

2022 Brigham Young University London Centre Annual Security and Fire Safety Reports



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Resource Phone Numbers

Police

Emergency.....	999
Metropolitan Police—Non Emergency.....	101
Metropolitan Police—Paddington Station.....	0300-123-1212
Metropolitan Police—Confidential Anti-Terrorist Hotline.....	0800-789-321

Campus Security

Emergency.....	0795-176-5295
Alvaro Magalhaes.....	0207-221-7480
Alan Phillips.....	0794-967-8175

Fire

Emergency.....	999
London Fire Brigade.....	0208-555-1200
London Fire Brigade (text phone for deaf and hard of hearing).....	0207-960-3629

Alcohol and Drug Abuse Counseling

Action on Addiction.....	0845-126-4130
BYU Substance Abuse Prevention Services.....	801-422-1942

Counseling and 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
London Police—Family Consultants/Victim Services Unit.....	519-661-5636
London Rape Crisis Centre.....	0808-802-9999
Metropolitan Police—Sapphire Unit.....	9999

Domestic Violence and Sexual Assault

BYU Sexual Assault Survivor Advocate.....	801-422-9071
BYU Title IX Coordinator.....	801-422-7256
London Rape Crisis Centre.....	0808-802-9999
National Domestic Violence Help--Line.....	0808-200-0247

Health Care

Emergency.....	999
Bupa Wellness Centre, London (King's Cross).....	0207-656-3719
GeoBlue Travel Insurance.....	+1-610-254-8771
London Bridge Hospital.....	0207-407-3100
St. Thomas' Hospital.....	0207-188-7188

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

Faculty Directors.....	0207-229-6093
Resident Director.....	0794-967-8175

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 United States federal law and contains information about reports of fires within on campus housing, and reported crimes occurring on or near the BYU London Centre campus in 2021, as well as the previous two years for comparison. You will also find campus safety and security policies that will inform you of practices that can help keep you safe, as well as resources available to you at the BYU London Centre and in the surrounding area. We hope you will find this report valuable. Please review this information carefully. 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 London Centre 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 19-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 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. The Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. Among other requirements, higher education institutions subject to the law must do the following:

- collect, report, and disseminate crime data.
- develop policy statements regarding campus safety.
- provide educational programs and campaigns on campus safety and crime prevention.
- 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.



Clery Act Annual Security Report Preparation

Jeanne Clery

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 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 via email to clery@byu.edu.

Collecting Crime Data and Reporting Procedures



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

- 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 non-campus buildings or property that are owned or controlled by BYU and frequented by students (Clery Geography).

Reported Crime Statistics

Statistics for this report have been collected from the following sources for the years 2019–2021:

- London Centre Campus Security Authorities (CSAs)
- Metropolitan Police Service (MPS) Westminster Borough
- BYU's compliance hotline (a confidential, anonymous hotline operated by EthicsPoint)

The crime statistics in the following tables, which are categorized using the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Program (UCR) definitions, contain the number of crimes reported for each category of criminal offenses for a three-year period. These categories

include hate crimes, Violence Against Women Act (VAWA) offenses, arrests, and disciplinary referrals. Together the crimes in these four categories are referred to as Clery Act Crimes. Appendix A contains the definitions for all Clery Act Crimes.

Although the Clery Act requires institutions to use the UCR for defining and classifying crimes, it does not require Clery Act Crime reporting to meet all UCR standards. The reported crime statistics may or may not reflect the number of crimes actually committed on campus; however, they do accurately record the number of Clery Act Crimes reported to CSAs and to local law enforcement.

Crime Log

In addition to requiring the disclosure of Clery Act Crime statistics in the annual security report, the Clery Act also requires universities with law enforcement or security on-site to provide notice throughout the year about criminal incidents on campus and emergencies affecting the campus community.

The BYU London Centre does not have on-site security or police but relies instead on the MPS for regular response and patrol. Because BYU does not have an agreement with the MPS or any other organization for security, the London Centre does not maintain a daily crime log.

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

The following pages contain data tables describing the reported Clery Act Crimes for the London Centre's Clery Geography for the period from January 2019 through December 2021. Clery Act reported crime information is confidential. Crimes included in the annual security report do not contain any personally identifiable information. Anyone may report crimes for inclusion in the annual security report statistics without revealing personally identifying information about themselves, the victim, alleged perpetrator by reporting them through BYU's compliance hotline.

2019-2021 Reported Crime Statistics

Crime Statistics Tables

Criminal Offenses	Campus and Residence Hall Totals						Non Campus Property			Public Property		
Year Reported	2019	2019	2020	2020	2021	2021	2019	2020	2021	2019	2020	2021
Year Total/Residence Hall Total	Total	RH	Total	RH	Total	RH						
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			

Hate Crimes	Campus and Residence Hall Totals						Non-Campus Property			Public Property*		
Year Reported	2019	2019	2020	2020	2021	2021	2019	2020	2021	2019	2020	2021
Year Total/Residence Hall Total	Total	RH	Total	RH	Total	RH						
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)

*Please see pages 10-11 for all public property data.

VAWA Offenses	Campus and Residence Hall Totals						Non-Campus Property			Public Property*		
Year Reported	2019	2019	2020	2020	2021	2021	2019	2020	2021	2019	2020	2021
Year Total/Residence Hall Total	Total	RH	Total	RH	Total	RH						
Domestic Violence	0	0	0	0	0	0	0	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 and Residence Hall Totals						Non-Campus Property			Public Property*		
Year Reported	2019	2019	2020	2020	2021	2021	2019	2020	2021	2019	2020	2021
Year Total/Residence Hall Total	Total	RH	Total	RH	Total	RH						
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			

Disciplinary Rererrals	Campus and Residence Hall Totals						Non-Campus Property			Public Property*		
Year Reported	2019	2019	2020	2020	2021	2021	2019	2020	2021	2019	2020	2021
Year Total/Residence Hall Total	Total	RH	Total	RH	Total	RH						
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			

Public Property

The BYU London Centre is located at 27 Palace Ct, London W2 4LP, United Kingdom, with access to both Palace Ct and Ossington St. The MPS is the law enforcement agency with jurisdiction in the area and has published annual crime statistics for all London boroughs, including the borough in which the London Centre is currently located (Westminster). The official source for these statistics is: <https://www.met.police.uk/sd/stats-and-data/met/year-end-crime-statistics-21-22/> (last visited September 2022). Please note that BYU does not control this data, which is subject to change by the MPS. This data is included on the following pages.

Unfounded Crimes

The BYU London Centre has zero unfounded crimes for 2019-2021.

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)

*Please see pages 10-11 for all public property data.

Westminster Borough Public Property Crime Statistics Table: 2019 - 2020

Basic Command Unit (BCU)

All

Borough Operational Command Unit (BOCU)

All

		Offences & Sanction Detection Count				Percentage Change		Sanction Detection Rate	
		Type / Financial Year				Type / Financial Year		Type / Financial Year	
		Offences		Sanction Detections		Offences	Sanction Detectio..	Sanction Detections	
		fy18-19	fy19-20	fy18-19	fy19-20	fy19-20	fy19-20	fy18-19	fy19-20
Arson and Criminal Damage	Arson	2,020	1,985	160	149	-1.73%	-6.88%	7.92%	7.51%
	Criminal Damage	54,804	53,615	4,458	3,630	-2.17%	-18.57%	8.13%	6.77%
	Total	56,824	55,600	4,618	3,779	-2.15%	-18.17%	8.13%	6.80%
Burglary	Burglary - Business and Community	21,217	20,583	2,060	1,928	-2.99%	-6.41%	9.71%	9.37%
	Burglary - Residential	60,086	57,433	1,866	1,809	-4.42%	-3.05%	3.11%	3.15%
	Total	81,303	78,016	3,926	3,737	-4.04%	-4.81%	4.83%	4.79%
Drug Offences	Drug Trafficking	2,766	2,820	2,078	2,526	1.95%	21.56%	75.13%	89.57%
	Possession of Drugs	36,333	44,986	17,377	18,608	23.82%	7.08%	47.83%	41.36%
	Total	39,099	47,806	19,455	21,134	22.27%	8.63%	49.76%	44.21%
Historical Fraud and Forgery	Historical Fraud and Forgery	0	0	2	0		-100.00%		
	Total	0	0	2	0		-100.00%		
Miscellaneous Crimes Against Society	Abducting from Lawful Custody	40	65	19	12	62.50%	-36.84%	47.50%	18.46%
	Aiding Suicide	0	0	0	0				
	Bail Offences	53	121	21	16	128.30%	-23.81%	39.62%	13.22%
	Bigamy	19	16	1	1	-15.79%	0.00%	5.26%	6.25%
	Concealing an Infant Death Close to Birth	1	0	1	0	-100.00%	-100.00%	100.00%	
	Dangerous Driving	359	308	267	237	-14.21%	-11.24%	74.37%	76.95%
	Disclosure, Obstruction, False or Mislea..	67	50	21	12	-25.37%	-42.86%	31.34%	24.00%
	Exploitation of Prostitution	26	21	4	9	-19.23%	125.00%	15.38%	42.86%
	Forgery or Use of Drug Prescription	43	57	7	10	32.56%	42.86%	16.28%	17.54%
	Fraud or Forgery Associated with Driver..	107	105	31	18	-1.87%	-41.94%	28.97%	17.14%
	Going Equipped for Stealing	488	528	360	382	8.20%	6.11%	73.77%	72.35%
	Handling Stolen Goods	681	687	464	486	0.88%	4.74%	68.14%	70.74%
	Making, Supplying or Possessing Article..	604	545	160	140	-9.77%	-12.50%	26.49%	25.69%
	Obscene Publications	2,364	2,491	258	297	5.37%	15.12%	10.91%	11.92%
	Offender Management Act	265	234	141	109	-11.70%	-22.70%	53.21%	46.58%
	Other Forgery	831	741	66	55	-10.83%	-16.67%	7.94%	7.42%
	Other Notifiable Offences	1,813	1,765	69	89	-2.65%	28.99%	3.81%	5.04%
	Perjury	17	8	2	2	-52.94%	0.00%	11.76%	25.00%
	Perverting Course of Justice	676	560	153	131	-17.16%	-14.38%	22.63%	23.39%
	Possession of False Documents	366	260	194	132	-28.96%	-31.96%	53.01%	50.77%
	Profiting From or Concealing Proceeds ..	373	313	291	351	-16.09%	20.62%	78.02%	112.14%
	Soliciting for Prostitution	78	32	60	15	-58.97%	-75.00%	76.92%	46.88%
	Threat or Possession With Intent to Co..	2,002	2,067	195	128	3.25%	-34.36%	9.74%	6.19%
	Wildlife Crime	9	3	5	2	-66.67%	-60.00%	55.56%	66.67%
	Total	11,282	10,977	2,790	2,634	-2.70%	-5.59%	24.73%	24.00%
Possession of Weapons	Other Firearm Offences	18	61	11	31	238.89%	181.82%	61.11%	50.82%
	Other Knife Offences	0	0	0	0				
	Possession of Article with Blade or Point	3,525	3,070	1,982	1,924	-2.18%	-1.32%	20.71%	20.89%
	Possession of Firearm with Intent	367	359	76	75	-10.83%	15.92%	51.00%	66.29%
	Possession of Firearms Offences	702	626	358	415	-13.23%	-2.35%	63.22%	71.14%
	Possession of Other Weapon	3,363	2,918	2,126	2,076	-12.91%	-2.93%	56.23%	62.67%
	Total	7,975	7,034	4,553	4,521	-11.80%	-0.70%	57.09%	64.27%
Public Order Offences	Other Offences Against the State, or Pu..	6,455	6,439	2,442	2,383	-0.25%	-2.42%	37.83%	37.01%
	Public Fear Alarm or Distress	33,205	36,411	2,252	1,926	9.66%	-14.48%	6.78%	5.29%
	Racially or Religiously Aggravated Publi..	9,549	10,465	1,287	1,138	9.59%	-11.58%	13.48%	10.87%
	Violent Disorder	56	65	22	43	16.07%	95.45%	39.29%	66.15%
	Total	49,265	53,380	6,003	5,490	8.35%	-8.55%	12.19%	10.28%
Robbery	Robbery of Business Property	2,468	2,936	345	347	18.96%	0.58%	13.98%	11.82%
	Robbery of Personal Property	31,919	37,096	1,619	2,072	16.22%	27.98%	5.07%	5.59%
	Total	34,387	40,032	1,964	2,419	16.42%	23.17%	5.71%	6.04%
Sexual Offences	Other Sexual Offences	12,211	12,315	1,049	1,113	0.85%	6.10%	8.59%	9.04%
	Rape	8,354	7,892	223	298	-5.53%	33.63%	2.67%	3.78%
	Total	20,565	20,207	1,272	1,411	-1.74%	10.93%	6.19%	6.98%
Theft	Bicycle Theft	20,351	19,565	224	215	-3.86%	-4.02%	1.10%	1.10%
	Other Theft	121,333	127,788	1,874	1,535	5.32%	-18.09%	1.54%	1.20%
	Shoplifting	43,459	46,137	5,919	4,786	6.16%	-19.14%	13.62%	10.37%
	Theft from Person	45,965	53,728	446	608	16.89%	36.32%	0.97%	1.13%
	Total	231,108	247,218	8,463	7,144	6.97%	-15.59%	3.66%	2.89%
Vehicle Offences	Aggravated Vehicle Taking	921	1,083	196	202	17.59%	3.06%	21.28%	18.65%
	Interfering with a Motor Vehicle	15,708	17,083	342	337	8.75%	-1.46%	2.18%	1.97%
	Theft from a Motor Vehicle	69,660	81,821	483	516	17.46%	6.83%	0.69%	0.63%
	Theft or Taking of a Motor Vehicle	30,765	30,458	592	575	-1.00%	-2.87%	1.92%	1.89%
	Total	117,054	130,445	1,613	1,630	11.44%	1.05%	1.38%	1.25%
Violence Against the Person	Homicide	122	145	121	122	18.85%	0.83%	99.18%	84.14%
	Violence with Injury	78,141	76,275	12,563	10,585	-2.39%	-15.74%	16.08%	13.88%
	Violence without Injury	137,767	145,625	12,987	11,220	5.70%	-13.61%	9.43%	7.70%
	Total	216,030	222,045	25,671	21,927	2.78%	-14.58%	11.88%	9.88%
Grand Total		864,892	912,760	80,330	75,826	5.53%	-5.61%	9.29%	8.31%

Westminster Borough Public Property Crime Statistics Table: 2021

End of Year 2021/22 TNO Crime Dashboard (data refreshed on April 8 2022)											
How to adjust the size of the dashboard											
Basic Command Unit (BCU)											
Borough Operational Command Unit (BOCU)											
Apply these filter(s) to update the visuals											
Offences & Sanction Detection Count											
Crime Section	Crime Group	Offences	Offence % Change from Previous Financial Year	fy21-22 Sanction Detections	SD % Change from Previous Financial Year	SD Rate	Offences	Offence % Change from Previous Financial Year	fy20-21 Sanction Detections	SD % Change from Previous Financial Year	SD Rate
Arson and Criminal Damage	Arson	46	2.2%	6	20.0%	13.0%	45	-15.1%	5	66.7%	11.1%
	Criminal Damage	2,276	18.9%	210	-8.7%	9.2%	1,915	-15.5%	230	27.8%	12.0%
	Total	2,322	18.5%	216	-8.1%	9.3%	1,960	-15.5%	235	28.4%	12.0%
Burglary	Burglary - Business and Community	1,045	2.5%	115	-30.3%	11.0%	1,020	-61.5%	165	-3.5%	16.2%
	Burglary - Residential	1,438	2.3%	53	-24.3%	3.7%	1,406	-32.7%	70	4.5%	5.0%
	Total	2,483	2.3%	168	-28.5%	6.8%	2,426	-48.8%	235	-1.3%	9.7%
Drug Offences	Drug Trafficking	184	-42.5%	132	-57.3%	71.7%	320	120.7%	309	191.5%	96.6%
	Possession of Drugs	2,893	-1.5%	843	-2.1%	29.1%	2,937	-16.5%	861	-12.7%	29.3%
	Total	3,077	-5.5%	975	-16.7%	31.7%	3,257	-11.1%	1,170	7.1%	35.9%
Historical Fraud and Forgery	Historical Fraud and Forgery	0		1	0.0%		0		1		
	Total	0		1	0.0%		0		1		
Miscellaneous Crimes Against Society	Absconding from Lawful Custody	2		1		50.0%	0		0		
	Aiding Suicide	0		0			0		0		
	Bail Offences	0	-100.0%	0	-100.0%		2	-33.3%	1	-50.0%	50.0%
	Bigamy	0	-100.0%	0			1		0		0.0%
	Concealing an Infant Death Close to Birth	0		0			0		0		
	Dangerous Driving	14	-17.6%	18	157.1%	128.6%	17	88.9%	7	-12.5%	41.2%
	Disclosure, Obstruction, False or Misleading Statements etc.	1	-80.0%	0	-100.0%	0.0%	5	150.0%	2	100.0%	40.0%
	Exploitation of Prostitution	2	0.0%	0	0.0%	0.0%	2	0.0%	0	-100.0%	0.0%
	Forgery or Use of Drug Prescription	2	100.0%	0	-100.0%	0.0%	1	-80.0%	1	0.0%	100.0%
	Fraud or Forgery Associated with Driver Records	2		1	0.0%	50.0%	0	-100.0%	1		
	Going Equipped for Stealing	21	-53.3%	13	-61.8%	61.9%	45	36.4%	34	47.8%	75.6%
	Handling Stolen Goods	39	21.9%	23	9.5%	59.0%	32	-42.9%	21	-48.8%	65.6%
	Making, Supplying or Possessing Articles for use in Fraud	36	50.0%	12	20.0%	33.3%	24	-57.1%	10	-44.4%	41.7%
	Obscene Publications	234	-41.1%	31	40.9%	13.2%	397	649.1%	22	266.7%	5.5%
	Offender Management Act	0		0			0		0		
	Other Forgery	40	37.9%	2	-50.0%	5.0%	29	-53.2%	4	300.0%	13.8%
	Other Notifiable Offences	23	21.1%	5	400.0%	21.7%	19	111.1%	1	-66.7%	5.3%
	Perjury	0		0			0		0		
	Perverting Course of Justice	22	-12.0%	3	-50.0%	13.6%	25	13.6%	6	50.0%	24.0%
	Possession of False Documents	9	-10.0%	3	-62.5%	33.3%	10	-44.4%	8	-38.5%	80.0%
	Profiting From or Concealing Proceeds of Crime	15	-57.1%	27	0.0%	180.0%	35	25.0%	27	-3.6%	77.1%
	Soliciting for Prostitution	0		0			0		0		
	Threat or Possession With Intent to Commit Criminal Damage	64	33.3%	5	-28.6%	7.8%	48	-20.0%	7	40.0%	14.6%
	Wildlife Crime	0		0			0		0		
	Total	526	-24.0%	144	-5.3%	27.4%	692	64.4%	152	-2.6%	22.0%
Possession of Weapons	Other Firearm Offences	10	900.0%	0	0.0%	0.0%	1	-50.0%	0	-100.0%	0.0%
	Other Knife Offences	0		0			0		0		
	Possession of Firearm with Intent	7	40.0%	0	-100.0%	0.0%	5	-44.4%	2	-60.0%	40.0%
	Possession of Firearms Offences	36	63.6%	13	-27.8%	36.1%	22	-76.6%	18	0.0%	81.8%
	Possession of Other Weapon	136	23.6%	92	-2.1%	67.6%	110	-34.1%	94	-18.3%	85.5%
	Possession of Article with Blade or Point	157	15.4%	108	8.0%	68.8%	136	-34.0%	100	16.3%	73.5%
	Total	346	26.3%	213	-0.5%	61.6%	274	-42.7%	214	-4.9%	78.1%
Public Order Offences	Other Offences Against the State, or Public Order	387	25.6%	133	-2.2%	34.4%	308	-17.6%	136	12.4%	44.2%
	Public Fear Alarm or Distress	2,444	35.0%	173	8.8%	7.1%	1,811	-19.5%	159	8.2%	8.8%
	Racially or Religiously Aggravated Public Fear, Alarm or Distress	912	28.3%	157	-0.6%	17.2%	711	-14.9%	158	71.7%	22.2%
	Violent Disorder	23	-46.5%	17	-15.0%	73.9%	43	616.7%	20	400.0%	46.5%
	Total	3,766	31.1%	480	1.5%	12.7%	2,873	-17.1%	473	29.9%	16.5%
Robbery	Robbery of Business Property	1,946	-6.2%	264	-6.4%	13.6%	2,074	-29.2%	282	-16.3%	13.6%
	Robbery of Personal Property	22,446	8.0%	1,890	-13.6%	7.5%	20,782	-44.0%	1,956	-5.4%	9.4%
	Total	24,392	6.7%	1,954	-12.7%	8.0%	22,856	-43.0%	2,238	-6.9%	9.8%
Sexual Offences	Other Sexual Offences	15,921	42.8%	1,274	-5.9%	8.0%	11,153	-9.1%	1,354	21.9%	12.1%
	Rape	9,264	23.7%	398	11.5%	4.3%	7,489	-5.3%	357	19.4%	4.8%
	Total	25,185	35.1%	1,672	-2.3%	6.6%	18,642	-7.6%	1,711	21.3%	9.2%
Theft	Bicycle Theft	21,134	-13.0%	228	-27.6%	1.1%	24,280	24.2%	315	47.9%	1.3%
	Other Theft	102,828	46.0%	810	-33.1%	0.8%	70,430	-44.7%	1,210	-20.2%	1.7%
	Shoplifting	35,303	13.7%	2,968	-14.6%	8.4%	31,047	-32.8%	3,475	-27.5%	11.2%
	Theft from Person	46,274	89.4%	338	-12.2%	0.7%	24,432	-54.4%	385	-36.3%	1.6%
	Total	205,539	36.9%	4,344	-19.3%	2.1%	150,189	-39.1%	5,385	-24.4%	3.6%
Vehicle Offences	Aggravated Vehicle Taking	665	-19.6%	153	-29.8%	23.0%	827	-26.0%	218	8.5%	26.4%
	Interfering with a Motor Vehicle	11,400	-16.2%	263	-39.7%	2.3%	13,609	-20.3%	436	29.8%	3.2%
	Theft from a Motor Vehicle	63,311	2.4%	301	-43.0%	0.5%	61,823	-24.4%	528	3.5%	0.9%
	Theft or Taking of a Motor Vehicle	28,568	14.5%	412	-26.0%	1.4%	24,942	-17.9%	557	0.5%	2.2%
	Total	103,944	2.7%	1,129	-35.1%	1.1%	101,201	-22.3%	1,739	8.6%	1.7%
Violence Against the Person	Homicide	126	-3.1%	119	-3.3%	94.4%	130	-13.9%	123	0.8%	94.6%
	Violence with Injury	76,199	15.7%	8,949	-17.4%	11.7%	65,868	-13.8%	10,838	2.3%	16.5%
	Violence without Injury	166,046	9.2%	11,495	-15.8%	6.9%	152,074	4.4%	13,646	22.0%	9.0%
	Total	242,371	11.1%	29,563	-16.4%	12.3%	218,072	-1.8%	24,607	12.3%	11.3%
Grand Total		834,394	11.9%	69,249	-17.4%	8.3%	745,482	-18.5%	83,818	10.6%	11.2%

Reporting Crimes and Emergencies

Whom Do I Contact?

The MPS has jurisdiction over all law enforcement-related issues occurring on campus. Crimes in progress, suspicious circumstances, and other campus law-enforcement needs should be immediately reported to MPS.

The BYU London Centre encourages the accurate and prompt reporting of all crimes and emergency situations. Students and employees should immediately report all emergency criminal incidents to MPS, or other law enforcement agencies as appropriate, even if the victim of a crime does not or is unable to report the crime. Immediate reporting allows MPS to provide assistance, initiate investigations, and identify crimes and situations that pose an immediate or ongoing threat to campus so that the university can issue a timely warning if needed.

Contact information for MPS is listed below. Additional contact information for MPS and a link for a non-emergency online contact form can be found on the MPS website at <https://www.police.uk/pu/your-area/metropolitan-police-service/lancaster-gate/>. Individuals wishing to report information or meet with an officer in person are invited to visit the MPS station at 99-101 Ladbroke Road, London, W11 3PL.

Local Law Enforcement Authorities

MPS Westminster Borough

The MPS has jurisdiction over law enforcement issues within London and is an important partner in student safety. Students who experience crime while off campus, including those residing in off-campus housing, should

promptly report all crimes and emergency situations to the MPS. There are no agreements between BYU and MPS for the investigation of alleged criminal offenses.

Pastoral and Professional Counselors

A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. 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 to professional counselors who are not university employees but are under contract to provide counseling to the campus community.

Generally, pastoral counselors and professional counselors are not required to report crimes they learn of in their roles as counselors. The pastoral or professional counselor exemption is intended to encourage individuals to seek counseling services without concerns that the counselor will disclose confidential information. This is similar to the privilege provided under certain circumstances to doctors and attorneys; however, all legally recognized privileges contain some exemptions, and there are certain situations in which counselors are under a legal obligation to report crimes.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but who is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be a counselor for purposes of the Clery Act. For example, a BYU PhD counselor-trainee acting under the supervision of a professional counselor is acting as a professional counselor. University professional counselors and ecclesiastical counselors are encouraged to make individuals aware of BYU's compliance hotline as a confidential and anonymous means to report a crime that has occurred in the past.

Not all university employees qualify for the professional counselor exemption. For example, a dean of students who has a professional counselor's license, but who is employed by the university only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed

Crime Reporting Contacts

Westminster Metropolitan Police
Emergency: 999
Non-emergencies: 101

Compliance Hotline
Telephone: 1-888-238-1062
Online: Visit compliance.byu.edu and click on the hotline button

by BYU as both a professional counselor and an academic counselor, and the dean learns of a criminal incident while engaged in academic counseling, the dean 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 (CSA), and the roles cannot be separated, that individual is considered a CSA and is obligated to report Clery Act Crimes of which they are aware.

An individual who is counseling students and/or employees, who does not meet the Clery Act definition of a pastoral or professional counselor and who has been designated a CSA is not exempt from CSA reporting obligations.

Campus Security Authorities

The MPS is the preferred contact for reporting campus crimes. However, students and employees may also report criminal incidents to campus security authorities (CSAs), who are individuals who have responsibility for campus security, the authority to institute corrective measures for Title IX purposes, or significant responsibility for student and campus activities, including student housing, student discipline, and campus judicial proceedings. The individuals, departments, and organizations listed below are currently designated as CSAs for BYU. CSA designations may change from year to year as individual responsibilities are modified. Any student wishing to report a Clery Act Crime to a CSA can find the CSA's contact information in the campus directory located at <https://my.byu.edu> under the "Communication" tab or in the box to the right.

CSAs are responsible for reporting all allegations of Clery Act Crimes that are reported to them while they are acting in their role as a London Centre CSA to the Clery Act compliance coordinator. CSAs may also report Clery Act Crimes to MPS. 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 those responsibilities, such as acting as a faculty advisor to a club.

Compliance Hotline

Crimes may be reported anonymously through BYU's compliance hotline, either by phone or online. The university contracts with EthicsPoint, a third party, to provide the hotline for reporting nonemergency incidents. 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 compliance hotline allows reporting on a voluntary and confidential basis, either by phone or online. The compliance hotline should be used if individuals are uncomfortable reporting suspected compliance violations through normal reporting lines, have a concern over retaliation, or if other direct internal resolution mechanisms have not resolved a

compliance issue. Individuals should not use the 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 violence should be reported directly to the Title IX Office. Those who use the hotline to make a report should 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. A link to the hotline can be found on the Integrity and Compliance Office website, or at <https://secure.ethicspoint.com/domain/media/en/gui/17652/index.html>. Crimes can also be reported anonymously to local law enforcement. Visit <https://crimestoppers-uk.org/give-information> to learn more.

Assistance for Victims

A victim of a Clery Act Crime may submit a written request for a report describing the disciplinary actions taken by BYU against the perpetrator of the crime. To request a 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 local law enforcement 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 behalf of the victim.

BYU London Centre CSAs

- Alan Phillips
On-Site director—London Centre
0794-967-8175 or alan_phillips@byu.edu
- Stanley Benfell
director—Kennedy Center 1-801-422-8110
or benfell@byu.edu
- Lynn Elliott
director—International Study Programs
1-801-422-6422 or elliottl@byu.edu
- Landes Holbrook
senior manager—Global Security, Safety & Health
801-422-4302 or landes_holbrook@byu.edu

Emergency Notification, Response, and Evacuations

BYU Risk Management and Safety provides information about emergency management resources on their website at <https://risk.byu.edu/>. MPS is responsible for responding to and investigating significant emergencies and dangerous situations. The London Fire Brigade and London Ambulance Service respond to fire and medical emergencies on campus. BYU has established an Emergency Operations Plan (EOP), which describes the university's emergency management organization, policies, and response guidelines for the campus.

This plan is in addition to other response plans such as business continuity plans. The EOP is an all-hazards plan that addresses incidents including but not limited to fire, flood, extreme weather, earthquake, terrorism, acts of violence, and other potential disasters. In the event of a campus emergency, these plans and related policies direct the command structure for emergency response, assign roles and responsibilities, and guide steps the university will take. The EOP can be found at the Risk Management and Safety's website referenced above.

Timely Warnings

The resident director, London Centre faculty directors, and the International Study Programs director comprise the Timely Warning and Emergency Notification Committee (Committee). The Committee will issue timely warnings for allegations of Clery Act Crimes in Clery Geography reported to the BYU London Centre that represent a serious or continuing threat to faculty, staff, and students.

The Committee will determine whether the situation represents a serious or continuing threat to employees and students based on the nature of the crime reported and the continuing danger to the campus community, determine the content, and issue a warning. The content of a timely warning will avoid compromising law enforcement efforts and will maintain victim confidentiality while providing sufficient information to prevent similar incidents and notify the campus community of steps individuals can take.

Emergency Notification

The Committee will also without delay issue an emergency notification to faculty, students, and staff upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate or impending threat to health or safety. The Committee will take into account the safety of the campus community, determine whether the situation involves an immediate threat, determine the content of the notification, determine the segment or

segments of campus to receive a notification, and issue a notification.

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

Should the incident or threat impact the larger community, MPS will determine whether the London area residents should be alerted. Any necessary follow-up information may be sent following an emergency notification. Evacuation and/or shelter-in-place alert directions may be given.

Emergency Notification System

Timely warnings and emergency notifications and follow up information will be issued through the campus emergency notification system using all or a portion of the following:

- mass email
- cell phones
- mobile messaging app
- fire alarm system
- notices on bulletin boards
- announcement sessions/student meetings

More Information about emergency preparation tips can be found at <https://emergencymanagement.byu.edu/>.

Email and Texts

To receive notification and warning messages by way of text messaging and email, campus members must register their information online via their myBYU personal account (<https://my.byu.edu>). If students, faculty, or employees carry cell phones, they can enter their numbers into the Campus Emergency Alert Contact Information field found on the contact tab of BYU's Personal Information pages (accessible through myBYU). Doing so allows them to be contacted via text message in case of an emergency. Even if a cell phone number is already listed with BYU, the number must be listed in the emergency contact field in order for students and employees to receive alerts. Normal texting fees apply to these messages.

Testing

On an annual basis, the London Centre will test the mass email and, personal cell phone, elements of the emergency notification system. The test is unannounced and will send the campus community a text message that is similar to the following: "This is a test of the alert 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. The university publicizes its emergency notification and evacuation procedures in conjunction with the testing of the alert system.

Evacuations and Evacuation Drills

In the event a situation results in evacuation of the London Centre, building alarms will alert building occupants to evacuate the building. The emergency notification system may also be activated to provide instructions to the campus community.

COVID-19

COVID-19 was identified as a threat to student safety in March 2020. As the pandemic continued through 2021, BYU took steps to protect students and employees from its spread. Due to the pandemic and changing state and local health restrictions, some of the events and safety programs described in this report were modified to meet current health advisories.

Future local health advisories may result in the modification or cancellation of planned programs and events. Please contact program coordinators for scheduling information about training and safety programs. For up-to-date information about BYU’s efforts to combat COVID-19, please visit <https://www.byu.edu/coronavirus/>. In the event a situation related or similar to COVID-19 warrants emergency notification to some or all of the campus community, the university will follow its established emergency notification procedures described in this report.

Security of Campus and Facilities and On Campus Housing

Reporting a Hazard

Individuals should report hazardous conditions or safety concerns to the local authorities as well as the London Centre director.

Metropolitan Police Service

Emergency: 999

Non-emergencies: 101

London Centre faculty director

Alan Phillips: 0794-967-8175

Fire

Emergency: 999

Non-Emergency: 020-8555-1200

Deaf and Hard of Hearing: 020-960-3629

Emergency SMS For the Deaf and Hard of Hearing 020-960-3629

<https://www.emergencysms.net/>

BYU fire marshal

801-422-6880

The MPS provides all law enforcement services for the Centre. MPS officers regularly patrol Palace Court and work closely with the London Centre directors. All crimes committed at the Centre or against Centre students, faculty, or staff, should be immediately reported to the MPS.

On-Campus Housing

BYU students participating in the London Centre program are housed in several rooms in 27 Palace Court and partially in 29 Palace Court. Each student participant of the Centre receives a briefing on safety and security concerns of the building and the surrounding area in the pre-program prep class. This information will be reviewed once the students arrive at the Centre at the start of the term or semester. Entrance to the Centre is closely regulated and students are encouraged to lock their windows to prevent unregulated access.

Only student participants, directors, cleaners, and maintenance personnel are allowed to enter student bedrooms. Family visitors and other guests are not allowed into the student living areas, though they may make accompanied visits to the public areas of the Centre. The resident director is responsible for the maintenance of campus facilities. Hazards should be reported to the resident director.

Fraternities and Off-Campus Student Organizations

BYU does not recognize off-campus student organizations or fraternities at the London Centre, and no London Centre students live off campus.

Campus Security

Law enforcement-related services are provided by the MPS Westminster Borough. For an in-depth view of the MPS Westminster Borough, go to <https://www.met.police.uk/a/your-area/met/westminster/lancaster-gate/>.

Reporting a Hazard

Individuals should report hazardous conditions or safety concerns to the local authorities as well as the London Centre director.

Missing Student Notification Policy and Procedure

Annually, the university will inform every student who lives in on-campus student housing of the opportunity to provide the name and contact information of one or more individuals to serve as a contact for missing persons purposes (Missing Persons Contact). The Missing Persons Contact may be different from the student's general emergency contact. Students may designate their Missing Persons Contact on the myBYU "Personal Information" tab (log on to myBYU > click on "Update my Personal Information" link > select "Contact" tab > click on "Emergency Contact" link). The Missing Persons Contact will be registered confidentially, will be accessible only to authorized campus officials, and will not be disclosed except to law enforcement personnel in furtherance of a missing person investigation.

Students, employees, or other individuals who have reason to believe that a student in on-campus housing has been missing from campus for more than 24 hours should immediately alert one of the following:

- MPS Westminster Borough (0300-123-1212)
- International Study Program director (1801-422-6244)
- Dean of Students Office (1801-422-2731)
- London Centre resident director (0207-221-7480)
- faculty director (0207-229-6093)

Upon determination by the faculty director or local law enforcement that a student is missing, London Centre personnel will notify the student's emergency contact within 24 hours. If the student is under 18 years of age (and not emancipated), the student's custodial parent or legal guardian will also be contacted within 24 hours. Any report of a student missing from on-campus housing, including reports from individuals not affiliated with the university, must be immediately referred to MPS regardless of how long the student is believed to have been missing. After determining that a student is missing, MPS will initiate a missing person investigation and MPS or London Centre personnel will notify the following:

- BYU Kennedy Center director
- International Study Program
- student designated emergency contact

In cases where local law enforcement did not make the initial determination that a student is missing, the London Centre will notify local law enforcement within 24 hours of the missing student determination.

Crime Prevention and Campus Security Programs

Theft Prevention Tips

Theft is a commonly 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.
- 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.

Crime Prevention and Campus Security Programs

The London Centre is a remarkable place to live, work, and study. The Centre is not immune to criminal activity. BYU's crime prevention programs and measures, though effective, are not substitutes for each person's responsibility to practice good safety habits. Preventing and reducing crime requires a community effort.

To promote the security of the campus community, BYU offers programs designed to do the following:

- inform students and employees about campus security procedures and practices
- encourage students and employees to be responsible for their own security and the security of others
- educate students and employees about the prevention of crimes

Information is provided below about trainings and programs available to students and employees at the London Centre. Additional trainings and programs are available to students and employees, including incoming students and new employees, at the Provo campus prior to and following their time at the London Centre.

Taking Responsibility for Security Programs

International Study Abroad Programs

Safety and security training is provided to all students traveling abroad through the study program in which they are enrolled prior to departure. The training includes information from the Title IX Office. Additional information may be obtained from the Kennedy Center for International Studies.

Kennedy Center for International Studies

101 HRCB BYU

801-422-3686 or 801-422-3377

kennedy@byu.edu

Individuals traveling or planning to travel abroad should also visit the U.S. Department of State website (<http://www.state.gov/>) for further information pertaining to travel tips, warnings, and other pertinent information.

Crime Prevention Programs

The following programs are available 24/7 online.

Terrorism

Learn to be aware of the indicators of terrorism and terrorism-related crime, as well as the importance of reporting suspicious activity to national and local law enforcement. For more information about reporting suspicious or terrorist activity in the London area, please visit. <https://www.met.police.uk/advice/advice-and-information/t/terrorism-in-the-uk/>.

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 flashlight, pepper spray, 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.

Active Shooter Training

In the unlikely event of an active shooter on campus, the resources below can help prepare you to know how to react and act in a way that increases your safety.

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." To view this video, go to <https://police.byu.edu/> and click on the "Flashpoint" icon on the Campus Safety section of the home page.

Shots Fired

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

20 to Ready Active Shooter

For information on what to do during an active shooter incident, individuals can watch a short video called "20 to Ready: Active Shooter" on the BYU Police website. The video describes how to 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:

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

Risk Reduction

No victim is responsible for the actions of an attacker. However, individuals can take steps to reduce the risk of dating violence, domestic violence, sexual assault, and stalking (Sexual Violence).

- Avoid jogging alone, and avoid jogging or walking near dense shrubbery where assailants might hide. Always stay near well-lighted paths and walkways at night, carry a cell phone to summon help, and let friends or family know where you are going and when you will return.
- Lock windows and doors, and close drapes and blinds while dressing and after dark.
- Be extremely cautious when responding to personal ads or using social media and dating apps to meet new people. Furthermore, remain cautious when deciding to meet someone you have only connected with online or over the phone.
- Be cautious about sharing intimate pictures or videos of yourself with anyone, or with someone you don't know. Report to police any threats to distribute or take intimate pictures or videos without your consent. Never share intimate pictures or videos of anyone else without their consent.
- 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. 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 dates. 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 home and car doors to reduce the risk of having unwanted visitors.
- Ask a friend to walk with you if you're uncomfortable walking alone on campus at night.

Educational Awareness Programs and Campaigns

BYU offers programs and conducts campaigns to educate the campus community about Sexual Violence. These events, campaigns, and trainings are sensitive, consistent with campus values, culturally relevant, responsive to the needs of the campus community, inclusive of diverse communities and identities on campus, sustainable, and assessed for value and effectiveness. More information including program descriptions and frequency of offerings can be found by visiting the Title IX website at <https://titleix.byu.edu>. Additionally, online training modules available to students and employees are available 24/7 at <https://training.byu.edu>.

Bystander Intervention

The only person responsible for an act of Sexual Violence is the perpetrator, but every member of the campus community has the ability—and responsibility—to look out for the safety of others. 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 involving Sexual Violence—and supports the use of safe and positive options for bystander intervention, such as the C.A.R.E. Model. The

How Can I Help?

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.

- Listen. Be there. Communicate without judgment.
- Encourage the victim to seek medical attention immediately and 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.

C.A.R.E. Model of bystander intervention helps individuals be aware of the following options to prevent Sexual Violence. Although there is no single "right" way to intervene, the following are four basic steps to take to be an engaged bystander.

- Create a Distraction. Act reasonably to interrupt the situation.
- Ask Questions. Talk directly to the person who might be in trouble.
- Refer to an Authority. Contact a neutral party with the authority to change the situation, like a resident assistant, security guard, or another employee.
- Enlist Others. Enlist the assistance of another person to help.

More information about being an engaged bystander and supporting survivors of Sexual Violence can be found on the BYU Title IX website.

Information and Resources for Victims of Sexual Violence

Sexual Harassment Policy and Related Procedures

The university prohibits sexual harassment, which includes Sexual Violence, by its personnel and students in its education programs and activities. It has adopted a Sexual Harassment Policy, which defines the terms "consent," "dating violence," "domestic violence," "sexual assault," and "stalking," and describes prohibited conduct. It has also adopted Sexual Harassment Grievance Procedures (Title IX) and Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence) that establish the university's response to reports of sexual harassment, including Sexual Violence.

The policy and procedures are attached as Appendix B, Appendix C, and Appendix D. The policies are also available online at <https://policy.byu.edu/view/sexual-harassment-policy>, and <https://policy.byu.edu/view/sexual-harassment-grievance-procedures-title-ix>, and <https://policy.byu.edu/view/sexual-harassment-grievance-procedures-non-title-ix-sexual-violence>.

The university will, upon written request, disclose to an alleged victim of a crime of violence (as that term is defined in 18 U.S.C. § 16) or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by BYU against a student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of such crime or offense, the victim's next of kin will be treated as the alleged victim.

Confidentiality and Amnesty

Being a victim of Sexual Violence is never a violation of the Church Educational System Honor Code. The university strongly encourages the reporting of all incidents of Sexual Violence to the Title IX Coordinator so that supportive measures can be offered to victims and Sexual Violence can be prevented and addressed.

The university recognizes that victims or witnesses of Sexual Violence may be hesitant to report an incident to university officials if they fear the discovery of honor code violations. To help address this concern and to encourage the reporting of Sexual Violence, the Title IX Office will not share the identity of a victim or witness with the Honor Code

Office unless requested by such person or a person's health or safety is at risk.

Anyone who reports an incident of Sexual Violence 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. See the university's Sexual Harassment Policy in Appendix B for more information.

Campus and Community Resources

The university has many resources available to help individuals who have experienced Sexual Violence. Victims can receive confidential assistance by contacting the Title IX Office. When a student or employees reports an incident of Sexual Violence, whether the offense occurred on or off campus, the university will provide a written explanation of the student's or employee's rights and options. The Title IX Office will provide written notification about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, academic and housing accommodations, and other services available for victims, both within the institution and in the community.

In addition, the Title IX Office will provide written information to students and employees about options for available assistance and how to request changes to academic, living, transportation, and working situations or protective orders.



Accommodations and protective measures will remain confidential to the extent that maintaining confidentiality will not impair the university's ability to provide them. These protective measures are available regardless of where the situation occurred and regardless of whether the victim chooses to report to local law enforcement. To contact the Title IX Office please visit <https://titleix.byu.edu/titleix/contact-us>. For information regarding institutional policies and procedures for disciplinary action in response to allegations of Sexual Violence, please see the university's Sexual Harassment Policy and corresponding procedures in Appendices B, C, and D.

Additionally, victims should contact the MPS for assistance with orders of protection, "no-contact" orders, restraining orders, or similar lawful orders issued by a criminal or civil court or by the institution.

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.

Procedures to Follow After An Incident of Sexual Violence

Seek Medical Attention Immediately

If you are a victim of Sexual Violence, seek medical attention immediately. You can request a free sexual assault examination by contacting the police or by visiting any hospital emergency room. The exam provides care to minimize the risk of sexually transmitted diseases

Resources

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

Voices of Courage:
Creating a Culture of Non-violence
<https://wsr.byu.edu/voices-of-courage>

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

BYU Sexual Assault Survivor Advocacy Services
<https://advocates.byu.edu/>

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.

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 have taken action to, you should still seek medical attention as soon as possible—even if some time has passed since the assault. Preserving evidence may assist in proving that a criminal offense occurred and may be helpful in obtaining a protective order and in a criminal investigation.

Seek Support

Please do not feel you need to deal with Sexual Violence 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 24 hours a day to assist you. Contact them by calling 801-422-3035 or contact BYU Security dispatch at 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 or 801-422-3589; 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 to report Sexual Violence may be difficult. Making a report to law enforcement is a decision left entirely up to the victim, and victims always have the right to decline to notify law enforcement. For those who want to notify law enforcement, the Title IX Office is available to assist with this notification. Crimes that occur on and off campus should be reported to the police department of the city in which the incident took place. Publicly available information, such as this report, do not contain any personally identifiable information. Crimes reported to a campus security authority can also be reported to law enforcement confidentially at the victim's request.

As a United States citizen traveling abroad you may seek help from the United States Embassy located in London at 33 Nine Elms Ln, Nine Elms, London SW11 7US, UK. Please see <https://uk.usembassy.gov/u-s-citizen-services/> and the U.S. State Department travel advisory webpage at <https://travel.state.gov/content/travel/en/international-travel/emergencies/crime.html> and Victim Support Services (UK) at <https://www.victimsupport.org.uk/help-and-support/your-rights> for more information on assistance available to you. Please note that BYU cannot represent you in legal proceedings. You can see <https://titleix.byu.edu/resources> for legal assistance and other information. Please see <https://titleix.byu.edu/reporting> for more information about university response to a report of Sexual Violence.

Registered Sex Offenders

In accordance with federal and state laws, the university provides notice of any employees and students who are registered sex offenders. This information is available through BYU Police. BYU Police can be contacted at 801-422-0911. There is no publicly available sex offender registry in the United Kingdom

Local Police Information

Metropolitan Police

Emergency: 999

Met Police Notting Hill Station (Not 24 Hours):

99-101 Ladbroke Road

W11 3PL

Dial 101

Kensington Police Station (24 Hour Operation):

72-74 Earls Court Road

W8 6EQ

Dial 101

Anonymous Crime Reporting

0800-555-111

Alcohol, Tobacco, and Drugs

Brigham Young University encourages and sustains an environment that promotes the health, safety, and welfare of all university members. 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 to violating university policy, the possession, use, or distribution of alcohol by or to anyone under the age of 21 is also a violation of state law.

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. Visitors are prohibited from possessing or consuming illegal drugs, alcoholic beverages, or tobacco on campus. This report includes the university's Drug-Free School Policy and Drug-Free Workplace Policy, which each describe university and legal sanctions for inappropriate drug use; this report 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. Educational training programs, health information, preliminary evaluations, and counseling for possible referral for outside medical assistance are available. The university's Substance Abuse Prevention Services provides confidential assistance with drug and alcohol abuse problems. Contact any of the offices listed to the right for assistance with drug or alcohol abuse. Counselors in these offices are experienced professionals.

They offer support for students in an atmosphere of understanding and confidentiality. Persons aware of university students or employees who are experiencing substance abuse problems are encouraged to consult with a BYU counselor. 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. To report drug- or alcohol-abuse-related public safety concerns, please contact MPS. Individuals may also contact the Honor Code Office to report BYU policy violations.

Drug-Free School Policy

A copy of the university's Drug-Free School Policy is attached as Appendix E. It is also available online at <https://policy.byu.edu/view/drug-free-school-policy>.

Drug-Free Workplace Policy

A copy of the university's Drug-Free Workplace Policy is attached as Appendix F. It is also available online at <https://policy.byu.edu/view/drug-free-workplace-policy>.

Drug or Alcohol Assistance

Counseling and Psychological Services

1500 WSC
801-422-3035

Employee Assistance Program

1-844-280-9629
<https://myeaphelper.mybeaconwellbeing.com/>

Substance Abuse Prevention Services

1500 WSC
801-422-1942

Health Risks

Information about the consumption of alcohol, including an interactive human body tool, and alcohol addiction resources are available at <https://www.collegedrinkingprevention.gov/SpecialFeatures/Default.aspx>. Information about the health risks associated with drug abuse can be found at <https://nida.nih.gov/publications/drugs-brains-behavior-science-addiction/addiction-health>.

FIRE SAFETY REPORT



In 2008, Congress passed the College Opportunity and Affordability Act, which requires institutions that provide on-campus student housing to prepare an annual fire safety report. The London Centre's report contains fire data for campus housing for 2019-2021 and the following:

- fire data for campus housing for 2019-2021
- the causes of fires for each year
- student housing fire safety policies
- fire safety education and training
- on-campus housing fire safety systems
- fire evacuation and reporting procedures

The BYU London Centre maintains one on-campus housing facility: 27 Palace Court, London W2 4LP, United Kingdom.

2019-2021 Reported Fire Statistics

No fires were reported at the London Centre (27 Palace Ct, London W2 4LP, United Kingdom) for 2019, 2020, or 2021.

Fire Evacuation Procedures

When a fire alarm sounds:

- Close windows and doors.
- Walk or crawl to the nearest exit. (Exit routes are posted in the rooms and throughout the buildings.)
- Do not use elevators.
- Assemble in a pre-designated area where London Centre personnel will attempt to take a head count.
- Do not re-enter the building until cleared to do so by London Centre personnel, a fire officer, or a police officer.

When residents discover a fire:

- Activate the fire alarm system and then leave the building, shouting and knocking on doors as they leave.
- Only attempt to rescue others if they can do so safely.
- Do NOT attempt fighting a serious fire.

Who to Call:

London Fire Brigade

Emergency: 999

Non-emergency: 020-8555-1200

London Centre faculty director:

0207-229-6093

London Fire Brigade text number for the deaf and hard of hearing: 020-960-3629

BYU Fire Marshal:

801-636-3033

Student Housing Fire Safety Policies

Portable Electrical Appliances

Portable electrical appliances, including space heaters are not allowed in the bedrooms of student on-campus housing, with the exception of personal refrigerators provided by the university. The university recommends that only UL-approved irons and popcorn poppers be used in designated areas.

Smoking

BYU is a non-smoking university. Smoking is not allowed in or around any BYU housing facility.

Open Flames and Fireworks

Incense, candles, and open flames are not allowed in any housing facility. Barbecues are permitted only in designated areas. University policy strictly prohibits the possession and/or discharge of fireworks or any type of explosive device in or around all housing facilities.

Fire Safety Education and Training

At the beginning of each semester, new students and staff are trained on fire safety in on-campus housing. All housing guidelines and policies are posted on BYU's on-campus housing website. Under the direction of the Centre, procedures regarding what to do in case of a fire, including how and when to evacuate, are discussed and reviewed with each student every semester or term.

Reporting Fires

For immediate fire response, call 999 or 020-8555-1200. For record keeping and statistical reporting, all fires discovered by students or employees must be reported to the London Centre directors. The London Centre directors forward these reports to the BYU Fire Marshal.

On-Campus Housing Fire Safety Systems

The London Centre facility has an electronic fire and smoke detection/alarm system with integrated manual pull stations. Fire alarm horns are strategically located throughout the building. London Centre housing does not have an automated sprinkler system. No future improvements in fire safety have been determined necessary at this time.

Fire Log

Federal law requires universities to provide notice throughout the year about fires occurring in on-campus housing. BYU maintains a daily fire log of reported fires. To view the fire log please contact London Centre administration. Reported on-campus housing fires are included in the fire log within two business days of a report.

Fire Drills

Each group at the Centre is instructed on fire evacuation soon after they arrive at the London Centre. No formal fire drills were conducted in 2021.

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.

1. Investigation

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

1.1 Preliminary Investigation and Dismissal

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

- would not constitute Sexual Harassment, even if proved;
- did not occur in 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.

1.2 Selection of the Investigator

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

1.3 Notice of Allegations

Upon receipt of a Formal Complaint, the Investigator will promptly collect the information necessary to prepare a written Notice of Allegations and will provide 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 15 business days of receiving the Notice of Allegations or becoming aware of the facts on which the Formal Complaint is based, whichever is later. Allegations in any Formal Complaint received under this paragraph may be consolidated or separated as provided in the Sexual Harassment Policy.

If, in the course of an investigation, the Investigator decides to investigate 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.

1.4 Information Gathering

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

1.5 Investigation Record

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

1.6 Final Written Response

After the Investigator sends the Investigation Record to the Parties, they will have 10 business days to submit a written response, which the Investigator will consider prior to completing the Investigative Report. Any written response and any additional evidence provided in connection with a Party’s final written response will be added to the Investigation Record.



1.7 Investigative Report

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

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

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

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

2. Hearing

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

2.1 Live Hearings

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



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

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

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

2.2 Decision Makers

The hearing will be held before a Decision Maker designated by the Title IX Coordinator (the Presiding Decision Maker) 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.

2.3 Written Submissions

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

2.4 Opening and Closing Statements

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

2.5 Investigation Record

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



2.6 Witnesses

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

2.7 Direct and Cross-Examination of Parties and Witnesses

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

2.8 Relevance

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

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



2.9 Determination Regarding Responsibility

The Decision Makers will objectively evaluate all evidence relevant to the allegations in the Notice of Allegations—including both information tending to show the Respondent’s responsibility for Sexual Harassment and information tending to show the Respondent is not responsible—and must unanimously determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent is responsible for Sexual Harassment. The Decision Makers will not require, allow, rely 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 business days after it is delivered to the Parties, unless an appeal is filed within 10 business 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.

3. Appeal

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

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

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

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

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



- The Reviewer of a determination involving a student Respondent, including a student employee, will be the 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.

4. General Provisions

4.1 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.

4.2 Confidentiality

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

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

4.3 Advisors

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



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

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

4.4 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 business days after they are posted by U.S. Mail to the Party's residential address on file with the university.

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



4.5 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: 31 Jan 2022

PRIOR VERSION: 10 Dec 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](#)
 - [Banning Policy](#)
 - [Campus Crime Awareness, Prevention, and Reporting Policy](#)
 - [Campus Security Timely Warning Notice Policy](#)
 - [Church Educational System Honor Code](#)
 - [Discrimination Complaint Procedures](#)
 - [Faculty Discipline and Termination Policy](#)
 - [Faculty Grievance Policy](#)
 - [Honor Code Investigation and administrative Review Process](#)
 - [Minor Protection Policy](#)
 - [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.

1. Investigation

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

1.1 Preliminary Investigation and Dismissal

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

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

The Title IX Coordinator may also dismiss a Formal Complaint or may suspend an investigation if a Complainant notifies the Title IX Coordinator in writing that the Complainant would like to

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.

1.2 Selection of the Investigator

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

1.3 Notice of Allegations

Upon receipt of a Formal Complaint, the Investigator will collect the information necessary to prepare a written Notice of Allegations and will provide the notice to the known Parties at least five 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 15 business days of receiving the Notice of Allegations or becoming aware of the facts on which the Formal Complaint is based, whichever is later. Allegations in any Formal Complaint received under this paragraph may be consolidated or separated as provided in the Sexual Harassment Policy.



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

1.4 Information Gathering

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

The Investigator will seek to collect information sufficient for 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.

1.5 Investigation Record

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



1.6 Investigative Report

At least 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.



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

The Determination Regarding Responsibility must include the following:

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



- a Determination Regarding Responsibility
 - 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.

3. Appeal

A Party who is unsatisfied with the Decision Makers' Determination Regarding Responsibility (Appealing Party) or notice of dismissal may submit an appeal within 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 calendar days of receiving the appeal, the Reviewer will simultaneously provide the Parties and the Title IX Coordinator with a written Determination Regarding Responsibility upholding, reversing, or amending all or part of the original Determination Regarding Responsibility and providing the Reviewer's rationale for the result. If the Reviewer cannot reasonably consider and resolve the appeal within 30 calendar days, the Reviewer will simultaneously advise the Parties as to when the appeal decision will be provided. The Reviewer's Determination Regarding Responsibility is final, and no further review will be allowed.

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



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

4. General Provisions

4.1 Impartiality

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

4.2 Confidentiality

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

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

4.3 Advisors

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

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



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

4.4 Notice, Delivery of Documents, and Extensions of Time

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

Delivery of documents occurs when a Party receives documents in person, when they are sent by email to the Party's email address on file with the university, or three business 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.

4.5 Record Keeping

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

APPROVED: 31 Jan 2022

PRIOR VERSION: 10 Dec 2020

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](#)
 - [Banning Policy](#)
 - [Campus Crime Awareness, Prevention, and Reporting Policy](#)
 - [Church Educational System Honor Code](#)
 - [Discrimination Complaint Procedures](#)
 - [Faculty Discipline and Termination Policy](#)
 - [Faculty Grievance Policy](#)
 - [Honor Code Investigation and Administrative Review Process](#)
 - [Minor Protection Policy](#)
 - [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 the [Church Educational System Honor Code](#) (Honor Code), which includes a personal commitment to abstain, both on and off campus, from alcoholic beverages, tobacco, tea, coffee, vaping, and substance abuse. The possession, use, or distribution of illegal drugs or alcohol is prohibited.

The 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.

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.

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

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



sanctions pursuant to federal, state, or local law. A student or employee who violates this policy or the related prohibitions on alcohol, tobacco, vaping, and substance abuse in the Honor Code will be subject to applicable disciplinary sanctions up to and including dismissal from the university or termination of employment.

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

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

Available Drug Counseling and Treatment

The university supports student and personnel participation in programs to prevent alcohol and tobacco use, vaping, use of illegal drugs, and abuse of prescription drugs.

Substance Abuse Prevention Services (SAPS), a service housed in Counseling and Psychological Services (CAPS), has been established to provide students with confidential assistance for drug and alcohol abuse problems. Students in need of these services, or who are concerned about another student, can visit 1500 WSC, call 801-422-1942, or email saps@byu.edu for assistance. Students who reach out will be contacted by a trained counselor who can help connect them with training programs, health information, preliminary evaluations, and counseling for possible referral to an outside medical provider. CAPS counselors are experienced professionals who offer support for students in an atmosphere of understanding and confidentiality. Student meetings with CAPS counselors are confidential unless there is a threat of harm to self or others, a student reveals abuse of a child or vulnerable adult, or in the case of legal subpoenas. 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 [Employee Assistance Program](#) (EAP), offered through Deseret Mutual Benefit Administrators, provides personnel with confidential assistance related to substance abuse, mental health, goal achievement, and more. Personnel can seek assistance from EAP by calling 1-844-280-9629 or visiting <https://myeaphelper.mybeaconwellbeing.com/>.



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

- The university educates students and personnel about the detrimental effects of illegal drugs, misuse of prescription drugs, alcohol, and tobacco through the university's Clery Act annual security report (Security Report) publication and distribution. Additional educational training may consist of university-sponsored workshops, seminars, informational materials, and lectures as determined appropriate by the SAPS director and approved by university administration.
- A description of the health risks associated with any particular drug (e.g., physical and psychological addiction; physical, psychological, and spiritual deterioration; disease; and death) may be obtained from the university's [Security Report](#), which 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 [Security Report](#), which can be requested in hard-copy form from BYU Police.
- Students and personnel involved in intentional alcohol or tobacco use, vaping, or substance abuse may seek a consultative interview through SAPS for possible referral to an outside medical provider. All discussions will be handled in a confidential manner to the extent permitted by law.

Personnel and students should cooperatively help one another to solve alcohol, tobacco, vaping, and substance abuse problems. Persons aware of those with substance abuse problems enrolled at or employed by the university are encouraged to act responsibly by consulting with SAPS, 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: 24 May 2021

PRIOR VERSION: 6 Jan 2014

APPLICABILITY: This policy applies to all members of the campus community.

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](#)
- [Volunteer Policy](#)

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 24 Feb 2021]

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)

RESOURCES: [Employee Assistance Program](#)

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

RELATED POLICIES:

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

