Clery Act
Campus Security Report
and Fire Safety Report

2017 Annual Report

Salt Lake Center
BYU
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Campus Map
Phone Numbers

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

Fire
Emergency............................................................................................................................ 911
Salt Lake City Fire Department ............................................................................................. 801-799-4231

Campus Security
Emergency ................................................................................................................................... 801-240-2771
David Stienquist—Church Security Department ................................................................. 801-240-3245

Alcohol and Drug Abuse Counseling
BYU Drug Abuse Prevention Office .................................................................................... 801-422-1942
Alcoholics Anonymous ............................................................................................................ 801-375-8620

Counseling & Victim Assistance
BYU Comprehensive Clinic................................................................................................. 801-422-7759
BYU Counseling and Career Center.................................................................................... 801-422-3035
BYU Women’s Services and Resources Office ..................................................................... 801-422-4877
Center for Women and Children in Crisis ........................................................................... 801-377-5500
LDS Family Services ............................................................................................................ 801-422-7620
Protective Services (Department of Human Services) ........................................................ 801-538-4100
Rape and Sexual Assault Crisis Intervention...Rape Recovery Center .................................. 801-467-7282
Salt Lake City Police Department—Victim Advocate .......................................................... 801-799-3000
Utah Coalition against Sexual Assault .................................................................................. 801-746-0404
Rape & Sexual Assault Crisis Line ....................................................................................... 1-888-421-1100
Utah State Hospital (Psychiatric Care) ................................................................................ 801-344-4400

Domestic Violence and Sexual Assault
Center for Women and Children in Crisis ........................................................................... 801-356-2511
Child Abuse Reporting...Dept. of Human Services Provo Resource Center ................. 801-374-7005
Domestic Violence 24 Hour Hotline for Deaf and Hard of Hearing .................................. 800-787-3224
Domestic Violence 24 Hour Hotline .................................................................................... 800-799-7233
Domestic Violence Shelter and Intervention ...................................................................... 801-377-5500
Intermountain Abuse Treatment Center (Provo Location) .................................................... 801-373-0210
Legal Center for Victims of Domestic Violence ................................................................. 801-375-1031
Protective Orders / Legal Services ...................................................................................... 801-375-1031
Rape and Sexual Assault Crisis Intervention...Rape Recovery Center .................................. 801-467-7282

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

**Health Information, Confidential Evaluation, and Counseling**
BYU Comprehensive Clinic..................................................801-422-7759
BYU Health Services...........................................................801-422-2771

**Reporting Hazards**
Center Director—Scott L. Howell...........................................801-933-9436
Introduction

The Clery Act

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act—known as the Clery Act—is named for Jeanne Clery, a nineteen-year-old Lehigh University student who was raped and killed in her dorm room in 1986. The law was originally enacted in 1990, Congress enacted the Crime Awareness and Campus Security Act (Title II of Public Law 101–542), which amended the Higher Education Act of 1965 (HEA). The Clery Act requires all postsecondary educational institutions participating in Title IV student financial aid programs to disclose campus crime statistics and security information. Specifically, higher education institutions subject to the law must do the following:

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

The Clery Act has been amended many times to include additional requirements. Amendments in 2013 require institutions to report incidents of domestic violence, dating violence, and stalking.

The Act is intended to provide students and their families, as higher education consumers, with accurate, complete, and timely information about safety on campus so that they can make informed decisions about where to attend school.

Preparing the Annual Security Report

This document is designed to provide students and employees with information concerning personal safety and university policies, and to comply with federal law. The report is prepared on an annual basis by University Police. The university’s Office of Compliance and Audit provides statutory and regulatory compliance oversight of the report’s contents. For additional information or to submit changes and corrections, please contact the following:

Terry Fox, University Police, 801-422-7337 or terry_fox@byu.edu

Kevin Bezzant, Student Services Administrator, 801-933-9437 or kevin.bezzant@byu.edu
Crime Statistics

Collecting Crime Reports and Statistics Procedures
The Clery Act requires universities to disclose statistics for reported crimes based on (1) where the crimes occurred, (2) to whom the crimes were reported, (3) the types of crimes that were reported, (4) the year in which the crimes were reported, and (5) the geographic location where the reported crimes occurred. Geographic locations include campus, public property within or immediately adjacent to campus, and certain noncampus buildings or property that are owned or controlled by the reporting university.

Statistics are collected from the following sources:

- Salt Lake City Police Department,
- Church Security Department,
- University Police
- Campus Security Authorities, and
- EthicsPoint compliance hotline.

Statistics Table
The following Crime Statistics table fully complies with the Clery Act’s crime disclosure requirements.

<table>
<thead>
<tr>
<th>CRIMINAL OFFENSES</th>
<th>Campus &amp; Residence Hall (RH) Totals</th>
<th>Noncampus Property</th>
<th>Public Property</th>
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<tr>
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<tr>
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<tr>
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<td>Robbery</td>
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Crime Definitions

The Crime Statistics table reflects specific crimes and arrests reported to the sources identified in the Collecting Crime Reports and Statistics Procedures Section. Per the Clery Act, these crimes are classified based on the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting Handbook (UCR). For sex offenses only, the definitions are from the FBI’s National Incident-Based Reporting System (NIBRS) edition of the UCR. Hate crimes are defined according to the FBI’s Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection. Although the law states that institutions must use the UCR for defining and classifying crimes, it does not require Clery Act crime reporting to meet all UCR standards. This Crime Statistics Report may or may not reflect the actual number of crimes committed on campus; however, it does accurately represent the number of the following defined crimes reported to the aforementioned entities.

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.

Sex Offenses 2014 forward:

2014 brought forward a new requirement in the reporting of Sex Offenses. The four categories are now tracked as Rape, Statutory Rape, Incest, and Fondling.

- **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.

- **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.

- **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

- **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 temporary or permanent incapacity.
**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.

**Any primary crime (see above)**

**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.

**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.

**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.
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.

Arrests and Referrals for disciplinary actions

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.

Attempted Crimes: This report does not differentiate between attempted and completed crimes. For example, an incident involving an attempted forcible rape is counted as a forcible sex offense. The only exception to this rule applies to attempts or assaults to murder when the victim does not die. These incidents are classified as aggravated assaults rather than murders.

Other Definitions

Domestic 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.

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.
Reporting Crimes and Emergencies

The Salt Lake Center encourages accurate and prompt reporting of all crimes and emergency situations. When crimes are reported at the Salt Lake Center, the center's director and supervisors will work with the campus community to provide appropriate and timely warnings, promote safety, and prevent recurrence of the crime. Any crimes reported will also be reflected in the center's annual security report.

People to Receive Reports

Any of the following are prepared to receive reports.

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

Church Security Department: The SLC campus is patrolled 24 hours a day, seven days a week by officers of the Church Security Department (CSD). The CSD is available 24 hours a day, seven days a week by dialing 801-240-2771, which will connect the caller directly to the CSD’s Global Security Operations Center. Dispatchers are able to deploy whatever resources the incident may require, including police, fire, and emergency medical services.

University Police Department

Students may report crimes to the University Police Department. The University Police Department is available at the following location:

University Police Department
2120 JKB
Provo, UT 84602
801-422-2222
police@byu.edu

EthicsPoint Confidential Reporting

The university provides an anonymous compliance hotline—EthicsPoint—for reporting non-emergency incidents on a voluntary and confidential basis, either by phone or online. Reporters should explain the issue in detail, and they should return to the report, either by internet or phone, to answer questions posed by a BYU representative. Reporters can also return to the report to receive updates.

Telephone

Submit anonymous reports through a third party administrator:
- Call EthicsPoint’s toll-free hotline, available twenty-four hours a day: 1-888-238-1062.

Online

Submit anonymous reports through a third party administrator:
- Visit BYU’s Office of Compliance website and click on the hotline button: http://compliance.byu.edu
Emergency Telephones
There are eleven Code Blue emergency telephones and communication stations located in the parking areas that serve the BYU Salt Lake Center campus. These stations are owned and operated by Peak Alarm Company and are easily identifiable by large blue lights mounted on the stations. The stations are under surveillance twenty-four hours a day, seven days a week by Peak Alarm security cameras and have two-way communication capability. Assistance may be requested twenty-four hours a day, seven days a week at any of these stations by picking up the telephone handset or pressing the button. The person requesting assistance can then communicate with Peak Alarm’s dispatch center, located in Triad Building five adjacent to the LDS Business College building. The dispatcher receiving the request can view on the camera the person who is making the request and can immediately dispatch a security officer to that location.

Campus Security Authorities (CSAs)
The Salt Lake Police Department is the preferred contact for reporting campus crimes. However, individuals may also report criminal incidents to Campus Security Authorities, which include individuals responsible for campus security and others who have been designated due to their significant responsibility for student and campus activities. Specifically, the following persons may receive reports of criminal offenses:

- Scott Howell, Center Director, 336 SLC, at 801-933-9436, scott.howell@byu.edu, and
- Kevin Bezzant, Student Services, 337 SLC, at 801-933-9437, kevin.bezzant@byu.edu.

Local Law Enforcement Authorities
BYU encourages the campus community to report crimes to local law enforcement authorities.

Pastoral and Professional Counselors
University professional counselors and ecclesiastical counselors are encouraged to make individuals aware of the EthicsPoint Compliance Hotline as an alternative means of confidentially and anonymously reporting crime.

A pastoral counselor is a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor. A professional counselor is a person whose official responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the university but are under contract to provide counseling to the campus community.

The pastoral or professional counselor exemption is intended to ensure that these individuals can provide appropriate counseling services without an obligation to report crimes they may have learned about. This is similar to the privilege provided under certain circumstances to doctors and attorneys when they may learn of crimes from patients or clients. This exemption is intended to protect the counselor-client role. However, even these legally recognized privileges acknowledge some exemptions, such as certain situations in which counselors are in fact under a legal obligation to report a crime.

To be exempt from disclosing reported offenses, pastoral or professional counselors must be acting in the role of pastoral or professional counselors. An individual who is not yet licensed or certified as a counselor, but is acting in that role under the supervision of an individual who meets the definition of a pastoral or professional counselor, is considered to be one for the purposes of the Clery Act. An example is a BYU Ph.D. counselor-trainee acting under the supervision of a professional counselor. However, a dean of students who has a professional counselor’s license, but who is employed by the university only as a dean and not as a counselor, is not exempt from reporting. If that same dean is employed by BYU as
both a professional counselor and an academic counselor, and he or she learns of a criminal incident while he or she is engaged in academic counseling, he or she is not exempt from reporting that incident. If an individual has dual roles, one as a professional or pastoral counselor and the other as an official who qualifies as a campus security authority, and the roles cannot be separated, that individual is considered a campus security authority and is obligated to report Clery crimes of which they are aware.

An individual who is counseling students and/or employees, but who does not meet the Clery definition of a pastoral or professional counselor, is not exempt from being a campus security authority if they otherwise have significant responsibility for student and campus activities. This includes positions such as the director of the Student Health Center, the director of the Counseling Center, or the director of Women’s Services and Resources, etc.

**Timely Warning Policy**

The following methods may be used to disseminate information to the campus community about crimes that have already occurred but represent a serious or continuing threat to the campus community:

- Y Alert—campus notification system,
- Notices on bulletin boards (located on the third floor west entrance of the Salt Lake Center),
- Public addressing system, and
- Announcement sessions/student meetings.

**Timely Warning Notification Committee**

This committee meets to discuss information on crimes or other events in the community that pose a continuing threat to the center and its participants. The committee evaluates the possible threat, and, if warranted, prepares and disseminates appropriate notifications to the campus community. The committee includes the following members:

- Scott Howell—Center Director,
- Kevin Bezzant—Student Services,
- Ryan Bateman—Facilities Manager, and
- David Stienquist—Church Security Department Supervisor.
Security of Campus Facilities
The following is a summary of campus facilities at the Salt Lake Center.

Salt Lake Center Facility Security and Access
The Physical Facilities Department maintains the SLC campus with a focus on safety and security. They regularly inspect campus facilities and promptly make appropriate repairs. Representatives from the Church Security Department periodically inspect the entire campus to review lighting and environmental safety concerns. The SLC is an “open campus with restrictions.” Most of the SLC’s facilities are open to the public during the day and evening hours when classes are in session. When the SLC is officially closed, it is generally locked and only authorized personnel and students with proper clearance are allowed to enter. The SLC does not have on-campus housing.

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

- Salt Lake Center administration: 801-933-9436;
- Church Physical Facilities Department: 801-240-9333;
- Church Security Department: 801-240-3245; and
- Scott L. Howell, Center Director: 801-933-9436.
Campus Law Enforcement

Police
Law enforcement-related services are provided by the Salt Lake City Police Department. Students are also encouraged to report crimes to the Church Security Department (CSD).

Authority: Church Security Department
The CSD is composed of highly trained and experienced security personnel. The CSD enforces university policy, church policy, and Utah Criminal Code. CSD officers have arrest powers per Utah Code Ann. § 77-7-3:

A private person may arrest another:
(1) For a public offense committed or attempted in his presence; or
(2) When a felony has been committed and he has reasonable cause to believe the person arrested has committed it.

The CSD works closely with the Salt Lake City Police Department concerning all criminal incidents.

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

Training
Church Security Department Officers receive regular training in firefighting, building safety, first aid, CPR, self-defense and crime prevention. The training focuses more on preventative measures rather than investigative, considering legal restraints and local police precedence in investigative matters.

Reporting Crimes
Immediately report all crimes, suspicious activity and circumstances, and medical emergencies to Salt Lake City Police Department. Officers are available twenty-four hours a day. Similar incidents or activities may also be reported to campus security authorities, University Police, and via EthicsPoint.

Off-Campus Student Organizations
BYU does not recognize off-campus student organizations. Local law enforcement agencies are responsible for policing off-campus student residences.
Crime Prevention and Campus Security Programs

The Salt Lake Center is a remarkable place to live, work, and study. Historically, the campus has experienced lower crime rates than many other educational institutions. However, the campus is not immune to the criminal acts of others. BYU’s crime prevention programs and measures—preventing and reducing crime also require a campus community effort.

International Study Abroad Programs

Safety and security training is provided to all students traveling abroad through the study program in which they are enrolled. Additional information may be obtained from the Kennedy Center:

Kennedy Center for International Studies
237 HRCB BYU
801-422-3377
kennedycenter@byu.edu

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

Shots Fired

An online video program—titled “Shots Fired”—teaches people how to survive an active gunman incident. The viewer is taught the concepts of “survival mindset” and “course of action.” To view the video, go to https://police.byu.edu and then click on the Shots Fired icon.

Personal Safety

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

- 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 keychain-type flashlight, and a cell phone;
- Unless you are properly trained, pepper spray or mace is not recommended;
- Take special care when jogging or biking. Take a friend and vary your route;
- Avoid isolated areas and do not wear headphones;
- Do not stand too close to a driver when asking for directions;
- If you are being followed, show that you are suspicious. Turn your head and look; and
- If someone is following you on foot, change directions.
Alcohol, Tobacco, and Drugs

Brigham Young University encourages and sustains an academic environment that promotes the health, safety, and welfare of all university members. Thus, it is the long-standing policy of the university that employees and students completely abstain, whether on or off campus, from the use of tobacco and from the possession, use, or distribution of any illegal drug or alcohol and also abstain from the use of any controlled legal substance without specific medical authorization. In addition, possession or consumption of illegal drugs, alcoholic beverages, or tobacco on campus by anyone is contrary to university policy. Personnel or students known to be possessing, using, or distributing illegal drugs or possessing and using alcohol or tobacco are subject to university disciplinary action and, if appropriate, to legal sanctions pursuant to local, state, and federal law.

Through the annual Clery Act Campus Security Report, all personnel and students are provided annually with a copy of the University Drug-Free Policy in which university and legal sanctions are detailed for inappropriate drug use. The Provo Clery Act Campus Security Report also details the known health risks associated with drug use.

Drug and Alcohol Abuse Education Programs

Because students at the Salt Lake Center are part of the student body and workforce of BYU, they have access to the Drug and Alcohol Abuse Education programs available at the Provo campus.

The university supports personnel and student participation in programs to prevent the abuse of drugs, controlled substances, tobacco, and alcohol. The Substance Abuse Prevention Office can provide confidential assistance with drug and alcohol abuse problems. Educational training programs, health information, preliminary evaluations, and counseling for possible referral for outside medical assistance are likewise available. Contact any of the offices listed on the right for drug or alcohol assistance. Counselors in these offices are experienced professionals. They offer support for students in an atmosphere of understanding and confidentiality. All programs offer individual assessment and referral to both on and off-campus resources. Several independent off-campus entities also offer counseling services that are not affiliated with the university or its sponsor, The Church of Jesus Christ of Latter-day Saints.

Persons aware of those with substance abuse problems enrolled at or employed by BYU are encouraged to act responsibly by consulting the campus or program director or a campus security authority. Remaining silent or waiting until a situation has escalated is not wise and is often dangerous. The university supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems.

Drug and Alcohol Assistance

Contact the following resources for drug or alcohol assistance:

- Counseling and Career Center, 2500 WSC (801-422-3035)
- Honor Code Office, 4440 WSC (801-422-2847)
- Substance Abuse Prevention Office in the Counseling and Career Center, 2500 WSC (801-422-1942)
Drug-Free School Policy
6 January 2014

Brigham Young University encourages an academic environment that promotes the health, safety, and welfare of all university members. As a condition of enrollment or employment, the university requires that all students and personnel abide by a personal commitment to the Church Educational System Honor Code (“Honor Code”), which includes abstaining from the possession, use, or distribution of illegal drugs or alcohol, and abstaining from the intentional misuse or distribution of any prescription or legal drugs without specific medical authorization. These prohibitions apply both on and off campus.

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

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

Drug Prevention Program

The university has adopted and implemented a drug prevention program for its students and university personnel. This program includes annual distribution in writing to each student—regardless of the length of the student’s program of study—and to all personnel the following information: (1) the standard of conduct expected of students and personnel in relation to the possession, use, or distribution of drugs and alcohol; (2) the standard of conduct related to the misuse of prescription drugs, alcohol, and tobacco; (3) a description of the applicable legal sanctions under state and Federal law that may arise from the unlawful possession or distribution of drugs; (4) a description of the health risks associated with the use of illegal drugs; (5) a description of the university’s substance abuse counseling and treatment resources available to students and personnel; and (6) a clear statement of the disciplinary sanctions that may be imposed upon students and personnel for violations of the university’s Drug-Free School Policy.

Disciplinary Sanctions for Drug Violations

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

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

Individuals involved in the unintentional misuse of prescription drugs are not subject to the sanctions stated in this policy, but rather are encouraged to seek assistance from the university’s Substance Abuse Prevention Office.
Available Drug Counseling and Treatment
The university supports student and personnel participation in programs to prevent the abuse of illegal drugs, prescription drugs, alcohol, and tobacco. The Substance Abuse Prevention Office, located at 2500 WSC (801-422-1942), has been established to provide students with confidential assistance for drug and alcohol abuse problems. Educational training programs, health information, preliminary evaluations, and counseling for possible referral to an outside medical provider are available. The Honor Code Office (801-422-2847) and Counseling and Psychological Services (801-422-3035) also provide consultations. Counselors in these offices are experienced professionals who offer support for students in an atmosphere of understanding and confidentiality. All programs offer individual assessment and referral to both on- and off-campus resources. Several independent off-campus entities also offer counseling services that are not affiliated with the university or its sponsor, The Church of Jesus Christ of Latter-day Saints.

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

- The university will educate students and personnel about the detrimental effects of illegal drugs, misuse of prescription drugs, alcohol, and tobacco through the university’s annual Clery Act Campus Security Report ("Security Report") publication and distribution. Additional educational training for those who request the service may consist of university sponsored workshops, seminars, and lectures as determined appropriate by the director of the Substance Abuse Prevention Office and approved by university administration.
- A description of the health risks associated with any particular drug (i.e., physical and psychological addiction; physical, psychological, and spiritual deterioration; disease; and death) may be obtained from the university’s annual Security Report, which is available online at police.byu.edu or can be requested in hard-copy form from University Police.
- The university recognizes that potential legal sanctions may accompany an individual’s use of drugs. The applicable legal sanctions under Federal, state, or local law may include significant fines and imprisonment. A summary of applicable legal sanctions from the unlawful use of drugs may be obtained from the university’s annual Security Report, which is available online at police.byu.edu or can be requested in hard-copy form from University Police.
- Students and personnel involved in the intentional use of drugs, alcohol, or tobacco may seek a consultative interview through the Substance Abuse Prevention Office for possible referral to an outside medical provider. All discussions will be handled in a confidential manner to the extent permitted by law.

The university supports the premise that personnel and students should cooperatively help one another to solve alcohol and substance abuse problems. Persons aware of those with substance abuse problems enrolled at or employed by the university are encouraged to act responsibly by consulting with the Substance Abuse Prevention Office, Faculty Relations Office, Employee Relations Office, the Honor Code Office, or University 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.
Drug-Free Workplace Policy
January 9, 2012

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 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 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 Office of Research and Creative Activities. The Director of the Office of Research and Creative Activities 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 thirty 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/ and click on the Annual Security Report tab.

DRUG PREVENTION ASSISTANCE

In an effort to deter drug abuse, the university has established the Substance-Abuse Prevention Office. For individual assistance, please contact this office at 801-422-1942.
Sexual Assault Prevention

The Brigham Young University Honor Code requires all university members to respect the personal rights of others and to obey the law. Any violation of another individual's right to be free from forcible and non-forcible sex offenses constitutes a serious violation of the Honor Code that may result in termination of employment, suspension, or dismissal from the university. The following crimes, according to the definitions listed in the definitions section, are serious crimes and punishable by imprisonment: forcible sex offenses, including sexual assault, rape, forcible sodomy, sexual assault with an object, and forcible fondling; and non-forcible sex offenses, include incest and statutory rape.

Procedures to Follow if a Sex Offense Occurs

Incidents of on-campus assault should be reported to the Center Director. Off-campus incidents should be reported to appropriate local law enforcement officials. If the victim desires, the Center Director will assist him or her in notifying the appropriate law enforcement authorities. Moreover, a victim of sexual assault has the option to decline to notify law enforcement. Prompt reporting facilitates the victim receiving medical assistance, counseling, or other support services and allows for the collection and preservation of crucial evidence. Victims of sexual assault should do the following:

- Escape and go to a safe place as soon as possible,
- Preserve all physical evidence (do not bathe, douche, brush teeth, wash hands, or change clothing),
- Use a clean jar to collect any urine,
- Notify the police as soon as possible,
- Ask the police to assist in getting medical attention,
- Find a trusted individual to provide moral support and company, and
- Use the campus and community resources listed in this publication to aid in recovery.

Sexual Misconduct Policy

23 March 2015

I. GENERAL POLICY STATEMENT

Brigham Young University is committed to promoting and maintaining a safe and respectful environment for the campus community. The university will not tolerate sexual harassment, sexual violence, domestic violence, dating violence, or stalking (collectively “Sexual Misconduct”) perpetrated by or against any university students, university employees, participants in university programs and activities, or visitors to its campus. This policy prohibits Sexual Misconduct by university employees (which include all faculty, staff, and administrative employees) and students, whether the behavior occurs on or off campus. This policy also prohibits Sexual Misconduct by or against visitors to the university (such as independent contractors, vendors, visiting lecturers, and visiting student-athletes).

The university will take immediate and appropriate steps to stop Sexual Misconduct, prevent its recurrence, and address its effects. Any person who violates this policy may be subject to discipline up to and including termination of employment, suspension, dismissal, and a ban from campus, depending on the circumstances and the severity of the violation and the violator’s status as an employee, student, or visitor.

The university will work to prevent Sexual Misconduct and address reports of Sexual Misconduct by

- educating members of the campus community about this policy and applicable laws;
- promptly addressing and resolving reports of Sexual Misconduct in accordance with this policy;
- protecting the rights of all parties involved in a complaint; and
- imposing appropriate discipline against those who have engaged in Sexual Misconduct.
Individuals should seek to resolve incidents of Sexual Misconduct by following the procedures set forth in Section IV of this policy.

II. PROHIBITED CONDUCT

As required by Title IX of the Education Amendments of 1972 and Title VII of the Civil Rights Act of 1964, the university prohibits sex discrimination in its educational programs or activities, admission, and employment. See Nondiscrimination and Equal Opportunity Policy. Under certain circumstances, Sexual Misconduct may constitute sex discrimination.

Sexual Misconduct prohibited under this policy includes a range of unwelcome sexual conduct, including verbal and physical sexual harassment, sexual assault, and other forms of sexual violence, each of which is a form of prohibited sex discrimination. Other criminal behavior, such as domestic violence, dating violence, and stalking, that is generally (though not exclusively) sex-based is also considered Sexual Misconduct under this policy. This policy does not address consensual sexual activity prohibited under the Church Educational System Honor Code or other kinds of sex discrimination of a non-sexual or non-criminal nature prohibited under the Nondiscrimination and Equal Opportunity Policy.

A. SEXUAL HARASSMENT

Sexual harassment is unwelcome conduct of a sexual nature and can include unwelcome sexual advances, requests for sexual favors, and other conduct of a sexual nature whether verbal, nonverbal, or physical. Conduct is unwelcome if the individual toward whom it is directed did not request or invite it and regarded the conduct as undesirable or offensive. A wide variety of sexual conduct may constitute sexual harassment. Examples of sexual harassment include, but are not limited to, the following:

- Sexually suggestive or offensive joking, flirting, or comments
- Unwelcome and intentional touching
- Sexually oriented verbal abuse
- Sexually oriented comments about an individual’s body
- Displaying objects or pictures that are sexual in nature
- Sending sexually explicit or offensive text messages or other communications

Sexual harassment of any kind is contrary to the teachings of The Church of Jesus Christ of Latter-day Saints and the Church Educational System Honor Code, and is considered to be Sexual Misconduct prohibited under this policy.

Sexual harassment directed at employees or students of the university is also a form of sex discrimination which may be prohibited by Title VII of the Civil Rights Act of 1964 (prohibiting unlawful discrimination, including sex discrimination, in employment) and Title IX of the Educational Amendments of 1972 (prohibiting sex discrimination in federally-funded education programs and activities). Sexual harassment prohibited by these laws generally falls within one of two categories:

1. Quid pro quo sexual harassment—when submission to or rejection of the unwelcome sexual conduct is used as a basis for employment decisions affecting an employee, or when a teacher or other employee conditions an educational decision or benefit on a student’s submission to unwelcome sexual conduct.

2. Hostile environment sexual harassment—when the unwelcome sexual conduct is so severe or pervasive that it alters the conditions of an employee’s employment and creates a hostile, intimidating, or abusive working environment or it denies or limits a student’s or employee’s ability to participate in or benefit from the university’s programs or activities.
To avoid the possibility or appearance of quid pro quo sexual harassment, employees and students should avoid dating, romantic, or amorous relationships where a power differential exists. Examples of such relationships include, but are not limited to, a professor or teaching assistant involved in a relationship with his or her student, or a supervisor involved in a relationship with a subordinate employee. If such a relationship exists, it must be approved by both parties with the appropriate supervisor(s), who should document the disclosure of the relationship and confirm with the parties that the relationship is voluntary and not unwelcome to either party. 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.

Sexual harassment that creates a hostile environment is more common than quid pro quo harassment, but it is more difficult to identify. In order for harassment to be sufficiently severe or pervasive to create a hostile environment, the employee or student must subjectively consider the environment to be hostile or abusive and the conduct would also have to be objectively offensive, that is, reasonable people in the employee or student’s position would also find the conduct to be offensive, considering all the circumstances.

The fact that someone did not intend to sexually harass an individual is generally not a defense to a complaint of sexual harassment. In most cases, determining whether the behavior has created a hostile environment depends on the effect the behavior has on the victim (including its effect on an employee’s job performance or a student’s education) and the surrounding circumstances (such as the type, frequency, and duration of the conduct; the relationship between the alleged perpetrator and victim; the number of people involved in the conduct; and the location and context of the incidents). Unwelcome sexual conduct that is mildly offensive and isolated, incidental, or sporadic does not rise to the level of unlawful sexual harassment under Title IX or Title VII, even though it may still be considered sexual harassment in violation of this policy and the Church Educational System Honor Code.

B. SEXUAL VIOLENCE, DOMESTIC VIOLENCE, DATING VIOLENCE, AND STALKING

Sexual violence is a form of sexual harassment and refers to physical sexual acts perpetrated against a person who has not consented or who is incapable of giving consent. Consent is a voluntary agreement to engage in sexual activity and is determined by all the relevant facts and circumstances. Consent cannot be given by someone who is incapacitated for any reason (i.e., because of the victim’s age, disability, unconsciousness, or use of drugs or alcohol).

Additionally, consent cannot be implied by silence, the absence of resistance, or past consent with the same or another person. Even if a person has given his or her consent to engage in sexual activity, consent to engage in further sexual activity can be withdrawn at any time.

Consent is invalid where it is given under coercion, force, or threats.

Examples of sexual violence include, but are not limited to, rape, sexual assault, sexual battery, and sexual abuse. Such acts of sexual violence, in addition to being criminal offenses prohibited under the Utah Criminal Code, also constitute Sexual Misconduct prohibited under this policy. A single act of sexual violence (e.g., rape) may be sufficiently severe to create a hostile environment.

Domestic violence, dating violence, and stalking are likewise criminal offenses under the Utah Criminal Code and are also considered Sexual Misconduct prohibited under this policy, even when the criminal behavior is not specifically sexual in nature.

Domestic violence is a violent crime committed by a current or former spouse or intimate partner (or someone similarly situated) or any other person against a victim who is protected from that person’s acts under state domestic or family violence laws. Dating violence is violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. Stalking is engaging in a course of conduct 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.
III. REPORTING INCIDENTS

A. DUTY TO REPORT

Some university employees have a duty under this policy to report Sexual Misconduct. Even so, all persons are encouraged to and may voluntarily report incidents of Sexual Misconduct to the Title IX Coordinator. State law imposes additional reporting obligations related to sexual abuse of a child. Victims of Sexual Misconduct are strongly encouraged to report incidents of Sexual Misconduct.

1. Responsible Employees

A dean, director, department chair, professor, coach, University Police officer, or any other university employee in a managerial or supervisory role (“Responsible Employee”) who becomes aware of or reasonably suspects any incidents of Sexual Misconduct must promptly report all relevant information to the Title IX Coordinator. A Responsible Employee who receives a report of Sexual Misconduct should inform the reporting individual that the employee must report the incident, and the employee should then promptly make the report to the Title IX Coordinator. Responsible Employees with information regarding an incident of Sexual Misconduct who fail to report relevant information or to cooperate in an investigation may be subject to disciplinary action.

The only exceptions to the reporting obligation for Responsible Employees are those situations in which the Responsible Employee received the information as part of a confidential communication in the context of a professional or otherwise privileged relationship (i.e., the Responsible Employee was the reporting person’s doctor, therapist, lawyer, ecclesiastical leader, or spouse).

2. Child Abuse Reporters

Any person who has reason to believe that a child (anyone under 18 years old) has been subjected to sexual violence or other forms of abuse or neglect, or who observes a child being subjected to conditions or circumstances which would reasonably result in such abuse or neglect, must report the situation to the nearest peace officer, law enforcement agency, or applicable office of the state Division of Child and Family Services, as required by state law and the university’s Child Protection Policy.

3. Campus Security Authorities

A university employee who has been designated as a Campus Security Authority (“CSA”) and who receives a report of Sexual Misconduct must relay statistical information about incidents of sexual assault, dating violence, domestic violence, and stalking to University Police. CSAs are persons who have responsibility for campus security or who have significant responsibility for student and campus activities. Such persons include, but are not limited to, security staff, vice presidents, athletic directors, coaches, deans, directors, managers, Honor Code Office staff, and Residence Life hall advisors. Federal law requires that the university prepare and distribute an annual security report containing statistics for certain crimes that were reported to CSAs. The university must also issue timely warnings about crimes that pose a threat to students and employees.

4. Victims of Sexual Misconduct

In order to protect their own and others’ safety, individuals who believe they have been subjected to Sexual Misconduct should make a report even if they have simultaneously been involved in other violations of university policy, such as use of alcohol or drugs. Violations of university policy or the Church Educational System Honor Code do not make a victim at fault for sexual violence or other forms of Sexual Misconduct and will be addressed separately from the Sexual Misconduct allegation.

Individuals who believe they have been victims of sexual harassment may seek to resolve the issue privately under the informal resolution provisions of this policy or may report the issue under the formal resolution provisions provided
herein. Individuals who believe they have been victims of sexual violence, or those who have suffered severe or pervasive sexual harassment creating a hostile environment, should always come forward and make a report under the formal resolution provisions.

Sexual Misconduct should be reported to the Title IX Coordinator, 3500 WSC, 801-422-2130, t9coordinator@byu.edu. The names, office addresses, and telephone numbers of the Title IX Coordinator and the deputy coordinators are also posted on the university’s Title IX website at titleix.byu.edu/contact-us. 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 at https://secure.ethicspoint.com/domain/en/default_reporter.asp. A report of Sexual Misconduct (“Report”) can be made verbally or in writing.

The Title IX Coordinator oversees all Title IX complaints and investigations and coordinates the university’s response to sex discrimination. The remainder of this policy outlines various responsibilities of the Title IX Coordinator.

**B. WHERE TO REPORT**

Sexual Misconduct should be reported to the Title IX Coordinator, 3500 WSC, 801-422-2130, t9coordinator@byu.edu. The names, office addresses, and telephone numbers of the Title IX Coordinator and the deputy coordinators are also posted on the university’s Title IX website at titleix.byu.edu/contact-us. 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 at https://secure.ethicspoint.com/domain/en/default_reporter.asp. A report of Sexual Misconduct (“Report”) can be made verbally or in writing.

The Title IX Coordinator oversees all Title IX complaints and investigations and coordinates the university’s response to sex discrimination. The remainder of this policy outlines various responsibilities of the Title IX Coordinator.

If a Report involves potentially criminal acts (i.e., rape, acquaintance rape, domestic violence, dating violence, sexual assault, or stalking), the alleged victim should be informed in writing that he or she also has the option to make a formal criminal complaint by reporting the incident to the University Police at 801-422-2222 or local police by calling 9-1-1. Alleged victims also have the option to decline to notify law enforcement authorities or to be assisted by Responsible Employees in notifying such authorities. The University Police will notify the Title IX Coordinator of all such reports received.

Inquiries concerning Title IX and unlawful sex discrimination may be referred to the university’s Title IX Coordinator or the Equal Opportunity Manager. The Office for Civil Rights within the U.S. Department of Education (OCR) investigates claims of unlawful sex discrimination, including sexual harassment and sexual violence, in the university’s educational programs and activities. The OCR may be contacted by email at ocr@ed.gov or through its website at http://www2.ed.gov/about/offices/list/ocr/index.html. The U.S. Equal Employment Opportunity Commission (EEOC) investigates claims of unlawful employment discrimination, including sexual harassment and sexual violence, in the workplace. The EEOC may be contacted by telephone at 800-669-4000 or through its website at http://eeoc.gov/employees/charge.cfm.
C. OTHER PROCEDURES AND SERVICES FOR VICTIMS

A student or employee who reports to the university that he or she has been a victim of dating violence, domestic violence, sexual assault, or stalking—even if the offense occurred off campus—will be provided with a written explanation of victims’ rights and options as follows:

1. Procedures victims should follow, including information about preserving evidence, reporting the offense, and obtaining protective orders
2. Information about how confidentiality will be protected
3. Existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims, both within the university and in the community
4. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures
5. Procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking
6. Possible sanctions or protective measures the university may impose following a final determination of an institutional disciplinary procedure

In situations where criminal conduct is involved or personal safety is a concern, it is important that victims of Sexual Misconduct preserve evidence as necessary to prove the crime or secure a protective order through the court system. Victims may choose to seek medical treatment in order to preserve evidence, treat injuries, or prevent sexually transmitted diseases. It is also possible to get a rape kit or find a Sexual Assault Nurse Examiner (SANE) through law enforcement or local hospitals. Health care services are available at local hospitals as well as the on-campus Student Health Center, 1750 Wymount Terrace, Provo, Utah, 801-422-2771.

Counseling, advocacy, and support are available to victims whether or not they choose to make an official Report. Victims can make confidential disclosures to BYU Counseling and Psychological Services, 801-422-3035, 1500 Wilkinson Student Center. Victims can also receive advocacy and support from BYU Women’s Services and Resources, 801-422-4877, 3326 Wilkinson Student Center. Additional resources are available to provide ongoing support during the institutional disciplinary or criminal process.

The university will provide written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid, and other services available for victims, both within the institution and in the community. Such information will be made available through various university communications and on the university’s Title IX website at https://titleix.byu.edu/campus-resources.

D. COMPLAINT AND ACTIVITY LOG

The university’s Title IX Coordinator will maintain a confidential log of Title IX complaints and activity. To the extent that other campus departments receive complaints of Sexual Misconduct, are involved with complaint investigations, or conduct any part of the resolution proceedings, they should promptly report this activity to the Title IX Coordinator for entry into the confidential log, even if the complaints are resolved without the involvement of the Title IX Coordinator.

E. RETALIATION

Retaliation or intimidation against an individual who has made a Report or provided information in connection with an investigation of Sexual Misconduct is strictly prohibited. Retaliation is any adverse action taken against an individual because he or she has engaged in a legally protected action opposing Sexual Misconduct or participating in a Sexual Misconduct proceeding if the adverse action is reasonably likely to deter the person or others from pursuing
their rights. Similarly, intimidation is any adverse action or threat of action reasonably likely to prevent or dissuade an individual from making a Report or providing information in connection with a Sexual Misconduct investigation. Individuals who participate in a Sexual Misconduct investigation should be advised that university policy and federal law prohibit retaliation against them or against individuals closely associated with them and should be assured that the university will take steps to prevent retaliation and will take strong responsive action to any act of retaliation of which it becomes aware. See Nondiscrimination and Equal Opportunity Policy. An individual who feels that he or she has been subjected to retaliation should report the incident to the Title IX Coordinator or the Equal Opportunity Manager.

IV. COMPLAINT RESOLUTION PROCEDURES

The following procedures are designed to provide for the prompt and equitable investigation and resolution of reports of Sexual Misconduct perpetrated by or against university employees, students, or campus visitors. These procedures will include a prompt, fair, and impartial process from the initial investigation to the final result. Additionally, these procedures will be conducted by officials who do not have a conflict of interest or bias for or against the parties and who receive annual training on the issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

A. INFORMAL RESOLUTION

Whenever it is reasonably possible and safe to do so, an individual who believes he or she has been subjected to Sexual Misconduct (“Complainant”) may attempt to resolve the issue privately and constructively with the person responsible for the alleged misconduct (“Respondent”). However, an attempt at informal resolution is not required and is not appropriate, even on a voluntary basis, in instances of sexual violence or other criminal behavior, or when sexual harassment is severe or has become pervasive.

The goal of informal resolution is to conclude the matter to the satisfaction of both parties quickly and confidentially. Either party may enlist the assistance of the Title IX Coordinator or the Equal Opportunity Manager in this effort. If satisfactory resolution is not reached after such informal efforts, or if the Complainant believes informal resolution is not possible or may be unsafe, he or she may forego the informal resolution process or discontinue it at any time and address the concern using the formal resolution process described below.

B. FORMAL RESOLUTION

The formal resolution process may be initiated by submitting a Report to the Title IX Coordinator. Anyone can submit a Report under this policy; however, the submission of such a Report does not prevent the Complainant from subsequently pursuing informal resolution with the Respondent in appropriate circumstances.

1. Selection of the Investigator

Upon receiving a Report, the Title IX Coordinator will select a qualified employee to promptly investigate the allegations in the Report (“Investigator”). Generally, the Assistant to the Associate Deans of Students will serve as the Investigator for allegations against a student or against a campus visitor if the alleged victim is a student. The Equal Opportunity Manager will generally serve as the Investigator for allegations against university employees, including student employees unless the alleged misconduct occurred outside the student employment context. The Equal Opportunity Manager will also generally serve as the Investigator for allegations against visitors to campus if the alleged victim is a university employee or another visitor to campus. The Title IX Coordinator will consider any conflicts of interest, time constraints, or other relevant factors in selecting an Investigator.

The Complainant and the Respondent may each raise issues regarding bias or a potential conflict of interest of investigators or others involved in the resolution process by contacting the Title IX coordinator.
2. Confidentiality

Given the sensitive nature of Sexual Misconduct allegations and the potential for damage to the parties’ personal reputations, all Reports will be investigated as confidentially as reasonably possible. All participants in the investigation—including the Complainant, the Respondent, the Investigator, and individuals interviewed by the Investigator—should keep the allegations and proceedings confidential, and should provide information only to those university and governmental employees who are authorized to investigate the Report or who otherwise have a legitimate need to know. Records kept by the university relating to Sexual Misconduct allegations are not publicly available, but in the event that the university is required to make any such records publicly available, any identifying information about the Complainant will be excluded, to the extent permissible by law, to protect the Complainant’s confidentiality. Federal law requires the university to publicly disclose statistics about reported incidents of sexual assault, domestic violence, dating violence, and stalking; however, no personally-identifiable information is maintained or published for purposes of such reporting.

Notwithstanding the foregoing confidentiality provisions, Complainants and any witnesses who participate in an investigation of Sexual Misconduct should be advised that their confidentiality will be preserved only to the extent it does not interfere with the university’s ability to investigate the Report and take corrective action, and that if the investigation results in litigation, the university may be legally required to disclose any information it has received.

If a Complainant requests that his or her identity be kept confidential or asks the university not to pursue an investigation, the Complainant should be notified that (1) the university’s ability to investigate and respond to the Report may be limited by such a request, and (2) under some circumstances the university may not be able to honor such a request. The university will take all reasonable steps to investigate and respond to a Report consistent with the Complainant’s request for confidentiality. However, without conducting a full investigation or disclosing the full nature of the Report (including its source) to the Respondent, the university may be unable to impose any discipline, and its corrective actions might be limited to informing the Respondent that allegations of discriminatory behavior have been made against him or her, preserving a record of the discrimination allegation in the Respondent’s employment or student disciplinary file, and pursuing other steps to limit the effects of the alleged harassment and prevent its recurrence, such as training or surveys in the affected area or department. Complainants who desire complete confidentiality may be advised that they can address their confidential concerns to ecclesiastical leaders, mental or physical health providers, or their own legal counsel.

The Complainant should also be advised that the university may not be able to honor a request for confidentiality or to forego an investigation if such a request would prevent the university from meeting its responsibility to provide students and employees with a safe and nondiscriminatory environment and its corresponding obligations to provide a thorough and impartial investigation and a prompt and equitable resolution of the Report. The Investigator, in consultation with the Title IX Coordinator, is responsible for evaluating requests for confidentiality or to forego an investigation.

The Investigator will consider the following factors in determining whether to disclose the identity of a Complainant or pursue an investigation contrary to the Complainant’s request:

- the seriousness of the alleged Sexual Misconduct
- the age or maturity of the Complainant
- the existence of any previous accusations against the alleged violator
- the existence of independent evidence to substantiate the allegations
- in the case of accusations against a student, the rights of the student under the Access to Student Records Policy and Procedures and corresponding federal and state privacy laws or laws mandating disclosure

If the Investigator determines he or she cannot honor a Complainant’s request for confidentiality or a Complainant’s request to forego an investigation, the Investigator will inform the Complainant prior to commencing an investigation.
3. Preliminary Assessment

Upon receiving a Report of Sexual Misconduct, the Title IX Coordinator and the Investigator will promptly perform a preliminary assessment based on the facts reported to determine whether they provide reasonable cause to believe a violation of this policy may have occurred. If there is no reasonable cause to believe a violation occurred, no further action will be taken and the Complainant will be informed that his or her Report has been considered and will not be investigated. If reasonable cause is found, an investigation will proceed as provided below.

4. Interim Measures

Based on any information acquired in the course of the preliminary assessment or investigation, the Title IX Coordinator or Investigator may recommend that interim measures be taken to protect the Complainant or others from further acts of Sexual Misconduct or retaliation while the investigation is still pending. This recommendation should be submitted to the office or individual within the university administration authorized to implement the recommendation. If requested and available, interim measures will be provided whether or not a victim of Sexual Misconduct chooses to report the crime to campus police or local law enforcement. The university will provide written notification to victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or other protective measures. In situations deemed to be extreme or dangerous, the office or individual within the university administration authorized to impose discipline on the Respondent (the “Responsible Administrator”) may take interim disciplinary action against the Respondent, up to and including a temporary suspension and ban from campus; in such cases both parties will receive simultaneous written notification. Other remedial interim measures may also be appropriate, such as special training in the affected department or area, or the dissemination of information about how to report Sexual Misconduct. The nature of any interim measures granted to a victim will be kept confidential to the extent reasonably possible.

5. The Complainant’s Written Complaint, Supporting Documentation, and Evidence

If a Complainant has not already submitted a sufficient written statement in connection with the initial Report, the Investigator will invite the Complainant to prepare and sign a written statement of the facts involved (“Complaint”). The Complaint should clearly and concisely describe the incident(s), including when and where the alleged Sexual Misconduct occurred. The Complaint may also include an explanation as to why the Complainant believes the Respondent’s behavior was unlawful or in violation of university policy, corroborating facts and evidence, the names of other individuals who may have information relevant to the Complaint, other materials or evidence in support of the Complaint, and a proposal for an appropriate resolution. The Complaint may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within five business days of the Investigator’s request. Based on the Complainant’s written and oral statements, the Investigator will prepare a written summary of the allegations (“Summary”).

The Investigator will ask the Complainant to review the Summary, make any necessary corrections, and affirm it with a signature. If the Complainant refuses to sign the Summary of the allegations, the Investigator may either (a) note that the allegations have been withdrawn and terminate the investigation, or (b) note that the Complainant has refused to sign the Summary of the allegations, but that the investigation will nevertheless proceed to determine what occurred and to protect the university’s interest in maintaining an environment free from sex discrimination.

A copy of the Summary will be provided to the Respondent at a point in the investigation when the Investigator deems it advisable. The Investigator, in consultation with the Title IX Coordinator, may redact the Summary copy before providing it to the Respondent to protect the identity or safety of the Complainant or any witnesses or for any other reason as the Investigator deems advisable.

6. The Respondent’s Written Response, Supporting Documentation, and Evidence

The Respondent may prepare and submit a signed written statement in response to the Summary of allegations
(“Response”). The Response should indicate whether the Respondent admits or denies the allegations in the Summary and should provide any exculpatory facts or evidence, including the names of other individuals who may have information relevant to the allegations and other materials in response to the Summary. The Response may also include an explanation as to why the Respondent believes any admitted conduct was lawful or was not in violation of university policy and whether any resolution proposed by the Complainant is or is not appropriate. The Response may not exceed ten pages in length, exclusive of attached documents and supporting materials, and must be submitted within five business days of delivery of the Summary to the Respondent. While reasonable efforts will be made to communicate with the Respondent, delivery occurs when the university sends the Summary to the email and residential address of the Respondent that is on file with the university.

If the Respondent submits a Response, a copy of the Response will be provided to the Complainant at a point in the investigation when the Investigator deems it advisable. The Investigator may redact the Response copy before providing it to the Complainant to protect the identity or safety of any witnesses or for any other reason as the Investigator deems advisable.

7. Concurrent Investigations or Processes

An investigation conducted under these procedures will be conducted independent of any associated criminal investigation or any other university investigation or procedures. If the university determines the issues raised in this investigation may be relevant to its determination in another non-criminal investigation or another process that is simultaneously pending at the university, it may direct that the other investigation or process be suspended until this investigation and any appeals or administrative reviews are concluded. However, an investigation under these procedures will not be suspended pending the conclusion of a criminal investigation or any other investigation, though the fact-finding portion of the investigation may be delayed temporarily while the police are gathering evidence. While the findings and conclusions of one investigation will not determine the outcome of any other, any evidence or findings developed in any university or non-university investigation may be shared with and considered in any other university investigation.

8. Cooperation with University Investigations

Employees or students who fail to cooperate in the investigation, including those who knowingly or recklessly misrepresent any facts or who withhold pertinent information, may be subject to disciplinary action up to and including suspension or dismissal from the university or termination of university employment. The knowing or reckless reporting of false charges of Sexual Misconduct will be treated as a material breach of the Church Educational System Honor Code, subjecting the individual making the false accusations to similar disciplinary action.

9. Support Person

Only the Complainant and Respondent are permitted to participate in the formal resolution process; however, each party may be accompanied by one support person. Attorneys for the parties may not attend proceedings as the support person unless the Summary includes allegations of dating violence, domestic violence, sexual assault, or stalking. A party’s support person may attend for purposes of observation but will not be permitted to participate in any employee or student interview, meeting, or other proceeding that may take place under these procedures. A support person may be immediately excluded from the proceedings if he or she attempts to intervene or participate in any way.

10. The Investigation

The investigation should be thorough, prompt, adequate, reliable, and impartial. The university will, in good faith, attempt to conclude the investigation and resolution within sixty calendar days of the Title IX Coordinator receiving the Report. If, as a result of the complexity of the case, unavailability of witnesses, or other extenuating facts and
circumstances, the investigation cannot reasonably be concluded within the sixty-day period, the Complainant and the Respondent will be provided with written notice of the delay and the reason for the delay. During the investigation, the Investigator will consider the Complaint and Response, conduct interviews, and review any other documents or evidence submitted by the parties or discovered during the investigation. An investigation under these procedures is an internal university employment or student disciplinary matter.

At any time during the investigation, either of the parties or the Investigator may propose a resolution of the matter. If both the Complainant and the Respondent are satisfied with this proposed resolution, and if the Investigator, the Title IX Coordinator, and the Responsible Administrator are also satisfied that the university’s interests are protected, the matter may be resolved as proposed.

At the conclusion of the investigation, the Investigator will determine, based on the preponderance of the evidence (i.e., whether it is more likely than not), whether the Respondent has in fact engaged in Sexual Misconduct or other behavior in violation of university policy. The Investigator will promptly communicate findings and a recommendation of appropriate resolution, including any disciplinary sanctions, to the Responsible Administrator, and may provide the Responsible Administrator with a report of findings describing the evidence and reasoning supporting the Investigator’s findings and recommendation.

11. Resolution and Disciplinary Sanctions

Upon receiving the Investigator’s findings and recommendations, the Responsible Administrator will promptly determine the resolution of the allegations of Sexual Misconduct, including the imposition of any disciplinary sanctions, as provided in the applicable disciplinary policy. The Responsible Administrator may consult with the Investigator and Title IX Coordinator in making this determination. Any person found in violation of this policy may be subject to discipline as described below, depending on the circumstances and the severity of the violation.

The Responsible Administrator(s) and the applicable disciplinary policy will be determined as follows:

- The Responsible Administrators for allegations of Sexual Misconduct against a faculty member are the faculty member’s dean and chair or director, who shall administer any discipline consistent with the Faculty Discipline and Termination Policy. Possible sanctions include verbal counseling, written warning, probation, reassignment, demotion, reduction in pay, suspension, termination of faculty employment, and a ban from campus. If the dean and the chair or director conclude there may be adequate cause for involuntary termination of the faculty member’s employment, the Academic Vice President will be consulted and must give final approval for the termination.

- The Responsible Administrator for allegations of Sexual Misconduct against a non-faculty employee is the director over the employee’s area, who shall administer any discipline in consultation with the Manager of Employee Relations and consistent with the Administrative and Staff Employee Discipline Policy and Procedures. Possible sanctions include verbal counseling, written warning, probation, reassignment, transfer, demotion, reduction in pay, suspension, termination of employment, and a ban from campus.

- The Responsible Administrator for allegations of Sexual Misconduct against a student is the Honor Code Office, which shall administer any discipline consistent with the Honor Code Investigation and Administrative Review Process. Possible sanctions include counsel and education, referral (to a responsible person or agency—e.g., reconciliation process), warning, probation, suspension withheld, short suspension, suspension, dismissal, and a ban from campus. If the student is also an employee of the university, the Investigator will provide a copy of the findings and recommendation to the student employee’s manager, who will administer any discipline affecting the student’s employment status in consultation with the Manager of Employee Relations and consistent with the Administrative and Staff Employee Discipline Policy and Procedures. Possible sanctions include those identified above for other non-faculty employees.

- The Responsible Administrators for allegations of Sexual Misconduct against a visitor to campus who is neither a student nor an employee of the university are the vice president over the university unit that
originally invited the visitor to campus, or the vice president’s designee, and, if a violation is found, the University Banning Committee. If the visitor was not invited to campus, the Responsible Administrator is the University Banning Committee. Possible sanctions include banning the visitor from all or a part of the university campus.

The resolution shall include, in addition to any discipline imposed, reasonable steps designed to correct any discriminatory effects on the Complainant and on others who may have been affected, and to prevent the recurrence of any discriminatory or otherwise inappropriate actions. Possible protective measures that may be imposed following the investigation include the following: making interim measures permanent, offering remedies and accommodations to the Complainant, implementing changes in programs or activities, or providing training for the campus community or specific groups or individuals.

The Responsible Administrator will communicate the outcome of the investigation and resolution, including any sanctions, and the university’s procedures to appeal the results in writing to both the Complainant and the Respondent simultaneously (“Outcome Notice”). However, the Responsible Administrator may choose not to disclose the discipline imposed by the resolution, and will not disclose the discipline imposed on a student except under one of the following circumstances:

- the discipline directly affects the other party—such as when the student is ordered to stay away from the other party, is transferred to another job, worksite, class, or residence hall, or is suspended or dismissed from the university;
- the Complainant alleged Sexual Misconduct involving a crime of violence or a non-forcible sex offense; or
- the student gives his or her written permission to disclose the discipline.

The university may also report findings of criminal misconduct to the police and may report criminal or other serious misconduct to an individual’s ecclesiastical leaders as it deems appropriate in its absolute discretion.

12. Review of Outcome

A party who remains unsatisfied with the outcome may request an administrative review or appeal of the investigation outcome and resolution (“Review”). The Complainant or Respondent must request a Review within five business days of delivery of the Outcome Notice to the parties. A request for Review may not exceed five pages in length. The party requesting a Review must identify at least one of the following grounds in requesting the Review:

- The outcome of the investigation is clearly contrary to the preponderance of the evidence.
- A procedural error significantly impacted the outcome of the investigation (e.g., a substantiated bias or material deviation from these procedures).
- New evidence, unavailable to the party during the original investigation, has been discovered that could substantially impact the original outcome. This new evidence and an explanation of its potential impact must be included in the request for review.
- The discipline imposed is substantially disproportionate to the severity of the violation (i.e., too severe or not severe enough).
- The non-disciplinary aspects of the resolution are not reasonably designed to correct the discriminatory effects on the Complainant and on others who may have been affected or to prevent the recurrence of further discriminatory or otherwise inappropriate actions.

Except as otherwise specified in the applicable university policy or procedure, the final resolution of the Responsible Administrator will be affirmed unless the party seeking Review demonstrates, by clear and convincing evidence, that one or more of these conditions has been met.

Any Review should be initiated and conducted pursuant to the applicable university policy or procedure, as follows:

- A faculty member who is dissatisfied with a final resolution may initiate a grievance or file an appeal pursuant to the Faculty Grievance Policy. A faculty member may appeal a resolution resulting in the involuntary
termination of his or her employment pursuant to the Faculty Discipline and Termination Policy.

- Administrative and staff employees who are dissatisfied with the final resolution that results in disciplinary sanctions against them may submit a grievance pursuant to the Administrative and Staff Employee Grievance Policy. Full-time administrative and staff employees may seek an administrative review of a resolution resulting in the termination of their employment under the same policy.

- When the resolution includes disciplinary sanctions affecting a student’s Honor Code standing, the student may seek a review pursuant to the Honor Code Investigation and Administrative Review Process.

In situations where there is no other university policy or procedure that applies, (e.g., for administrative or staff employee Complainants or student Complainants who are dissatisfied with the final resolution), the Complainant may petition the immediate supervisor of the Responsible Administrator who determined the resolution for a Review.

In all cases where a Review is requested, the individual conducting the Review (“Reviewer”) will provide a copy of the Review petition to the party not requesting Review and invite him or her to submit a written response within five business days of receiving the Review petition. The Reviewer will evaluate the Review petition, any response submitted by the other party, and the documentary record of the investigation and resolution process. Within thirty calendar days of receiving the parties’ submissions or lapse of time to respond, the Reviewer will provide the parties with a written determination as to whether the party requesting Review has met his or her burden of demonstrating, by clear and convincing evidence, that one or more of the grounds for Review identified above is present.

In any Review, the Reviewer should consult with the Investigator and/or the Title IX Coordinator prior to issuing a decision on the Review.

C. EXHAUSTION OF REMEDIES

A student or employee may not initiate civil litigation or civil administrative remedies against the university or its employees, agents, officers, or trustees until all the remedies provided by these procedures have been exhausted.

D. WAIVER OF CLAIMS

Failure to submit a Complaint or to pursue a Review or other administrative review or appeal within the stated deadlines or to exhaust the remedies provided by these procedures within the time provided will constitute a waiver of the student’s or employee’s right to pursue any claim against the university in the matter, unless the right to pursue a statutory claim is preserved by law or the university waives this clause in writing.

V. TRAINING

The university will seek to make all employees and students familiar with the contents of this policy. All administrators, deans, chairs, directors, managers, and supervisors are responsible to ensure that employees within their areas of stewardship are properly trained on their obligations under this policy and applicable laws.

The Title IX Coordinator will develop and oversee training and education programs to promote the awareness of rape, acquaintance rape, domestic violence, dating violence, sexual assault, and stalking. The Equal Opportunity Manager may assist in fulfilling that responsibility. All training sessions and participants should be documented, and those records should be provided to the Title IX Coordinator. Such training and education shall consist of at least the following:

1. Primary prevention and awareness programs for all incoming students and new employees, and ongoing prevention and awareness campaigns for continuing students and employees, including at least the following information:
a. A clear statement that the university prohibits domestic violence, dating violence, sexual assault, and stalking, and definitions for these offenses under the Utah Criminal Code.

b. The definition of consent under the Utah Criminal Code.

c. Safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of one of the offenses listed in subsection (a) against another person.

d. Information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks.

e. Information about this policy, including
   
i. information about discipline the university may impose for Sexual Misconduct;
   
ii. procedures for victims of Sexual Misconduct to follow, including written information about the importance of preserving evidence and reporting offenses to the university and law enforcement authorities;
   
iii. procedures for institutional disciplinary actions; and
   
iv. information about preserving victim confidentiality.

f. Written notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid, and other services available to victims of Sexual Misconduct both on campus and in the community.

g. Written notification of victims about their options for, and available assistance in, changing academic, living, transportation, and working situations or protective measures.

2. Annual training for the Title IX Coordinator, Deputy Title IX Coordinators, Investigators and Responsible Administrators on issues related to domestic violence, dating violence, sexual assault, and stalking and how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

APPLICABILITY: This policy applies to all university students, all university personnel (including faculty, administrative and staff employees, volunteers, and representatives), and all visitors to the university (including, but not limited to, independent contractors, vendors, visiting lecturers, and visiting student-athletes).

RESPONSIBLE UNIVERSITY OFFICERS: Student Life Vice President; Administrative Vice President and Chief Financial Officer; Academic Vice President

RESPONSIBLE UNIVERSITY OFFICES: Dean of Students Office; Human Resource Services; Office of Faculty Relations

PRIOR VERSION: 7 April 2014
Counseling and Student Services for Victims of Sex Offenses
The following are services provided by the university or by the surrounding community to facilitate recovery.

Resources
American Fork Hospital............................................................................................801-855-3300
BYU Comprehensive Clinic .......................................................................................801-422-7759
BYU Counseling and Career Center..........................................................................801-422-3035
BYU Women’s Services and Resources Office..........................................................801-422-4877
Center for Women/Children in Crisis......................................................................801-377-5500
Evening-Child Abuse Hotline ....................................................................................801-376-8261
LDS Family Services ..................................................................................................801-422-7620
Mountain View Hospital-Behavioral Health..............................................................801-465-7000
Protective Services (Department of Human Services) ..............................................801-538-4100
Provo Police Department Victim Advocate...............................................................801-852-6375
Rape and Sexual Assault Crisis Intervention .............................................................801-356-2511
Utah State Hospital (Psychiatric Care) ......................................................................801-344-4400
Utah Valley Regional Medical Center:
  General Information ..........................................................................801-357-7850
  Emergency Room..............................................................801-357-7850
  Psychiatry and Counseling Clinic.........................................................801-357-7525
Wasatch Mental Health-Utah County 24 Hour Crisis Line........................................801-373-7393

Other Sexual Assault Information
Not Alone-Together against sexual assault https://www.notalone.gov/ is a government sponsored site assisting victims of sexual assault. This information is for students, schools, and anyone interested in finding resources on how to respond to and prevent sexual assault on college and university campuses and in our schools. Click explore to find a crisis service, learn more about your rights and how to file a complaint, and view a map of resolved school-level enforcement activities.

Registered Sex Offenders
In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA) and the Utah Sex Offender Registration Act, notice must be given of registered sex offenders to institutions of higher education if the offender is employed, carries on a vocation, or is a student at the institution. This information is available at the University Police Department.

Information regarding registered sex offenders residing within a specific Utah geographic location can be accessed via the Utah Department of Corrections’ website: http://corrections.utah.gov/services/sonar.html (click on the tab “Search for Offenders in your area”).
Emergency Notification, Response, and Evacuation

Upon confirmation of any significant emergency or dangerous situation involving an imminent threat to the health or safety of the campus community, the following communication resources and procedures will be used.

Members of the Timely Warning Notification Committee (specifically the Center Director, Student Services Director, Facilities Manager, and Church Security Department Supervisor) will confirm the magnitude and scope of an emergency. Upon confirming that an event warrants immediate notification of the campus community, the Committee will notify the Global Security Operations Center. Without delay (unless mitigating factors warrant a delay) alert, information, and reassurance messages will be streamed to the campus community through an alert via Everbridge from the Global Security Operations Center. Properly registered students, employees, and faculty will receive the text message and e-mail alert. An alert will also be sent to campus networked phones.

Evacuation and/or shelter-in-place alert directions will be given. Should the incident or threat impact the larger community, the Salt Lake City Police Department will determine whether Salt Lake City residents should be alerted.

Testing
On a biannual basis (in April and October) the emergency notification system will be tested. The test will be unannounced, and the message sent to the campus community will read as follows: “This is a test of the emergency notification system. In the event of a real emergency the alert message will tell you what the emergency is and what to do.” A record will be made of each test, including a description, the date and time of the test, and whether it was announced or unannounced. The Salt Lake Center will publicize its emergency notification procedures in conjunction with the testing of the system.

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

Active Shooter
To survive an active shooter incident, one must develop a survival mindset and a course of action. A survival mindset is a protective shield with three components: awareness, preparation, and rehearsal. A course of action may include any or all of the following:

- Figure out the situation;
- Get out to a safer area if you can;
- Call out to the police;
- Hide out if you are unable to get out;
- Keep out the shooter by blocking doorways, etc.;
- Spread out (do not huddle together) and quietly develop a plan of action; and
- 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.

Shots Fired
This is an online video that explains the aforementioned concepts in detail. To view this video, go to police.byu.edu and click on the Shots Fired icon.

Flashpoint
This is an online video that teaches violence awareness. “Awareness plus Action equals Prevention.” To view this video, go to police.byu.edu and click on the Flashpoint icon.

Assault
Avoid circumstances that may make you vulnerable to assault. These include jogging at night and walking near dense shrubbery where assailants might hide. You should always stay near well-lit paths and walkways at night, carry a cell phone and a whistle to summon help, and let friends or family know where you are going and when you will return. Keep windows and doors locked, and keep drapes and blinds closed while dressing.

Child Abuse
Utah State Law requires any person who has “reason to believe that a child has been subjected to abuse or neglect, or [observes] a child being subjected to conditions or circumstances which would reasonably result in abuse or neglect” to immediately report the incident to the nearest peace officer, law enforcement agency, or applicable office of the state Division of Child and Family Services.

Child abuse includes, but is not limited to the following:

- The endangerment of a child’s physical or mental health resulting from a non-accidental harm of a child,
- Threatened harm of a child,
- Sexual exploitation, and
- Sexual abuse.

Domestic Violence
Domestic violence is a crime in which a person intentionally or knowingly causes or attempts to cause a cohabitant physical harm or intentionally or knowingly places a cohabitant in reasonable fear of imminent physical harm.
Cohabitant: An individual who is or was a spouse (or living as a spouse) of the other person, is related by blood or marriage to the other person, has one or more children in common with the other person, is the biological parent of the other person’s unborn child, or resides or has resided in the same residence as the other person (this applies to a roommate setting).

Any of the following crimes committed against a cohabitant constitute the crime of domestic violence:

- Aggravated assault;
- Assault;
- Criminal homicide;
- Harassment;
- Telephone harassment;
- Kidnapping, child kidnapping, or aggravated kidnapping;
- Mayhem;
- Sexual offenses;
- Stalking;
- Unlawful detention;
- Violation of a protective order or ex parte protective order;
- Any offense against property;
- Possession of a deadly weapon with intent to assault;
- Discharge of a firearm from a vehicle, near a highway, or in the direction of any person, building, or vehicle; and
- Child abuse.

Domestic violence is a campaign of control. Some of the more common abuser tactics include control through criticism, isolation, money, mind games, decision making, jealousy, children, blame, verbal threats, sex, physical threats, and/or physical assaults.

**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; or
- One has been physically injured.

**What would it take for an abuser to change?**

The abuser would have to admit his or her history of psychological, sexual, and physical abusiveness, and to acknowledge that the behavior was a wrong choice (not a loss of control). The abuser would need to recognize the effects, the abuse has had on his or her victims and show empathy. Identifying patterns of controlling behavior and attitudes and replacing them would also be important, as well as reevaluating his or her distorted image of the abused. The abuser would also need to make amends for damages, accept the consequences, and commit to not repeating the abusive behaviors.

**Pornography and Indecent Material**

Involvement with pornographic, erotic, obscene, indecent, or other offensive materials, expressions, or conduct that, in the sole discretion and judgment of the university, is inconsistent with the BYU Honor Code or with the principles of BYU’s sponsor, The Church of Jesus Christ of Latter-day Saints, is a serious offense. Such offenses may result in appropriate university sanctions, including termination from university employment, immediate suspension, or dismissal from the university as well as prosecution pursuant to state and federal law. BYU believes that an educational and living environment that is consistent with the principles of respecting individual dignity and with the moral virtues encompassed by
the gospel of Jesus Christ will assist in discouraging the advent of sexual offenses on campus and within the university community.

**Suspicious Packages or Letters**
Suspicious packages and letters can possibly contain an explosive device or biological agent. If you receive a suspicious package or envelope, you should not shake or empty the contents. Do not touch the package. Leave the room, close the door, or secure the area to prevent others from entering, and immediately notify the Israel Police.

Certain characteristics can make packages and letters more suspicious. An item that deserves concern might have excessive postage, a handwritten or poorly typed address, incorrect titles, no return address, discolorations, unusual sounds, visual distractions, excessive security material or weight, lopsided or uneven envelope, or a city or state in the postmark that does not match the return address.

**What to do with a package or envelope with a powdery substance**
- Do not clean up or touch the powder.
- Leave the room, close the door, or secure the area to prevent others from entering.
- Wash hands and exposed skin with soap and water to prevent spreading powder to your face.
- Immediately report the incident to the police.
- Remove contaminated clothing as soon as possible and place in a plastic bag or other container. Give it to the emergency responders.
- Shower with soap and water as soon as possible.
- Make a list of people that were in the area, especially those who may have had contact with the powder.
- Immediately notify the Israel Police.

**Theft**
Theft on campus is the most frequently reported crime. As with crimes against persons, the best defense against theft is vigilance. The following suggestions may assist you in protecting your personal property:

- In a public setting, never leave personal belongings unattended even for a minute.
- Keep doors and windows locked.
- Do not keep large amounts of money in your room or on your person.
- On campus, lock your bicycle with a quality lock system in approved bicycle racks.
- Register your bicycle with local police or with the University Police.
- Do not lend your keys, credit cards, or BYU ID card to anyone.
- Do not attach ID to your keys.
- Engrave ID numbers on personal property (do not use your Social Security number).
- 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.