

2023 BYU Salt Lake Center Annual Security Report



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Resource Phone Numbers

Police and Security

Emergency.....	911
Salt Lake City Police Department.....	801-799-3000
Church Security	801-240-2771

Fire

Emergency.....	911
Salt Lake City Fire Department.....	801-799-3473
BYU Fire Marshal	801-636-3033

Alcohol and Drug Abuse Counseling

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

Counseling & Victim Assistance

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

Domestic Violence and Sexual Assault

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

Resource Phone Numbers

Health Care

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

Health Information, Confidential Evaluation, and Counseling

BYU Comprehensive Clinic.....	801-422-7759
BYU Counseling and Psychological Services	801-422-3035

Reporting Hazards

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



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

This report is provided in compliance with federal law and contains reports of Clery Act Crimes occurring on or near the BYU Salt Lake Center campus in 2022, and the previous two years. 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 here at BYU and in the Salt Lake 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 Salt Lake Center campus a safe and secure place to help prepare students for lifelong learning and service.

Sincerely,

Chris Autry

Chris Autry
Managing Director of BYU Police & BYU Security

What is the Clery Act?

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a 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.



Jeanne Clery

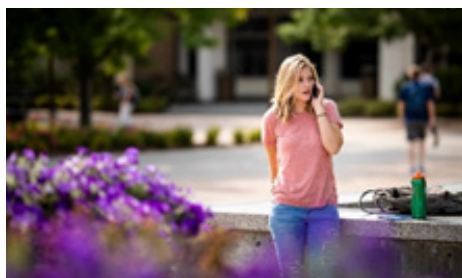
Clery Act Annual Security Report Preparation

This document is designed to provide students and employees with information concerning personal safety and university policies and to comply with federal law. The university Clery Act compliance coordinator prepares and publishes the report annually by compiling updated policy information, and relevant crime data 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 at 801-422-0559 or via email to clery@byu.edu.

BYU Salt Lake Center Fire Report

The BYU Salt Lake Center does not have student housing and does not recognize noncampus student organizations. Due to a lack of residence halls or other campus housing, no fire report is required or included with the Annual Security Report for BYU's Salt Lake Center campus.

Preparation of Annual Security Report Crime Statistics



The Clery Act requires universities to disclose statistics annually for certain reported crimes 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 areas of the Triad Center that are owned or controlled by BYU and frequented by students, and public property within or immediately adjacent to campus (Clery Geography). The BYU Salt Lake Center does not have any noncampus buildings or property, nor does it officially recognize student organizations with noncampus facilities. Therefore, all off-campus locations, including all student residences, are policed by local law enforcement, and student criminal activity occurring in off-campus locations is not reflected in this report's crime statistics.

Reported Crime Statistics

Statistics for this report are collected by the Clery Act Compliance Coordinator from the following sources for the years 2020-2022:

- The Salt Lake City Police Department (SLCPD)
- Campus Security Authorities (CSAs) (described later in this report)

- BYU's compliance hotline (a confidential, anonymous hotline)
- Church Security Department (CSD)

The crime statistics in the crime statistics tables, contain the number of Clery Act Crimes reported for each category of criminal offenses for a three-year period. Clery Act Crimes means arson, aggravated assault, burglary, dating violence, domestic violence, fondling, incest, motor vehicle theft, murder, manslaughter, rape, robbery, statutory rape, and stalking; intimidation, larceny, simple assault, and vandalism motivated by bias; and arrests and referrals for campus disciplinary actions for violations involving drugs, alcohol, and weapons. Appendix B contains the definitions for all Clery Act Crimes.

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 or 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 the university to record all criminal incidents and alleged criminal incidents that are reported to CSD. To comply with this requirement, the Salt Lake Center maintains a daily crime log of reported incidents that includes the nature, date, time, general location,

and disposition, if known, of crimes that occur within the Clery Geography. This log is provided and maintained by CSD, which is located on the main floor of the Ensign College building.

The crime log is available for review by contacting Bonnie Soderborg at the BYU Salt Lake Center. Criminal activity reported to CSD is entered in the crime log within two business days of receiving a report. To ensure the confidentiality of victims, the crime log does not include personally identifiable information.

The following pages contain data tables describing the reported Clery Act Crimes for BYU's Clery Geography for the period from January 2020 through December 2022. Crime statistics 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 himself or herself, the victim, or the alleged perpetrator by reporting through BYU's compliance hotline.

2020-2022 Reported Crime Statistics

Criminal Offenses	Campus Property			Noncampus Property (None)			Public Property		
Year Reported	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	1	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	1
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	1	0	0	0	0	2	0
Arson	0	0	0	0	0	0	0	0	0

Hate Crimes	Campus Property			Noncampus Property (None)			Public Property		
Year Reported	2020	2021	2022	2020	2021	2022	2020	2021	2022
Murder/Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Rape	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Larceny-Theft	0	0	0	0	0	0	0	0	0
Simple Assault	0	0	0	0	0	0	0	0	0
Intimidation	0	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	0	0	0	0	0	0	0	0	0

*RH=Residence Hall

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

VAWA Crimes	Campus Property			Noncampus Property (None)			Public Property		
Year Reported	2020	2021	2022	2020	2021	2022	2020	2021	2022
Domestic Violence	0	0	0	0	0	0	1	1	2
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

Arrests	Campus Property			Noncampus Property (None)			Public Property		
Year Reported	2020	2021	2022	2020	2021	2022	2020	2021	2022
Weapons Possession Law Violation	0	0	0	0	0	0	0	0	1
Drug Law Violations	0	0	0	0	0	0	1	1	2
Liquor Law Violations	0	0	0	0	0	0	0	0	1

Disciplinary Referrals	Campus Property			Noncampus Property (None)			Public Property		
Year Reported	2020	2021	2022	2020	2021	2022	2020	2021	2022
Weapons Possession Law Violation	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

Unfounded Crimes

During the years covered in this report, no Clery Act Crime reported to have occurred at the Salt Lake Center was known to be "unfounded" by sworn or commissioned law enforcement personnel. Therefore, BYU did not withhold any reports of Clery Act Crimes from the 2020 – 2022 reported crime statistics

*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)

BYU Salt Lake Campus Law Enforcement and Security

Report a Hazard

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

Salt Lake Center
Administration
801-933-9436

Church Physical Facilities
Department
801-240-9333

CSD
Emergency: 801-240-2771
Non-emergencies: 801-240-2661

Jay Young, Center director
801-933-9436

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

Police

Law enforcement-related services for the BYU Salt Lake Center are provided by the Salt Lake City Police Department (SLCPD). Crimes, suspicious activity and circumstances, and medical emergencies may be reported to SLCPD by calling 9-1-1. Officers are available twenty-four hours a day. Similar criminal incidents or activities may also be reported to campus security authorities and via the compliance hotline. Students are also encouraged to report emergency and non-emergency criminal situations to CSD. There are no agreements between either BYU or the Church Security Department (CSD) and SLCPD for the investigation of alleged criminal offenses.

CSD

The BYU Salt Lake Center campus does not maintain a campus police department. Security at the Triad Center where BYU Salt Lake Center is located is provided through a joint contract between tenants of the Center and CSD. The CSD is composed of highly trained and experienced security personnel. The CSD officers receive regular training in firefighting, physical and personal safety, first aid, CPR, self-defense, and crime prevention. By contract, the CSD provides security services for the BYU Salt Lake Center only within the geographical area of the Triad Center. CSD works closely with the SLCPD concerning all criminal incidents.

CSD is the preferred initial contact point for reporting crimes on campus. However, campus crimes may be reported to the SLCPD either directly, or after contacting the CSD. Emergencies should be reported to CSD at 801-240-2771. In many situations CSD officers can respond before local police and will maintain and secure the area until police, fire, or medical assistance can arrive. If CSD becomes aware of a crime, emergency, or a dangerous situation, CSD will notify the SLCPD dispatch immediately. Individuals may also contact CSD for non-law enforcement assistance. CSD is responsible for assisting with security within the Salt Lake Center and non-criminal response on campus. CSD also responds to suspicious circumstances, and patrols in buildings and around the Salt Lake Center. CSD officers do not have authority to make arrests, and refer all criminal matters to SLCPD. However, CSD may detain a suspect in compliance with Utah state laws for citizen arrest.

Assistance for Victims

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.

Reporting Crimes and Emergencies

Crime Reporting Contacts

Salt Lake City Police

Emergency: 911

Non-emergencies: 801-799-3000

475 South 300 East
Salt Lake City, Utah



CSD

Emergency: 801-240-2771

Non-emergencies: 801-240-2661

The following is informed by university policy, including the Campus Crime Awareness, Prevention, and Reporting policy, available at policy.byu.edu and in the appendix to this report.

Reporting a Crime

The SLCPD has jurisdiction over all law enforcement-related issues occurring on campus. Crimes in progress, suspicious circumstances, emergency situations, and other campus law-enforcement needs should be immediately reported to the CSD by dialing 801-240-2771. Crimes and emergencies will immediately be relayed SLCPD or other authorities. Students and employees are strongly encouraged to report all criminal and suspicious activity to CSD in a timely manner. Immediate reporting allows CSD to identify crimes and situations that pose an immediate or ongoing threat to the campus community and prevent future crime. Students and employees should immediately report all emergency criminal incidents to CSD, or law enforcement agencies as appropriate, even if the victim of a crime does not or is unable to report the crime. Immediate reporting allows the police 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 or emergency notification if needed.

Contact information for CSD and the SLCPD is listed to the left. Additional contact information for the SLCPD and a link for a non-emergency online contact form can be found on the police website at www.slcpd.com/. Individuals wishing to report information or meet with an officer in person are invited to visit the SLCPD at 475 South 300 East, Salt Lake City.

CSD

CSD is available twenty-four hours a day, seven days a week by dialing 801-240-2661 (non-emergency contact number), which will connect the caller directly to the CSD's Global Security Operations Center (GSOC). GSOC operators are able to deploy whatever resources the incident may require, including police, fire, CSD officers and emergency medical services simultaneously. Crime reports received by CSD are referred to the SLCPD, and included in the BYUSLC crime log, and are evaluated for statistical inclusion in this report.

Salt Lake City Police Department

The SLCPD has jurisdiction over law enforcement issues within Salt Lake City and is an important partner in student safety. Students who experience crime while in Salt Lake City should promptly report all crimes and emergency situations to the SLCPD. To learn more about the SLCPD, please visit their website at www.slcpd.com/.

Reporting Crimes of Sexual Assault

The university strongly encourages the reporting of all incidents of Sexual Assault so that support can be offered, and Sexual Assault can be prevented and addressed. Being a victim of Sexual Assault is never a violation of the Church Educational System Honor Code (see Sexual Harassment Policy).

Reporting Sexual Assault to Law Enforcement

Making a report of Sexual Assault to law enforcement is a personal decision. Individuals experiencing Sexual Assault have the right to make a report or decline to make a report to law enforcement. Law enforcement can help individuals obtain protective and restraining orders. The university's Title IX Office can assist with obtaining "no contact" letters. BYU cannot represent students and employees in legal proceedings relating to Sexual Assault, but general information about the different types of court orders is available on the Utah Courts website at utcourts.gov/en/self-help/categories/protect-order.html. University support and resources are available to those who report Sexual Assault to law enforcement, including assistance in notifying officers. Support and resources are also available to those who do not wish to notify law enforcement.

Reporting Sexual Assault to the Title IX Office

Individuals may report Sexual Assault to the university's Title IX Office. As described in the university's Sexual Harassment Policy, 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, online, or by electronic mail.

Pastoral and Professional Counselors

Pastoral and Professional Counselors (Counselors) may provide advice, support, and guidance to victims of crimes as well as information about crime reporting options. Counselors are exempt from reporting Clery Act Crimes that they learn of while acting in the role of Counselor. A discussion with a Counselor is not considered a report of a Clery Act Crime to the university or a request that any action be taken by the university in response to an allegation.

Campus Security Authorities

The CSD is the preferred contact for reporting campus crimes, and is the designated contact for emergency and dangerous criminal and non-criminal reports. However, students and employees may also report Clery Act Crimes to SLCPD and CSAs who are individuals who have responsibility for campus security, or significant responsibility for student and campus activities, including student housing, student discipline, and campus judicial proceedings. The individuals, listed to the right are currently designated as CSAs for the Salt Lake Center. CSA designations may change from year to year as individual responsibilities are modified. A Campus Security Authority who receives a report of a Clery Act Crime must inform CSD so the crime can be included in the university's daily crime log and officials can determine whether to issue a timely warning to the campus community about the crime.

Compliance Hotline

Individuals may also submit reports of crimes, including anonymous reports, through EthicsPoint (the university's

24-hour hotline provider) by telephone at 888-238-1062, or by submitting information online at the Compliance Hotline website. The hotline should not be used to report a crime in progress, an emergency, or any other event presenting an immediate threat to a person or property. Generally, concerns regarding criminal activity should be reported to the applicable local law enforcement agency. Crimes reported through the compliance hotline are also evaluated for statistical inclusion in this report.

Reports that are submitted through the compliance hotline are evaluated by leadership from BYU's Office of the General Counsel, Integrity and Compliance Office, and Risk Management, who decide how to respond to the report or to which office the report properly should be directed. Those who report anonymously through the compliance hotline should follow up regularly, either by internet or phone, to answer any subsequent questions.. Pastoral counselors and professional counselors, if and when they deem it appropriate, are encouraged by the university to inform the persons they are counseling of the option to anonymously report crimes through the compliance hotline.

The compliance hotline can 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. 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 byu.edu/hotline.

BYU Salt Lake Center CSAs

- Jay Young, Center director
336 SLC,
801-933-9436
jay.young@byu.edu
- Bonnie Soderborg, student services
335 SLC,
801-933-9435
bonnie.soderborg@byu.edu

I want to ...[Make a Report Online](#)

Make a Report by Phone
888-238-1062

[Follow-up on a Report](#)[Read Hotline Procedures](#)

Emergency Telephones

Code Blue emergency telephones and communication stations are located in the parking areas that serve the BYU Salt Lake Center campus and are easily identifiable by large blue lights mounted on the stations. These stations are operated, maintained, and monitored by the Facilities and Security departments of The Church of Jesus Christ of Latter-Day Saints. Emergency telephones are under surveillance 24 hours a day, 7 days a week by cameras and have two-way communication capability. Assistance may be requested 24 hours a day, 7 days a week at any of these stations by picking up the telephone handset or pressing the call button located on each station. The person requesting assistance can then communicate with the security command center, located in the 4 Triad Building adjacent to the Ensign College building. The security officer receiving the request can view on the camera the person who is making the request and can immediately dispatch a security officer to that location if needed.

BYU Responses to Reports of Criminal Actions or Other Emergencies on Campus

The following is informed by university policy, including the Campus Crime Awareness Prevention and Reporting Policy, the Emergency Management and University Continuity Policy, and the Emergency Operations Plan. BYU students and employees may review all university policies at policy.byu.edu and the university's Emergency Operations Plan at emergencymanagement.byu.edu/campus-emergency-plans. BYU Risk Management and Safety provides information about emergency management resources on their website at risk.byu.edu/. The SLCPD is responsible for responding to and investigating significant emergencies and dangerous situations. The Salt Lake City Fire Department responds to medical and fire 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. University employees and students can review the EOP at emergencymanagement.byu.edu/campus-emergency-plans.

Warnings and Notifications

The University has developed decision-making tools to guide the process of confirming if an emergency or dangerous situation is currently taking place on campus. Upon receiving a report of an emergency or dangerous situation on campus, or a report of a criminal situation threatening campus, those responsible for safety on campus follow established procedures to evaluate the report and determine if a timely warning or emergency notification is necessary. Clery Act Crimes reported to a pastoral counselor in a privileged conversation may not result in the issuance of a timely warning.

The Timely Warning Committee is responsible for issuing timely warnings for the Salt Lake Center. The Committee is comprised of the Center director, the associate director, the academic and operations admin, the BYUSLC librarian, the facilities manager, and the CSD supervisor. If a determination is made that a warning or notification may be needed, the following processes will be followed.



Timely Warnings

After consulting with relevant law enforcement and university officials, and considering all reliable and available sources of relevant information, the Committee will issue timely warnings for allegations of Clery Act Crimes in Clery Geography reported to the SLCPD, CSD, or other CSAs, 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, and will determine the content, of the warning.

If the committee is unable to convene, the Center director, the associate director, the academic and operations admin, the BYUSLC librarian, and the facilities manager are each authorized to send a warning or notification as needed. 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 Notifications

The Committee will issue an emergency notification to students and employees upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate or impending threat to health or safety. The Committee will determine whether the situation involves an immediate threat, identify the segment of campus requiring an emergency notification, determine the content of the notification, and issue a notification. An emergency notification will not be issued if it will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the



university issues an emergency notification, it will not issue a timely warning based on the same circumstance. Follow up information will be sent to the campus community using the same communications methods listed for emergency notifications.

Timely Warning and Emergency Notification Communications

Timely warnings and emergency notifications and follow up information will be issued to the campus community through an alert via the mass notification software from the Global Security Operations Center. Emergency alert contact information registered by students and employees is connected to the emergency notification system, allowing registered individuals to receive text messages and e-mail alerts. Evacuation and/or shelter-in-place alert directions will be given if necessary.

Students and employees should listen for and follow instructions from CSD and other authorized emergency response personnel. Should the incident or threat impact the larger community, the SLCPD will determine whether and how Salt Lake City residents should be alerted. In the event of a timely warning or emergency notification, an alert will be sent by the emergency notification system using all or a portion of the following:

- Campus emergency notification system (email, text)
- Notices on bulletin boards (located on the third floor west entrance of the Salt Lake Center)
- Public address system
- BYU Salt Lake Homepage—information about campus conditions

More about emergency preparation can be found at emergencymanagement.byu.edu/ and risk.byu.edu.

Email and Text Messages

In an emergency, the GSOC system will be used to alert the campus community. To receive notifications and warnings

by way of text messaging to personal devices and email, campus members must register their information online via their MyBYU personal account (my.byu.edu). If students, faculty, or employees carry cell phones, they can enter their cell phone 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.

Salt Lake City Emergency Notification System

Students and employees who would like to be alerted to emergency situations in the Salt Lake City area and receive crime alerts from the Valley Emergency Communications Committee (VECC) should visit the website (slc.gov/em/alert-registry/) to register for the city's Emergency Alert Program. Salt Lake City also uses social media to provide precautionary, advisory, and warning messages to the public. The official social media channels are @bereadyslc on Facebook, @bereadyslc on X (Twitter) and @bereadyslc Instagram

Testing

As required by university policy, at least annually, the university will test the GSOC alert system. Tests will be scheduled and may be announced or unannounced. At least annually, the university will publicize its emergency response and evacuation procedures with its test of the GSOC alert system. The university will maintain records of each test, including a description of the test, the date of the test, the time the test started and ended, and whether it was announced or unannounced, for seven years.

Evacuation Procedures and Evacuation Drills

BYU has adopted policies that direct when evacuation of all or parts of campus is necessary. If evacuation is necessary, building alarms will alert building occupants. Building occupants should immediately proceed to the nearest exit unless instructed otherwise. The BYU Emergency Management website contains helpful information about what to do in emergencies like evacuations, shelter in place, and fire safety at emergencymanagement.byu.edu/. An emergency message will likely instruct the campus community to do one of the following:

1. Evacuate. This means there is a hazard in the building. Make your way out of the building and to a safe location.



2. **Seek Shelter.** This means there is a hazard outside the building. Stay indoors, close windows and exterior doors, avoid windows and unsecured objects.
 3. **Stay Put.** This means you are safe, but you need to stay in your room or area. Stay where you are, but you may go about your business as usual.
 4. **Run, Hide, Fight.** There is a moving threat on campus. Prepare yourself mentally and physically to run, hide, and/or fight, as the situation requires. Use all your tools to stay safe.!
- campus housing facilities, noncampus housing facilities, or noncampus properties. BYU does not recognize or support fraternities, sororities, or noncampus or off-campus student organizations.

Security of Campus Facilities

The Church of Jesus Christ of Latter-day Saints Headquarters Facility Department maintains the BYU Salt Lake Center campus with a focus on safety and security. They regularly inspect campus facilities and promptly make appropriate repairs. Representatives from CSD periodically inspect the entire campus to review lighting and environmental safety concerns.

The BYU Salt Lake Center is a card access only facility. Employees, students and instructors gain access to the facility by using their BYU ID card. Visitors, delivery personnel, and others are directed to the south main entrance call box to request entrance and to be screened before entry. The BYU Salt Lake Center is locked at all times and only authorized personnel and students with proper clearance are allowed to enter. The BYU Salt Lake Center does not have any on-

Crime Prevention and Campus Security Programs

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.
- 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.

Programs on Campus Security

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

- Inform students and employees about the prevention of crimes,
- 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; and
- Educate students and employees about how to prevent crimes

Sexual Harassment Prevention Training

Sexual harassment training is available to all employees online through BYU's training system.

New Student and New Employee Orientation

New students and employees at the Salt Lake Center are given access to an online orientation available 24/7. This orientation includes general campus information as well as safety and emergency information for students and employees.

Programs On Taking Responsibility for Security

BYU offers a variety of programs and campaigns designed to inform students and employees about taking personal responsibility for security. The following are examples of programs and campaigns offered

Employee Training

The university is committed to educating members of the campus community on sexual harassment prevention and response. Training on related university policy is 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 university policy and applicable laws.

Crime Prevention Programs

BYU offers a variety of programs and campaigns designed to inform students and employees about the prevention of crimes. The following are examples of programs and campaigns offered.

The following programs are available 24/7 online at police.byu.edu:

- Flash Point—teaches violence awareness and provides the following formula: "Awareness + Action = Prevention."
- Shots Fired on Campus—explains in detail what to do in an active shooter situation.
- 20 to Ready: Active Shooter—a BYU produced video that describes how to develop a survival mindset and plan whether to run, hide, or fight when facing an active shooter.

Theft Prevention Tips

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.
- 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.

A survival mindset is a protective shield with three components: awareness, preparation, and rehearsal. If you find yourself in an active aggressor situation, you will need to decide whether to run, hide, or fight. Having a survival mindset can help in deciding what to do. 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 and domestic violence (intimate partner violence), sexual assault (Sexual Violence), and stalking.

- Avoid jogging alone, and avoid jogging or walking near dense shrubbery where assailants might hide. Always stay near well-lit 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. Close drapes and blinds while dressing and after dark.
- Be extremely cautious when 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 pictures or videos of yourself with anyone, or with someone you do not know. Report to police any threats to distribute or take pictures or videos without your consent. Never share pictures or videos of anyone else without their consent.
- Review 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 do not 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 yourself time to get to know someone well.
- Lock your home and car doors to reduce the risk of having unwanted visitors.
- Ask a friend or CSD to walk with you if you're uncomfortable walking alone on campus at night.

Dating and Domestic Violence

Domestic and dating violence can happen to anyone in any relationship. Some warning signs a relationship may be abusive include one partner having power or control over the other, verbal abuse (insulting, demeaning, degrading, shaming) financial control, non-consensual or coerced sexual activity, physical assault, threats to safety, isolation from friends and family, and destruction of property. If you are concerned that you or someone you know may be experiencing dating or domestic violence, contact help. In emergency or dangerous situations, call 9-1-1 immediately.

Other resources available to victims include law enforcement, the Title IX office and Women's Services. Victims may also speak to someone confidentially by contacting either the national domestic violence hotline (800-799-7233) or the Utah domestic violence hotline (800-897-5465). Information about domestic and dating violence is available at the National Domestic Violence Hotline website: thehotline.org/identify-abuse and the Utah Domestic Violence Coalition: udvc.org.

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.

Educational Awareness Programs and Campaigns

BYU offers programs and conducts campaigns to educate the campus community about Sexual Harassment. 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. The following educational programs and campaigns are some of the programs and campaigns available on campus. Additional information can be found at wsr.byu.edu/events-and-campaigns, titleix.byu.edu/titleix/helpful-links or other campus resources. Online training modules available to students and employees are available 24/7 at byu.myabsorb.com/#/dashboard.

Bystander Intervention

The only person responsible for an act of Sexual Assault 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 Assault—and supports the use of safe and positive options for bystander intervention, such as the C.A.R.E. Model. The C.A.R.E. Model of bystander intervention helps individuals be aware of the following options to prevent Sexual Assault. 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.
- Refers to an Authority. Contact a neutral party with the authority to change the situation, such as 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.

Procedures for Institutional Disciplinary Action in Cases of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

The following information is based on university policy, including the Sexual Harassment Policy, Sexual Harassment Grievance Procedures (Non-Title IX Sexual Violence), and Sexual Harassment Grievance Procedures (Title IX). These policies can be viewed at policy.byu.edu and in the appendix to this report.

Sexual Harassment Policy and Related Procedures

All forms of sexual harassment, including sexual assault, dating violence (intimate partner violence), domestic violence (intimate partner 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.

The university has adopted a Sexual Harassment policy and two grievance procedures ((Sexual Harassment Grievance



Procedures (Non-Title IX Sexual Violence) and Sexual Harassment Grievance Procedures (TitleIX)), which the university follows when it receives reports of alleged sexual harassment. These policies define the terms “consent,” “dating violence,” “domestic violence,” “sexual assault,” and “stalking,” and describes prohibited conduct, and contain information about institutional disciplinary actions and procedures that take place following reports of sexual harassment. The policy with applicable VAWA definitions and procedures are attached as Appendix E, Appendix F, and Appendix G. The policies are also available online at policy.byu.edu.

Victim's Rights and Options

When a student or employee reports to the university that the student or employee has been a victim of dating violence, domestic violence, sexual assault, or stalking, whether the offense occurred on or off campus, the university will provide the student or employee a written explanation of the student’s or employee’s rights and options, as described in 34 CFR §668.46(b)(11)(ii)–(vi).

Reporting

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 law enforcement and the Title IX coordinator so that supportive measures can be offered to victims and additional crimes can be prevented and addressed. As described in the university’s Sexual Harassment Policy, BYU has actual knowledge of alleged Sexual Assault (Sexual Violence) only when its Title IX coordinator receives a report. Reports may be made in person, by mail, by telephone, online, or by electronic mail.

Amnesty and Confidentiality

The university recognizes that victims or witnesses of Sexual Assault may be concerned about making a report

Resources

RAINN.org:

rainn.org/articles/help-someone-you-care-about

Voices of Courage:

Creating a Culture of Non-violence

wsr.byu.edu/voices-of-courage

BYU Title IX

titleix.byu.edu/

1085 WSC

801-422-8692

t9coordinator@byu.edu

BYU Sexual Assault Survivor Advocacy Services

advocates.byu.edu/

to university officials if they fear the discovery of honor code violations. By policy, 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 when another person's health or safety is at risk and disclosure would mitigate that risk. However, anyone found to have committed Sexual Harassment is not entitled to amnesty under the Sexual Harassment policies.

BYU will not discipline a student for honor code violations connected to a report of sexual harassment unless a person's health or safety is at risk. Students may be entitled to additional amnesty under some circumstances, such as those identified in the Utah Campus Sexual Violence Act. See Utah Code 53B-28-3 [le.utah.gov/xcode/Title53B/Chapter28/53B-28-P3.html](https://leg.utah.gov/xcode/Title53B/Chapter28/53B-28-P3.html) and the university's Sexual Harassment Policy in Appendix E for more information.

Victim, witness, perpetrator, and reporting party identities are protected by BYU as confidential and are not shared except as required by law or policy. Additionally, no personal information or other information about reported Clery Act Crimes is included in the annual security report in addition to the statistics recorded.

Campus and Community Resources

The university has many resources available to help individuals who have experienced intimate partner violence, sexual assault, or stalking—whether the offense occurred on or off campus. Victims can receive confidential assistance by contacting the Title IX Office.

When a student or employee reports any of these crimes, 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. This information is provided to victims regardless of whether or not the victim chooses to report the crime to law enforcement. The university will also 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 university 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. BYU maintains the confidentiality of any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality does not impair the ability of BYU to provide the accommodations or protective measures.

These protective measures are available regardless of where the situation occurred and regardless of whether the victim chooses to report to law enforcement. To contact the Title IX Office please visit titleix.byu.edu/titleix/contact-us. For information regarding institutional policies and procedures for disciplinary action in response to allegations of Sexual Harassment, please see the university's Sexual Harassment Policy and corresponding procedures in Appendices C, D, and E.

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 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 changingourcampus.org/. The Center for Changing Our Campus is an online resource center supported by the Office on Violence Against Women.

Local Police Authorities

Emergency: 911

Salt Lake City Police: 801-799-3000

Procedures to Follow after an Incident of Sexual Assault, Dating or Domestic Violence, or Stalking

The following information is informed by university policy, including the Campus Crime Awareness Prevention and Reporting Policy, available for view at policy.byu.edu and in the appendix.

Seek Medical Attention Immediately

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

Preserve Evidence

Preserving evidence may assist law enforcement agencies investigating reports of sexual assault or intimate partner violence and may be helpful in obtaining protective orders. Do not bathe, shower, or use toothpaste or mouthwash after an incident of sexual assault or intimate partner violence. Do not wash clothing, bed sheets, pillows, or other potential evidence. If you have showered or washed items, you should still seek medical attention as soon as possible—even if some time has passed since the assault. Victims should also retain photographs of injuries and preserve communications from the perpetrator.

Seek Support

Please do not feel you need to deal with sexual Assault, stalking, or intimate partner violence alone. Call a friend, family member, or someone with whom you feel you can talk. Confidential counselors at BYU Counseling and Psychological Services (CAPS) are also available 24 hours a day to assist you. Contact CAPS by calling 801- 422- 3035. BYU's Sexual Assault Survivor Advocacy Services (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 (titleix.byu.edu). These services are free and confidential.

Report the Crime

Deciding whether to report a crime may be difficult. Making a report of intimate partner violence, sexual assault, or stalking 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, Salt Lake City Police is the law enforcement

agency with jurisdiction for on campus crime. The Title IX Office is available to assist with notification to law enforcement. Making a report to the Title IX office means the victim can be made aware of their rights, resources available on and off campus, and university accommodations, and can be made without contacting law enforcement.

Crimes occurring off campus should be reported to the police department of the city in which the incident took place. BYU does not include personally identifying information about victims, witnesses, and other necessary parties in publicly available record keeping, including BYU Salt Lake Center's crime log and the Annual Security Report. Crimes reported to a campus security authority can also be reported to law enforcement confidentially by the CSA at the victim's request.

Law enforcement can help obtain orders of protection and restraining orders, and the police victim advocate or the Title IX Office can assist with "no contact" orders. General information about the different types of court orders is available on the Utah Courts website at utcourts.gov/en/self-help/categories/protect-order.html. Please note that BYU cannot represent individuals in legal proceedings; see titleix.byu.edu/resources for legal resources and other information. Please see titleix.byu.edu/ reporting for more information about university response to a report of Sexual Assault.

Registered Sex Offenders

In accordance with federal and state laws, states provide notice of individuals who are registered sex offenders. Information regarding registered sex offenders residing in the United States, U.S. Territories, and Indian Country is available through the National Sex Offender Public Website at nsopw.gov. This website allows for conducting a search of sex offender registries by name or location.

Alcohol and Drugs

The following is informed by university policy, including the Drug-Free School Policy and the Drug-Free Workplace Policy, both available at policy.byu.edu and in the appendix of this report.

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.

Students or employees known to be possessing, using, or distributing illegal drugs or possessing or 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 in the appendix, which each describe university sanctions for unlawful drug use.

Drug and Alcohol Abuse Education Programs

BYU connects students and employees with drug and alcohol abuse education programs, as required under section 120(a) through (d) of the Higher Education Act, otherwise known as the Drug-Free Schools and Communities Act of 1989. A description of these programs is available at deanofstudents.byu.edu/byu-drug-free-school-policy. 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 SLC Police. Individuals may

also contact the Honor Code Office to report BYU policy violations.

Drug-Free School and Drug-Free Workplace Policies

Copies of the university's current Drug-Free School Policy and Drug-Free Workplace Policy are attached as Appendix C and Appendix D. The policies are also available online at policy.byu.edu

Health Risks

Information about the consumption of alcohol, including an interactive human body tool, and alcohol addiction resources are available at collegedrinkingprevention.gov/.

Drug-Free School and Workplace Report

A link to a copy of the university's most recent biennial Drug Free School and Workplace report, and information about on campus resources can be found on the Dean of Students website at deanofstudents.byu.edu/byu-drug-free-school-policy. This report contains information about drug free school and workplace policy violations, related disciplinary action statistics, and recommendations.

Drug or Alcohol Assistance

Counseling and Psychological Services

1500 WSC
801-422-3035

Employee Assistance Program

1-844-280-9629
myeaphelper.mybeaconwellbeing.com/

Substance Abuse Prevention Services

1500 WSC
801-422-1942

Appendix A: Campus Crime Awareness, Prevention, and Reporting Policy



Campus Crime Awareness, Prevention, and Reporting Policy

This policy provides information about the promotion of on-campus safety, including the university's crime awareness and prevention efforts and the ways in which the campus community will be notified of emergency situations. This policy also identifies options for reporting crime, including dating violence, domestic violence, sexual assault, and stalking, and describes resources for crime victims. Criminal acts are contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the [Church Educational System Honor Code](#).

Definitions

Campus Security Authority means a university official who has significant responsibility for student and campus activities, including, but not limited to, campus security, student housing, and student discipline. For a list of positions designated as Campus Security Authorities, please refer to [BYU's annual security report](#).

Clery Act Crimes means arson, aggravated assault, burglary, dating violence, domestic violence, fondling, incest, motor vehicle theft, murder, manslaughter, rape, robbery, statutory rape, and stalking; intimidation, larceny, simple assault, and vandalism motivated by bias; and arrests and referrals for campus disciplinary actions for violations involving drugs, alcohol, and weapons.

Clery Act Geography means areas on campus, public property immediately adjacent to campus, and off-campus buildings or property owned or controlled by BYU.

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

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



Professional Counselor means a person whose official responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification. This includes professional counselors who are not employees of the university but are under contract to provide counseling to the campus community. An individual who is not yet licensed or certified as a counselor but is acting in that role under the supervision of an individual who meets the definition of a Professional Counselor is considered to be a Professional Counselor for the purposes of the Clery Act. An example is a BYU Ph.D. counselor-trainee acting under the supervision of a professional counselor.

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

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

Stalking means engaging in a course of conduct (two or more acts, whether in -person or electronic) 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.

Reporting a Crime

Students and employees are strongly encouraged to report all criminal and suspicious activity to BYU Police in a timely manner. Immediate reporting allows BYU Police to identify crimes and situations that pose an immediate or ongoing threat to the campus community and prevent future crime.

Individuals may also submit reports of crimes, including anonymous reports, through EthicsPoint (the university's 24-hour hotline provider) by telephone at 888-238-1062, or by submitting information online at the [Compliance Hotline website](#). The hotline should not be used to report a crime in progress, an emergency, or any other event presenting an immediate threat to a person or property. Generally, concerns regarding criminal activity should be reported to the applicable local law enforcement agency.

Reporting Clery Act Crimes

Campus Security Authority

A Campus Security Authority who receives a report of a Clery Act Crime must inform BYU Police so the university can include the crime in the university's daily crime log and determine whether to issue a timely warning to the campus community about the crime.

***Pastoral and Professional Counselors***

Pastoral and Professional Counselors (Counselors) may provide advice, support, and guidance to victims of crimes as well as information about crime reporting options. Counselors are exempt from reporting Clery Act Crimes that they learn of while acting in the role of Counselor. A discussion with a Counselor is not considered a report of a Clery Act Crime to the university or a request that any action be taken by the university in response to an allegation.

Reporting Crimes of Sexual Violence

The university strongly encourages the reporting of all incidents of Sexual Violence so that support can be offered, and Sexual Violence can be prevented and addressed. Being a victim of Sexual Violence is never a violation of the [Church Educational System Honor Code](#) (see [Sexual Harassment Policy](#)).

Reporting Sexual Violence to Law Enforcement

Making a report of Sexual Violence to law enforcement is a personal decision. Individuals experiencing Sexual Violence have the right to make a report or decline to make a report to law enforcement. Law enforcement can help individuals obtain protective and restraining orders. The university's Title IX Office can assist with obtaining "no contact" letters. BYU cannot represent students and employees in legal proceedings relating to Sexual Violence, but general information about the different types of court orders is available on the [Utah Courts website](#).

University support and resources are available to those who report Sexual Violence to law enforcement, including assistance in notifying officers. Support and resources are also available to those who do not wish to notify law enforcement.

Reporting Sexual Violence to the Title IX Office

Individuals may report Sexual Violence to the university's Title IX Office. As described in the university's [Sexual Harassment Policy](#), BYU has actual knowledge of alleged Sexual Violence only when its Title IX coordinator receives a report. Reports may be made in person, by mail, by telephone, online, or by electronic mail, at the following locations:

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



This information is also located on the [Title IX Office's website](#). Reports may be made at any time, including during nonbusiness hours, although in-person reports may only be made during regular business hours.

Written Information

Individuals reporting Sexual Violence to the Title IX Office will be provided with a written explanation of their rights and options, including the following information:

- key procedures to follow, including information about the importance of preserving evidence that may be necessary to prove Sexual Violence
- options to report the crime to law enforcement authorities, including on-campus and local police, and to obtain protective orders
- assistance in notifying law enforcement authorities, if desired
- information about how confidentiality will be protected
- counseling, health, mental health, sexual assault survivor advocacy, legal assistance, student financial aid, and other services available for victims, both within the university and in the community
- options and available assistance for requesting changes to academic, living, transportation, and working situations or protective measures, which are available regardless of whether the victim chooses to report the crime to law enforcement
- information about the university's disciplinary procedures, including amnesty
- possible sanctions or protective measures the university may impose following a final determination of an institutional disciplinary procedure

Reporting Abuse Against Minors

In accordance with the [Minor Protection Policy](#) and Utah state law, all BYU students, employees, volunteers, and contractors have a duty to immediately report suspected abuse or neglect of a minor to a law enforcement agency or the state Division of Child and Family Services. This duty applies to suspected abuse or neglect that occurs on or off campus.

Actions to Take Following Sexual Violence

An individual who has experienced recent acts of Sexual Violence should take the following actions.

Seek Medical Attention Immediately

Victims should seek medical attention immediately and can request a free sexual assault examination by contacting the police or by visiting any hospital emergency room or the BYU Student Health Center during its regular business hours. The exam provides care to minimize the risk of sexually transmitted infections and preserves evidence that will be important if the



decision is made to pursue criminal charges or a protective order. The cost of the exam is paid for by the Utah Office for Victims of Crime.

Preserve Evidence

Preserving evidence may assist law enforcement agencies investigating reports of sexual assault and may be helpful in obtaining protective orders. Individuals who experience a sexual assault and intend to report it to law enforcement should not bathe, shower, or use toothpaste or mouthwash after the incident and should not wash clothing, bed sheets, pillows, or other potential evidence until contacting law enforcement. Even if victims have not preserved evidence, they should still seek medical attention as soon as possible—even if some time has passed since the assault.

Consult with Confidential Sources of Support

Victims should talk to a friend, family member, or someone else who can provide support. The university provides confidential on-campus resources for individuals to discuss Sexual Violence even if they are not sure about reporting incidents to the Title IX Office or law enforcement. The following resources offer free and confidential services:

- Counseling and Psychological Services, caps.byu.edu
- Sexual Assault Survivor Advocacy Services, advocates.byu.edu
- Student Health Center, 801-422-2771, health.byu.edu
- University Accessibility Center, uac.byu.edu
- Women's Services and Resources, wsr.byu.edu

These confidential sources are required to submit nonidentifying, statistical information about reports of Sexual Violence to the university's Clery Act compliance coordinator for the purpose of maintaining records required by the Clery Act. They must also make reports as required by law, such as if they become aware of circumstances involving child abuse.

BYU publishes a list and description of victim resources that can be found both on and off campus on the [Title IX website](#).

Crime Awareness and Prevention Programs

Each year, BYU provides numerous programs designed to inform students and employees about campus security procedures and practices intended to prevent crime. These programs encourage students and employees to be responsible for their own security and the security of others. BYU also provides educational programs and campaigns to promote the awareness and prevention of Sexual Violence. The university encourages students and employees to participate in these programs and make the prevention and reduction of crime a campus community effort.



Crime Awareness and Prevention

Information on crime awareness and prevention can be found on the [BYU Police website](#).

Bystander Intervention

The only person responsible for a criminal act is the perpetrator, but every member of the campus community has the ability 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—and supports the use of safe and positive options for bystander intervention, such as the C.A.R.E. Model. The C.A.R.E Model of bystander intervention helps individuals be aware of the following options to prevent a crime.

- Create a Distraction. Act reasonably to interrupt the situation.
- Ask Questions. Talk directly to the person who might be in trouble.
- Refers 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 victims can be found on the [Title IX website](#).

Sexual Violence Awareness and Prevention

BYU's Title IX Office sponsors and conducts educational programs that promote the awareness and prevention of sexual harassment and Sexual Violence. Information on current programs can be found on the [Title IX website](#) and the [BYU Police website](#).

[Online training modules](#) and information about [university events](#) can be found at [the Title IX website](#).

Additional resources and information about how to respond to and prevent Sexual Violence on college and university campuses can be found on the [“Center for Changing Our Campus Culture” website](#). The Center for Changing Our Campus Culture is an online resource center supported by the Office on Violence Against Women.

Notifications to the Campus Community

The university will provide emergency information to the campus community through its Y Alert system. To receive Y Alert messages, faculty, staff, and students must register their contact information on their myBYU.edu personal accounts. Individuals can register their contact information by signing up online at the [BYU Emergency Management Warnings and Notifications website](#) to receive alerts.



Timely Warning

The Timely Warning and Emergency Notification Committee (Committee) will issue timely warnings for allegations of Clery Act Crimes in Clery Act Geography reported to the BYU Police and Security Department 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 students and employees based on the nature of the crime reported and the continuing danger to the campus community and will determine the content of the warning. Timely warnings may be issued using some or all of the following means of communication: mass email, campus phone system, personal cell phones, BYU Police Department webpage, university's webpage, fire alarm system, and local news stations. 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.

If a quorum of the Committee cannot convene, the chief of BYU Police is authorized to issue a timely warning and determine the content of the timely warning without a Committee meeting. Additionally, BYU police officers are designated to issue a timely warning and determine the content of a warning in urgent circumstances.

Emergency Notification

The Committee will issue an emergency notification to students and employees upon confirmation of a significant emergency or dangerous situation occurring on campus that involves an immediate or impending threat to health or safety. The Committee will determine whether the situation involves an immediate threat, identify the segment of campus requiring an emergency notification, determine the content of the notification, and issue a notification using some or all of the following means of communication: mass email, campus phone system, personal cell phones, BYU Police Department webpage, university's webpage, fire alarm system, and local news stations. An emergency notification will not be issued if it will compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency. If the university issues an emergency notification, it will not issue a timely warning based on the same circumstance.

If a quorum of the Committee cannot convene, the emergency manager is authorized to issue an emergency notification without a Committee meeting. Additionally, the university's managing director of Risk Management and Safety; deputy emergency manager; director of environmental, health and safety; chief of BYU Police; and BYU police officers are authorized to issue an emergency notification and determine the content of the notification in urgent circumstances.



Y-Alert Testing

At least annually, the university will test the Y-Alert system. Tests will be scheduled and may be announced or unannounced. At least annually, the university will publicize its emergency response and evacuation procedures with its test of the Y-Alert system. The university will maintain records of each test, including a description of the test, the date of the test, the time the test started and ended, and whether it was announced or unannounced, for seven years.

Missing Students Residing in On-Campus Housing

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 Contacts 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 24 hours should immediately alert one of the following:

- [BYU Police](#)
- Residence Life hall advisor
- [Dean of Students Office](#)
- Office of Residence Life or
- Any of the housing complex central buildings

Any report of a student missing from on-campus housing, including reports from individuals not affiliated with the university, must be immediately referred to BYU Police regardless of how long the student is believed to have been missing. After determining that a student is missing, BYU Police will initiate a missing person investigation.

If BYU Police has not previously made a determination that a student is missing, the Office of Residence Life will notify BYU Police within 24 hours of its determination that a student residing in on-campus housing is missing. Within 24 hours after BYU Police has determined that a student residing in on-campus housing is missing, the university will notify the student's Missing Persons Contacts and, if the student is under the age of 18, the student's parent or guardian. The Provo Police Department will be notified when BYU Police has made a determination that a student residing in on-campus housing has been missing for 24 hours.



APPROVED: 28 February 2022

PRIOR VERSION: 14 Aug 2020

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

POLICY OWNER: Administration Vice President and CFO

RESPONSIBLE OFFICE: BYU Police

RELATED POLICIES:

- [Church Educational System Honor Code](#)
- [Discrimination Complaint Procedures](#)
- [Emergency Management and University Continuity Policy](#)
- [Firearms and Weapons Policy](#)
- [Honor Code Investigation and Administrative Review Process](#)
- [Minor Protection Policy](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#)
- [Sexual Harassment Grievance Procedures \(Title IX\)](#)
- [Sexual Harassment Policy](#)

Appendix B: 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

Crime Definitions

(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 C: 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 D: 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](#)

Appendix E: 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 F: 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 G: 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](#)

