from Chris Autry



Brigham Young University is committed to making the campus a safe and secure environment in which everyone, from students to faculty and staff, can successfully and safely achieve their goals. This annual security report is just one way BYU helps students and employees create a safe place to live, work, and learn.

This report is provided in compliance with federal law and contains reports of crimes occurring on or near the BYU Salt Lake Center campus in 2019, as well as the previous two years for comparison. You will also find campus safety and security policies that are designed to inform you of practices that can help keep you safe, as well as resources available to you here at BYU and in the Salt Lake City area. We hope you will find this report valuable. Please review this information carefully and, in particular, the crime prevention tips included. Personal safety is a responsibility of everyone, and we need your assistance in helping to make our campus a safe environment.

Thank you for taking the time to read this annual security report and for helping to make the BYU Salt Lake Center campus a safe and secure place to help prepare students for lifelong learning and service.

Sincerely,

Chris Autry

Chris Autry
Managing Director of BYU Police & BYU Security

What is the Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a nineteen-year-old Lehigh University student who was raped and killed in her dorm room in 1986. The law was originally enacted in 1990 as the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965.

The Clery Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. Specifically, higher education institutions subject to the law must do the following:

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

The Clery Act has been amended many times to include additional requirements. The Act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions about where to attend school.



Jeanne Clery

Clery Act Annual Security Report Preparation

This document is designed to provide students and employees with information concerning personal safety and university policies, and to comply with federal law. The university Clery Act Compliance Coordinator prepares and publishes the report annually by compiling updated policy information and relevant crime data maintained in its police department, reported by campus security authorities, and provided by local law enforcement. The university's Integrity and Compliance Office provides statutory and regulatory compliance oversight of the report's contents. For additional information or to submit changes and corrections to this report, please contact the Clery Act Compliance Coordinator Karen Ellingson at 801-422-0559 or email to karen_ellingson@byu.edu.

Collecting Crime Data and Reporting Procedures



The Clery Act requires universities to annually disclose statistics for certain reported crimes and categorize them based on the following criteria:

- the person who received the crime report,
- the type of crime reported,
- the year in which the crime was reported, and
- the geographic location where the reported crimes occurred.

For purposes of the Clery Act, relevant geographic locations include campus, public property within or immediately adjacent to campus, and certain non-campus buildings or property that are owned or controlled by BYU.

Statistics are collected from the following sources:

- Salt Lake City Police Department
- Campus Security Authorities (CSAs)
- EthicsPoint compliance hotline
- The Church of Jesus Christ of Latter-day Saints Security Department (Church Security)

The crime statistics tables reflect specific crimes and arrests reported to the sources identified as CSAs.

In accordance with the Clery Act, these crimes are classified based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses

only, the definitions are from the FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR.

Hate crimes are defined according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Manual. Although the law states that institutions must use the UCR for defining and classifying crimes, it does not require Clery Act crime reporting to meet all UCR standards. Definitions for the crimes and offenses listed in the following tables are included in Appendix A.

The Crime Statistics tables may or may not reflect the number of crimes actually *committed* on campus; however, they do accurately record the number of crimes *reported* to CSAs. Each table shows the number of crimes *reported* for each identified category for a three-year period.

Crime Log and Campus Warnings

In addition to providing crime statistics in the annual security report, the Clery Act also requires universities to provide notice throughout the year about incidents affecting the campus community. The BYU Salt Lake Center maintains a daily crime log of reported incidents on campus. This log is provided and maintained by Church Security which is located on the main floor of the Ensign College building and

is available for review by appointment.

Criminal activity reported to Church Security which occurs within the BYU Salt Lake Center geography is included in the crime log within two business days of Church Security receiving a report. To ensure the confidentiality of victims, the crime log does not include their personally identifiable information.

The university will issue emergency notifications upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate threat to the health or safety of students and employees. The university will also issue timely warnings about certain crimes that represent a foreseeable threat to students and employees.

More information about campus security, crime reporting, preventing crime, criminal situations, emergencies, notifications, procedures, and safety considerations, and victim resources can be found throughout this report.

The following pages contain data tables describing the reported Clery Act crimes at the BYU Salt Lake Center campus for January 2017 through December 2019. For questions regarding the reported data, please contact the Clery Act Compliance Coordinator.

2017-2019 Reported Crime Statistics

Criminal Offenses

	Campus Totals			Non-Campus Property (None)			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	1	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	1	1	0
Burglary	2	2	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	2	1	0
Arson	0	0	0	0	0	0	0	0	0

Hate Crimes

	Campus Totals			Non-Campus Property (None)			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

*RH=Residence Hall

**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

	Campus Totals			Non-Campus Property (None)			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Domestic Violence	0	0	0	0	0	0	4	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Arrests

	Campus Totals			Non-Campus Property (None)			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	12	1	1
Liquor Law Violations	0	0	0	0	0	0	0	0	0

Disciplinary Referrals

	Campus Totals			Non-Campus Property (None)			Public Property		
	2017	2018	2019	2017	2018	2019	2017	2018	2019
Illegal Weapons Possession	0	0	0	0	0	0	0	0	0
Drug Law Violations	0	0	0	0	0	0	0	0	0
Liquor Law Violations	0	0	0	0	0	0	0	0	0

*RH=Residence Hall

**Hate Crime Categories of Prejudice: Disability (D), Ethnicity (E), Gender Identity (GI), Gender (G), National Origin (N), Race (Ra), Religion (Re), Sexual Orientation (S)

Security of Campus Facilities



The Church of Jesus Christ of Latter-day Saints Headquarters Facility Department maintains the BYU Salt Lake Center campus with a focus on safety and security. They regularly inspect campus facilities and promptly make appropriate repairs. Representatives from Church Security periodically inspect the entire campus to review lighting and environmental safety concerns. The BYU Salt Lake Center is an “open campus with restrictions.” Most of the BYU Salt Lake Center facilities are open to the public during the day and evening hours when classes are in session. When the BYU Salt Lake Center is officially closed, it is generally locked and only authorized personnel and students with proper clearance are allowed to enter.

The BYU Salt Lake Center does not have on-campus housing, and does not recognize off-campus student organizations. Local law enforcement agencies are responsible for policing off-campus student residences. Additionally, due to a lack of residence halls or other campus housing, no fire statistics are required for BYU’s Salt Lake Center campus and no fire report is included.

BYU Salt Lake Campus Law Enforcement

Report A Hazard

Individuals are encouraged to report hazardous conditions or safety concerns to the following departments or individuals:

Salt Lake Center
Administration
801-933-9436

Church Physical Facilities
Department
801-240-9333

Church Security
801-240-2771

Jay Young, Center Director
801-933-9436

Salt Lake City Police
Emergency: 911
Non-emergencies:
801-799-3000
475 South 300 East
Salt Lake City, UT 84114

Police

Law enforcement-related services for the BYU Salt Lake Center are provided by the Salt Lake City Police Department. Immediately report all crimes, suspicious activity and circumstances, and medical emergencies to the Salt Lake City Police Department. Officers are available twenty-four hours a day. Similar incidents or activities may also be reported to campus security authorities and via EthicsPoint. Students are also encouraged to report crimes to Church Security.

Church Security

The BYU Salt Lake Center campus does not maintain a campus police department. Security at the Triad Center where BYU Salt Lake Center is located is provided through a joint contract between tenants of the Center and Church Security. Church Security is composed of highly trained and experienced security personnel. Church Security officers receive regular training in firefighting, building safety, first aid, CPR, self-defense and crime prevention. Church Security works closely with the Salt Lake City Police Department concerning all criminal incidents.

Assistance for Victims

A victim of a Clery crime may request in writing a report detailing action taken by BYU against the perpetrator of the crime through disciplinary measures. To request this report victims should contact the Honor Code Office. Please see the Sexual Harassment Grievance Procedures (Title IX) and Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence) for information regarding victim's rights and notifications in an investigation of alleged dating violence, domestic violence, sexual assault, or stalking. If a victim wishes to know the outcome of an investigation and action taken by Salt Lake City Police in response to the crime committed against the victim, the victim should contact the officer in charge of investigating the crime. The next of kin of a deceased victim may request this information on the behalf of the victim.

Campus Security and Reporting Crimes and Emergencies

Crime Reporting Contacts

Salt Lake City Police

Emergency: 911

Non-emergencies: 801-799-3000

475 South 300 East
Salt Lake City, Utah



Church Security

Emergency: 911

Non-emergencies: 801-240-2771

Campus Phone: 2-2771

Who Do I Contact?

The BYU Salt Lake Center encourages accurate and prompt reporting of all crimes and emergency situations to local police even when a crime victim is unable to or decides not to report. Immediate reporting allows authorities to identify crimes and situations which pose an immediate or ongoing threat to our campus, and send out an emergency notification to protect the campus community and prevent crime. Emergency situations should be reported by calling 9-1-1. Non-emergency and emergency situations should also be reported to the appropriate law enforcement body, and to any CSA.

It is important for all criminal activity and unsafe situations to be reported quickly to the sources described below to increase the safety on our campus and to enable the university to disclose accurate crime statistics in its annual security report. When crimes are reported at the Salt Lake Center, the center's director and administrators will work with the campus community to provide appropriate and timely warning, promote safety, and prevent re-occurrence of the crime. CSAs listed on page 14 are prepared to receive crime reports.

Church Security

BYU Salt Lake Center is patrolled twenty-four hours a day, seven days a week by security officers of Church Security. Crimes and dangerous situations may be reported to security officers, but emergencies should be reported to local authorities. Church Security is available twenty-four hours a day, seven days a week by dialing 801-240-2771, which will connect the caller directly to the Church Security's Global Security Operations Center. Dispatchers are able to deploy whatever resources the incident may require, including police, fire, and emergency medical services.

Salt Lake City Police Department

Law enforcement related services are provided by the Salt Lake City Police Department (SLCPD). For an in-depth view of the SLCPD, please go to the department's web site at <http://slcpd.com/>.

Campus Security Authorities (CSAs)

The Salt Lake City Police Department is the preferred contact for reporting campus crimes. However, individuals may also report criminal incidents to campus security authorities who have responsibility for campus security or significant responsibility for student and campus activities.

CSAs are responsible for receiving and reporting to Salt Lake City Police and/or Church Security all allegations of Clery Act crimes individuals report to them while they are acting in their role as a BYU CSA. The Clery Act Compliance Coordinator should also receive crime report information from these sources. CSAs are not responsible for reporting crimes they hear about indirectly or in a classroom setting. Likewise, faculty members who are CSAs due to responsibilities outside the classroom only act in the role of a CSA while fulfilling the additional responsibilities such as acting as a faculty advisor to a club.

Pastoral and Professional Counselors

A pastoral counselor is a person who is associated with a religious order or denomination, and is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is 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 definition applies even to professional counselors who are not employees of the university but are under contract to provide counseling to the campus community. Crimes reported to a pastoral counselor may not result in the issuance of a timely warning.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. This is similar to the privilege provided under certain circumstances to doctors and attorneys when they may learn of crimes from patients or clients. This exemption is intended to protect the counselor-client role. However, even these legally recognized privileges acknowledge some exemptions, such as certain situations in which counselors are in fact under a legal obligation to report a crime. To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be a counselor for the purposes of the Clery Act. An example is a BYU Ph. D. counselor-trainee acting under the supervision of a professional counselor.

However, a dean of students who has a professional counselor's license, but who is employed by the university only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by BYU as both a professional counselor and an academic counselor, and he or she learns of a criminal incident while he or she is

engaged in academic counseling, he or she is not exempt from reporting that incident. If an individual has dual roles, one as a professional or pastoral counselor and the other as an official who qualifies as a campus security authority, and the roles cannot be separated, that individual is considered a campus security authority and is obligated to report Clery crimes of which they are aware.

An individual who is counseling students and/or employees, but who does not meet the Clery Act definition of a pastoral or professional counselor, is not exempt from being a campus security authority if they otherwise have significant responsibility for student and campus activities. This includes positions such as the director of the Student Health Center, the director of the Counseling Center, the director of Women's Services and Resources, etc. University professional counselors and ecclesiastical counselors are encouraged to make individuals aware of the EthicsPoint compliance hotline as an alternative means of confidentially and anonymously reporting crime.

The individuals, departments or organizations listed below are currently designated as campus security authorities for BYU Salt Lake Center. CSA designations may change from year to year as individual responsibilities are evaluated. Salt Lake City Police is the preferred contact for reporting campus crimes, but any student wishing to report a crime may contact any of the contacts listed below.

BYU Salt Lake Center CSAs

- Jay Young, Center Director
336 SLC, 801-933-9436
jay.young@byu.edu
- Kevin Bezzant, Student Services
337 SLC, 801-933-9437
kevin.bezzant@byu.edu



EthicsPoint Compliance Hotline

The university contracts with a third party to provide an anonymous compliance hotline—EthicsPoint—for reporting nonemergency incidents on a voluntary and confidential basis, either by phone or online. The hotline is a way to report reasonable suspicion of noncompliance with law or policy, particularly when other methods of reporting may be unavailable or otherwise inappropriate or ineffective under the circumstances.

The EthicsPoint hotline should be used if you are uncomfortable reporting suspected compliance violations through normal reporting lines, if you fear retaliation from doing so, or if other direct internal resolution mechanisms have not resolved a compliance issue. Do not use the compliance hotline to report a crime in progress, an emergency, or any other event presenting an immediate threat to a person or property. The hotline does not replace other channels for reporting concerns that can be directed to a particular office. For example, sexual harassment or sexual violence may be reported directly to the Title IX Office. Those who report should be prepared to explain the issue in detail. After a report is submitted, the person who created the report should follow up regularly, either by internet or phone, to answer any posted questions and receive updates.

Emergency Telephones

Code Blue emergency telephones and communication stations are located in the parking areas that serve the BYU Salt Lake Center campus and are easily identifiable by large blue lights mounted on the stations. These stations are owned and operated by the property owner and monitored by CBI Security. Emergency telephones are under surveillance twenty-four hours a day, seven days a week by CBI cameras and have two-way communication capability. Assistance may be requested twenty-four hours a day, seven days a week at any of these stations by picking up the telephone handset or pressing the call button located on each station. The person requesting assistance can then communicate with the security command center, located in the 5 Triad Building adjacent to the Ensign College (formerly LDS Business College) building. The dispatcher receiving the request can view on the camera the person who is making the request and can immediately dispatch a security officer to that location.

Emergency Notification, Response, and Evacuations

Timely Warning Notice

The Campus Security Timely Warning Notice Policy has been established with “the intent of providing guidance for the release and dissemination of information to the university community on certain serious crimes that represent a foreseeable threat to students and personnel.” The policy further states that “the Timely Notification Committee will review serious crime incidents that may impact the safety of students and personnel and make appropriate notification to the university community through news media, crime bulletins, email, or other appropriate means.”



Timely Warning Committee and Notification Procedures

The Timely Warning Committee meets when certain crimes are reported to Church Security or a CSA that present a serious or continuing threat to students and employees. The committee discusses and prepares appropriate notifications to release to the university community.

The committee includes the following members:

- Jay Young—Center Director,
- Kevin Bezzant—Student Services,
- Paul Mathews—Facilities Manager,
- Rick Spencer—Church of Jesus Christ Security Department Supervisor.

Unless mitigating factors warrant a delay, alert information, and reassurance messages will be streamed to the campus community through an alert via the mass notification software from the Global Security Operations Center. Properly registered students, employees, and faculty will receive the text message and e-mail alert. An alert will also be sent to campus networked phones. Evacuation and/or shelter-in-place alert directions will be given if necessary. Should the incident or threat impact the larger community, the Salt Lake City Police Department will determine whether Salt Lake City residents should be alerted. Information given out through a timely warning maintains confidentiality of

victims involved. Evacuation and/or shelter-in-place alert directions will be given.

Emergency Notifications

Upon confirmation of any significant emergency or dangerous situation occurring on campus involving an imminent threat to the health or safety of students or employees, the university will, without delay and taking into account the safety of the community, determine the content of a campus notification and initiate its notification system, unless issuing a notification will—in the professional judgment of responsible authorities—compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the university issues an emergency notification, it will not issue a timely warning based on the same circumstances. Any necessary follow-up information may be sent following an emergency notification.

Emergency Notification Procedures

Members of Church Security and BYU Salt Lake Center administration will work together to confirm the nature, magnitude and scope of an emergency or dangerous situation. Upon confirming that an event warrants immediate notification of the campus community, the committee will determine what information is appropriate to release and approve the method of contact. The Global Security Operations Center will also be notified.



The following methods may be used to share information with the campus community about crimes that have already occurred but represent a serious or continuing threat to the campus community, or other safety situations:

- Campus emergency notification system
- Notices on bulletin boards (located on the third floor west entrance of the Salt Lake Center)
- Public addressing system
- Announcement sessions/student meetings
- BYU Homepage—information about campus conditions
- BYU Risk Management—emergency preparedness <https://risk.byu.edu/emergency/preparingforemergency.php#y-alert>

Students, faculty and others wanting to be alerted to emergency situations in the Salt Lake City area, and crime alerts from Salt Lake City Police, should visit the Salt Lake City website (<https://www.slc.gov/em/alert-registry/>) to sign up for Salt Lake County emergency alerts and notifications. Should an incident or threat impact the larger community, Salt Lake City or Salt Lake County will determine whether Salt Lake City residents should be alerted.

To receive Y Alert messages by way of text messaging and email, campus members must register their

information online via their myBYU personal account (<https://my.byu.edu>). More Information about Y Alert and other emergency preparation tips can be found on the Risk Management page at <https://risk.byu.edu/emergency/preparingforemergency.php>.

Testing

The BYU Salt Lake Center emergency notification system will be tested on a semiannual basis (in April and October). The test is unannounced, and the text message sent to the campus community reads as follows: “This is a test of the emergency notification system. In the event of a real emergency the alert message will tell you what the emergency is and what to do.” A record is made of each test, including a description, the date and time of the test, and whether it was announced or unannounced.

Evacuation Drills

Under the direction of the Utah Property Managers Association (the Property Management Company for the Salt Lake Center), evacuation drills are conducted on an annual basis. A record is made for each drill, which record includes a description, location, date, time, and whether the drill was announced or unannounced.

Resources for Prevention and Awareness: Security Programs and Prevention Tips

Personal Safety Tips

Personal safety is everyone's responsibility. The following information will help you to deal with or avoid certain criminal events:

- Always be aware of your surroundings.
- Know where you are going and the safest way to get there.
- Walk in well-traveled, well-lit areas.
- Walk with confidence.
- Know where the nearest police or fire station is located.
- Carry a whistle, a small key chain type flashlight, and a cellphone.
- Unless you are properly trained, pepper spray or mace is not recommended.
- Take special care when jogging or biking. Take a friend and vary your route.
- Avoid isolated areas and do not wear headphones.
- Do not stand too close to a driver when asking for directions.
- If you are being followed, show that you are suspicious. Turn your head and look.
- If someone is following you on foot, change directions.

Crime Prevention and Campus Security Programs

Brigham Young University Salt Lake Center is a remarkable place to live, work, and study. Historically, the campus has experienced lower crime rates than many other educational institutions of similar size. However, BYU Salt Lake is not immune to the criminal acts of others. BYU Salt Lake's crime prevention programs and measures, though effective, are not substitutes for one's responsibility to practice good safety habits. Preventing and reducing crime also requires a campus community effort. The following are programs, events, and resources for training and information about crime prevention on campus and online.

See Something—Say Something

"If You See Something, Say Something®" is a national campaign launched by the U.S. Department of Homeland Security that raises public awareness of the indicators of terrorism and terrorism-related crime, as well as the importance of reporting suspicious activity to state and local law enforcement. Did you see something suspicious commuting to work or grabbing some lunch? Then say something to Church Security or local law enforcement to make it right.

COVID-19

COVID-19 was not an identified threat to student safety in 2019. As the pandemic unfolded in 2020, BYU took steps to protect students and employees from its spread. These efforts are ongoing, as they are for universities throughout the United States. For up to date information about BYU's efforts to combat COVID-19, including the number of current cases, mask requirements, changes to campus services, and to report a confirmed case of COVID-19 within the campus community, please visit <https://www.byu.edu/coronavirus/>. In the event a situation related to COVID-19 warrants emergency notification to some or all of the campus community, the university will follow established emergency notification procedures. Current information about COVID-19 guidance and restrictions in Salt Lake City can be found at <https://www.slc.gov/mayor/covid-19/>.

Crimes and Other Situations

The following are resources to help prepare you for some emergency criminal situations.

Flash Point!

The BYU Police website has an online video called *Flash Point!* that teaches violence awareness and provides the following formula: "Awareness + Action = Prevention." In order to view this video, go to police.byu.edu and click on the "Flashpoint" icon on the Campus Security section of the home page.

Shots Fired

The BYU Police website has an online video that explains what to do in an active shooter situation in detail. To view this short video, please go to police.byu.edu and click on the "Shots Fired" icon on the Campus Security section of the home page.

Theft Prevention Tips

Theft on our campus is a frequently reported crime. As with crimes against persons, the best defense against theft is vigilance. The following tips may help you to protect your personal property:

- In a public setting, never leave personal belongings unattended even for a minute.
- Keep doors and windows locked.
- Do not keep large amounts of money in your room or on your person.
- On campus, lock your bicycle with a quality lock system in approved bicycle racks.
- Register your bicycle with local police or with the BYU Police.
- Do not lend your keys, credit cards, or BYU ID card to anyone.
- Do not attach ID to your keys.
- Engrave ID numbers (not social security number) on your personal property.
- Keep records of your property, including description, make, model, and serial number.
- Do not leave your laundry unattended in public laundry facilities.
- Always lock your car and remove valuables or place them in the trunk of the car.

Active Shooter

For information on what to do during an active shooter incident you can watch a short video called “20 to Ready: Active Shooter” on the BYU Police website. To survive an active shooter incident, one must develop a survival mindset and a plan a course of action. A survival mindset is a protective shield with three components: awareness, preparation, and rehearsal. A course of action may include any or all of the following listed below.

Active Shooter Response

- Figure out the situation.
- Get out to a safer area if you can.
- Hide out if you are unable to get out.
- Call out to the police.
- Keep the shooter out by blocking doorways, etc.
- Spread out (do not huddle together) and quietly develop a plan of action.
- Take out the shooter. Assume the shooter’s intentions are lethal and be prepared to do whatever it takes (survival mindset) to neutralize the threat.

Sexual Assault Prevention and Response

Prevent Assault

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

Sexual Harassment Policy and Related Procedures

A copy of the university's current Sexual Harassment Policy, which identifies sexual harassment crimes and prohibited conduct, as well as the Sexual Harassment Grievance Procedures (Title IX) and Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence), which set forth the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, are attached as Appendix B, Appendix C, and Appendix D. The policy and procedures are also available online at <https://policy.byu.edu/view/index.php?p=155>, <https://policy.byu.edu/view/index.php?p=234>, and <https://policy.byu.edu/view/index.php?p=235>.

Educational Programs and Campaigns

BYU's Title IX Office is committed to sponsoring and conducting events and campaigns that effectively promote the awareness and prevention of sexual harassment, dating violence, domestic violence, sexual assault, and stalking. Additionally, the university aims to make the campus community aware of risk reduction methods and positive options for bystander intervention where any of these behaviors occur. The trainings available at BYU can be found by visiting the Title IX website at <https://titleix.byu.edu/>. Additional online training modules for students are available at training.byu.edu.

Our events, campaigns, and trainings are tasteful, sensitive, and consistent with our campus values, and in keeping with legal guidance to be "culturally relevant, inclusive of diverse communities and identities, sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome." 34 C.F.R. § 668.46 (a)(i)(A). BYU's educational programs to prevent and raise awareness about consent, dating violence, domestic



violence, sexual assault, and stalking include and refer to state law definitions, which can be found in Appendix A, Crime Definitions.

Bystander Intervention and Risk Reduction

The only person responsible for committing sexual assault is a perpetrator, but all of us have the ability to look out for each other's safety. Whether it's giving someone a safe ride home from a party or directly confronting a person who is engaging in inappropriate behavior, each of us can make a difference in ending sexual harassment on campus and in our communities.

The university encourages all members of the campus community to be engaged bystanders—persons who intervene in a positive way before, during, or after a situation or event in which they see or hear behaviors that promote sexual harassment in any of its forms. A bystander is a person who is present when an event takes place but isn't directly involved. Bystanders might be present when sexual assault or abuse occurs, or they could witness the circumstances that led up to these crimes. Through positive bystander intervention, you can make a difference in other people's lives.

How to Intervene: C.A.R.E.

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

How Can I Help?

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

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

RAINN. org:

<https://www.rainn.org/articles/help-someone-you-care-about>

Voices of Courage: Creating a Culture of Non-violence Voicesofcourage.byu.edu

BYU Title IX
<http://titleix.byu.edu>

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

Create a Distraction

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

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

Ask Questions

Talk directly to the person who might be in trouble. Ask questions like

- "Who did you come here with?" or
- "Would you like me to stay with you?"

Refer to an Authority

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

Enlist Others

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

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

Overcoming Barriers to Being an Engaged Bystander

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

- Someone else will take care of it, help, or speak up.
- It's none of my business.
- It's not my responsibility.
- It doesn't seem like that big of a deal.
- It must be okay, because no one else is doing anything about it.

- I'm too busy. I have my own problems to take care of.
- I am afraid of what other people might say or think about me if I do something.
- They might do something to me if I try to help the person they're harming.

These may be legitimate concerns, but you can overcome these types of barriers by considering the following responses to the corresponding statements above:

- I can do something about this and get other people to help too. I am never too busy to help someone in need.
- I want to help, because if I were in the same situation as that person, I hope someone would help me.
- People might say or think certain things about me, but I would rather help than wonder if I could have done something to stop the harm. What could happen if I don't help seems scarier than the alternative.
- I can enlist help from others or the police if I'm worried about getting hurt or someone retaliating against me.
- It's a big deal to that person who is being harmed, and I can help them. What's going on is not okay, and I bet everyone else is thinking the same thing.

You can make a difference. You can help by being an engaged bystander. For more information about being an engaged bystander and supporting victims and survivors of sexual harassment visit the BYU Title IX website at <http://titleix.byu.edu>. Click on "Online Training" and watch the short video under the "Student Training" link. The BYU Sexual Harassment Policy can be found in Appendix B or online at <https://policy.byu.edu/view/index.php?p=155>.

Recognize Ways to Prevent Harm

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

- Be extremely cautious when responding to personal classified ads or using social media and dating apps to meet new people. Furthermore, remain cautious if you decide to meet someone you have only connected with online or over the phone.
- Reconsider what information you make available on social media, such as contact information and

details about where you have been and where you currently are. Consider whether you would give the information to a stranger, and if not, then it is likely not safe to post the information on social media.

- If you are meeting a date for the first time, consider taking a friend with you, or at the very least tell your roommates or family members where you are going and with whom you are meeting.
- Do not accept a ride from someone you do not know, including a blind date. Consider providing your own transportation to and from the date. Be independent and aware in social settings. Express opinions on where to go and appropriate places to meet.
- Carry your cell phone with you and keep it charged. Save emergency contact numbers into your phone and have the most important emergency contact phone numbers memorized just in case you need to make a call and you don't have your cell phone with you.
- If you are dating or getting to know someone, remember that it takes time to build healthy relationships and to truly get to know an individual. Arrange group or double dates to give you time to get to know someone well.
- Lock your residence and car doors to reduce the risk of having unwanted visitors. Ask a friend to walk with you if you are uncomfortable walking alone on or around campus at night.

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

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

Though these circumstances may seem difficult to address, the most important thing that can be done is to get help for the victim. Reporting sexual harassment can help the



victim, may prevent others from being victimized, and helps to end behavior and conditions that facilitate violence. Again, ignoring harmful situations and not addressing them is never the right option.

Information and Procedures for Victims

If you are a victim of dating violence, domestic violence, sexual assault, or stalking—whether the offense occurred on or off campus—there are multiple resources available to you. The following explains what you should do and includes a list of these resources. Dating violence, domestic violence, sexual assault, and stalking are criminal acts and you are NOT responsible for another's act that violates your freedom. Being a victim of sexual harassment is NEVER a violation of the Honor Code. Dating violence, domestic violence, sexual assault, and stalking are all violations of the law and BYU's Sexual Harassment Policy. If you are the victim of dating violence, domestic violence, sexual assault, or stalking, know that BYU is here to help and is able to take certain protective measures to ensure your safety on campus during and after a university investigation.

Seek Medical Attention Immediately

If you are a victim of sexual violence or sexual assault, seek medical attention immediately. You can request a free sexual assault examination by contacting the police or by visiting any hospital emergency room or the BYU Student Health Center during its regular business hours. The exam provides care to minimize the risk of sexually transmitted diseases and preserves evidence that will be important if you decide to pursue criminal charges or wish to obtain a protective order against the person who assaulted you. The cost of the exam is covered by the Utah Office for Victims of Crime.

Preserve Evidence

Do not bathe, shower, or use toothpaste or mouthwash after an incident of sexual assault. Do not wash clothing, bed sheets, pillows, or other potential evidence. However, if you do, you should still seek medical attention as soon as possible— even if some time has passed since the assault.

Seek Support

Please do not feel you need to deal with this situation alone. Call a friend, family member, or someone with whom you feel you can talk. Confidential counselors at BYU Counseling and Psychological Services are also available twenty-four hours a day to assist you. Contact them by calling 801-422-3035 or 801-422-2222 after business hours.

BYU's Sexual Assault Survivor Advocacy Services (<https://advocates.byu.edu/>) and sexual assault survivor advocates (801-422-9071; advocate@byu.edu) are also available to provide students with confidential support, guidance, and information that can help them make informed choices regarding their situation. You can also contact the Title IX Office (<http://titleix.byu.edu>). These services are free and confidential.

Report the Crime

Deciding whether or not you want to report dating violence, domestic violence, sexual assault, or stalking may be difficult. Making a report to law enforcement is a decision left entirely up to you. As a victim, you have the right to decline to notify law enforcement. If you decide to notify law enforcement, you can be assisted by campus authorities.

Local Police Authorities

Emergency: 911

Salt Lake City Police: 801-799-3000

Law enforcement can help you obtain orders of protection, "no-contact" orders, and restraining orders. General information about the different types of court orders is available on the Utah Courts website at <https://www.utcourts.gov/index.html>. Please note that BYU cannot represent you in legal proceedings; see the list of resources

at <https://titleix.byu.edu/resources> for legal resources and other information.

Campus and Community Services and Resources for Victims of Sex Offenses

In addition to the resource phone numbers listed at the beginning of this report, BYU also publishes a list and description of victim resources that can be found both on and off campus at <https://titleix.byu.edu/resources>. Additional resources and information about how to respond to and prevent sexual assault on college and university campuses can be found on the “Center for Changing Our Campus Culture” website at <http://changingourcampus.org/>. The Center for Changing Our Campus is an online resource center supported by the Office on Violence Against Women.

Registered Sex Offenders

In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA) and the Utah Sex Offender Registration Act, notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution. This information is available through BYU Police. Information regarding registered sex offenders residing within a specific Utah geographic location can be accessed via the Utah Department of Corrections website (<https://corrections.utah.gov/>) by clicking on “Sex Offender Registry”.

Alcohol, Tobacco, and Drugs

Brigham Young University encourages and sustains an academic environment that promotes the health, safety, and welfare of all university members. Thus, it is the long-standing policy of the university that employees and students completely abstain, whether on or off campus, from the use of alcohol or tobacco; from the possession, use, or distribution of any illegal drug; and from the use of any controlled legal substance without specific medical authorization. In addition, possession or consumption of illegal drugs, alcoholic beverages, or tobacco on campus by anyone, including visitors, is contrary to university policy.

Personnel or students known to be possessing, using, or distributing illegal drugs or possessing and using alcohol or tobacco are subject to university disciplinary action and, if appropriate, to legal sanctions pursuant to local, state, and federal law.

Through the annual Campus Security and Fire Safety Reports, all personnel and students are provided annually with a copy of the university's Drug-Free School Policy and Drug-Free Workplace Policy in which university and legal sanctions are detailed for inappropriate drug use. The document also details the known health risks associated with drug use.

Drug and Alcohol Abuse Education Programs

The university supports personnel and student participation in programs to prevent the abuse of drugs, controlled substances, tobacco, and alcohol. Substance Abuse Prevention Services can provide confidential assistance with drug and alcohol abuse problems.

Persons aware of those with substance abuse problems enrolled at or employed by BYU are encouraged to act responsibly by consulting with one of BYU's counselors or a BYU Police officer. Remaining silent or waiting until a situation has escalated is not wise and is often dangerous. The university supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems. Educational training programs, health information, preliminary evaluations, and counseling for possible referral for outside medical assistance are likewise available. Contact any of the offices listed to the right for drug or alcohol assistance.

Counselors in these offices are experienced professionals. They offer support for students in an atmosphere of understanding and confidentiality. All programs offer individual assessment and referral to both on- and off-campus resources. 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.

Drug-Free School Policy

A copy of the university's current Drug-Free School Policy is attached as Appendix E. It is also available online at <https://policy.byu.edu/view/index.php?p=41>.

Drug or Alcohol Assistance

Counseling and Psychological Services

1500 WSC
801-422-3035

Honor Code Office

4450 WSC
801-422-2847

Substance Abuse Prevention Services

1500 WSC
801-422-1942

Drug-Free Workplace Policy

A copy of the university's current Drug-Free Workplace Policy is attached as Appendix F. It is also available online at <https://policy.byu.edu/view/index.php?p=42>.

Sanctions and Health Risks

Appendix G contains tables outlining the federal and state sanctions for the unlawful possession, distribution, or consumption of drugs or alcohol. Known health risks associated with drug and alcohol use are also set forth. You can also find other alcohol consumption effects information including an interactive human body tool and alcohol addiction resources by visiting <https://www.collegedrinkingprevention.gov/SpecialFeatures/Default.aspx>.

Appendix A: Crime Definitions

Crime Definitions

FBI Crime Definitions

Under the Clery Act, universities use the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting (UCR) Program. The following are FBI crime definitions.

Murder and Non-Negligent Manslaughter

The willful (non-negligent) killing of one human being by another.

Negligent Manslaughter

The killing of another person through gross negligence.

Sexual Assault (Sex Offenses)

Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent

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.

Robbery

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

Aggravated Assault

An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that injury result from an aggravated assault when a gun, knife, or other weapon is used which could and probably would result in serious personal injury if the crime were successfully completed.)

Burglary

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

Motor Vehicle Theft

The theft or attempted theft of a motor vehicle. For reporting purposes, this definition includes all cases where automobiles are taken by persons not having lawful access—even if the vehicles are later abandoned (including joyriding).

Arson

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

Hate Crimes

A crime reported to local police agencies or to a campus security authority that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. For the purposes of this section, the categories of bias include the victim's actual or perceived race, religion, gender, gender identity, sexual orientation, ethnicity, national origin, and disability.

Disability

A preformed negative opinion or attitude toward a group of persons based on their physical or mental

impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

Ethnicity

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

Gender Identity

A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender nonconforming individuals.

Gender

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

National Origin

A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.

Race

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

Religion

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

Sexual Orientation

A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.

Simple Assault

An unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury

involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

Larceny-Theft

The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Attempted larcenies are included. Embezzlement, confidence games, forgery, worthless checks, etc., are excluded.

Intimidation

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

Destruction/Damage/Vandalism of Property

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

Domestic Violence

A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; 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.

Dating Violence

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

Stalking

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

Illegal Weapons Possession

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

Drug Law Violations

The violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. This includes the unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance, as well as any arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. Included in this classification are the following: all drugs, without exception, that are illegal under local or state law; and all illegally obtained prescription drugs.

Liquor Law Violations

The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, or use of alcoholic beverages—not including driving under the influence and drunkenness. The following are included in this classification: the manufacture, sale, transporting, furnishing, possessing, etc., of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; underage possession; using a

vehicle for illegal transportation of liquor; and drinking on a public conveyance.

Utah Definitions Relating to Consent, Dating Violence, Domestic Violence Sexual Assault, and Stalking

BYU’s educational programs to prevent and raise awareness about consent, dating violence, domestic violence, sexual assault, and stalking include and refer to the following state law definitions.

Consent

Under Utah law, sexual acts are without consent under any of the following circumstances:

- The victim expresses lack of consent through words or conduct.
- The actor overcomes the victim through physical force or violence.
- The actor overcomes the victim through concealment or by the element of surprise.
- The actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person and the victim perceives or believes at the time that the actor is able to execute the threat.
- The actor knows that the victim is unconscious, unaware that the act is occurring, or physically unable to resist.
- The actor knows or reasonably should know that the victim has a mental disease or defect that renders the victim unable to understand the nature of the act, or resist it, understand possible consequences to the victim’s health or safety, or understand the nature of the relationship between the parties.
- The actor knows that the victim submits or participates because the victim erroneously believes that the actor is the victim’s spouse.
- The actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim’s knowledge.
- The victim is younger than fourteen years of age.
- The victim is younger than eighteen years of age and at the time of the offense the actor was

the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim.

- The victim is fourteen years of age or older, but younger than eighteen years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to force or threat.
- The actor is a health professional or religious counselor and the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed the act was for medically or professionally appropriate diagnosis, counseling, or treatment.

Utah Code Ann. § 76-5-406 (2018).

Dating Violence

Under Utah law, dating violence is any criminal offense involving violence or physical harm, or threat of violence or physical harm, when committed by a person against a dating partner. Any attempt, conspiracy, or solicitation to commit such a crime also qualifies as dating violence. Utah Code Ann. § 78B-7-402(4) (2018).

Domestic Violence

Under Utah law, domestic violence is any criminal offense involving violence or physical harm (or threat of violence or physical harm) when committed against a person sixteen years of age or older by a cohabitant—someone also sixteen years of age or older who is the person's current or former spouse (in reality or by appearance), a relative of the person to the second degree (by blood or marriage), the parent of the person's child (even an unborn child), someone who has resided at the same residence as the person, or in a consensual sexual relationship (currently or formerly) with the person. The definition of domestic violence also includes any attempt, conspiracy, or solicitation to commit a crime of violence or physical harm. Any of the following crimes committed or attempted by a cohabitant against a cohabitant constitute the crime of domestic violence:

- Aggravated assault
- Assault
- Criminal homicide
- Harassment

- Electronic communication harassment
- Kidnapping, child kidnapping, or aggravated kidnapping
- Mayhem
- Sexual offenses
- Stalking
- Unlawful detention or unlawful detention of a minor
- Violation of a protective order or ex parte protective order
- Any offense against property
- Possession of a deadly weapon with criminal intent
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle
- Disorderly conduct (if a result of a plea agreement where domestic violence was charged)
- Child abuse
- Threatening use of a dangerous weapon
- Threatening violence
- Tampering with a witness
- Retaliation against a witness or victim
- Unlawful distribution of an intimate image
- Sexual battery
- Voyeurism
- Damage to or interruption of a communication device
- Offenses against a child or vulnerable adult (child abandonment; domestic violence in a child's presence; abuse or neglect of a child with a disability; and abuse, neglect, or exploitation of a vulnerable adult)

Utah Code Ann. §§ 77-36-1(1), (4), 78B-7-102(2) (2018).

Sexual Assault

Under Utah law, sexual assault is defined as any criminal conduct constituting a sexual offense (including, but not limited to, rape, object rape, sodomy, forcible sexual abuse, sexual abuse of a child, aggravated sexual assault, and other nonconsensual sexual offenses). Utah Code Ann. §§ 26-21b-102(8), 76-5-401 to -406 (2018).

Stalking

Under Utah law, stalking occurs when a person intentionally or knowingly engages in a course of conduct

(two or more acts) that is directed at a specific person and knows or should know that the course of conduct would cause a reasonable person to fear for their own safety or the safety of a third person or to suffer emotional distress. Intentionally or knowingly violating a stalking injunction also constitutes stalking.

Acts that may constitute stalking in Utah include following, monitoring, observing, photographing, surveilling, threatening, communicating to or about a person, or interfering with a person's property. Stalking may also occur by engaging in any of the following acts or causing someone else to engage in any of these acts:

- Approaching or confronting a person
- Appearing at a person's workplace or residence, or contacting a person's employer, coworkers, or neighbors
- Entering property owned, leased, or occupied by a person
- Sending material by any means to the person
- Sending material to the person's family, household, employer, coworker, friend, or associate for the purpose of obtaining or disseminating information about or communicating with the person
- Placing an object on or delivering an object to property owned, leased, or occupied by a person, or to the person's place of employment with the intent that the object be delivered to the person
- Using a computer, the Internet, text messaging or any other electronic means to commit an act that is a part of the course of conduct

Utah Code Ann. § 76-5-106.5(1)(b), (1)(f), (2), (3) (2018).

Spousal Abuse

One of the most common forms of domestic abuse is spousal abuse. Some warning signs of domestic abuse include the following:

- One spouse's social relationships have narrowed.
- One spouse makes all the rules.
- One puts the other down.
- One is afraid.
- One has been physically injured.

Appendix B: Sexual Harassment Policy



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 and the [Church Educational System Honor Code](#). Brigham Young University prohibits sexual harassment by its personnel and students and in all its education programs or activities.

I. Definitions

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

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

- the Complainant expresses lack of consent through words or conduct
- the Respondent overcomes the Complainant through the actual application of physical force or violence
- the Respondent is able to overcome the Complainant through concealment or by the element of surprise
- the Respondent coerces the Complainant to submit by threatening to retaliate against the Complainant or any other person and the Complainant believes at the time that the Respondent has the ability to execute this threat
- the Respondent knows the Complainant is unconscious, unaware that the act is occurring, or is physically unable to resist
- the Respondent knows or reasonably should know that the Complainant has a disability that renders the Complainant unable to appraise the nature of the act, resist the act, understand the possible consequences to the Complainant's health or safety, or appraise the nature of the relationship between the Respondent and the Complainant
- the Respondent knows that the Complainant participates because the Complainant mistakenly believes that the Respondent is someone else
- the Respondent intentionally impaired the Complainant's ability to appraise or control his or her conduct by administering any substance without the Complainant's knowledge
- the Complainant is younger than 14 years of age
- the Complainant is younger than 18 years of age and at the time of the alleged act the Respondent was the Complainant's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust (such as teacher, coach, counselor or ecclesiastical leader) in relation to the Complainant



- the Complainant is 14 years of age or older, but younger than 18 years of age, and the Respondent is more than three years older than the Complainant and entices or coerces the Complainant to submit or participate
- the Respondent is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the Complainant reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the Complainant could not reasonably be expected to have been manifested

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

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

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

Education Program or Activity means all of a school's operations, and BYU'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. Off-campus locations that are not subject to substantial control by the university, such as BYU-contracted off-campus housing, are not within BYU's Education Program or Activity. BYU 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 BYU's Education Program or Activity.

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



Party means a Complainant or a Respondent.

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

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

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

- a BYU employee or faculty member conditions the provision of an aid, benefit, or service of BYU on an individual's participation in unwelcome sexual conduct
- 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's Education Program or Activity
- Sexual Assault, Dating Violence, Domestic Violence, or Stalking

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

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

Supportive Measures means nondisciplinary, nonpunitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to a Complainant or a 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'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 referral to the university's sexual assault survivor advocate or confidential advisor to Respondents, counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, University Police SafeWalk services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

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



II. Reporting

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

A. Mandatory Reporters

University employees in the following positions who become aware of Sexual Harassment committed by university personnel or students or occurring in BYU'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, assistant vice president, dean, associate dean, assistant dean, department chair, faculty member, coach, assistant coach, athletic trainer, executive director, director, managing director, senior director, associate 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'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.

B. 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 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 Title IX Office
1085 WSC
Provo, UT 84602
801-422-8692
t9coordinator@byu.edu

This information is also located on the Title IX Office's website:
<https://titleix.byu.edu/titleix/contact-us>. Reports may be made at any time, including during



nonbusiness hours, although in-person reports may be made only during regular business hours. In addition, individuals may submit reports, including anonymous reports, through EthicsPoint, the university's 24-hour hotline provider, by telephone at 888-238-1062, or by submitting information online [here](#).

C. 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.

D. 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 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.

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.

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.

III. 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 Police or other local 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
- existing counseling, health, mental health, victim advocacy, legal assistance, and other services available for victims both on campus and in the community

A. 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 a 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's Education Program or Activity on an emergency basis if it determines that an immediate threat to the physical health or safety of any student or other individual arising from the Sexual Harassment allegations justifies immediate removal pending further investigation and disposition. See [Banning Policy](#). In such cases, the university will conduct an individualized safety and risk analysis and will provide the Respondent with notice and an opportunity to challenge the decision immediately following the removal.

Human 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 this policy and its procedures.

B. Notice of Applicable Procedures

If a 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 BYU'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 employee or 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'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 Integrity and Compliance Office to ensure the university provides an appropriate response under the [Nondiscrimination and Equal Opportunity Policy](#), [Personnel Conduct Policy](#), [Church Educational System Honor Code](#), and other applicable policies and procedures of the university.

C. Sanctions

Sanctions for violating this policy may include the following:

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

IV. Overlapping Complaints and Concurrent Investigations or Processes

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 \(Non-Title IX Sexual Violence\)](#) 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.

V. 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.

VI. Confidentiality, Nonretaliation, Amnesty, and Leniency

BYU exists to provide an educational environment consistent with the ideals and principles of the restored gospel of Jesus Christ. The [Church Educational System Honor Code](#) and its observance by the campus community are essential components of BYU's mission. The university will not tolerate Sexual Harassment, and anyone found to have committed Sexual Harassment is not entitled to amnesty.

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

A. 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 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 Honor Code Office 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 a 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](#).

B. Nonretaliation

BYU prohibits retaliation by anyone, including any university disciplinary office. Retaliation means intimidation, a threat, coercion, or discrimination—including discipline of an individual for honor code violations that do not involve Sexual Harassment but arise out of the same facts or circumstances as a report of Sexual Harassment—for the purpose of interfering with any right or privilege secured by this policy or because the individual has made a report or complaint, testified, or 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 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 that deterrence and are insufficient to establish a retaliation claim.

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

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

**C. Amnesty**

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

D. Leniency

To encourage the reporting of Sexual Harassment, the university will also offer leniency to Complainants and witnesses for other honor code violations that are not related to the incident but which may be discovered as a result of the investigatory process. Such violations will generally be handled so that the student can remain in school while appropriately addressing these concerns.

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

VII. 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'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 \(Non-Title IX Sexual Violence\)](#) 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.

VIII. 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 these 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 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.

APPROVED: 10 Dec 2020

PRIOR VERSION: 14 Aug 2020

APPLICABILITY: This policy applies to anyone participating in, or attempting to participate in, BYU's education program or activity.

POLICY OWNER: Academic Vice President, Administration Vice President and CFO, Student Life Vice President

RESPONSIBLE OFFICE: Human Resource Services, Office of the Associate Academic Vice President – Faculty Relations, Title IX Office

IMPLEMENTING PROCEDURES:

- [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#)
- [Sexual Harassment Grievance Procedures \(Title IX\)](#)

RELATED POLICIES:

- [Access to Student Records Policy](#)
- [Administrative and Staff Employee Discipline Policy](#)
- [Administrative and Staff Employee Discipline Procedures](#)



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- [Administrative and Staff Employee Grievance Policy](#)
 - [Campus Crime Awareness, Prevention, and Reporting Policy](#)
 - [Campus Security Timely Warning Notice Policy](#)
 - [Child Protection Policy](#)
 - [Church Educational System Honor Code](#)
 - [Discrimination Complaint Procedures](#)
 - [Faculty Discipline and Termination Policy](#)
 - [Faculty Grievance Policy](#)
 - [Honor Code Investigation and Administrative Review Process](#)
 - [Nondiscrimination and Equal Opportunity Policy](#)
 - [Personnel Conduct Policy](#)
 - [Sex Offender Investigation and Review Process](#)
 - [Sex Offender Policy](#)
 - [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#)
 - [Sexual Harassment Grievance Procedures \(Title IX\)](#)

Appendix C: Sexual Harassment Grievance Procedures (Title IX)



Sexual Harassment Grievance Procedures (Title IX)

Brigham Young University prohibits Sexual Harassment. (See [Sexual Harassment Policy](#).¹) 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'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 Harassment occurring against a person in the United States who is participating in or attempting to participate in BYU's Education Program or Activity, as required by federal regulations 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 employee or BYU 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's Education Program or Activity.

I. Investigation

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

A. Preliminary Investigation and Dismissal

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

- would not constitute Sexual Harassment, even if proved;
- did not occur in BYU's 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

¹ Capitalized terms in these procedures are defined in the [Sexual Harassment Policy](#) or as indicated herein.



- 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; or
- specific circumstances prevent the Investigator from gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint.

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](#), [Faculty Discipline and Termination Policy](#), Banning 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, the university may reopen the investigation if the Respondent enrolls, reenrolls, 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 reopened, the Title IX Coordinator will promptly notify the Parties, and the Parties will be entitled to the same rights and responsibilities as set out in these procedures.

B. Selection of the Investigator

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

C. Notice of Allegations

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

- notice of the allegations potentially constituting Sexual Harassment, including the identities of the Parties involved in the incident (if known), the conduct allegedly



constituting Sexual Harassment, and the date and location of each alleged incident constituting Sexual Harassment (if known)

- notice of the university's formal and informal grievance resolution processes
- a statement that the Respondent is presumed not responsible for the alleged conduct and that a determination as to whether the Respondent is responsible for Sexual Harassment (Determination Regarding Responsibility) will be made only after the grievance process is complete
- notice to the Parties that they may have an advisor of their choice, who may be, but is not required to be, an attorney
- notice to the Parties that they may inspect and review evidence
- notice prohibiting any Party from knowingly making false statements or knowingly submitting false information during the grievance process, and informing the Parties that those actions constitute a material violation of the [Church Educational System Honor Code](#) commitment to "be honest"
- notice prohibiting any Party from engaging in retaliation (see [Sexual Harassment Policy](#))

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

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

D. Information Gathering

The Investigator will provide an equal opportunity for the Parties to identify witnesses, including fact and expert witnesses, and to provide other information, whether the information tends to show the Respondent's responsibility for Sexual Harassment or tends to show the Respondent is not responsible. The Investigator may ask the Parties to provide this information in a written statement and/or through live interview(s). The Investigator will not restrict the ability of either Party to discuss the allegations under investigation with others or to gather and present relevant information, but the Parties are reminded that any discussions 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 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 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 on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the Party holding the privilege has waived the privilege.

E. Investigation Record

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

F. Final Written Response

After the Investigator sends the Investigation Record to the Parties, they will have 10 business days to submit a written response, which the Investigator will consider prior to 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.



G. Investigative Report

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

- identifies the allegations potentially constituting Sexual Harassment and the Respondent's responses to each allegation;
- describes the procedural steps taken from the receipt of the Formal Complaint through the conclusion of the investigation, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence;
- impartially summarizes the relevant evidence;
- makes any recommendations the Investigator deems appropriate; and
- provides the name and contact information of the Decision Makers.

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

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

II. Hearing

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

A. Live Hearings

The Decision Makers will ensure that the hearing is conducted impartially. Live hearings will either be conducted with all Parties physically present in the same room or with the Parties located in separate rooms with technology enabling the Decision Makers and Parties to simultaneously see and hear the Party or the witness answering questions. In the Decision Makers' discretion, witnesses and other participants may appear at the live hearing virtually,



with technology enabling participants simultaneously to see and hear each other. In these circumstances, the Decision Makers may impose conditions on the person(s) appearing virtually to ensure the integrity of the process.

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

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

B. Decision Makers

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

- for a student Respondent, an associate dean of students or a designee authorized by an associate dean of students to impose all sanctions provided under these procedures and the director of BYU Counseling and Psychological Services or designee; if the alleged Sexual Harassment occurred in a student employment context, the Decision Makers will also include the student employee's immediate supervisor and the managing director of Employee Relations or designee
- for a faculty Respondent, the academic vice president or a designee authorized by the academic vice president to impose all sanctions provided under these procedures and the faculty member's dean or immediate supervisor
- 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 managing director of Employee Relations or designee
- for an athletic professional Respondent, the advancement vice president or a designee authorized by the advancement vice president to impose all sanctions provided under these procedures and the manager of faculty relations or a designee
- for a Respondent who is neither a student nor an employee, an individual designated as a banning officer by the Dean of Students and an individual designated by the vice president who oversees the area within BYU's Education Program or Activity in which the Complainant was participating or attempting to participate when the alleged harassment occurred

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



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

C. Written Submissions

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

- 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
- the name and contact information of the Party’s chosen advisor for the hearing

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

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

D. Opening and Closing Statements

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

E. Investigation Record

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

***F. Witnesses***

The Decision Makers and the Parties may ask the Investigator and any witness who has provided a statement to the Investigator in the Investigation Record to answer questions at the hearing. The university will make reasonable allowance for BYU 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 Makers must not rely on any statement of that Party or witness in reaching a Determination Regarding Responsibility. However, the Decision Makers cannot draw an inference about the Determination Regarding Responsibility based solely on a Party's or witness's absence from the hearing or refusal to answer cross-examination or other questions, including any inference that a Respondent's absence or refusal to answer questions implies his or her responsibility for the Sexual Harassment alleged or that a Complainant's absence or refusal to answer implies that the Respondent is not responsible for the Sexual Harassment alleged by the Complainant.

G. Direct and Cross-Examination of Parties and Witnesses

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

H. Relevance

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

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



I. Determination Regarding Responsibility

The Decision Makers will objectively evaluate all evidence relevant to the allegations in the Notice of Allegations—including both information tending to show the Respondent’s responsibility for Sexual Harassment and information tending to show the Respondent is not responsible—and must unanimously determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent is responsible for Sexual Harassment. The Decision Makers will not require, allow, rely on, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding the 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 Decision Makers’ responsibility 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’s Education Program or Activity will be provided to the Complainant
- 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 effectively implementing 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](#) or as required by law.

III. Appeal

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

The appealing Party must submit a written appeal to the Title IX Office within 10 calendar 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 dean of students.
- The Reviewer of a determination involving a faculty Respondent will be the academic vice president or an associate academic vice president designated by the academic vice president. However, if the academic vice president was a Decision Maker or if the sanction imposed by the Decision Maker is for the involuntary termination of a faculty member with continuing faculty status (CFS) or in a CFS-track position, the university president will be the Reviewer and will make the decision after a hearing before a Termination Hearing Committee. (See [Faculty Discipline and Termination Policy](#).)
- The Reviewer of a determination involving an administrative or staff employee Respondent will be the employee's responsible vice president or assistant to the president. However, if the employee's responsible vice president or assistant to the president was a Decision Maker or if the sanction imposed by the Decision Maker is for the employee's involuntary termination, the Human Resources Committee (HRC) will be the Reviewer. Any HRC members who were involved in the Determination Regarding Responsibility or dismissal will be recused from the HRC's review of the appeal.
- The Reviewer of a determination involving an athletic professional Respondent will be the advancement vice president or a director or managing director designated by the advancement vice president. However, if the advancement vice president was a Decision Maker or if the sanction imposed by the Decision Maker is for the involuntary termination of an athletic professional, the university president will be the Reviewer and will make the decision after a hearing before a Termination Hearing Committee. (See [Faculty Discipline and Termination Policy](#).)
- The Reviewer of a determination involving a Respondent who is neither a student nor an employee will be the Ban Review Committee or, where the sanction does not include a ban of the Respondent, the vice president who oversees the area within BYU'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 [Faculty Discipline and Termination Policy](#) for the appeal and hearing of a decision terminating the employment of a CFS or CFS-track faculty member or athletic professional, 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 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 advise



the Parties as to when the appeal decision will be provided. The Reviewer's Determination Regarding Responsibility is final, and no further review will be allowed.

IV. General Provisions

A. Impartiality

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

B. Confidentiality

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

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

C. Advisors

An investigation under these procedures is an internal university student or employment disciplinary matter. Nevertheless, Parties may invite an advisor of their choice to accompany them to any meeting or proceeding related to the investigation or resolution of a Formal Complaint. The advisor may be a friend, mentor, family member, attorney, or any other person selected by the individual to provide advice and support. The university will not typically change



scheduled meetings to accommodate an advisor's inability to attend. Individuals may elect to change their advisor during the investigative process and are not required to use the same advisor throughout the process.

An advisor may attend for purposes of observation but will not be permitted to represent a Party, 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, 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

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

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

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



E. Record Keeping

The university will maintain the following records for a period of seven years or as required by the [Information and 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's Education Program or Activity. If the university does not provide a Complainant with Supportive Measures, then the university must document the reasons why the 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 BYU'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)

APPROVED: 10 Dec 2020

PRIOR VERSION: 14 Aug 2020

APPLICABILITY: This policy applies to anyone participating in, or attempting to participate in, BYU's education program or activity.

POLICY OWNER: Academic Vice President, Administration Vice President and CFO, Student Life Vice President

RESPONSIBLE OFFICE: Title IX Office

RELATED POLICIES:

- [Access to Student Records Policy](#)
- [Administrative and Staff Employee Discipline Policy](#)



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- [Administrative and Staff Employee Discipline Procedures](#)
 - [Administrative and Staff Employee Grievance Policy](#)
 - [Campus Crime Awareness, Prevention, and Reporting Policy](#)
 - [Campus Security Timely Warning Notice Policy](#)
 - [Child Protection Policy](#)
 - [Church Educational System Honor Code](#)
 - [Discrimination Complaint Procedures](#)
 - [Faculty Discipline and Termination Policy](#)
 - [Faculty Grievance Policy](#)
 - [Honor Code Investigation and Administrative Review Process](#)
 - [Nondiscrimination and Equal Opportunity Policy](#)
 - [Sex Offender Investigation and Review Process](#)
 - [Sex Offender Policy](#)
 - [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#)
 - [Sexual Harassment Policy](#)

Appendix D: Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence)



Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence)

Brigham Young University prohibits Sexual Harassment. (See [Sexual Harassment Policy](#).¹) 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'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 against a BYU employee or a BYU 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's Education Program or Activity.

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's Education Program or Activity, as required by federal regulations under Title IX of the Education Amendments Act of 1972.

I. Investigation

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

A. Preliminary Investigation and Dismissal

The university will 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

¹ Capitalized terms in these procedures are defined in the [Sexual Harassment Policy](#) or as indicated herein.



withdraw the Formal Complaint or any allegations therein or if specific circumstances prevent gathering evidence sufficient to reach a determination as to the allegations in the Formal Complaint.

Upon a dismissal, the Title IX Coordinator will simultaneously send written notice of the dismissal and the reason for the dismissal to the Parties. Dismissal of a Formal Complaint does not preclude action against the Respondent under the [Church Educational System Honor Code](#), [Personnel Conduct Policy](#), [Faculty Discipline and Termination Policy](#), Banning Policy, or other university policies applicable to the conduct.

B. Selection of the Investigator

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

C. Notice of Allegations

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

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

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



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

D. Information Gathering

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

The Investigator will seek to collect information sufficient for a three-person review panel (Decision Makers) 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.

E. Investigation Record

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



F. Investigative Report

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

- identifies the allegations potentially constituting Sexual Violence and the Respondent's responses to each allegation;
- describes the procedural steps taken following the receipt of the Formal Complaint, including notifications to the Parties, interviews with Parties and witnesses, site visits, and methods used to gather other evidence;
- impartially summarizes the relevant evidence;
- makes recommended findings of fact; and
- makes any other recommendations the Investigator deems appropriate.

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

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

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

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



II. Determination Regarding Responsibility

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

- for a student Respondent, an associate dean of students or designee, the director of BYU Counseling and Psychological Services or designee, and a Decision Maker designated by the Title IX coordinator; if the alleged Sexual Violence occurred in a student employment context, the Decision Makers will also include the student employee's immediate supervisor and the managing director of Employee Relations or designee
- for a faculty Respondent, the academic vice president or designee, the faculty member's dean or immediate supervisor, and 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, and a Decision Maker designated by the Title IX coordinator
- for an athletic professional Respondent, the advancement vice president or designee, the manager of faculty relations or designee, and a Decision Maker designated by the Title IX coordinator

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

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

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

The Determination Regarding Responsibility must include the following:

- findings of fact supporting the Determination Regarding Responsibility
- conclusions regarding the application of the Sexual Harassment Policy to the facts
- a statement of, and the rationale for, the result as to each allegation, including



- a Determination Regarding Responsibility
 - any disciplinary sanctions the university imposes on the Respondent
- the procedures and permissible bases for the Complainant and Respondent to appeal and the date the Determination Regarding Responsibility becomes final

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

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

III. Appeal

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

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

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

The Reviewer will be determined as follows:

- The Reviewer of a determination involving a student Respondent, including a student



employee, will be the dean of students.

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

Except as provided in the [Faculty Discipline and Termination Policy](#) for the appeal and hearing of a decision terminating the employment of a CFS or CFS-track faculty member or athletic professional, the Reviewer will not interview the Parties or consider any information outside the Determination Regarding Responsibility, the Investigative Report, and the Investigation Record.

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

The Title IX Coordinator is responsible for coordinating the implementation of the Reviewer's Determination Regarding Responsibility with the university units and management personnel authorized to implement the actions. In cases where the Reviewer's Determination Regarding



Responsibility results in reinstatement to the university or resumption of privileges, all reasonable attempts will be made to restore the Respondent's prior status.

IV. General Provisions

A. Impartiality

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

B. Confidentiality

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

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

C. Advisors

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

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



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

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

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

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

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

E. Record Keeping

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

APPROVED: 10 Dec 2020

PRIOR VERSION: N/A

APPLICABILITY: This policy applies to all university students and personnel.

POLICY OWNER: Academic Vice President, Administration Vice President and CFO, Student Life Vice President

RESPONSIBLE OFFICE: Title IX Office

RELATED POLICIES:

- [Access to Student Records Policy](#)



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- [Administrative and Staff Employee Discipline Policy](#)
 - [Administrative and Staff Employee Discipline Procedures](#)
 - [Administrative and Staff Employee Grievance Policy](#)
 - [Campus Crime Awareness, Prevention, and Reporting Policy](#)
 - [Campus Security Timely Warning Notice Policy](#)
 - [Child Protection Policy](#)
 - [Church Educational System Honor Code](#)
 - [Discrimination Complaint Procedures](#)
 - [Faculty Discipline and Termination Policy](#)
 - [Faculty Grievance Policy](#)
 - [Honor Code Investigation and Administrative Review Process](#)
 - [Nondiscrimination and Equal Opportunity Policy](#)
 - [Sex Offender Investigation and Review Process](#)
 - [Sex Offender Policy](#)
 - [Sexual Harassment Grievance Procedures \(Title IX\)](#)
 - [Sexual Harassment Policy](#)

Appendix E: Drug-Free School Policy



Drug-Free School Policy

Brigham Young University 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 personnel abide by a personal commitment to the [Church Educational System Honor Code](#) (“Honor Code”), which includes abstaining from the possession, use, or distribution of illegal drugs or alcohol, and abstaining from the intentional misuse or distribution of any prescription or legal drugs without specific medical authorization. These prohibitions apply both on and off campus.

The Drug-Free Schools and Communities Act Amendments of 1989 provides that, as a condition of receiving federal funds under any federal program, a higher education institution must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of drugs and alcohol by students and personnel.¹ To comply with this law and further its commitment to support society’s effort to eliminate drug and alcohol abuse, the university has adopted this Drug-Free School Policy to supplement the Honor Code. If there is a conflict between this policy and the Honor Code, the Honor Code will be the controlling document.

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.

Drug Prevention Program

The university has adopted and implemented a drug prevention program for its students and university personnel. This program includes annual distribution in writing to each student—regardless of the length of the student’s program of study—and to all personnel the following information: (1) the standard of conduct expected of students and personnel 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 unlawful possession or distribution of drugs; (4) a description of the health risks associated with the use of illegal drugs; (5) a description of the university’s substance abuse counseling and treatment resources available to students and personnel; and (6) a clear statement of the disciplinary sanctions that may be imposed upon students and personnel for violations of the university’s Drug-Free School Policy.

¹ See 20 U.S.C. § 1011i; 34 C.F.R. § 86.1.



Disciplinary Sanctions for Drug Violations

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

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

Individuals involved in the unintentional misuse of prescription drugs are not subject to the sanctions stated in this policy, but rather are encouraged to seek assistance from the university's Substance Abuse Prevention Services.

Available Drug Counseling and Treatment

The university supports student and personnel participation in programs to prevent the abuse of illegal drugs, prescription drugs, alcohol, and tobacco. Substance Abuse Prevention Services, located at 1500 WSC (801-422-1942), has been established to provide students with confidential assistance for drug and alcohol abuse problems. Educational training programs, health information, preliminary evaluations, and counseling for possible referral to an outside medical provider are available. The Honor Code Office (801-422-2847) and Counseling and Psychological Services (801-422-3035) also provide consultations. Counselors in these offices are experienced professionals who offer support for students in an atmosphere of understanding and confidentiality. All programs offer individual assessment and referral to both on- and off-campus resources. 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.

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

- The university will educate students and personnel about the detrimental effects of illegal drugs, misuse of prescription drugs, alcohol, and tobacco through the university's



annual Clery Act Campus Security Report (“Security Report”) publication and distribution. Additional educational training for those who request the service may consist of university sponsored workshops, seminars, and lectures as determined appropriate by the director of Substance Abuse Prevention Services and approved by university administration.

- A description of the health risks associated with any particular drug (i.e., physical and psychological addiction; physical, psychological, and spiritual deterioration; disease; and death) may be obtained from the university’s annual Security Report, which is available online at police.byu.edu or can be requested in hard-copy form from BYU Police.
- The university recognizes that potential legal sanctions may accompany an individual’s use of drugs. The applicable legal sanctions under federal, state, or local law may include significant fines and imprisonment. A summary of applicable legal sanctions from the unlawful use of drugs may be obtained from the university’s annual Security Report, which is available online at police.byu.edu or can be requested in hard-copy form from BYU Police.
- Students and personnel involved in the intentional use of drugs, alcohol, or tobacco may seek a consultative interview through the Substance Abuse Prevention Services for possible referral to an outside medical provider. All discussions will be handled in a confidential manner to the extent permitted by law.

The university supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems. Persons aware of those with substance abuse problems enrolled at or employed by the university are encouraged to act responsibly by consulting with Substance Abuse Prevention Services, Faculty Relations, Employee Relations, the Honor Code Office, or BYU Police. Remaining silent or waiting until a situation has escalated is unwise and often dangerous.

Biennial Drug-Free School Program Review

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



APPROVED: 6 Jan 2014 [Revised 1 Oct 2020]

PRIOR VERSION: 1 Jan 1992

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

POLICY OWNER: Student Life Vice President

RESPONSIBLE OFFICE: Dean of Students Office

RELATED POLICIES:

- [Church Educational System Honor Code](#)
- [Disruptive Student Conduct Policy](#)
- [Disruptive Student Conduct Procedures](#)
- [Drug-Free Workplace Policy](#)
- [Honor Code Investigation and Administrative Review Process](#)

Appendix F: Drug-Free Workplace Policy



Drug-Free Workplace Policy

Policy

The university absolutely 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 requires all workforce participants, to abide by this BYU Drug-Free Workplace Policy. The [Church Educational System Honor Code](#) also addresses workforce participants’ use of controlled substances or abuse of medically prescribed substances. In addition to the requirement to abide by this policy, all workforce participants are also required to adhere to the more restrictive prohibitions outlined in the [Church Educational System Honor Code](#).

Procedures

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

Any workforce participant at the university convicted of violating a criminal drug statute inside OR outside of the workplace must notify his or her immediate supervisor or the principal investigator (in the case of federal research grant or contract) of the conviction, in writing, no later than five calendar days after the conviction. The immediate supervisor or principal investigator is responsible to immediately notify either Employee Relations or Faculty Relations, as appropriate.

If a workforce participant who violates this policy is engaged in a federally funded contract or award, the supervisor or principal investigator must also inform the director of the Research Administration Office. The director of the Research Administration Office will then notify all affected federal agencies within ten days of receiving notice of the conviction in compliance with 34 C.F.R. §84.225(a).

If any workforce participant violates this policy, Employee Relations or Faculty Relations, as appropriate and in consultation with the appropriate unit management, 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.

In the event the individual was engaged in the performance of a federal award or contract, these actions must be taken within 30 calendar days of learning about an individual’s



conviction. The affected individual may be subject to criminal penalties under applicable federal and state law.

The principal investigator specifically, and not the university, is responsible for ensuring compliance with all terms of a federal grant or contract.

Other disclosures associated with the university's drug-free workplace responsibilities are available in the annual campus security report available at <https://police.byu.edu/annual-security-report>.

Drug Prevention Assistance

In an effort to deter drug abuse, the university has established Substance Abuse Prevention Services. For individual assistance, please contact (801) 422-1942.

APPROVED: 9 Jan 2012 [Revised 28 Oct 2020]

PRIOR VERSION: 1 Jan 1992

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

POLICY OWNER: Academic Vice President (faculty), Administration Vice President and CFO (administrative, staff, and student employees)

RESPONSIBLE OFFICE: Employee Relations (student, administrative, and staff employees), Faculty Relations (faculty)

IMPLEMENTING PROCEDURES: [Drug-Free Workplace Procedures](#)

RELATED POLICIES:

- [Church Educational System Honor Code](#)
- [Drug-Free School Policy](#)
- [Personnel Conduct Policy](#)

Appendix G: Legal Sanctions for Unlawful Possession, Distribution, or Consumption of Drugs or Alcohol

Legal Sanctions for Unlawful Possession, Distribution, or Consumption of Drugs or Alcohol

The following tables show sanctions for illegal possession, distribution, or consumption of drugs or alcohol.

- Table 1—Federal Penalties for Illegal Drug Manufacturing or Distribution—Drug Specific
- Table 2—Federal Penalties for Illegal Drug Manufacturing or Distribution—All Drugs
- Table 3—Federal Penalties for Illegal Possession of Drugs—All Drugs
- Table 4—Utah State Penalties for Possession, Use, or Distribution of Illegal Drugs
- Table 5—Utah State Penalties for Unlawful Possession, Use, or Distribution of Alcohol
- Table 6—Utah State Penalties for Driving Under the Influence of Alcohol

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

¹

Below are federal penalties for the manufacture, distribution, or dispensing² of specific illegal drugs. See 21 U.S.C. § 841.

Drug (CSA Schedule)	Quantity	Penalties		
		First Offense	Second Offense	Third+ Offense
Heroin (I & II)	100–999 gm mixture	Penalty 1	Penalty 7	Penalty 7
	1 kg+ mixture	Penalty 2	Penalty 8	Penalty 13
Cocaine (I & II)	500–4,999 gm mixture	Penalty 1	Penalty 7	Penalty 7
	5 kg+ mixture	Penalty 2	Penalty 8	Penalty 13
Cocaine Base (I & II)	28–279 gm mixture	Penalty 1	Penalty 7	Penalty 7
	280 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
PCP (I & II)	10–99 gm pure or 100–999 gm mixture	Penalty 1	Penalty 7	Penalty 7
	100 gm+ pure or 1 kg+ mixture	Penalty 2	Penalty 8	Penalty 13
LSD (I & II)	1–9 gm mixture	Penalty 1	Penalty 7	Penalty 7
	10 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Fentanyl (I & II)	40–399 gm mixture	Penalty 1	Penalty 7	Penalty 7
	400 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Fentanyl Analogue (I & II)	10–99 gm mixture	Penalty 1	Penalty 7	Penalty 7
	100 gm+ mixture	Penalty 2	Penalty 8	Penalty 13
Marijuana ³ (I & II)	Less than 50 kg or fewer than 50 plants	Penalty 3	Penalty 9	Penalty 9
	50–99 kg or 50–99 plants	Penalty 4	Penalty 10	Penalty 10
	100–999 kg mixture or 100–999 plants	Penalty 1	Penalty 7	Penalty 7
	1,000 kg+ mixture or 1,000+ plants	Penalty 2	Penalty 8	Penalty 13
Methamphetamine (I & II)	5–49 gm pure or 50–499 gm mixture	Penalty 1	Penalty 7	Penalty 7
	50 gm+ pure or 500 gm+ mixture	Penalty 2	Penalty 8	Penalty 13

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

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

³ If the violator distributed a small amount of marijuana without getting paid for it, the violation will be treated like a simple possession violation.

Drug (CSA Schedule)	Quantity	Penalties		
		First Offense	Second Offense	Third+ Offense
Any Schedule I or II Controlled Substance Not Otherwise Identified (I & II)	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 & II)	Less than 10 kg	Penalty 3	Penalty 9	Penalty 9
	10 kg	Penalty 4	Penalty 10	Penalty 10
Hashish Oil (I & II)	Less than 1 kg	Penalty 3	Penalty 9	Penalty 9
	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

Description of Penalties for Table 1—Imprisonment and Fines⁴

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

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

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

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

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

⁴ All fine limits listed in this paragraph are subject to preemption by Title 18 of the United States Code; for first-time offenders, the fine limit will be raised to the limit authorized by Title 18 if that amount is higher than the fine listed here, and for subsequent offenders, the fine limit will be raised to twice the limit authorized by Title 18 if that amount is higher than the fine listed here. 21 U.S.C. § 841(b)(1)(A)–(E).

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

Penalty 7: (1) Imprisoned 10 years to life, but if there is death/serious injury, then life (no parole available, and supervised release required for at least 8 years after any prison term); (2) fined no more than \$8 million (for an individual offender) or no more than \$50 million (for any other type of offender); or (3) both imprisoned and fined.

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

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

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

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

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

Penalty 13: Imprisoned at least 25 years (no parole) and fined no more than \$20 million (for an individual offender) or no more than \$75 million (for any other type of offender).

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

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

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. ⁵	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.

⁵ For the penalties listed in this row, the federal benefits that may be denied to the person do not include benefits relating to long-term addiction treatment programs if 1) the person declares himself or herself to be an addict, the circumstances reasonably substantiate that claim, and the person submits to a long-term addiction treatment program; or (2) the person is determined to be successfully rehabilitated under the rules of the Secretary of Health and Human Services. 21 U.S.C. § 862(a)(2). The person’s ineligibility for federal benefits will also be suspended if he or she completes a supervised drug rehabilitation program, has otherwise been rehabilitated, or has made a good faith effort to join a supervised drug rehabilitation program, but is unable to join due to program inaccessibility or unavailability, or due to the person’s inability to pay for a program. 21 U.S.C. § 862(c)(C).

Citation	Summary	First Offense	Second Offense	Third Offense
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.

Citation	Summary	First Offense	Second Offense	Third Offense
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.

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

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

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 (unless the defendant lacks the ability to pay), or both. However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of \$1,000 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay.	Term of imprisonment no less than 15 days and no more than 2 years and a minimum fine of \$2,500 (unless the defendant lacks the ability to pay). However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of \$2,500 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay.	Term of imprisonment no less than 90 days and no more than 3 years and a minimum fine of \$5,000 (unless the defendant lacks the ability to pay). However, if the violation involves flunitrazepam, the penalty will be a term of imprisonment no more than 3 years, a minimum fine of \$5,000 (unless the defendant lacks the ability to pay), or both. A violator charged with possession of a controlled substance will also be fined the reasonable costs of investigating and prosecuting the offense, unless the defendant lacks the ability to pay.
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 \$20,521 for each violation. ⁶	N/A	N/A	N/A
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.	N/A	N/A	N/A
21 U.S.C. § 862(b)(1)	Conviction (at either the federal or state level) for possession of a controlled substance. ⁷	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 be required for the reinstatement of federal benefits.	Same as second offense.

⁶ “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).

⁷ 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).

Citation	Summary	First Offense	Second Offense	Third+ 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.	N/A	N/A	N/A
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.	N/A	N/A	N/A

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

Below are the Utah penalties for crimes related to the possession, use, or distribution of illegal drugs. (See UTAH CODE ANN. §§ 58-37-4.2, -37-8, -37b-4; 76-3-203, -204, -205, -301.)

Violation	Controlled Substance Category	Classification
Production, manufacture, dispensation, or distribution of (or possession with the intent to produce, manufacture, dispense, or distribute) a controlled or counterfeit substance; ⁸ or agreeing, consenting, offering, or arranging to distribute a controlled or counterfeit substance; or engaging in a continuing criminal enterprise where the person commits or contributes to a felony violation of the Utah Controlled Substances Act, Utah Drug Paraphernalia Act, Imitation Controlled Substances Act, Utah Controlled Substance Precursor Act, or Clandestine Drug Lab Act; or engaging in a continuing criminal enterprise where the violation is part of a continuing series of two or more violations of the Utah Controlled Substances Act, Utah Drug Paraphernalia Act, Imitation Controlled Substances Act, Utah Controlled Substance Precursor Act, or Clandestine Drug Lab Act, on separate occasions that are undertaken in concert with five or more persons with respect to whom the violator occupies a position of organizer, supervisor, or any other position of management.	Schedule I or II (or a counterfeit thereof), a controlled substance analog, ⁹ or gamma hydroxybutyric acid (Schedule III)	Second-degree felony—first conviction
	Schedule III or IV (or a counterfeit thereof), marijuana, or a controlled substance listed in Utah Code Ann. § 58-37-4.2	First-degree felony—second or subsequent conviction
	Schedule V	Third-degree felony—first conviction
		Second-degree felony—second or subsequent conviction
Manufacture or distribution of (or possession with intent to distribute) an imitation controlled substance. ¹⁰	All imitation controlled substances	Class A misdemeanor
Committing one of the crimes listed in the previous two rows of this table if the violation occurs <ul style="list-style-type: none"> in (or in an area within 100 feet of) a public or private elementary, secondary, vocational, or postsecondary school; on (or in an area within 100 feet of) the grounds of a public or private elementary, secondary, vocational, or postsecondary school between 6 a.m. and 10 p.m.; on (or in an area within 100 feet of) the property of a preschool or child-care facility during its hours of operation; in (or in an area within 100 feet of) a public park, amusement park, arcade, or recreation center while the facility in question is open to the public; on (or in an area within 100 feet of) the property of a house of worship; on (or in an area within 100 feet of) library property while the library is open to the public; or in the presence of a person under 18 years old, regardless of where the act occurs. 	N/A	If the base violation is a first-degree felony, the violation will remain a first-degree felony; however, the offender will not be eligible for probation.
		If the base violation is less than a first-degree felony, the violation will be raised by one degree.

⁸ “Counterfeit substance” refers to controlled substances (or their containers or labels) that contain the identifying mark or likeness of a manufacturer, distributor, or dispenser falsely and without authorization, and that, based on their appearance, a reasonable person would mistake for a controlled substance distributed by an authorized manufacturer, distributor, or dispenser; it may also refer to any other substance that is falsely represented to be a legally or illegally manufactured controlled substance and that a reasonable person would believe to be a legal or illegal controlled substance. UTAH CODE ANN. § 58-37-2(1)(i)(i).

⁹ “Controlled substance analog” refers to a drug that is substantially chemically similar to a controlled substance or has a stimulant, depressant, or hallucinogenic effect that is substantially similar to that of a controlled substance (or is represented or intended to have such an effect). This does not include substances not intended for human consumption, certain drugs that are legally distributed and intended for lawful medical use, or dietary supplements and similar substances that may contain naturally occurring amounts of a controlled substance. UTAH CODE ANN. § 58-37-2(1)(g).

¹⁰ “Imitation controlled substance” refers to a substance that is not a controlled substance and is not represented to be a legally or illegally manufactured controlled substance, but that is designed or packaged to substantially resemble any legally or illegally manufactured controlled substance. UTAH CODE ANN. § 58-37b-2(3).

Violation	Controlled Substance Category	Classification
Committing one of the crimes listed in the first two rows of this table for the purpose of enabling the distribution of a controlled substance to an inmate or on the grounds of a correctional facility.	N/A	If the base violation is a first-degree felony, the violation will remain a first-degree felony; however, the offender will not be eligible for probation. Violating this provision adds an extra year to the violator's imprisonment sentence and allows the court the option to add up to five years to the violator's imprisonment sentence.
		If the base violation is less than a first-degree felony, the violation will be raised by one degree. Violating this provision adds an extra year to the violator's imprisonment sentence and allows the court the option to add up to five years to the violator's imprisonment sentence.
Unlawful possession or use ¹¹ of a controlled substance or controlled substance analog. ¹²	Marijuana (100 lbs. or more)	Second-degree felony
	Schedule I or II, or a controlled substance analog	Class A misdemeanor—first or second conviction
		Third-degree felony—third or subsequent conviction
	Marijuana (less than 100 lbs.), a listed controlled substance found in Utah Code Ann. § 58-37-4.2, or any other controlled substance	Class B misdemeanor—first or second conviction
		Class A misdemeanor—third conviction
Unlawful possession or use of a controlled substance or controlled substance analog while on the property of a correctional facility, public jail, or other place of confinement	Marijuana (100 lbs. or more)	First-degree felony (plus an extra year of imprisonment, and with the court having the option to add up to five additional years of imprisonment)
	Schedule I or II, or a controlled substance analog	Third-degree felony (plus an extra year of imprisonment, and with the court having the option to add up to five additional years of imprisonment)—first or second conviction
		Second-degree felony (plus an extra year of imprisonment, and with the court having the option to add up to five additional years of imprisonment)—third or subsequent conviction
	Marijuana (less than 100 lbs.), a listed controlled substance found in Utah Code Ann. § 58-37-4.2, or any other controlled substance	Class B misdemeanor (plus an extra six months of imprisonment)—first or second conviction
		Class A misdemeanor (plus an extra six months of imprisonment)—third conviction
		Third-degree felony (plus an extra six months of imprisonment)—fourth or subsequent conviction
Possession of an altered or forged prescription or written order for a controlled substance; or for an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat,	All controlled substances	Class B misdemeanor—first conviction
		Class A misdemeanor—second conviction

¹¹ If a person has committed unlawful possession or use of less than 16 ounces of marijuana, unlawful possession or use of any other controlled substance, or a violation of the Utah Drug Paraphernalia Act or Imitation Controlled Substances Act, there is an affirmative defense available if the violator reported their own or another person's drug overdose during the same course of events in which the alleged violation occurred, in some situations. For more information, see UTAH CODE ANN. § 58-37-8(16).

¹² If a person is convicted of one of the crimes listed in this row *after* having been convicted of any crime listed in the first row of this table, the penalty will be raised by one degree from the penalty listed here. UTAH CODE ANN. § 58-37-8(2)(c).

Violation	Controlled Substance Category	Classification
aircraft, or other place, knowingly or intentionally permitting occupants to unlawfully possess, use, or distribute controlled substances in the location. ¹³		Third-degree felony—third or subsequent conviction
Use of a license number that is fictitious, revoked, suspended, or issued to another person as part of the manufacture or distribution of a controlled substance; or representing oneself to be a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.	All controlled substances	Class A misdemeanor—first or second conviction
		Third-degree felony—third or subsequent conviction
Obtaining possession of, obtaining a prescription for, procuring the administration of, or attempting to procure the administration of a controlled substance through misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order for a controlled substance, use of a false name or address, or failure to disclose receiving a controlled substance from another source; or dispensing or prescribing a controlled substance to someone known to be attempting to obtain possession of, obtain a prescription for, or procure the administration of a controlled substance through misrepresentation, fraud, forgery, deception, subterfuge, alteration of a prescription or written order, use of a false name or address, or failure to disclose receiving a controlled substance from another source.	All controlled substances	Class A misdemeanor—first or second conviction
		Third-degree felony—third or subsequent conviction
Making a false or forged prescription or written order for a controlled substance, verbally conveying any such false or forged prescription or order, or altering a prescription or written order.	All controlled substances	Class A misdemeanor—first or second conviction
		Third-degree felony—third or subsequent conviction
Making, distributing, or possessing the means (e.g. a punch, die, plate, stone, etc.) of reproducing an identifying mark, imprint, or device onto a substance, container, or label in order to create a counterfeit controlled substance.	All controlled substances	Third-degree felony

Description of Penalties for Table 4

Class B Misdemeanor: Imprisonment not more than 6 months; fine not to exceed \$1,000

Class A Misdemeanor: Imprisonment not more than 364 days; fine not to exceed \$2,500

Third-Degree Felony: Imprisonment not more than 5 years; fine not to exceed \$5,000

Second-Degree Felony: Imprisonment not less than 1 year nor more than 15 years; fine not to exceed \$10,000

First-Degree Felony: Imprisonment not less than 5 years and which may be up to life; fine not to exceed \$10,000

¹³ See previous footnote.

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

Below are some of the Utah penalties for crimes related to the unlawful possession, use, or distribution of alcohol. (See UTAH CODE ANN. §§ 76-3-204, -205, -301.)

Category and Violation	Classification
Possession or Purchase by Minors—Possession, purchase, attempt to purchase (by themselves or by soliciting another), consumption, or having measurable levels of alcohol in their body by a person less than 21 years of age; or a minor misrepresenting their own age, or any other person misrepresenting the age of a minor, for the purpose of purchasing or obtaining an alcoholic product. (UTAH CODE ANN. §§ 32B-4-409(1)–(2), -4-304(1))	Class B misdemeanor ¹⁴
Selling to Minors—Selling, offering to sell, or giving alcoholic products to persons less than 21 years of age. (UTAH CODE ANN. § 32B-4-403)	Class A misdemeanor—if the person who furnishes the alcohol knows the recipient is a minor
	Class B misdemeanor—if the person who furnishes the alcohol “negligently or recklessly fails to determine” the age of the recipient
Incorrect Proof of Age—Using a proof of age that contains false information with intent to procure an alcoholic product, gain admittance to a restricted area, or obtain employment otherwise prohibited by the Alcoholic Beverage Control Act. (UTAH CODE ANN. §§ 32B-1-101, -403(2); -4-411)	For minors: Class B misdemeanor—first offense
	For minors: Class A misdemeanor—second offense
	For minors: Class A misdemeanor with additional penalties—third or subsequent offense
	For all other violators: Class A misdemeanor
Consumption in Public Places—Consuming liquor in a public building, park, or stadium. (UTAH CODE ANN. § 32B-4-421)	Class C misdemeanor
Intoxication—“A person is guilty of intoxication if the person is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors, to a degree that the person may endanger the person or another, in a public place or in a private place where the person unreasonably disturbs other persons.” (UTAH CODE ANN. § 76-9-701)	Class C misdemeanor ¹⁵
Unlawfully Permitting Intoxication—No person shall permit anyone to become intoxicated or allow an already intoxicated person to consume an alcoholic product as described above in any premises of which the person is the owner, tenant, or occupant, or in a chartered bus or limo of which the person is the owner or operator. (UTAH CODE ANN. § 32B-4-419)	Class C misdemeanor
Unlawful Sale or Supply to Intoxicated Person—A person may not sell, offer to sell, or furnish any alcoholic product to any person who is actually or apparently intoxicated or to any person who, given the circumstances, the person knows or should know is intoxicated. (UTAH CODE ANN. § 32B-4-404)	Class B misdemeanor—if committed negligently or recklessly
	Class A misdemeanor—if committed knowingly
Unlawful Purchase by an Intoxicated Person—A person may not purchase an alcoholic product if the person is intoxicated. (UTAH CODE ANN. §§ 32B-4-412, -4-304(1))	Class B misdemeanor
Unlawful Transfer of Identification Card—It is unlawful for the owner of an identification card or other proof of age to transfer the proof of age to any other person in order to help that person (1) obtain alcoholic products, (2) gain admittance to a restricted area, or (3) obtain employment otherwise prohibited by the Alcoholic Beverage Control Act.. (UTAH CODE ANN. § 32B-1-403(1))	Class B misdemeanor

Description of Penalties for Table 5

Penalty for Class C Misdemeanor: Imprisonment not more than 90 days; fine not exceeding \$750

Penalty for Class B Misdemeanor: Imprisonment not more than 6 months; fine not to exceed \$1,000

¹⁴ If the violator is a minor, the court may order a substance abuse screening, assessment, educational series, and (if appropriate) treatment for a first-time offense. UTAH CODE ANN. §§ 32B-4-409(4)(a), 41-6a-501. For a second or subsequent offense, the court *must* order these programs. UTAH CODE ANN. §§ 32B-4-409(4)(b).

¹⁵ If the violator is a minor, the court may order a substance abuse screening, assessment, educational series, and (if appropriate) treatment for a first-time offense. UTAH CODE ANN. § 76-9-701(3)(a). For a second or subsequent offense, the court *must* order these programs. UTAH CODE ANN. § 76-9-701(3)(b). If the violator is a minor who is at least 18 (but less than 21) years old, the violator’s driving privileges will be suspended for a period of time subject to UTAH CODE ANN. § 53-3-219 and 76-9-701(4). If the violator is less than 18 years old, is old enough to be eligible for a driver’s license, and committed the violation while in actual physical control of a motor vehicle, the violator’s driving privileges and license may be suspended for a period of time subject to UTAH CODE ANN. § 78A-6-606. UTAH CODE ANN. §§ 76-9-701(5), 78A-6-606.

Penalty for Class A Misdemeanor: Imprisonment not more than 364 days; fine not to exceed \$2,500

Penalty for Class A Misdemeanor with Additional Penalties: Imprisonment not more than 364 days year; fine not to exceed \$5,000. The court may also impose substance abuse screening or treatment, an educational series, community service, fees for restitution and treatment costs, defensive driver education courses, or a combination of these penalties. Certain driver's license suspension provisions may also apply, depending on the age of the violator; see UTAH CODE ANN. § 32B-4-411(2)(b), (3).

Table 6—Utah State Penalties for Driving Under the Influence of Alcohol

Below are some of the Utah penalties for crimes related to driving under the influence of alcohol.

Category and Violation	Classification
No Drinking in Vehicle—A person may not drink any alcoholic beverage while operating a motor vehicle, motor assisted scooter, or class 2 electric assisted bicycle, or while a passenger in a motor vehicle, whether the vehicle is moving, stopped, or parked on any highway ¹⁶ or waters of the state. (UTAH CODE ANN. § 41-6a-526(2))	Class C misdemeanor
No Open Containers—A person may not keep, carry, transport, or possess (or allow someone else to keep, carry, transport, or possess) in the passenger compartment of a motor vehicle, on a motor assisted scooter, or on a class 2 electric assisted bicycle, any container of an alcoholic beverage that has been opened, has its seal broken, or has its contents partially consumed when the vehicle is on any highway or waters of the state. (UTAH CODE ANN. § 41-6a-526(3))	Class C misdemeanor
DUI—It is unlawful for any person to operate or be in actual physical control of a vehicle within this state if the person's blood or breath alcohol level is above a concentration of 0.05gm or greater, or if a person is under the influence of alcohol and/or other drugs to a degree which renders the person incapable of safely operating a vehicle. (UTAH CODE ANN. § 41-6a-502, -503, -714)	Class B misdemeanor—first or second offense
	Class A misdemeanor—first or second offense, if the person (1) inflicted bodily injury upon another as a result of operating the vehicle negligently; (2) had a passenger under 16 years of age in the vehicle at the time of the offense; (3) was 21 years of age or older and had a passenger under the age of 18 in the vehicle at the time of the offense; or (4) used his or her vehicle to enter or exit a freeway or other controlled-access highway in a location other than an authorized entrance or exit.
	Third-degree felony—third or subsequent offense, or any DUI offense in which the person inflicted <i>serious</i> bodily injury as a result of operating the vehicle negligently, or any DUI offense if the person has a previous conviction for automobile homicide or felony DUI (even if the conviction was reduced)
Automobile Homicide—Automobile homicide occurs when a person operates a motor vehicle in a negligent manner, causing the death of another, and either has a blood or breath alcohol concentration of 0.05 gm or is under the influence of alcohol and/or any drug to a degree that renders the person incapable of safely operating a vehicle. (UTAH CODE ANN. § 76-5-207)	Third-degree felony
	Second-degree felony—if subsequent to a previous DUI conviction or if the behavior is found to be “criminally negligent”
Controlled Substance Violation Not Amounting to Automobile Homicide—In situations where automobile homicide does not apply, it is a violation of the law for a person to (1) knowingly and intentionally have any measurable amount of a controlled substance within his or her body without valid prescription, order, or other authorization; (2) operate a motor vehicle in a negligent manner; and (3) cause serious bodily injury or death of another person. (UTAH CODE ANN. §§ 58-37-8(2)(g)–(h), (2)(a)(i); 58-37-4(2)(a)(iii)(S), (AA))	Class A misdemeanor—for a violation involving a Schedule III, IV, or V substance
	Third-degree felony—for a violation involving marijuana or tetrahydrocannabinols (or certain equivalents of these two drugs), or a controlled substance listed in UTAH CODE ANN. § 58-37-4.2
	Second-degree felony—for a violation involving any other Schedule I or II substance

Description of Penalties for Table 6

Class C Misdemeanor: Imprisonment not more than 90 days; fine not to exceed \$750

Class B Misdemeanor: Imprisonment not more than 6 months; fine not to exceed \$1,000

Class A Misdemeanor: Imprisonment not more than 364 days; fine not to exceed \$2,500

Third-Degree Felony: Imprisonment not more than 5 years; fine not to exceed \$5,000

Second-Degree Felony: Imprisonment not less than one year and not more than 15 years; fine not to exceed \$10,000

(UTAH CODE ANN. §§ 76-3-203, -204, -301)

¹⁶ “Highway” means any place open to the use of the public as a matter of right for vehicular traffic. UTAH CODE ANN. § 41-6a-102(25).

Health Risks of Drug and Alcohol Use

All information, unless otherwise noted, is derived from the National Institute on Drug Abuse's Commonly Abused Drugs charts. Click [here](#) to view detailed information.

Substance Name (Drug Type)	Commercial and Street Names	DEA Schedule	Acute Effects and Health Risks
Alcohol	N/A	N/A	Mood changes, inability to think clearly, lack of coordination, cardiomyopathy, arrhythmias, stroke, high blood pressure, steatosis, alcoholic hepatitis, fibrosis, cirrhosis, pancreatitis, several types of cancer, and weakened immune system ¹⁷
Anabolic Steroids	Nandrolone, Oxandrolone, Oxymetholone, Testosterone Cypionate, Juice, Gym Candy, Pumpers, Roids	III	Short-term: acne, fluid retention, oily skin, yellowing of the skin, infection Long-term: kidney damage or failure; liver damage; high blood pressure, enlarged heart, or changes in cholesterol, leading to increased risk of stroke or heart attack, even in young people; aggression; extreme mood swings; anger; extreme irritability; delusions; impaired judgment; risk of HIV, hepatitis, and other infectious diseases from shared needles
Ayahuasca (Hallucinogen)	Aya, Yagé, Hoasca	I	Short-term: strong hallucinations, including altered visual and auditory perceptions; increased heart rate and blood pressure; nausea; burning sensation in the stomach; tingling sensations; increased skin sensitivity Long-term: Possible changes to the serotonergic and immune systems
Barbiturates (Prescriptive Sedative)	Pentobarbital, Barbs, Phennies, Red Birds, Reds, Tooies, Yellow Jackets, Yellows	II, III, IV	Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing Long-term: unknown; risk of HIV, hepatitis, and other infectious diseases from shared needles
Bath Salts (Synthetic Cathinone)	Bloom, Cloud Nine, Cosmic Blast, Flakka, Ivory Wave, Lunar Wave, Scarface, Vanilla Sky, White Lightning	I	Short-term: increased heart rate and blood pressure; euphoria; increased sociability and sex drive; paranoia, agitation, and hallucinations; violent behavior; sweating; nausea, vomiting; insomnia; irritability; dizziness; depression; panic attacks; reduced motor control; cloudy thinking Long-term: death; risk of HIV, hepatitis, and other infectious diseases from shared needles
Benzodiazepines (Prescriptive Sedatives)	Alprazolam, Chlorodiazepoxide, Diazepam, Lorazepam, Triazolam, Candy, Downers, Sleeping Pills, Tranks	IV	Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing Long-term: unknown; risk of HIV, hepatitis, and other infectious diseases from shared needles
Cocaine (Stimulant)	Cocaine Hydrochloride Topical Solution, Blow, Bump, C, Candy, Charlie, Coke, Crack, Flake, Rock, Snow, Toot	II	Short-term: narrowed blood vessels; enlarged pupils; increased body temperature, heart rate, and blood pressure; headache; abdominal pain and nausea; euphoria; increased energy and alertness; insomnia and restlessness; anxiety; erratic and violent behavior, panic attacks, paranoia, and psychosis; heart rhythm problems and heart attack; stroke, seizure, and coma Long-term: loss of sense of smell, nosebleeds, nasal damage, and trouble swallowing from snorting; infection and death of bowel tissue from decreased blood flow; poor nutrition and weight loss; lung damage from smoking; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: premature delivery, low birth weight, deficits in self-regulation and attention in school-aged children prenatally exposed
Codeine (Prescription Opioid)	Captain Cody, Cody, Lean, Schoolboy, Sizzurp, Purple Drank <i>With glutethimide</i> : Doors and Fours, Loads, Pancakes and Syrup	II, III, V	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
DMT (Hallucinogen)	Dimitri	I	Short-term: intense visual hallucinations, depersonalization, auditory distortions, an altered perception of time and body image, hypertension, increased heart rate, agitation, seizures, dilated pupils Long-term: unknown
DXM (Over-the-Counter Cough Medicine)	Robotripping, Robo, Triple C	N/A	Short-term: euphoria; slurred speech; increased heart rate; blood pressure; dizziness; nausea; vomiting; Long-term: unknown

¹⁷ This information is derived from "Alcohol's Effects on the Body," a [webpage](#) published by the National Institute on Alcohol Abuse and Alcoholism.

Substance Name (Drug Type)	Commercial and Street Names	DEA Schedule	Acute Effects and Health Risks
Fentanyl (Prescription Opioid)	Apache, China Girl, China White, Dance Fever, Friend, Goodfella, Jackpot, Murder 8, Tango and Cash, TNT	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Flunitrazepam (Prescription Sedative, Club Drug)	Rohypnol, Circles, Date Rape Drug, Forget Pill, Forget-Me Pill, La Rocha, Lunch Money, Mexican Valium, Mind Eraser, Pingus, R2, Reynolds, Rib, Roach, Roach 2, Roaches, Roachies, Roopies, Roachas Dos, Roofies, Rope, Rophies, Row-Shay, Ruffies, Trip-and-Fall, Wolfies	IV	Short-term: drowsiness, sedation, sleep; amnesia, blackout; decreased anxiety; muscle relaxation, impaired reaction time and motor coordination; impaired mental functioning and judgment; confusion; aggression; excitability; slurred speech; headache; slowed breathing and heart rate Long-term: unknown
GHB (Depressant)	Gamma-hydroxybutyrate, sodium oxybate, G, Georgia Home Boy, Goop, Grievous Bodily Harm, Liquid Ecstasy, Liquid X, Soap, Scoop	I	Short-term: euphoria, drowsiness, confusion, memory loss, nausea, vomiting, unconsciousness, seizures, slowed heart rate and breathing, lower body temperature, coma, death Long-term: unknown
Heroin (Opioid)	Brown Sugar, China White, Dope, H, Horse, Junk, Skag, Skunk, Smack, White Horse, Cheese (with cold medicine and antihistamine)	I	Short-term: euphoria; dry mouth; analgesia; itching; nausea, vomiting, slowed breathing and heart rate Long-term: collapsed veins; abscesses; infection of the lining and valves in the heart; constipation and stomach cramps; liver or kidney disease; pneumonia; risk of HIV, hepatitis, and other infectious diseases from shared needles; Pregnancy-related: miscarriage, low birth weight, and neonatal abstinence syndrome
Hydrocodone or Dihydrocodeinone (Prescription Opioid)	Vike, Watson-387	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Hydromorphone (Prescription Opioid)	D, Dillies, Footballs, Juice, Smack	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Ketamine (Hallucinogen, Dissociative Drug)	Cat Valium, K, Special K, Vitamin K	III	Short-term: problems with attention, learning, and memory; dreamlike states, hallucinations; sedation; confusion; loss of memory; raised blood pressure; unconsciousness; dangerously slowed breathing Long-term: ulcers and pain in bladder; kidney problems; stomach pain; depression; poor memory; risk of HIV, hepatitis, and other infectious diseases from shared needles
Khat (Stimulant)	Abyssinian Tea, African Salad, Catha, Chat, Kat, Oat	I	Short-term: euphoria, increased alertness and arousal, increased blood pressure and heart rate, depression, paranoia, headaches, loss of appetite, insomnia, fine tremors, loss of short-term memory. Long-term: gastrointestinal disorders such as constipation, ulcers, and stomach inflammation; increased risk of heart attack
Kratom (Opioid)	Herbal Speedball, Biak-biak, Ketum, Kahuam, Ithang, Thom	N/A	Short-term: nausea, dizziness, itching, sweating, dry mouth, constipation, increased urination, loss of appetite Long-term: anorexia, weight loss, insomnia, skin darkening, dry mouth, frequent urination, constipation, hallucination with long-term high doses
LSD (Hallucinogen)	Acid, Blotter, Blue Heaven, Cubes, Microdot, Yellow Sunshine	I	Short-term: rapid emotional swings; distortion of a person's ability to recognize reality, think rationally, or communicate with others; raised blood pressure, heart rate, body temperature; dizziness; loss of appetite; tremors; enlarged pupils Long-term: frightening flashbacks; ongoing visual disturbances, disorganized thinking, paranoia, and mood swings

Substance Name (Drug Type)	Commercial and Street Names	DEA Schedule	Acute Effects and Health Risks
Marijuana (Cannabis)	Marijuana: Blunt, Bud, Dope, Ganja, Grass, Green, Herb, Joint, Mary Jane, Pot, Reefer, Sinsemilla, Skunk, Smoke, Trees, Weed Hashish: Boom, Gangster, Hash, Hemp	I	Short-term: enhanced sensory perception and euphoria followed by drowsiness/relaxation; slowed reaction time; problems with balance and coordination; increased heart rate and appetite; problems with learning and memory; anxiety; Long-term: mental health problems, chronic cough, frequent respiratory infections Pregnancy-related: babies born with problems with attention, memory, and problem solving; increased risk of preterm births
MDMA (Stimulant, Hallucinogen)	Ecstasy, Molly, Adam, Clarity, Eve, Lover's Speed, Peace, Uppers	I	Short-term: lowered inhibition; enhanced sensory perception;; increased heart rate and blood pressure; muscle tension; nausea; faintness; chills or sweating; sharp rise in body temperature leading to kidney failure or death Long-term: long-lasting confusion; depression; problems with attention, memory, and sleep; increased anxiety, impulsiveness; less interest in sex
Meperidine (Prescription Opioid)	Demmies, Pain Killer	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Mescaline/ Peyote (Hallucinogen)	Buttons, Cactus, Mesc	I	Short-Term: enhanced perception and feeling; hallucinations; euphoria; anxiety; increased body temperature, heart rate, blood pressure; sweating; problems with movement Long-term: unknown
Methadone (Prescription Opioid)	Amidone, Fizzies, Chocolate Chip Cookies (with MDMA)	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Methamphetamine (Stimulant)	Desoxyn, Crank, Chalk, Crystal, Fire, Glass, Go Fast, Ice, Meth, Speed	II	Short-term: increased wakefulness and physical activity; decreased appetite; increased breathing, heart rate, blood pressure, temperature; irregular heartbeat Long-term: anxiety; confusion; insomnia; mood problems; violent behavior; paranoia; hallucinations; delusions; weight loss; severe dental problems; intense itching leading to skin sores from scratching; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: premature delivery; separation of the placenta from the uterus; low birth weight; lethargy; heart and brain problems
Morphine (Prescription Opioid)	M, Miss Emma, Monkey, White Stuff	II, III	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Tobacco (Nicotine)	N/A	N/A	Short-term: increased blood pressure, breathing, and heart rate Long-term: greatly increased risk of cancer, especially lung cancer when smoked and oral cancers when chewed; chronic bronchitis; emphysema; heart disease; leukemia; cataracts; pneumonia Pregnancy-related: miscarriage, low birth weight, stillbirth, learning and behavior problems
Oxycodone (Prescription Opioid)	O.C., Oxycet, Oxycotton, Oxy, Hillbilly Heroin, Percs	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome
Oxymorphone (Prescription Opioid)	Biscuits, Blue Heaven, Blues, Mrs. O, O Bomb, Octagons, Stop Signs	II	Short-term: pain relief, drowsiness, nausea, constipation, euphoria, slowed breathing, death Long-term: increased risk of overdose or addiction if misused; risk of HIV, hepatitis, and other infectious diseases from shared needles Pregnancy-related: miscarriage, low birth weight, neonatal abstinence syndrome

Substance Name (Drug Type)	Commercial and Street Names	DEA Schedule	Acute Effects and Health Risks
PCP (Hallucinogen, Dissociative Drug)	Angel Dust, Boat, Hog, Love Boat, Peace Pill	I, II	Short-term: delusions, hallucinations, paranoia, problems thinking, a sense of distance from one's environment, anxiety Low doses: slight increase in breathing rate; increased blood pressure and heart rate; shallow breathing; face redness and sweating; numbness of the hands or feet; problems with movement; High doses: nausea; vomiting; flicking up and down of the eyes; drooling; loss of balance; dizziness; violence; seizures, coma, and death Long-term: memory loss, problems with speech and thinking, loss of appetite, anxiety, risk of HIV, hepatitis, and other infectious diseases from shared needles
Prescription Stimulants	Amphetamine: Adderall, Bennies, Black Beauties, Crosses, Hearts, LA Turnaround, Speed, Truck Drivers, Uppers Methylphenidate: Concerta, Ritalin, JIF, MPH, R-ball, Skippy, The Smart Drug, Vitamin R	II	Short-term: increased alertness, attention, energy; increased blood pressure and heart rate; narrowed blood vessels; increased blood sugar; opened-up breathing passages; increased body temperature, irregular heartbeat, heart disease, and seizures when high doses taken Long-term: heart problems; psychosis; anger; paranoia; risk of HIV, hepatitis, and other infectious diseases from shared needles
Psilocybin (Hallucinogen)	Little Smoke, Magic Mushrooms, Purple Passion, Shrooms	I	Short-term: hallucinations, altered perception of time, inability to tell fantasy from reality, panic, muscle relaxation or weakness, problems with movement, enlarged pupils, nausea, vomiting, drowsiness Long-term: risk of flashbacks and memory problems
Salvia (Hallucinogen, Dissociative Drug)	Salvia divinorum, Magic Mint, Maria Pastora, Sally- D, Shepherdess's Herb, Diviner's Sage	N/A	Short-term: short-lived but intense hallucinations; altered visual perception, mood, body sensations; mood swings, feelings of detachment from one's body; sweating Long-term: unknown
Sleep Medications (Prescription Sedatives)	Eszopiclone, Zaleplon, Zolpidem, Forget-Me Pill, Mexican Valium, R2, Roche, Roofies, Roofinol, Rope, Rophies	IV	Short-term: drowsiness, slurred speech, poor concentration, confusion, dizziness, problems with movement and memory, lowered blood pressure, slowed breathing Long-term: unknown; risk of HIV, hepatitis, and other infectious diseases from shared needles
Solvents, Aerosols, and Gases Found in Household Products (Inhalants)	Poppers, Snappers, Whippets, Laughing Gas	N/A	Short-term: confusion; nausea; slurred speech; lack of coordination; euphoria; dizziness; drowsiness; disinhibition, lightheadedness, hallucinations/delusions; headaches; sudden sniffing death due to heart failure; death from asphyxiation, suffocation, convulsions or seizures, coma, or choking Long-term: liver and kidney damage; bone marrow damage; limb spasms due to nerve damage; brain damage from lack of oxygen that can cause problems with thinking, movement, vision, and hearing Pregnancy-related: low birth weight, bone problems, delayed behavioral development due to brain problems, altered metabolism and body composition
Synthetic Cannabinoids	K2, Spice, Black Mamba, Bliss, Bombay Blue, Fake Weed, Fire, Genie, Moon Rocks, Skunk, Smacked, Yucatan, Zohai	I	Short-term: increased heart rate; vomiting; agitation; confusion; hallucinations, anxiety, and paranoia; increased blood pressure Long-term: unknown

