CLERY ACT

CAMPUS SECURITY REPORT
FIRE SAFETY REPORT AND
FEDERAL LEGAL DISCLOSURES
# Table of Contents

**Resource Phone Numbers** ........................................................................................................... 4

**Introduction** ................................................................................................................................... 5

  - The Clery Act ................................................................................................................................. 5
  - Preparing the Annual Security Report ......................................................................................... 5
  - Distributing the Annual Security Report .................................................................................... 5
  - Campus Safety and Security Department ................................................................................... 6

**Crime Statistics** ............................................................................................................................. 7

  - Collecting Crime Reports ............................................................................................................ 7
  - Statistics Table ............................................................................................................................ 7
  - Crime Definitions ............................................................................................................................ 9
  - Other Definitions ........................................................................................................................... 12

**Reporting Crimes and Emergencies** .......................................................................................... 13

  - Procedures for Reporting .......................................................................................................... 13
  - Reporting a Sexual Offense ......................................................................................................... 13
  - People to Receive Reports ......................................................................................................... 13
  - Confidential Voluntary Reporting of Crimes ............................................................................. 16
  - Timely Warning Policy ............................................................................................................... 16
  - Timely Warning Notification Committee .................................................................................. 16
  - Mass Notification System and Process ...................................................................................... 17

**Safety and Security of Campus Facilities and the Polynesian Cultural Center** .......................... 19

  - Reporting a Hazard ...................................................................................................................... 20
  - On-Campus Housing .................................................................................................................... 20
  - Off-Campus Housing .................................................................................................................... 20

**Campus Law Enforcement** ........................................................................................................ 22

  - University Security Employees .................................................................................................. 22

**Crime Prevention and Campus Security Programs** ................................................................... 23

**Alcohol, Tobacco, and Drugs** ...................................................................................................... 25

  - Alcohol and Drug Use Policy ..................................................................................................... 25
  - Drug-Free Workplace Policy ....................................................................................................... 27
<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sexual Misconduct</strong></td>
<td>27</td>
</tr>
<tr>
<td>General Guidelines</td>
<td>27</td>
</tr>
<tr>
<td>Prohibited Conduct</td>
<td>28</td>
</tr>
<tr>
<td>Reporting Incidents</td>
<td>31</td>
</tr>
<tr>
<td>Duty to Report</td>
<td>31</td>
</tr>
<tr>
<td>Where to Report</td>
<td>32</td>
</tr>
<tr>
<td>Complaint Resolution Procedures</td>
<td>34</td>
</tr>
<tr>
<td>University Training</td>
<td>42</td>
</tr>
<tr>
<td><strong>Counseling and Student Services for Victims of Sex Offenses</strong></td>
<td>43</td>
</tr>
<tr>
<td>Safety Awareness</td>
<td>43</td>
</tr>
<tr>
<td>Adjudication and Sanctions</td>
<td>44</td>
</tr>
<tr>
<td>Support Services</td>
<td>46</td>
</tr>
<tr>
<td><strong>Emergency Notification, Response, and Evacuation</strong></td>
<td>47</td>
</tr>
<tr>
<td>General Guidelines</td>
<td>47</td>
</tr>
<tr>
<td>Testing</td>
<td>47</td>
</tr>
<tr>
<td>Natural Disasters</td>
<td>47</td>
</tr>
<tr>
<td>Fires</td>
<td>47</td>
</tr>
<tr>
<td>Suspicious Packages or Letters and Possible Biological Materials</td>
<td>48</td>
</tr>
<tr>
<td><strong>Missing Student notification Policy and Procedure</strong></td>
<td>50</td>
</tr>
<tr>
<td>Purpose</td>
<td>50</td>
</tr>
<tr>
<td>Policy</td>
<td>50</td>
</tr>
<tr>
<td><strong>Other Crimes and Situations</strong></td>
<td>52</td>
</tr>
<tr>
<td><strong>Fire Safety Report</strong></td>
<td>55</td>
</tr>
<tr>
<td>Fire Safety Plans</td>
<td>55</td>
</tr>
<tr>
<td>Overview</td>
<td>55</td>
</tr>
<tr>
<td>Reporting Requirements</td>
<td>55</td>
</tr>
<tr>
<td>Prevention Plan</td>
<td>56</td>
</tr>
<tr>
<td>Evacuation Procedures</td>
<td>57</td>
</tr>
<tr>
<td>Fire Hazards</td>
<td>58</td>
</tr>
<tr>
<td>Process for Maintaining Equipment and Systems</td>
<td>59</td>
</tr>
<tr>
<td>Fire Safety Procedures</td>
<td>62</td>
</tr>
</tbody>
</table>
Fire Safety Education........................................................................................................63
Policies Related to Fire Safety Measures.........................................................................63
Plans for Future Improvements ......................................................................................63
Fire Log..........................................................................................................................64

Appendix........................................................................................................................66
Exhibit 1: Criminal Activity Policy....................................................................................66
Exhibit 2: Alcohol and Tobacco-Free Campus Policy......................................................67
Exhibit 3: Drug-Free School Policy..................................................................................68
Exhibit 4: Legal Sanctions for the Unlawful Possession or distribution of Drugs and Alcohol .........................................................................................................................69
Exhibit 5: National Institute of Health on Commonly Used Drugs and Prescriptions .................................................................77
Exhibit 6: Sexual Misconduct Policy ..............................................................................84
Exhibit 7: Non Discrimination and Equal Opportunity Policy .....................................98
Exhibit 8: Honor Code ..................................................................................................100
Exhibit 9: Youth Protection Policy .................................................................................101
Exhibit 10: Access to Student Records (FERPA) Policy .............................................102
Exhibit 11: Faculty Grievances Policy .........................................................................107
Exhibit 12: Missing Student Notification Policy .........................................................110
Exhibit 13: Fire Safety Policy .......................................................................................112
Resource Phone Numbers

**Alcohol and Drug Abuse Counseling**
Department of Health (Alcohol and Drug Abuse)................................. 692-7506
Coalition for a Drug Free Hawaii.......................................................... 545-3228

**Campus Safety and Security**
Dispatcher.......................................................................................... 675-3503

**Counseling and Victim Assistance**
BYU-Hawaii Counseling Services....................................................... 675-3518
Ko'olau Health and Wellness Center .................................................... 293-9216
LDS Family Services........................................................................... 945-3690

**Fire**
Honolulu Fire Department – Hau’ula Station 15 ................................... 723-7139

**Hazards**
BYU-Hawaii Campus Safety and Security........................................... 675-3503
BYU-Hawaii Housing Department ....................................................... 675-3534
Facilities Management ........................................................................ 675-3409

**Health Care**
BYU-Hawaii Health Center ................................................................ 675-3510
Castle Medical Center........................................................................... 263-5500
Kahuku Medical Center........................................................................... 293-9221
Ko'olau Health and Wellness Center ................................................... 293-9231

**Police**
Honolulu Police Department .............................................................. 529-3502 or 529-3351
Honolulu Police Department – Kahuku Substation............................. 723-8889

**Title IX Reports**
Title IX Coordinator............................................................................ 675-4819
Introduction

The Clery Act
The Clery Act is a federal regulation that provides prospective students, current students, their families and other interested community members or visitors, with accurate, complete and timely information about safety on campus in order to make an informed decision about where to attend school. This law emerged from a 1986 incident, where a student at Lehigh University, Jeanne Clery, was raped and killed in her dormitory room by another student. In consequence, the regulation requires postsecondary educational institutions that receive Title IV student financial aid programs to 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 changed many times to include additional requirements. As of 2013, the following categories have been added as mandatory reporting categories: domestic violence, dating violence, and stalking.

Preparing the Annual Security Report
The purpose of this document is to provide students and employees with information concerning personal safety and university policies, as well as compliance with federal law. The university’s President’s Council provides oversight of the report’s contacts. For additional information or to submit changes and corrections, please contact the following:

Earl Morris, Director of Campus Safety & Security
(808) 675-3501, earl.morris@byuh.edu

Distributing the Annual Security Report
BYU-Hawaii’s Clery Disclosure of Campus Security is available to the general public, and primarily for its students and employees through the department’s website at studentlife.byuh.edu/security/home. To give notice and raise awareness of the availability of this report, a bulletin announcement is placed on October 1st of each year, and mailers about the report are also delivered to each on-campus mailbox. At the beginning of each new semester, orientation meetings also help new students and new employees know about this report, its purpose and how to access its contents.

Campus Safety and Security Department

Campus Safety and Security is committed to providing a “wholesome academic, cultural, social, and spiritual environment” for its students, faculty, staff, and administrator’s wherein students can learn and grow both spiritually and intellectually in a diverse community committed to high moral values. Located in Laie, Hawaii, BYU- Hawaii’s Campus Safety and Security Department provides 24/7 patrol, efficient investigative processes, and emergency response services for the campus, Polynesian Cultural Center (at night and on weekends), as well as the community at large. Together with the other stakeholders in the community, such as the Laie Shopping Center, Hawaii Reserves Inc., and Courtyard Marriott, the Laie’s crime rate is below that of other areas in the state and country. Although Campus Safety and Security carry the heaviest responsibility in the community for safety, crime reports, fire hazards, and emergencies, these partnerships enjoy a healthy collaborative and supportive relationship.
Crime Statistics

Collecting Crime Reports
BYU-Hawaii annual crime statistics are submitted to the U.S. Department of Education annually as required by current federal regulations. This is done through the DOE Website located at: http://ope.ed.gov/security. These statistics, along with statistics from other institutions of higher education in the United States, may be viewed at the DOE website located at http://ope.ed.gov/security.

Hard paper copies are also available upon request through the Campus Safety and Security Department in McKay 148. A good faith effort is made to contact the HPD in order to obtain statistics on any crimes that occur adjacent to the university on Naniloa Loop.

Statistics Table
Statistical data for these reports are compiled primarily through the Campus Safety and Security department, and supplemented by other and service entities on campus and in the community. 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 non-campus buildings or property that are owned or controlled by the reporting university.

If you have any questions about the contents of these tables, contact the department of Campus Safety and Security at (808) 675-3503 or email at security@byuh.edu.

Reported Occurrences of Selected Crimes

<table>
<thead>
<tr>
<th>OFFENSE</th>
<th>YEAR</th>
<th>TOTAL ON CAMPUS</th>
<th>RESIDENCE FACILITIES</th>
<th>NON-CAMPUS</th>
<th>PUBLIC PROPERTY</th>
</tr>
</thead>
<tbody>
<tr>
<td>Murder/Non-Negligent Manslaughter</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Negligent Manslaughter</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Rape</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>8</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>6</td>
<td>1</td>
<td>1</td>
<td>0</td>
</tr>
<tr>
<td>Fondling</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Incest</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>OFFENSE</td>
<td>YEAR</td>
<td>TOTAL ON CAMPUS*</td>
<td>RESIDENCE FACILITIES</td>
<td>NON-CAMPUS</td>
<td>PUBLIC PROPERTY</td>
</tr>
<tr>
<td>----------------------</td>
<td>------</td>
<td>------------------</td>
<td>----------------------</td>
<td>------------</td>
<td>-----------------</td>
</tr>
<tr>
<td>Statutory Rape</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Robbery</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Aggravated Assault</td>
<td>2013</td>
<td>3</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Burglary</td>
<td>2013</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>9</td>
<td>9</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Motor Vehicle Theft</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>4</td>
<td>4</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>11</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Arson</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Domestic Violence</td>
<td>2013</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>19</td>
<td>19</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>13</td>
<td>13</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Dating Violence</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>6</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Stalking</td>
<td>2013</td>
<td>0</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>2014</td>
<td>4</td>
<td>1</td>
<td>2</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>2015</td>
<td>4</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

* This category includes all on-campus incidents, including those listed in the category below, “In dormitories or residential facilities.” Therefore, the two categories are not cumulative, but duplicative.
Reported Occurrences of Hate Crimes

<table>
<thead>
<tr>
<th>HATE CRIMES</th>
</tr>
</thead>
<tbody>
<tr>
<td>2012</td>
</tr>
<tr>
<td>2013</td>
</tr>
<tr>
<td>2014</td>
</tr>
</tbody>
</table>

Number of Arrests or Persons Referred for Campus Disciplinary Action for Selected Crimes

<table>
<thead>
<tr>
<th>ARRESTS AND CAMPUS REFERRALS</th>
</tr>
</thead>
<tbody>
<tr>
<td>OFFENSE</td>
</tr>
<tr>
<td>ARRESTS</td>
</tr>
<tr>
<td>Liquor Law Violations</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Drug Law Violations</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Weapons Law Violations</td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
</tbody>
</table>

* This category includes all on-campus incidents, including those listed in the category below, “In dormitories or residential facilities.” Therefore, the two categories are not cumulative, but duplicative.

Crime Definitions

The Crime Statistics table reflects specific crimes and arrests reported to the appropriate authorities. These crimes are classified according to the Federal Bureau of Investigation’s (FBI’s) Uniform Crime Reporting Handbook (UCR) and Clery Act requirements.

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.

*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. The previous tracked offenses of Forcible and Non Forcible will be phased out of the reporting table over the next two years.

- **Rape:** The penetration, no matter how slight, of the vagina or anus with any body part of 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.

Sex Offenses, Forcible 2012 & 2013: Any sexual act directed against another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent.

- **Rape:** The carnal knowledge of a person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her temporary or permanent mental or physical incapacity (or because his/her youth).

- **Forcible Sodomy:** Oral or anal sexual intercourse with another person, forcibly and/or against that person’s will; or not forcibly against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Sexual Assault with an Object:** The use of an object or instrument to unlawfully penetrate however slightly, the genital or anal opening of the body of another person, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental or physical incapacity.

- **Forcible fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, forcibly and/or against that person’s will; or not forcibly or against the person’s will where the victim is incapable of giving consent because of his/her youth or because of his/her temporary or permanent mental incapacity.

Sex Offenses, Non-forcible 2012 & 2013: Unlawful, non-forcible sexual intercourse. Only two
types of offenses are included in this definition:

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

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

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

**Aggravated Assault**: An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. (It is not necessary that the 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.

**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, personal property of another, etc.

**Motor Vehicle Theft**: The theft or attempted theft of a motor vehicle. (Classify as motor vehicle theft all cases where automobiles are taken by persons not having lawful access even though the vehicles are later abandoned—including joyriding.)

**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.

**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.

**Liquor Law Violations:** The violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transporting, possession, or use of alcoholic beverages, not including driving under the influence and drunkenness.

**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. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation, or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs.

**Weapons Law Violations:** 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.

The possession or use of any firearm, wrist rocket, paintball gun, or other deadly weapon on campus is prohibited by BYU-Hawaii policy except for law enforcement officers.

**Other Definitions**

**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.

**Domestic violence:** A felony or misdemeanor crime of violence committed—(A) By a current or former spouse or intimate partner of the victim; (B) By a person with whom the victim shares a child in common; (C) By a person who is cohabitating with, or has cohabited with, the victim as a spouse or intimate partner; (D) By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred, or (E) By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

**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 Campus Safety and Security department encourages accurate and prompt reporting of all crimes and emergency situations. They also handle all crime reports, investigations, and traffic accidents, enforcement of laws regulating under age drinking, the use of controlled substances, weapons, and other incidents—such as medical and fire emergencies—on campus, for on-campus housing, as well as the Polynesian Cultural Center. The law specifies an institution is not required to report crime statistics for crimes reported to a pastoral or professional counselor.

Procedures for Reporting

Reporting a Sexual Offense

Since sex offenses have high sensitivity by nature and receive the highest attention of the most common crimes occurring on campus, the procedures are outlined below. Note that all reported rape cases will be aggressively and professionally investigated. University Security will immediately notify the Honolulu Police Department and assist the victim, and follow procedures as set forth by the Police Department.

University Security Officers go through the following steps in Sexual Offense cases:

1. Secure the crime scene and collecting evidence.
2. Call in additional investigative help.
3. Help the victim obtain medical and counseling services.
4. Instruct medical personnel to collect and preserve evidence found on the victim.
5. Identify possible witnesses and suspects.
6. Inform the victim of campus and community support.
7. In appropriate circumstances, help locate a “safe house” for the victim for the first 24 hours following the offense.
8. File criminal charges with the prosecuting attorney. Failure to bring criminal charges does not preclude the victim from pursuing civil sanctions and/or administrative sanctions against the alleged perpetrator through appropriate university processes.
9. Support the victim through the preliminary hearing and trial procedures.
10. Assist the victim to understand his/her crime victim reparation rights.

People to Receive Reports

Campus Safety and Security (Officers and Dispatchers)

Campus Security Officers have jurisdiction over all law enforcement related issues occurring on BYU-Hawaii’s properties, and while on duty at the PCC. Any suspicious activities or emergency situations should be reported immediately to an officer or dispatcher on duty.

The following list are different ways to reach the department to make a report:

- Emergency Phone Line: (808) 675-3911
- Dispatcher: (808) 675-3503
- Facebook: BYUH-Security
- Email: security@byuh.edu
- In Person: Office in McKay 148
Ethics Point Compliance Hotline
Individuals may submit reports, including anonymous reports, through Ethics Point, the university's 24-hour hotline provider. These reports can be submitted verbally, or in writing.

Telephone: 888-238-1062
Online: https://secure.ethicspoint.com/domain/en/default_reporter.asp

Honolulu Police Department
Students may report crimes to the Honolulu Police Department, whose jurisdiction includes all off-campus housing. The Honolulu Police Department is available at the following location:
   Kahuku Substation
   56-470 Kamehameha Hwy.
   Kahuku, HI 96731
   Calling from On-campus: 9-911 or Off-campus: 911 Phone: (808) 723-8650  Fax: (808) 723-8889

Honolulu Fire Department
   Kahuku Fire Station
   56-460 Kamehameha Hwy.
   Kahuku, HI 96731
   (808) 293-5005
   Hau'ula Fire Station 15
   54-064 Kamehameha Hwy.
   Hau'ula, HI 96717
   (808) 723-7139

BYU-Hawaii Campus Authorities
The following names are contact points for the University in their respective areas:

<table>
<thead>
<tr>
<th>NAME</th>
<th>DEPARTMENT</th>
<th>ROOM</th>
<th>PHONE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debbie Hippolite-Wright</td>
<td>Vice President, Student Development</td>
<td>LSB 241</td>
<td>675-3799</td>
</tr>
<tr>
<td>Norman Black</td>
<td>Vice President, Administration</td>
<td>LSB 237</td>
<td>675-3705</td>
</tr>
<tr>
<td>John Bell</td>
<td>Vice President, Academics</td>
<td>LSB 240</td>
<td>675-3703</td>
</tr>
<tr>
<td>Mark Cannon</td>
<td>Dean, College of Math and Sciences</td>
<td>MCK 110</td>
<td>675-3803</td>
</tr>
<tr>
<td>James Lee</td>
<td>Dean, College of Business, Computing and Government</td>
<td>HGB 249</td>
<td>675-3289</td>
</tr>
<tr>
<td>Phillip McArthur</td>
<td>Dean, College of Language, Culture and Arts</td>
<td>SEB 125</td>
<td>675-3907</td>
</tr>
<tr>
<td>John Bailey</td>
<td>Dean, College of Human Development</td>
<td>SEB 125</td>
<td>675-3458</td>
</tr>
<tr>
<td>Name</td>
<td>Title</td>
<td>Office Location</td>
<td>Phone</td>
</tr>
<tr>
<td>---------------------</td>
<td>--------------------------------------------</td>
<td>-----------------</td>
<td>--------</td>
</tr>
<tr>
<td>Brad Jones</td>
<td>Director, Athletics</td>
<td>CAC 161</td>
<td>675-3318</td>
</tr>
<tr>
<td>David Keala</td>
<td>Director, Food Services</td>
<td>CAF 145</td>
<td>675-3572</td>
</tr>
<tr>
<td>Edwin Rogers</td>
<td>Director, Housing and Residential Life</td>
<td>UHO 110</td>
<td>675-3541</td>
</tr>
<tr>
<td>Dana Templeman</td>
<td>Director, Office of Honor</td>
<td>ACR 166A</td>
<td>675-3531</td>
</tr>
<tr>
<td>Randy Sharp</td>
<td>Director, Facilities Management</td>
<td>FMO</td>
<td>675-3499</td>
</tr>
<tr>
<td>Earl Morris</td>
<td>Director, Campus Safety and Security</td>
<td>MCK148d</td>
<td>675-3501</td>
</tr>
<tr>
<td>Anthony Pickard</td>
<td>Manager, Campus Safety and Security</td>
<td>MCK148c</td>
<td>675-3500</td>
</tr>
<tr>
<td>James Faustino</td>
<td>Director, Admissions and Financial Aid</td>
<td>LSB 119</td>
<td>675-3739</td>
</tr>
<tr>
<td>Arapata Meha</td>
<td>Director, Recruiting and International Students</td>
<td>LSB 121</td>
<td>675-3010</td>
</tr>
<tr>
<td>Allison Whiting</td>
<td>Director, Student Leadership and Honor</td>
<td>ACR 131A</td>
<td>675-3531</td>
</tr>
<tr>
<td>Jacquie Alisa</td>
<td>Coordinator, Student Activities</td>
<td>ACR 131B</td>
<td>675-3759</td>
</tr>
<tr>
<td>Michael Maile</td>
<td>Coordinator, Student Activities</td>
<td>ACR 131SF</td>
<td>675-3550</td>
</tr>
<tr>
<td>Mona AhHoy</td>
<td>Coach, Women's Volleyball Team</td>
<td>GYM 188C</td>
<td>675-3756</td>
</tr>
<tr>
<td>Kevin Schlag</td>
<td>University Technology Officer and Coach, Cross Country Team</td>
<td>LSB 209</td>
<td>675-3735</td>
</tr>
<tr>
<td>David Porter</td>
<td>Coach, Tennis Team</td>
<td>GYM 188B</td>
<td>675-3755</td>
</tr>
<tr>
<td>Mark Davis</td>
<td>Coach, Men's and Women's Soccer Team</td>
<td>GYM 188</td>
<td>675-3750</td>
</tr>
<tr>
<td>Dave George</td>
<td>Coach, Women's Softball Team</td>
<td>CAC 226B</td>
<td>675-3397</td>
</tr>
<tr>
<td>Craig Stagner</td>
<td>Coach, Women's Basketball Team</td>
<td>CAC 160</td>
<td>675-3677</td>
</tr>
<tr>
<td>Tammy Toma</td>
<td>Coach, Dance and Cheer Team</td>
<td>CAC 157</td>
<td>675-3764</td>
</tr>
<tr>
<td>Robert Owan</td>
<td>Coach, Golf Team</td>
<td>LSB 128</td>
<td>675-3916</td>
</tr>
<tr>
<td>Leilani Auna</td>
<td>Director, Counseling Services</td>
<td>MCK 181J</td>
<td>675-3430</td>
</tr>
<tr>
<td>Eric Orr</td>
<td>Counseling Services</td>
<td>MCK 181H</td>
<td>675-3519</td>
</tr>
</tbody>
</table>
Confidential Voluntary Reporting of Crimes
The university community may report crimes directly to the Honolulu Police Department having jurisdiction over a case, to a designated campus authority or to a counselor or pastoral/ecclesiastical leader of their choosing. Counselors, pastoral/ecclesiastical leaders and campus authorities are encouraged to inform the persons they are working with that they may voluntarily and confidentially report crimes. This can be done through a second party serving as an intermediary, or individuals can always report a case in person (which is the preferred method).

BYU-Hawaii continually seeks to meet its obligation to protect the confidentiality of victims by complying with two specific requirements:

(A) Complete publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim, as defined in section 40002(a)(20) of the Violence Against Women Act of 1994 (42 U.S.C. 13925(a)(20)); and

(B) Maintain as confidential any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

Timely Warning Policy
The following methods may be used to disseminate information to the campus community about crimes that have occurred, warnings about dangerous or hazardous situations, and/or emergency warnings that will impact the community’s safety and wellbeing:

- Ke Alaka‘i – campus news magazine
- Everbridge System – campus emergency notification system
- BYU-Hawaii eBulletin – bulletins sent electronically giving notice or recruiting assistance for emergencies
- Seminars and presentations – instructions on crime prevention
- Campus Safety and Security Department website – Crime and Fire Safety Daily Log and additional crime awareness information

Timely Warning Notification Committee
The University maintains a Timely Warning Notification Committee with members consisting of a Vice President from the University President’s Council, the Director of Facilities Management, and the Director of Campus Safety & Security, or an appropriate replacement in the absence of any of the members named above.
This committee reviews reports of violent crimes that may impact the safety of students, employees or visitors and makes appropriate notification to the university community. They also have authority to direct Campus Safety and Security during emergencies to activate the mass notification system, upon confirmation of a significant emergency or dangerous situation involving a violent crime, predators, disaster, or hazard that has placed the campus community in imminent danger of death, bodily harm or persona assault sexual or physical. When the committee is not present or available, the supervising Security Officer is also authorized to act in this capacity.

**Mass Notification System and Process**

The Director of Security, after consultation with the Honolulu Police Department and the Vice President of Student Development and Services, will have the Director of University Communications review statements and then take the appropriate steps to disseminate this information. For situations that could pose a more immediate threat to the university or the community, this information will also be physically posted throughout the University campus to include all major buildings that the general population would normally frequent.

If there is a violent crime or natural disaster that gives campus officials reason to believe that the lives and physical safety of students, employees or visitors are in imminent danger, upon confirmation, a Mass Notification will be sent to the campus community warning them of the danger and what actions they should take without delay. Everbridge software will be used to notify students & employees by text, cell phone, e-mail or phone message. These contacts are updated each semester with new students and employees.

The university emergency evacuation policy will be used, including use of building coordinators to evacuate buildings. Follow-up information and information to the community at large will be broadcast over the campus TV, posts to the university website and through the university e-mail system under the direction of the Director of University Relations and Communications. However, please also note that an emergency notification will not be issued if such a warning would compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

**Initiating the Emergency Message**

Anyone who initiates an emergency message must have prior authorization from the University President, the Director of Communications, a member of the President's Council, the Director of Campus Safety and Security, or a trained supervisor working on duty at the Security Operations Center.

Those authorized to initiate a broadcast include the Director of Communications, Director of Campus Safety and Security, Assistant Director of Campus Safety and Security, dispatchers, and/or authorized officers.

The following represent the types of messages authorized to be sent on the mass notification system:

- Immediate lockdown - This message tells everyone on campus to immediately seek shelter indoors. Examples include chemical, biological, or radioactive threat; shooter on campus.

- Immediate evacuation - This message tells everyone on campus to immediately evacuate, and usually includes a place to go to. Examples include tsunami, flood, and bomb.
• Campus Closed - This message tells everyone that the campus is closed and classes are canceled. Examples include severe weather, power outage.

• All clear - This message is sent after a lockdown or evacuation message to let everyone know it's safe to come out or return to campus.
Safety and Security of Campus Facilities and the Polynesian Cultural Center

The physical facilities of the university are maintained by the Facilities Management department, with a focus on safety. This means they inspect campus facilities and promptly make appropriate repairs. They also respond twenty-four hours a day to reports from the public or authorities of potential safety hazards. Outside contractors, coordinated through the Safety Manager of Facilities Management, inspect the entire campus to review lighting and environmental safety concerns. Additionally, Campus Safety and Security and Facilities Management routinely survey the entire campus for safety concerns and monitor exterior areas for adequate lighting at night.

On the security side, BYU-Hawaii implements a controlled open door policy. University facilities are highly patrolled by the Campus Safety and Security department to ensure that only authorized persons are actually using the facilities and equipment during authorized hours. Classrooms and other facilities that are used for students and education purposes are generally open during the day when classes are in session, and secured at night—unless authorized and verified with proper scheduling documentation. Classrooms and buildings are also generally closed for holidays unless authorized otherwise with the appropriate and required paper documentation. Majority of the campus buildings and on-campus housing are also equipped with electronic card access.

In April of 2015, Campus Safety and Security included the Polynesian Cultural Center to its security watch at night from Monday to Saturday, and all day on Sunday. The Polynesian Cultural Center exists to provide employment for students who attend on a work-study program primarily, and then other students and community members as well. The officers ensure that the area is secure after business hours, and report crimes, suspicious activities, or other hazardous situations or emergencies as needed.
Reporting a Hazard
Students and employees are encouraged to assist by reporting any potentially unsafe area or facility, or hazardous situation to the following areas:

- Housing areas, call the housing office at 675-3541
- General campus areas or buildings, call Facilities Management at 675-3400
- After business hours (5:00 pm) call the Security Operations Center at 675-3503 or 675-3911

On-Campus Housing
The residence halls or “hales” for unmarried students on campus are two-story buildings and three-story buildings. The Temple View apartments (TVA) for married students and their families are located on campus.

Housing Safety and Security
BYU-Hawaii University Housing strives to provide a safe environment for student residents. Once a year University Security provides an updated crime awareness and prevention orientation for head resident and resident assistants. Each fall, programming efforts are dedicated to educating residents on safety and security.

After hours, residence halls are restricted to persons who live and work there. All entrances are locked for security; crash bars provide for emergency exit. Resident Coordinators and Resident Advisors serve as primary monitors for dorm safety and security. When situations arise that require emergency response, housing staff and students contact the Security Operations Center to initiate the call for appropriate services from other departments.

To mitigate injuries that may result from an environment that is not safe or secure, students and residents in housing facilities are advised to do the following:

- Lock doors to individual rooms
- Report strangers and suspicious individuals to the Security Operations Center or Resident Coordinator or Advisor
- Do not prop open secured entrances
- Be sure visitors are accompanied by a resident even when the halls are open and unlocked (residents are responsible for their guests’ actions)

The Housing Department has policies and procedures designed to protect students in the residence halls. These processes and procedures are only valuable if each resident takes an interest and an active role in making sure visitors or strangers are promptly reported to the head resident or a resident assistant. The cooperative effort between departments helps to ensure that the buildings and doors are properly secured.

Off-Campus Student Housing
BYU-Hawaii requires all single students under the age of 25 years to reside in approved off-campus student housing. In order to meet the housing need, there are numerous privately-owned rental units off campus in which students reside. The university approves these off-campus living units based specific minimum living conditions that ensure the students have a residence where they can feel safe and secure. Landlords, owners or property managers
are required to sign a contract that requires them to make reasonable efforts to maintain rental
facilities in good repair, including properly functioning locks on doors and windows. Although
housing representatives are required to make annual inspections of all their university-approved
rental units, the university cannot and does not guarantee or represent that owners and managers
always meet health and safety standards established by BYU-Hawaii, the city, county, or state.
Thus, students are individually responsible to choose carefully a safe and secure off-campus
apartment.

Crime prevention and campus awareness programs emphasizing security and what residents
can do for their own safety and well-being are provided for students who reside off campus.
These programs and other crime prevention materials are free and available upon request by
calling the University Security at 675-3911.

BYU-Hawaii does not authorize, permit, or recognize off-campus student organizations. The
university does not promote, sponsor, or affiliate with any societies, sororities, or fraternities
either on a national or local basis. Because BYU Hawaii does not recognize off campus student
organizations, the school does not monitor or record criminal activity related to such
organizations.
Campus Law Enforcement

BYU-Hawaii provides optimum security services to the university community, which consists of approximately 3000 students, faculty and staff, and secondary security coverage for the Polynesian Cultural Center and the Laie community. Campus Safety and Security department consists of seven full time employees, and sufficient part-time temporary workers and student employees to cover all shifts 24 hours 7 days a week.

University Security Employees

University Security Officers derive their authority to enforce campus regulations and policies from the BYU-Hawaii President’s Council, as stated in the Criminal Activity Policy, found in the Appendix, Exhibit 1. Although they do not have the same authority or responsibilities as the Honolulu Police Department (HPD) to do things like arrest, an agreement with HPD provides that HPD will respond to and investigate criminal complaints, violations, or disturbances on the BYU-Hawaii campus or in reference to its students or personnel.

Mission Statement

Campus Safety and Security . . . provides a safe and secure environment in a courteous and professional manner. Security is [also] committed to honor the standards of BYU-Hawaii in a fair, ethical, and non-biased manner. Security will also provide mentoring and practical experience to students so they will be ready to enter the work force and build the kingdom of God.

Training

All personnel in the Campus Safety and Security department are trained to be First Responders in any emergency situation. Such responders may include Department administrators, Shift Supervisors, Security Officers, and/or Department dispatchers. Moreover, officers receive specialized and on-going training on crime prevention and awareness, defensive tactics, legal regulation updates, evidence gathering, traffic control and approved weapons and firearms.

Patrol and Daily Log

Security officers are responsible for providing a full range of public safety services to the BYU-Hawaii campus community. This includes the response to all reported crimes, the recording of all reported crimes, follow-up investigations, traffic accident investigation, medical and/or fire emergencies, enforcement of criminal, alcohol, drug, and traffic laws and any other matters requiring police presence or assistance.

All activities and incidents received or completed by officers and staff in the department are captured in the department’s electronic tracking software program, Spillman Nova. Dispatchers provide 24/7 coverage with detailed logs of all daily activities occurring on campus, at the Polynesian Cultural Center, and in the nearby communities.

Investigation

University security dedicate officers to investigative work regarding crimes and incidents reported on campus. These reports are maintained on the e-system and receive a case number once filed with the department.
Crime Prevention and Campus Security Programs

Campus Safety and Security provides a variety of resources and programs to promote crime prevention and awareness. In addition to direct efforts in crime prevention and detection, university Security sponsors safety and security programs to teach the campus community about procedures they can follow to enhance their personal awareness for safety, protection, crime prevention and emergency processes. The following itemize the many ways this information is disseminated to the campus community:

- **Literature:** Pamphlets on various topics of crime prevention are available from the Campus Safety and Security office regarding crime prevention, campus safety, rape awareness, alcohol awareness, sexual harassment, and family violence. There is also information on Emergency Procedures and contact information. The university paper is also utilized when needed to inform and educate the campus about safety and security issues.

- **Security Awareness Fair:** Bi-annually, the department holds an Awareness Fair for all faculty, administration, staff, and students. Representatives from the Honolulu Police Department, Honolulu Fire Department, Office of the Prosecuting Attorney, Disability and Communications Access board, State tax department, and Attorney general’s office, to name a few, participate in this event.

- **Campus Safety Awareness Week:** Security Awareness Fair, Crime Prevention Expo, Campus Safety Expo and Fire Safety Expo are all part of a week-long event that is held for a week in September annually in honor of National Campus Safety Awareness month. Together with representatives from safety and security operations, attendees have a lot of information to gather on these issues, and personnel to talk to about safety issues.

- **Building Security:** Most academic buildings are unlocked until evening unless there are evening classes or special events. However, when the campus is officially closed, buildings are locked and only employees and authorized students with proper ID are admitted. An intrusion alarm system has been installed for the express purpose of improving building security and personal safety. Custodians are also instructed to report any suspicious situations to Campus Safety and Security.

- **Crime Awareness and Crime Prevention Educations Aids:** Free literature and free-for-loan videos on a variety of crime subjects are available to view from the Campus Security. Faculty, administration, staff, and students are encouraged to avail themselves of these materials.

- **Health and Wellness Fair:** Annually, a health and wellness fair is held for all faculty, administration, staff, and students. During this fair an information booth is staffed to distribute crime prevention materials.

- **New Student Orientation:** At the beginning of a new semester or term the Campus Security participates by staffing an information booth to familiarize students with services and to distribute crime prevention materials. Students are also given safety tips and information to make them aware of crime and ways to avoid becoming victimized by it.
• **Operation Identification:** Students and employees are encouraged to borrow an engraver from Campus Security for engraving identifying numbers on personal property and to maintain an accurate inventory of their belongings.

• **Public Information:** Crime information is reported in the “Crime Log,” that is posted on the Security website. Also, a Campus Crime Log is posted in the Security office for public view, 24 hours a day. According to 34 CFR 668.46(f)(2)-(4), the daily crime log will not reflect personal information or an incident that may jeopardize an investigation or the safety of the victim until after the investigation is closed.

• **Aloha Late Night Shuttle:** A shuttle service for any student desiring transportation from campus to their home located off-campus. This service is available Monday-Saturday at 10:00 pm and 12:00 am midnight. The shuttle service provides transportation to student’s residence in Laie, Hauula, Punaluu and Kahuku.

• **Security Survey Program:** Periodic security surveys of campus facilities provide suggestions for improving security of an area and for improving the safety of personnel and students.

• **Housing Safety Presentations:** Presentations are available to groups of married students and their children upon request by calling the Housing office at 675-3541. The purpose is to teach safety tips and how to avoid becoming crime victims.

• **Family Day Fair:** In collaboration with Counseling Services and the Housing Department, Family Day Fair is held for families residing in the married student housing. This event helps families learn and be reminded about safety concepts and healthy lifestyles.

• **Group Presentations:** The Director of Security, Security Manager or Shift Supervisors are available upon request to make safety and security presentations to campus groups.

• **Housing Orientation:** Annually, housing supervisors, Head Residents and Resident Assistants are taught how to help prevent crime and assist students to avoid becoming victims of crime.

• **Employee Orientation:** Upon initial hire, employees receive information about safety procedures on campus during regular orientation, along with the current Campus Security Report.

• **Neighborhood watch Program:** The nationally recognized Neighborhood Watch program has been implemented in the Temple View Apartments.

• **Sexual Assault Seminars:** Throughout the school year seminars are held in campus residence halls and elsewhere to familiarize students and employees with how to avoid or minimize the possibility of becoming a victim of sexual assault.

Numerous pamphlets on various topics of crime prevention are available from the Campus Safety and Security Office regarding crime prevention, crime theft, campus safety, operation ID, bicycle safety, date rape, and sexual assault awareness. Information on these topics, as well as safety awareness, are also available through seminars, films, bulletins, crime alerts, posters, brochures and University newspapers.
Alcohol, Tobacco, and Drugs

Alcohol and Drug Use Policy

It is the policy of the University that as a condition of enrollment and/or employment at BYU-Hawaii all students, faculty, and staff must completely abstain, whether on or off campus, from the possession, use or distribution of any illegal drug, kava or alcohol and also abstain from the use of any controlled legal substance, without specific medical authorization, that may have a harmful effect on the body. For the full policy statement, (see Appendix, Exhibit 2) Alcohol and Tobacco-Free Campus Policy, and (Exhibit 3) BYU-Hawaii Drug-Free School Policy.

Procedures

The following are steps followed when persons are in violation of the school’s Alcohol and Drug Use Policy:

1. Notify on-duty Shift Supervisor.
2. Interview subjects and submit a report.
3. Identify items consumed.
4. Obtain needed medical treatment (refer to Health Center when classes are in session, and the on-call nurse after hours or during holidays and breaks).
5. If a student is involved, inform his or her Bishop.
6. If subject is not a juvenile, notify HPD and impose ban/trespass warning.
7. Ask or escort the violator off campus premises.
8. Submit report for review by the Security Chief.
9. If subjects are students, refer them to Office of Honor.

Board of Trustees Directive

The university’s Board of Trustees has directed that involvement with illegal drugs will result in discharge from employment and dismissal from the university on the first offense, with few exceptions. This directive prohibits the following:

- Use of illegal substances such as marijuana, cocaine, etc.
- Intentional misuse of prescription medications
- Possession of illegal drugs or drug paraphernalia for use or distribution
- Involvement with users without taking any deterrent action

Drug-Free Workplace Policy

On December 12, 1989, the federal government enacted the Drug-Free Schools and Communities Act Amendments of 1989. As outlined in the Act, an institution of higher education, as a condition for receiving federal funds under any federal program, must certify that it has adopted and implemented a program to prevent the unlawful possession, use or distribution of its commitment to support society’s effort to eliminate drug and alcohol abuse. BYU-Hawaii 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.

Alcohol and Drug Prevention

BYU-Hawaii’s Counseling Services department has a staff of licensed professionals who conduct information sessions related to drug prevention, and also provide confidential counseling for those struggling with such issues who are already enrolled as full-time students as well as for other individuals in the campus community. Because the university
has a zero tolerance for alcohol or drug use by members of its university community as a condition for employment or enrollment, ecclesiastical leaders also play a big role in providing preventative tips, counsel and assistance. In general, the university encourages a healthy and productive lifestyle that is drug and alcohol free.

**Disciplinary and Legal Sanctions for Drug Violations**

Employees and/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.

There are also substantial legal sanctions pursuant to local, state or federal law which may be levied against personnel or students for the unlawful manufacture, distribution, possession or use of an illegal drug, controlled substance or alcohol. The law often treats drug offenses as a criminal matter punishable by substantial fines, imprisonment, or other severe sanctions. A description of the applicable legal penalties under local, state or federal law for the unlawful possession or distribution of illegal drugs and alcohol can be found in the *Appendix, Exhibit 4*.

**Misuse and Risks**

The university recognizes there are differences between the intentional misuse of illegal and prescription drugs and the unintentional misuse of prescription drugs prescribed for medical reasons.

**Risks Associated with Drugs**

The health risks associated with the inappropriate use of drugs include, include but are not limited to, physical and psychological addiction, physical, psychological and spiritual deterioration, disease and death. The National Institute of Health outlines the risks associated with the most commonly used drugs and prescriptions on a chart, found in the *Appendix, Exhibit 5*.

**Risks Associated with Alcohol**

The consumption of alcohol may cause a number of marked changes in behavior. Even low doses significantly impair the judgment and coordination required to drive a car safely, increasing the likelihood that the driver will be involved in an accident. Low to moderate doses increase a variety of aggressive acts, including spouse and child abuse. Moderate to high doses of alcohol cause marked impairments in higher mental functions, severely altering a person's ability to learn and remember information. Very high doses cause respiratory depression and death. If combined with other depressants of the central nervous system, much lower doses of alcohol will produce the effects just described.

Repeated use of alcohol also leads to dependence, which often leads to long-term consumption of large quantities of alcohol. Particularly when combined with poor nutrition, this addiction can lead to permanent damage to vital organs such as the brain and the liver.

Mothers who drink alcohol during pregnancy may give birth to infants with fetal alcohol syndrome. These infants have irreversible physical abnormalities and mental retardation. In addition, research indicates that children of alcoholic parents are at a greater risk than other youngsters of becoming alcoholics themselves.
Sexual Misconduct

General Guidelines

Sexual Misconduct is not only a violation of university policy; it is against the law. Due to prevalence of issues relating to sexual misconduct, BYU-Hawaii has an extensive policy outlining its policy and processes. The full text can be found in the Appendix, Exhibit 6.

Victims of a sexual offense are encouraged to report such incidents immediately to the University Security or, if the offense occurred off campus, to the Honolulu Police Department. BYU-Hawaii is committed to assisting victims of a sexual assault by doing, at minimum, the following:

- We will meet with you privately, at a place of your choice in this area, to take a report.
- We will maintain full confidentiality.
- We will treat you and your case with courtesy, sensitivity, dignity, understanding, and professionalism.
- We will make every effort possible to accommodate your preferences for comfort when discussing the case.
- We will assist in making arrangements for support services and/or medical attention.
- We will provide thorough investigation on your case and help you reach the best outcome possible, even if it involves the arrest and prosecution of the perpetrator.
- We will keep you completely informed on the status of your case, and be available to answer any questions or concerns you may have.
- We will consider your case seriously regardless of your gender or the gender of the suspect.

A violation of this policy by students or employees may result in disciplinary actions, suspension, dismissal or banning from school or employment at BYU-Hawaii, in addition to possible prosecution under the laws of the State of Hawaii. When any person becomes aware of a forcible or non-forcible sexual offense they should immediately report it to an officer in the Campus and Security department or the Honolulu Police Department, as well as to the Vice President of Student Development who also serves as the university’s Title IX Coordinator.

Additional Requirements

BYU-Hawaii seeks to be fully compliant with The Student Right-To-Know and Campus Security Act of 1990 which specifies that campus authorities must treat victims with respect, help them understand their rights and legal options, and fully cooperate with them in exercising those rights, including the following:

- Refer sexual assault cases to civil and criminal authorities (Title IX) for investigation
- Free victims of any pressure to report sexual assault crimes or to report them as lesser offenses
- Provide information about equal rights for legal representation, like the accused, and the ability to have others present in campus proceedings.
- Cooperate in obtaining medical evidence
Under the direction the Title IX Coordinator, Debbie Hippolite-Wright, Vice President of Student Development, Title IX cases on campus receive high priority and attention to assure the university’s compliance with federal requirements. This law states that "If a school knows or reasonably should know about sexual harassment or sexual violence that creates a hostile environment, the school must take immediate action to eliminate the sexual harassment or sexual violence, prevent its recurrence, and address its effects." BYU-Hawaii reaffirms its commitment to follow these guidelines and act promptly to assure full implementation of these protections and processes.

For more information on Title IX, please refer to http://hr.byuh.edu/sexual_misconduct.

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. Under certain circumstances, Sexual Misconduct may constitute sex discrimination.

Sexual Misconduct prohibited under this policy includes a range of unwelcomed 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. Sex discrimination of a non-sexual or non-criminal nature prohibited under the Nondiscrimination and Equal Opportunity Policy (see Appendix, Exhibit 7).

Sexual Harassment
Sexual harassment is unwelcomed 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

Title VII of the Civil Rights Act of 1964 prohibits unlawful discrimination, including sex discrimination, in employment and the workplace. Likewise, Title IX of the Educational Amendments of 1972 prohibits sex discrimination in federally-funded education programs and activities. Two general categories for sexual harassment clarify when certain actions violate either one of these prohibitions:

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 of violation or the 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 often 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). Unwelcomed 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 Brigham Young University – Hawaii Honor Code (see Appendix, Exhibit 8).

**Sexual Violence, Domestic Violence, Dating Violence and Stalking**

**Sexual Violence**

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.

**Domestic Violence**

Under the Hawaii Penal Code domestic violence is considered sexual misconduct. This behavior is prohibited under this policy, even when the criminal behavior is not specifically sexual in nature.

**Dating Violence**

Also a crime under the Hawaii Penal Code, dating 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. This is also defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.

**Stalking**

Stalking, also included in the Hawaii Penal Code, 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.
Reporting Incidents

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.

1. Responsible Employees
A Dean, Director, Department Chair, Professor, coach, University Security 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 employee, officer, or volunteer of BYU Hawaii 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 that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future, must immediately report the matter orally to the police department or to Child Welfare Services within the State of Hawaii Department of Human Services at 808-832-5300, as required by the state and the University’s Youth Protection Policy (see Appendix, Exhibit 9).

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, Office of Honor 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 Brigham Young University – Hawaii 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, are encouraged to make a report as soon as possible to the appropriate authorities.

Where to Report
The Title IX Coordinator oversees all Title IX complaints and investigations and coordinates the university’s response to sex discrimination. The Equal Opportunity Manager also assists with sex discrimination cases. Sexual Misconduct falls under the jurisdiction of this officer.

Within the U.S. Department of Education, there are other government agencies and departments which assist with specific sexual assault and sex discrimination cases. The following provides a summary of these additional contacts and resources. Note that both categories include sexual harassment and sexual violence.

<table>
<thead>
<tr>
<th>Sexual Assault Category</th>
<th>US Government Department</th>
<th>Contact Information</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sex Discrimination (in educational programs and activities)</td>
<td>Office for Civil Rights (OCR)</td>
<td>Email: <a href="mailto:ocr@ed.gov">ocr@ed.gov</a> Website: <a href="http://ww2.ed.gov/about/offices">http://ww2.ed.gov/about/offices</a></td>
</tr>
</tbody>
</table>

Other Procedures and Services for Victims
1. 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:
2. Procedures victims should follow, including information about preserving evidence, reporting the offense, and obtaining protective orders;
3. Information about how confidentiality will be protected
4. 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;
5. Options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures
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 clinics, medical offices, or hospitals, as well as the on-campus Health Center.

Counseling support is also available to victims, whether or not they choose to make an official report.

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 http://titleix.byuh.edu/.

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.

Retaliation
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. 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.

Individuals who participate in a Sexual Misconduct investigation 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. 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.
**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.

**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 (when harassment is alleged to have taken place in the employment context) 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.

**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 record the incident in the confidential log of Title IX complaints and activity and will select a qualified employee to promptly investigate the allegations in the Report (“Investigator”). 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 (FERPA) policy and procedures (see Appendix, Exhibit 10) 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.

7. 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 Brigham Young University – Hawaii Honor Code, subjecting the individual making the false accusations to similar disciplinary action.

8. 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. Legal advisors 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.

9. 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.

Both the Complainant and the Respondent are entitled to have the same opportunity to present evidence and may have a support person in attendance. However, the University has the right to establish restrictions on the support person’s participation in the proceedings as long as the restrictions apply equally to both parties.

10. Resolution

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 is the Associate Academic Vice President (AAVP). Possible sanctions include verbal counseling, written warning, probation, reassignment, demotion, reduction in pay, suspension, termination of faculty employment, and a ban from campus.

- The Responsible Administrator for allegations of Sexual Misconduct against a non-faculty employee is the director or managing director over the employee’s area, who shall administer any discipline in consultation with the Manager of Employee Relations and consistent with the Discipline and Discharge of Administrative/Staff Personnel Policy. 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 Council, which shall administer any discipline consistent with the Non-academic Discipline provisions of the Brigham Young University -- Hawaii Honor Code. Possible sanctions include fines, community service, loss of privileges, nonacademic probation for a specified period of time, being counseled out (voluntary withdrawal), suspension (involuntary withdrawal for a specified period of time), or dismissal (permanent, involuntary withdrawal), 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 Discipline and Discharge of Administrative/Staff Personnel Policy. 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 Threat Assessment Committee. If the visitor was not invited to campus, the Responsible Administrator is the Threat Assessment 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.

11. Review of Outcome

A party who remains unsatisfied with the outcome may request an administrative review of the investigation outcome and resolution (“Review”). The Complainant or Respondent must request a Review within two business days of delivery of the Outcome Notice to the parties. 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 Grievances policy (see Appendix, Exhibit 11).

- 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 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 Requesting a Review provisions of the BYU-Hawaii Honor Code.

In situations where there is no other university policy or procedure that applies, the Complainant may petition the immediate supervisor of the Responsible Administrator who determined the resolution for a Review.

The petition for review should be submitted to the Title IX Coordinator, who will conduct the Review together with (a) the Vice President for Academics when the Respondent is a faculty member or (b) the Administrative Vice President when the Respondent is a staff or administrative employee. The Title IX Coordinator will provide a copy of the Review petition to the Respondent and invite him or her to submit a written response. The Title IX Coordinator and other responsible Vice President will meet with the parties and with the Investigator and will review the Complainant’s petition, any response submitted by the Respondent, and the documentary record of the investigation and resolution process. Within thirty calendar days, the Title IX Coordinator will provide the parties with a written determination as to whether the Complainant 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.

**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.
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.

University 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.

Prevention and Awareness Programs
The university’s primary prevention and awareness program for all new incoming students and new employees includes ongoing prevention and awareness campaigns. Such education will include, at minimum, the following information:

- University policy and definitions on domestic violence, dating violence, sexual assault, and stalking and what this means for eligibility to participate in programs, activities and/or employment
- 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 a criminal offense
- Risk reduction tips and warning signs of abusive behavior and how to avoid potential attacks
- Information about disciplinary actions that the university may impose for Sexual Misconduct
- 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
- Information about preserving victim confidentiality
- Help services available for victims and others involved in such violent criminal cases, including other services such as transportation, work situations, living conditions in the community and other protective measures

Annual Title IX Training
Training for the Title IX Coordinator, Deputy Title IX Coordinators, Investigators and Responsible Administrators is held annually 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. 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 also assist in fulfilling that responsibility.
training sessions and participants should be documented, and those records should be provided to the Title IX Coordinator.

Counseling and Student Services for Victims of Sex Offenses
The safety and well-being of our students, faculty, staff, and community patrons are a high priority at BYU-Hawaii. However, the full support and cooperation of the entire university community are required to allow for the pursuit of knowledge in a safe and secure environment. Often, the best defense against being the victim of a sex offense or any crime is one's own personal alertness and awareness, and taking care not to place oneself at risk. The university will make every effort to provide training and education to students in order to assist them with crime prevention.

Safety Awareness
The best advice for minimizing the possibility of becoming a victim is to be selective in your activities at all times by not putting yourself at risk. In order to avoid situations that may place an individual at greater risk of becoming a victim of a rape or sexual assault, it is advisable to:

1. Be aware of your rights and obligations. Don’t give mixed messages. You have both a right and an obligation to say “NO.”
2. Let a friend or roommate know who you will be with, where you will be, and when you expect to return. Leave an address and phone number.
3. Be sensitive to the spirit, your intuition, and your instincts. If you feel you may be at risk, take control by leaving the situation immediately. Don’t be afraid to “make waves” if you feel threatened, pressured, or coerced into an activity that is against your will.
4. Attend activities with friends and in groups. “Look out” for one another.
5. Walk with confidence and walk with another person. Stick to well-lighted, populated areas.
6. Refrain from drug and alcohol use.
7. Be extremely selective as to whom you date and where you go with the date.
8. Avoid Internet dates.

Prompt reporting of sex offenses allows for the collection and preservation of crucial evidence and facilitates the victim in receiving medical assistance, counseling, and other support services as soon as possible.

If you are the victim of sexual assault or rape:
1. Go to a safe place as soon as possible.
2. Preserve all physical evidence. Do not bathe, douche, brush teeth, wash hands, or change clothing.
3. Contact the University Security at 675-3911 immediately, or the local police at 911.
4. Ask the police to assist in getting you medical attention.
5. Find someone you can trust and stay with them until you can get further help.
*Note: Victims may choose NOT to notify law enforcement agencies

Adjudication and Sanctions
In the event the allegation involves a University employee, the Human Resources will make an assessment of the allegation and institute any appropriate sanctions based on established policies and procedures. In the case of a sexual offense, however, the Human Resources Services shall, in addition to the process established in its procedure:

1. Provide the accuser with the information identified by policy as to whom should be contacted for assistance, as to whom the alleged offense should be reported, and emphasize to the accuser the importance of preserving evidence as may be necessary for the proof of a criminal offense.

2. Provide the accuser and the accused with the same opportunities to have others present during an employee disciplinary proceeding and provide the accuser and the accused with information concerning the outcome of any employee disciplinary proceeding when a sexual offense is alleged.

3. Inform the accuser of the right to decline to notify Authorities.

4. Inform the victim/accuser of options to notify proper law enforcement authorities, including campus and local police, and the option to be assisted by campus authorities in notifying the appropriate police agency if the accuser chooses.

5. Provide written notification to the victim/accuser of the information identified in this policy of existing counseling, health, mental health, victim advocacy, legal services, visa and immigration assistance, student financial aid, or other Church or community services for victims of sexual offenses, to include students, employees both on campus and in the community.

6. The victim/accuser shall be provided written information concerning options for and

TIPS: Avoid Date Rape

/. Let a friend or roommate know who you will be with, where you will be, and when you expect to return. Leave contact info.
/. Know your intentions and limits. Everyone has a right and an obligation to say no.
/. Communicate limits firmly and directly. Don’t give mixed messages.
/. Trust your feelings. If you feel threatened, get away fast.
/. Attend activities in groups.
/. Be aware of what is going on around you.
/. Walk with confidence. Walk with another person.
/. Stick to well-lighted, populated areas.
/. Never walk or jog alone at night.
/. Avoid dense shrubbery where an assailant could hide.
/. Carry a whistle or personal alarm to summon help.
/. Keep house and car windows closed and locked.
/. Keep drapes or blinds closed when dressing.
available assistance in and how to request changes in academic and living arrangements, working situations and transportation options, or protective measures if requested and if these changes are reasonably available. These services shall be available regardless of whether or not the victim/accuser chooses to notify Law Enforcement.

7. Both the accuser and the accused must be informed simultaneously of the outcome of any institutional disciplinary proceeding brought alleging a sex offense.” 34 C.F.R. § 668.46(b) (11)(vi). The outcome will be in writing and will consist of the following:

- the outcome of any institutional disciplinary proceeding that arises from an allegation of domestic violence, dating violence, sexual assault, or stalking;
- the institution’s procedures for the accused and the victim to appeal the results of the institutional disciplinary proceeding;
- of any change to the results that occurs prior to the time that such results become final; and
- when such results become final.

Possible Sanctions for Sexual Assault Violations:

- Dismissal from BYU Hawaii
- Dismissal from all LDS Church Education System Universities of Business college
- Trespass Ban from the Campuses within the LDS Church Education System
- Suspension from BYU Hawaii
- Suspension from all Universities and the business college within the LDS Church Education System
- Probation

Sexual assaults are serious violations of the university’s honor code and university policies. These are crimes, under the Hawai‘i Revised Statutes Sec. 707-730, are described as follows:

707-730, Sexual Assault in the first degree, (a) Knowingly subjects another person to an act of sexual penetration by strong compulsion; (b) Knowingly engages in sexual penetration with another person who is less than fourteen years old; (c) Knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old, provided that the person is not less than five years older than the minor; and the person is not legally married to the minor; (d) Knowingly subjects another person to sexual penetration another person who is mentally defective; or (e) Knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person’s consent. The offense is an A Felony.

708-731, Sexual Assault in the second degree, (a) Knowingly subjects another person to an act of sexual penetration by compulsion; (b) Knowingly subjects to sexual
penetration another person who is mentally incapacitated or physically helpless. The offense is a B Felony.

707-732, Sexual Assault in the third degree, (a) Recklessly subjects another person to an act of sexual penetration by compulsion; (b) Knowingly subjects a person under fourteen years old or causes that person to have sexual contact with that person; (c) Knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the person to have sexual contact with the person provided that:

1. The person is not less than five years older than the minor; and
2. The person is not legally married to the minor.

The offense is a C Felony.

707-733, Sexual Assault in the fourth degree, (a) Knowingly subjects another person to sexual contact by compulsion or causes victim to have sexual contact by compulsion; (b) Knowingly exposes genitals to another person causing alarm or fear of bodily injury to another; (c) Knowingly trespasses on property for purposes of subjecting another person to surreptitious surveillance for the sexual gratification of that person. The offense is a Misdemeanor.

Support Services
The following are service providers on campus, and in the nearby communities, to work with victims of Sexual Misconduct:

BYU-Hawaii Counseling Services 675-3518
BYU-Hawaii Health Center 675-3510
Kahuku Medical Center 293-9221
Koʻolau Health Center 293-9231

Other Sexual Assault Information
Not Alone is a government sponsored site that assists victims of sexual assault at https://www.notalone.gov/. 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 school.

Registered Sex Offenders
In accordance with the federal Campus Sex Crimes Prevention Act (CSCPA) and the Hawaii 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.

Information on convicted sex offenders can be accessed online at the following link: http://sexoffenders.ehawaii.gov/sexoffender/search.html.
Emergency Notification, Response, and Evacuation

General Guidelines

In the event of an emergency, the university security department will notify students, faculty, staff and immediate community via the emergency notification service (Everbridge), of the state of emergency and actions required to preserve personal safety. Additionally, utilizing emergency personnel, the university will provide notification and assistance to all individuals on university property and in the immediate community. This includes providing emergency gear and equipment and implementing rescue and preservation procedures.

Testing

Daily, the university security department tests the emergency notification system and provides, bi-annually, full emergency response and evacuation exercises.

University Policy

Natural Disasters

In the event of an emergency, there are some basic life protecting behaviors which every person can follow in order to minimize the losses when there is a natural disaster.

Do the following:

- Avoid panic, remain calm, use common sense, and render assistance as required.
- Report all emergencies by dialing 675-3911 or 53911 from an on campus phone.
- Evacuate buildings immediately upon request of authorities, upon hearing an alarm, or if remaining becomes life threatening.
- Know the location of at least two emergency exits in your working/living area.
- Keep a flashlight nearby both at work and in living areas.
- Listen for instructions broadcast over emergency warning systems.

Do NOT do the following during an emergency:

- Do not use the telephone except to report emergencies.
- Do not wait to report an emergency to the Police or to those responsible for handling emergencies.
- Do not jeopardize your life or the lives of others by attempting to save personal or University property.
- Do not cross police barriers without authorization.
- Do not exceed your training or knowledge when attempting to render first aid.

Fires

Upon discovery of a fire, activate the nearest fire alarm, and then call 911. Additional guidelines and instructions are provided below, wherein bystanders can assist with:

- Clear the area of people and items or objects that are possible explosives.
- Do not attempt to fight fires alone.
- Do not attempt to rescue others unless you are certain you can do so safely.
When fire fighters arrive, inform them of the location of persons still in the building.

- When a fire alarm sounds, close windows, open drapes, and exit quickly to the nearest stairwell. Close doors behind you. Never use elevators.
- If the door is hot or the hallway is too smoky, stay in the room. Stuff towels or blankets around door cracks. Stay low to the floor where the air is fresher and cooler. Go to the window and attract attention by waving a sheet or coat outside.
- After you have left the building, stand clear of the structure and obey the instructions of fire fighters and police. Do not reenter the building until you have permission.

**Suspicious Packages or Letters and Possible Biological Materials**

If you receive a suspicious package or envelope:

- Do not shake or empty the contents of any suspicious envelope or package.
- Place the envelope or package in a plastic bag or some other type of container to prevent leakage of contents.
- If you don’t have a container, then cover the envelope or package with anything (clothing, paper, trash can) do not remove this cover.
- Then leave the room and close the door or section of the area to prevent others from entering.
- Report the incident to the police, IMMEDIATELY.

If you receive a package or envelope with a powdery substance:

- Do not try to clean up the powder. Cover the spilled contents immediately with anything (clothing, paper, trash can) and do not remove this cover.
- Leave the room and close the door, or section off the area to prevent entrance.
- Wash your hands and exposed skin with soap and water thoroughly.
- Contact the police, IMMEDIATELY.
- Remove heavily contaminated clothing as soon as possible and place in a plastic bag, or some other container that can be sealed. Give to emergency responders.
- Shower with soap and water as soon as possible.
- Make a list of all the people that were in the area, especially those who had actual contact with the powder.

How to identify suspicious packages and letters include the following:

- Excessive postage
- Handwritten or poorly typed addresses
- Incorrect titles
- Title, but no name
- Misspellings of common words
- Oily stains, discolorations or odor
- No return address
- Excessive weight
- Lopsided or uneven envelope
- Protruding wires or aluminum foil
• Excessive security material such as masking tape, string, etc.
• Visual distractions
• Ticking sound
• Marked with restrictive endorsements, such as “Personal” or “Confidential”
• Shows a city or state in the postmark that does not match the return address

Anthrax organisms can cause infection in the skin, gastrointestinal system, or the lungs. To do so the organism must be rubbed into a cut or wound, swallowed, or inhaled as a fine powder or aerosolized mist. Disease can be prevented after exposure to the anthrax spores by early treatment with the appropriate antibiotics. Anthrax is not spread from one person to another person.
Missing Student Notification Policy and Procedure

Purpose

The University, under the direction of the Vice President of Student Development and Services, have a missing student policy and procedure outlined to assist in locating students residing in on-campus or off-campus housing (See Appendix, Exhibit 12 for full text of policy statement.)

Policy

Annually, and as needed using academic registration, the university will inform all students via an automated alert (Everbridge), of the option to confidentially register the name of one or more emergency contacts to be notified in the event that the student is determined to be missing. Students may update this information at any time through the Student Center of the Student Registration system. Information regarding registered emergency contacts will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing student investigation. In the event that a student is missing, authorized campus officials should notify the Dean of Students and Campus Security so that the Behavior Assessment Team can plan and oversee an investigation as outlined in the following implementation guidelines.

2.1 Registration of Contact Persons by the student

The university affords all students with the option to identify a contact person or persons whom the university shall notify within 24 hours of a determination that the student is missing. A general emergency contact and a missing student contact may be registered, although the contact person may be the same for both purposes. A student may choose to designate a parent as their contact person; however the contact person may be anyone they choose. If there is no contact identified, only the Honolulu Police Department must be notified.

2.2 Students under the age of 18

The University will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person identified by the student and the Honolulu Police Department no later than 24 hours after a student is determined missing.

2.3 Notification of law enforcement

The university, regardless of age or status, and regardless of whether the student has registered a confidential contact person, will also notify Honolulu Police Department within 24 hours of the determination that the student is missing, unless the Honolulu Police Department made the determination that the student is missing.

IMPLEMENTATION

3.1 Definitions

3.1.1 Authorized campus officials
Authorized campus official is deemed to include the Vice President of Student Development and Services, Dean of Students, Director of Security and Safety.

3.2 Scope of Control
Any person who believes that a student is missing should immediately alert Campus Security (or an authorized campus official) by: a) clicking the Report a Concern button on the homepage, b) file a report with the Dean of Students, Security Office, or Residential Life Coordinator. Reports of missing students may also be made to the Honolulu Police Department by calling 9-1-1.

3.3 Investigation Procedures

3.3.1 Obligation of the reporter

3.3.2 Behavior Intervention Team (BIT) responsibilities
When a university employee or faculty member receives notification that a student is missing, the employee should help the reporter contact Campus Security to file a missing student report. If the reporter is unwilling to make a report the employee should attempt to collect and report as much information as possible, including the following:

- Name of the missing person
- Contact information of the missing person
- Physical description of the missing person, including clothing, hair, eye, and skin color, and any distinguishing features
- Time and location where the person was last seen
- Names and contact information of persons close to the missing person or recently seen with the missing person
- Name and contact information of the reporter

3.3.3 Behavior Intervention Team responsibilities
When a student is reported missing, and has been deemed to have been missing for more than 24 hours without any known reason, Campus Security will notify the TAC chair, who is the Dean of Students, who shall:

1. Initiate an investigation to determine the validity of the missing student report;
2. Contact the Vice President of Student Development and Services;
3. The Behavior Intervention Team will identify and implement actions to assist in locating the missing student.
4. Make a determination as to the status of the missing student. Determination can be made at any time within the 24 hours and notification will be made within 24 hours of when a determination is made.
5. Notify the missing student notification contact(s), as identified by the missing student, within 24 hours of determining that the student is missing;
6. If the student is under 18 (and not emancipated), notify the student’s custodial parent/guardian no later than 24 hours of determining that the student is missing; and,
7. Notify Honolulu Police Department within 24 hours of determining that the student is missing.
8. All attempts to notify the contact person(s) will be documented. Dean of Student may take any of the foregoing steps before a person is determined to have been missing for more than 24 hours if they determine that there is reason to believe the person is missing or may otherwise be in danger.

RELATED POLICIES or PROCEDURES

Campus Threat Assessment

Student Emergency Leave Policy

VERSION ARCHIVE
Other Crimes and Situations

Sex offenses are not limited to rape and sexual assault. Other offensive and unacceptable sexual behavior may be in violation of BYU-Hawaii policy or criminal in nature. Exhibitionists, voyeurism (peeping Toms), and persons who make obscene or harassing phone calls are in violation of BYU-Hawaii standards and often are in violation of the law.

Exhibitionism and Voyeurism
If you are the victim of an exhibitionist or voyeur (peeping Tom), try not to panic. Stay calm and do not show any reaction. After calling campus security immediately, or the Honolulu Police, pay attention to the following details for reporting purposes:

- Report the time and place of the incident.
- If witnesses are present, get their names and phone numbers.
- Try to get a good look at the offender. A description of the person’s appearance will help the police identify him.
- Lock your doors and windows immediately.
- If a car is involved, note the color, make, license plate number, and direction of travel.

Obscene and Harassing Phone Calls
Use the telephone on your terms—not the terms of the caller. If you receive such a call:

- Do not give out your name or address.
- Hang up at once if a caller makes obscene or harassing remarks or does not respond to your “hello.”
- Report these calls to the police.
- Keep logs of repeated calls noting the date, time, content, voice characteristics, background noises, etc.
- Be wary of callers conducting surveys.
- Don’t give out confidential information (i.e., credit card numbers or personal information).

Pornography and Indecent Material
BYU-Hawaii is affiliated with the Church of Jesus Christ of Latter-day Saints and ascribes to high standards of morality and Christian ethics espoused in the doctrines of the gospel of Jesus Christ. The University maintains the right to censure any student or employee for involvement with pornographic, erotic, obscene, indecent, or other sexually explicit or offensive materials regardless of the source; i.e., internet printed materials, videotape or audiotape, live public or private performances, or other offensive expressions or conduct. BYU-Hawaii deems any such conduct as inconsistent with the Honor Code. As such, these offenses are viewed as serious offenses that may result in university disciplinary sanctions including termination from employment or immediate suspension from the university. Some cases may be referred to the criminal courts for prosecution under relevant federal, state, county or city law governing pornography, computer misuse, or indecent conduct.
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:

- Assess the current situation;
- Silence your phone;
- Run to a safer area if possible;
- Call 911 for a police response;
- Hide if you are unable to get out;
- Prevent the shooter from entering your area by blocking doorways, etc.;
- Spread out (do not huddle together) and quietly develop a plan of action; and
- In the event the shooter enters your area, fight to disable the shooter. Assume the shooter’s intentions are lethal and be prepared to do whatever it takes (survival mindset) to neutralize the threat.

Theft
Theft is the most frequently committed crime on campus. This is because so many personnel and students carelessly leave doors unlocked and valuables unprotected. As with crimes against the person, your best defense against theft is vigilance. Recognize that danger exists and take precautions. Here are a few suggestions:

- 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
- Lock your bicycle with a quality “U” style lock.
- Register your bike with City and County of Honolulu and University Security.
- Do not lend your keys or credit cards to anyone
- Do not attach ID to your keys.
- Engrave ID numbers on personal property.
- Keep records of your property including description, make, model, and serial number.
- Do not leave your laundry unattended.
- Always lock your car. Do not leave valuables inside.

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-lighted 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.

Domestic Violence
Domestic violence is 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.
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.

**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 relationship have narrowed;
- One spouse makes all the rules;
- One puts the other down;
- One is afraid; or
- One has been physically injured.

**Child Abuse**

Hawaii State Law defines child abuse or neglect as “the acts or omissions of any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child’s care, that have resulted in the physical or psychological health or welfare of the child, who is under the age of eighteen, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed” (HRS 350).

Any persons who has reason to believe that a child is being abused or neglected has a duty to report this to appropriate authorities; either university security or HPD to begin.
Fire Safety Report

Brigham Young University – Hawaii encourages accurate and prompt reporting of all fires and emergency situations. See Appendix, Exhibit 13 for the official full Fire Safety policy.

Fire Safety Plans

Overview


General Statement

The University Resident Housing units have built-in fire suppression systems. These systems are equipped with water flow and valve tamper switches that are monitored by a Fire Alarm Control Panel in the building where they are located, as well as the Security office which is constantly attended. There are also built in fire detection systems in every on campus housing unit that include smoke detectors located in rooms, hallways, as well as smoke/heat detectors in mechanical rooms, custodial closets and lounges. Fire detection systems exist to provide early warning and the opportunity to safely evacuate the building should it be necessary. Fire extinguishers are located in each apartment and in the hallways of the dorms.

Reporting Requirements

Campus Safety & Security will maintain and compile an Annual Fire Statistics Report that includes:

- The number of fires and the cause of each fire
- The number of deaths related to the fire
- The number of injuries related to the fire that resulted in treatment at a medical facility
- The value of property damage related to the fire

An Annual Fire Safety Report will be compiled by the University Safety Officer and shall contain the following information:

- Fire statistics containing the number of fires and the cause of each fire, number of deaths related to the fire, number of injuries related to the fire and the value of property damage.
- A description of the fire safety system for each on-campus student housing facility
- The number of fire drills held the previous calendar year
- The institution’s policies or rules on portable electrical appliances, smoking and open flames in student housing facilities
- Procedures for student housing evacuation
• Policies for fire safety education and training programs for students and staff
• A list of the titles of each person or organization to which individuals should report that a fire has occurred
• Plans for future improvements in fire safety determined necessary by the institution

All fires should be reported to the following people:
Earl Morris, Director of Campus Safety and Security 675-3501
Edwin Rogers, Director of University Housing 675-3544
Philip Relator, University Safety Officer 675-3281

Prevention Plan
Purpose
OSHA’s Fire Prevention Plan regulations, found at 29 CFR 1926.24 and Subpart F do not specifically require a written plan, but do require specific program elements. This plan addresses fire emergencies reasonably anticipated to occur through all phases of the construction, repair, alteration, or demolition at our construction sites.

The Fire Prevention Plan (FPP) is in place at BYUH to control and reduce the possibility of fire and to specify the type of equipment to use in case of fire. This plan addresses the following issues:

* Major workplace fire hazards and proper handling and storage procedures for hazardous materials
* Potential ignition sources and their control
* The type of fire protection equipment necessary to control each major hazard
* Procedures to control accumulations of flammable and combustible waste materials
* Procedures for regular maintenance of safeguards installed on heat-producing equipment to prevent the accidental ignition of combustible materials
* The name of job title of employees responsible for maintaining equipment to prevent or control sources of ignition or fires
* The name of job title of employees responsible for the control of fuel source hazards.

Under this plan, our employees will be informed of the plan’s purpose, preferred means of reporting fires and other emergencies, types of evacuations to be used in various emergency situations, and the alarm system. The plan is closely tied to our Emergency Action Plan where procedures are described for emergency evacuation procedures and exit route assignments, procedures to account for all employees after emergency evacuation has been completed, and rescue and medical duties for those employees who perform them. Please see the Emergency Action Plan for this information.

The Safety Officer is the Plan Coordinator, acting as the representative of the President of BYUH, who has overall responsibility for the plan. The written plan is kept in the Safety Office and should be accessible online. The Safety Officer will review and update the plan as necessary. Copies of this plan may be obtained from the Safety Office, Security or the Facilities Management Office.
The Fire Protection Plan (FPP) communicates to employees, policies and procedures to follow when fires erupt. This written plan is available, upon request, to employees, their designated representatives, and any OSHA officials who ask to see it.

If after reading this plan, you find that improvements can be made, please contact the Safety Officer. We encourage all suggestions because we are committed to the success of our Fire Prevention Plan. We strive for clear understanding, safe behavior, and involvement in the plan from every level of the company.

**Plan Coordinator Responsibilities**

At BYU-Hawaii the Plan Coordinator responsible for the following activities. He or she must do the following:

1. Develop a written Fire Prevention Plan for regular and after-hours work conditions.
2. Immediately notify the Kahuku Fire Department or police departments, and the building owner/superintendent in the event of a fire affecting the facility.
3. Integrate the FPP with the existing general emergency plan covering the building occupied.
4. Distribute procedures for reporting a fire, the location of fire exits, and exit routes to each employee.
5. Conduct drills to acquaint the employees with fire procedures, and to judge their effectiveness.
6. Satisfy all local fire codes and regulations as specified.
7. Train designated employees in the use of fire extinguishers and the application of medical first-aid techniques.
8. Keep key management personnel home telephone numbers in a safe place in the facility for immediate use in the event of a fire. Distribute a copy of the list to key persons to be retained in their homes for use in communicating a fire occurring during non-work hours.
9. Decide to have employees and non-employees remain in or evacuate the facility in the event of a fire.
10. If evacuation is deemed necessary, the Plan Coordinator ensures that:
    - All employees are notified and evacuated and a head count is taken to confirm total evacuation of all employees.
    - When practical, equipment is placed and locked in storage rooms or desks for protection.
    - The building owner/superintendent is contacted, informed of the action taken, and asked to assist in coordinating security protection.
    - In locations where the building owner/superintendent is not available, security measure to protect employee records and property are arranged as necessary.

In addition, the Plan Coordinator/Safety Officer is responsible for duties unique to the BYUH Campus.

**Evacuation Procedures**

If a resident discovers a fire in an on campus student housing unit, they are directed to activate a pull alarm, which initiates an audible alarm to notify building occupants and/or the campus security office, and then evacuate the building immediately. After assembling in
a designated area, the resident must contact the university security at 675-3911 and/or the Honolulu Fire department at 9-911.

Each building has a posted evacuation route map for residents to follow. During orientation to their living apartments or dormitory, students should be familiar with the evacuation map when they move into the housing unit each semester. Resident Assistants (RA’s) in the Housing department receive annual training on how to utilize fire extinguishers to extinguish small fires in addition to conducting an orderly evacuation.

- If you reside in the Hales, residents are to evacuate to the far end of the Tennis Courts.
- If you reside in the TVA Apartments, residents are to evacuate to the Stake Pavilion.

**Fire Hazards**

Fire can be represented by a simple equation: \( \text{FIRE} = \text{Ignition Source} + \text{Fuel} + \text{Oxygen} \). Without any one of these three elements, a fire cannot start. Likewise, during a fire, if you take away any one of these elements, you can successfully put out a fire. It is our company’s intent to prevent these three elements from reacting to produce a fire.

Facilities Management and Housing shops where welding, torching and other open flame activity is carried out as well as other locations campus-wide where similar activities exist and where there may be hazardous chemicals and/or materials. A “Hot Work” Permit must be used if hot work is done under any roofing or building structure.

Fire prevention measure involving proper handling and storage of hazardous materials have been developed. These include:

- Control of potential ignition sources during open flame operations related to welding, torching, etc.
- Fuel is used throughout the facility as an energy source for various systems or equipment. This fuel can be significant fire hazard and must be monitored and controlled.
- Regarding Underground Storage Tank (UST), the Construction Manager oversees distribution of gas, while propane tanks are under the control of the Facilities Management Director.

**Potential Ignition Sources**

Flammable or combustible materials and other fuel sources may not ignite on their own without an external source of ignition. The following procedures are used to control known ignition sources at BYU-Hawaii.

**Fire Protection Equipment**

With the exception of specific fire extinguishers for data/electrical equipment and areas in the Cafeteria and Seaside, ABC Fire Extinguishers are located and may be used throughout the campus. These extinguishers are selected and purchased by the Safety Officer. In addition, the following equipment is also present to control fires:

- Standpipe and hose systems
• Fixed fire suppression equipment, which includes automatic sprinkler systems
• Fixed extinguisher systems, along with the Piranha Fire Suppression Systems at the Seasider and Food Services.

*Note that fire protection equipment and systems are indicated on the building floor plans.

Process for Maintaining Equipment and Systems

Maintenance of Equipment and Systems
It is our intent to assure the reliability of fire protection equipment and equipment and systems installed on heat-producing equipment to prevent the accidental ignition of combustible materials. The Safety Officer is responsible for maintaining equipment and systems installed to prevent or control sources ignition or fires.

Housekeeping Procedures
BYU-Hawaii controls accumulations of flammable and combustible waste materials and residues so that they do not contribute to a fire. The following potential hazards at this campus may include mechanical rooms, custodial room and closets, attics, various storage locations campus-wide, etc.

Training
At the time of a fire, employees should know what type of evacuation is necessary and what their role is in carrying out the plan. In cases where the fire is large, total and immediate evacuation of all employees is necessary. In smaller fires, a partial evacuation of nonessential employees with a delayed evacuation of others may be necessary for continued operation. We must be sure that employees know what is expected of them during a fire to assure their safety.

BYU-Hawaii has chosen to train employees through presentation followed by a drill. We cover related FPP information at that time.

Training, conducted on initial assignment, includes:
• Fire hazards to which an employee is exposed
• What to do if employee discovers a fire
• Demonstration of alarm, if more than one type exists
• How to recognize fire exits
• Evacuation routes
• Assisting employees with disabilities
• Measures to contain fire (e.g.: closing office doors, windows, etc. In immediate vicinity)
• Head count procedures (see EAP for details)
• Return to building after the “all-clear” signal
• Those part of the Fire Prevention Plan necessary for self-protection

If the Plan Coordinator has reason to believe an employee does not have the understanding required, the employee must be re-trained. Any employee who does not comply with this plan will be disciplined up to and including termination.
Our building houses several places of employment, so we have set up a building-wide FPP including all employers in the building. BYU-Hawaii has informed its employees of their duties and responsibilities under the plan. Each employer in the facility has a copy of the standardized plan and it is accessible by affected employees.

Together we have coordinated the FPPs of all employers in the building to avoid confusion and conflicts during a fire.

**Fire Protection Equipment**
The Plan Coordinator provides training for each employee who is required to use fire protection equipment. Employees shall not use fire protection equipment without appropriate training. Training, before an individual is assigned responsibility to fight a fire, includes:

- Types of fires
- Types of fire prevention equipment
- Location of fire prevention equipment
- How to use fire prevention equipment
- Limitations of fire prevention equipment
- Proper care and maintenance of assigned fire prevention equipment and systems.

Employees must demonstrate an understanding of the training and the ability to use the equipment properly before they are allowed to perform work requiring the use of the equipment. If the Plan Coordinator has reason to believe an employee does not have the understanding or skill required, the employee must be re-trained.

**Fire Alarm Systems**
In the 2015 calendar year, all campus fire alarm systems were tested, and all on-campus housing residents participated in a fire alarm drill. There were 3 fire drills held in 2015. This represents 100% of on campus resident housing buildings and the participation of their occupants.

Residents are encouraged to report mechanical problems that might arise with this equipment to the Resident Advisors, who then report the necessary information to University Housing. If residents detect an odor of smoke prior to the activation of a smoke detector or some other early warning device, they are directed to contact University Security at 675-3911 or 911. They are advised to report the exact location of the fire and, if known, what is burning.

The following charts reflect the current status for alarm systems in on-campus housing.

**Married Students On-Campus Housing**

<table>
<thead>
<tr>
<th>Apartment</th>
<th>Fire Alarm Pull Stations</th>
<th>Sprinkler System</th>
<th>Smoke Detectors</th>
<th>Fire Extinguishers</th>
<th>Fire Drills</th>
</tr>
</thead>
<tbody>
<tr>
<td>TVA – A</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – B</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – C</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>---------</td>
<td>-----</td>
<td>----</td>
<td>-----</td>
<td>-----</td>
<td>-----</td>
</tr>
<tr>
<td>TVA – D</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – E</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – F</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – G</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – H</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – I</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – J</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – K</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – L</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – M</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – N</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – P</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – Q</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – R</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – S</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – T</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – U</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – V</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – W</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – X</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>TVA – Y</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

**On Campus Student Housing Fire Protection Systems**

Every building designated as “on campus” resident housing has an early detection and warning system consisting of fire alarm pull stations, audible and visual alarms, smoke alarms and heat detectors, and in many cases fire sprinkler systems. All fire alarms in residential housing are tested regularly and per the requirements of the National Fire Protection Association (NFPA), Publication 72. Every student who occupies an on campus residential housing unit as well as University employees receives instruction on how to evacuate a building when a fire alarm is activated and annually participates in an exercise assuring their understanding of this process.
Single Students On-Campus Housing

<table>
<thead>
<tr>
<th>Hale #</th>
<th>Fire Alarm Pull Stations</th>
<th>Sprinkler System</th>
<th>Smoke Detectors</th>
<th>Fire Extinguishers</th>
<th>Fire Drills</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>2</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>3</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>4</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>5</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>6</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>7</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>8</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>9</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>10</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Fire Safety Procedures
There are a number of university policies that address fire and general safety procedures. Specifically related to fires, written policies exist and are widely shared.

Actions to Take in the Event of a Fire
- If you can control the fire without personal danger, take action with available firefighting equipment. If not, leave the area and report the fire immediately.
- Activate a local alarm station which will cause the alarm to sound. This action will also send an automatic notification alarm to the Security dispatcher who will also respond by dispatching an officer to assist.
- Never allow the fire to come between you and an exit.
- Remove all persons from the area of danger. Close doors behind you to help confine the fire.

Respond to an Audible Fire Alarm
- If an audible fire alarm sounds, evacuate the building immediately.
- Do not use the elevator, however do utilize the stairs.
- If requested, accompany and assist persons with disabilities who appear to need assistance.
- Do not delay your evacuation to access and obtain personal property from your room.
- Remain a safe distance away from the building, at least 100 feet, to help facilitate clear access to the building for the fire department.
- Return to the building only when instructed to do so by campus security staff, or fire department officers.
**Fire Safety Education**

Fire safety training is provided for the Resident Advisors every Fall and Winter semesters. Fire extinguisher training is made available to students, faculty, and staff upon request. The Fire Safety training class includes hands-on training with a fire extinguisher. To schedule a fire safety training class contact the Campus Safety Officer at 675-3406.

**Policies Related to Fire Safety Measures**

**Building Evacuation Maps:** Every occupied building has posted Emergency Evacuation Maps which identify directions for clearing all residents, faculty, staff, and visitors from the building, including procedures for people with disabilities.

**Decorative Candles and Open Flames:** BYUH strictly prohibits the use of open flame candles and other open flames, including incense, in campus residential housing.

**Electrical Safety Guidelines:** Residents of on campus residential housing must comply with electrical safety guidelines. The use of multiple outlet adapters, power strips, and overloading wall outlets with electric appliances is prohibited.

**Barbeques:** Charcoal barbeques are not permitted throughout residential on campus housing areas. There is a barbecue pit available for use at the TVA pavilion area.

**Emergency Evacuations for People with Disabilities:** Each on campus residential housing building must have an Emergency Action Plan with evacuation procedures for residents to safely exit the building.

*Note that residents who will need special assistance are pre-identified so that arrangements can be made in advance to meet their needs.*

**Plans for Future Improvements**

When and where possible, improvements in the area of fire prevention education will be provided, including ongoing training of students, faculty, and staff in the safe use of fire extinguishers. Whenever there are upgrades to a facility the fire suppression and notification systems are evaluated for compliance with the current codes.
**Fire Log**

The following charts reflect fires reported in the last three years, 2013-2015.

**Statistical Fire Loss Data: Calendar Year 2013-2015**

<table>
<thead>
<tr>
<th>Date Reported</th>
<th>Nature of Fire</th>
<th>Date/Time of Fire</th>
<th>Location</th>
<th>Property Damage</th>
<th>Injuries and Death</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mar 14, 2013</td>
<td>A small fire from excessive buildup of oil from one of the burners on the stove</td>
<td>Mar 14, 2013 @ 1549</td>
<td>H5</td>
<td>$0-$99</td>
<td>0</td>
</tr>
<tr>
<td>May 9, 2013</td>
<td>A cooking fire caused damages to the kitchen cabinets.</td>
<td>Mar 3, 2013 @ 1800</td>
<td>TVA P-bldg</td>
<td>$100-$999</td>
<td>0</td>
</tr>
<tr>
<td>Aug 4, 2013</td>
<td>Stove fire—tenants left a pot with a baby bottle in boiling water and the bottle caught on fire</td>
<td>Aug 4, 2013 @ 1945</td>
<td>TVA R-bldg</td>
<td>$0-$99</td>
<td>0</td>
</tr>
<tr>
<td>Sept 18, 2014</td>
<td>Students cooking in the dormitory and smoke set the detector off</td>
<td>Sept 18, 2014 @ 0741</td>
<td>H10</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Sept 25, 2014</td>
<td>Frying pan fire</td>
<td>Sept 25, 2014 @ 1245</td>
<td>TVA P-bldg</td>
<td>$0-$500</td>
<td>0</td>
</tr>
<tr>
<td>Jan 21, 2015</td>
<td>Fire-welding room</td>
<td>Jan 21, 2015 @0745</td>
<td>Grounds Storage</td>
<td></td>
<td>0</td>
</tr>
<tr>
<td>Feb 27, 2015</td>
<td>Butane gas canister</td>
<td>Feb 27, 2015 @1240</td>
<td>Ballroom/Farmer's Market</td>
<td>$0 - $100</td>
<td>0</td>
</tr>
<tr>
<td>July 22, 2015</td>
<td>Mattress Fire</td>
<td>July 22, 2015 @2000</td>
<td>55-117 Puuahi Street</td>
<td>$7100</td>
<td>0</td>
</tr>
<tr>
<td>Aug 15, 2015</td>
<td>Fire-Mobile 3 Security Vehicle</td>
<td>Aug 15, 2015 @1745</td>
<td>Kuluanui Security</td>
<td>$9,000</td>
<td>0</td>
</tr>
<tr>
<td>Aug 23, 2015</td>
<td>Underground Electrical Short</td>
<td>Aug 23, 2015 @2353</td>
<td>Hale 3</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Sep 5, 2015</td>
<td>Fire in gas stove</td>
<td>Sept 5, 2015 @1049</td>
<td>TVA Bldg H</td>
<td>$30,000-$40,000</td>
<td>0</td>
</tr>
<tr>
<td>Sep 11, 2015</td>
<td>Light bulb, smoking smelling like plastic</td>
<td>Sep 11, 2015 @0956</td>
<td>HUB – Aloha Center</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Date</td>
<td>Description</td>
<td>Date</td>
<td>Location</td>
<td>Cost</td>
<td>Damage</td>
</tr>
<tr>
<td>------------</td>
<td>------------------------------------------------------------------------------</td>
<td>------------</td>
<td>---------------------------</td>
<td>------</td>
<td>--------</td>
</tr>
<tr>
<td>Sep 14, 2015</td>
<td>Smoke damage in room. Food left on the stove.</td>
<td>Sep 14, 2015</td>
<td>Hale 10 #311</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Sep 15, 2015</td>
<td>Smoke alarm going off – defective battery</td>
<td>Sep 15, 2015</td>
<td>TVA Z-240</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Dec 13, 2015</td>
<td>Fire reported. Students cooking for Christmas with approval.</td>
<td>Dec 13, 2015</td>
<td>Farm Area</td>
<td>$0</td>
<td>0</td>
</tr>
<tr>
<td>Dec 22, 2015</td>
<td>Kitchen fire – cooking left unattended</td>
<td>Oct 1, 2015</td>
<td>TVA U220</td>
<td>$4,900</td>
<td>0</td>
</tr>
</tbody>
</table>
Exhibit 1: BYU-Hawaii Alcohol and Tobacco-Free Campus

Criminal Activity

General Policies

<table>
<thead>
<tr>
<th>Criminal Activity</th>
<th>Policy #: CSSR-012</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Approved by President’s Council: 01/06/2014</td>
<td>Policy Owner: Director for Campus Safety and Security</td>
</tr>
</tbody>
</table>

1. POLICY

Prevention of criminal activity and the protection of University personnel and property are the primary objectives of the Campus Safety and Security Office. All incidents and violations shall be handled in an appropriate manner, which may include contacting the Honolulu Police Department, as well as utilizing applicable on-campus resources such as the Office of Honor and Counseling Services. All criminal activity shall be directed to the Campus Safety and Security Office immediately at (808)675-3911.

2. DEFINITION

Criminal activity: including but not limited to trespassing, theft of University and personal property, abuse, assault, threatening conduct, bomb threats, and criminal property damage. University personnel: faculty, staff, and students

3. HISTORY

This policy replaces policies no. XIII.C.1 dated,
XIII.C.C and XIV.U. Original Approval by President’s Council: 06/01/2001

4. RELATED POLICIES or PROCEDURES

Weapons
Exhibit 2: BYU-Hawaii Alcohol and Tobacco-Free Campus

Alcohol and Tobacco-Free Campus

General Policies

<table>
<thead>
<tr>
<th>Alcohol and Tobacco-Free Campus</th>
<th>Policy #: GPOL-009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Approved by President’s Council:</td>
<td>12/9/2013</td>
</tr>
<tr>
<td>Policy Owner:</td>
<td>Office of Honor</td>
</tr>
<tr>
<td>Executive Sponsor:</td>
<td>Vice President for Student Development &amp; Services</td>
</tr>
</tbody>
</table>

1. POLICY

The policy establishes the university’s commitment to promote a campus free of alcohol and tobacco use. The lawful or unlawful manufacture, distribution, dispensation, possession, or use of these substances by student, employee, or visitor is prohibited on university property or in the course of a university activity. BYU–Hawaii has adopted an Honor Code that outlines the consequences for any violations.

2. DEFINITION

The Honor Code was created to ensure and provide students with an atmosphere that is consistent with the ideals and principles of The Church of Jesus Christ of Latter-day Saints. This Honor Code prohibits the possession, use, or distribution of any alcohol or tobacco products by students and employees. This policy expands the prohibition of alcohol and tobacco products to anyone on campus property. Campus property includes all land, facilities, and other property in the possession of or owned, used or controlled by the university (including adjacent streets and sidewalks). Tobacco products include but are not limited to cigarettes, cigars, smokeless tobacco, and electronic cigarettes.

3. HISTORY

4. RELATED POLICIES or PROCEDURES

Honor Code Policy (STUD-004)
Exhibit 3: BYU-Hawaii Drug-Free School Policy

BYU-Hawaii Drug-Free School Policy

Student Life

BYU-Hawaii Drug-Free School Policy

Policy #: HRSD- 026

Date Approved by President’s Council: 02/21/2012
Policy Owner: Human Resources
Executive Sponsor: Vice President of Administrative Services

1. POLICY

The policy establishes the university’s commitment to comply with the federal government’s Drug-Free Schools and Communities Act Amendments of 1989 which was enacted on December 12, 1989. To comply with this law and further the university’s commitment to promote a campus environment free of drug and alcohol abuse, BYU-Hawaii has adopted the Drug-Free School Act which is enforced through the Honor Code Policy and Honor Code Office.

2. DEFINITION

Drug-Free Schools and Communities Act Amendment of 1989 - The Act outlines that an institution of higher education, as a condition for receiving federal funds under any federal program, must certify that it has adopted and implemented a program to prevent the unlawful possession, use, or distribution of illicit drugs by students and employees. Illicit drugs – is defined as use of those drugs or substances that is prohibited by state or federal law. Campus environment - includes all land, facilities, and other property in the possession of or owned, used or controlled by the University (including adjacent streets and sidewalks).

3. HISTORY

Original Approval by President’s Council: 01/01/2001 Updated by President’s Council: 02/17/2012

4. RELATED POLICIES or PROCEDURES

Honor Code Policy
Exhibit 4: Legal Sanctions for Unlawful Possession or Distribution of Drugs and Alcohol

I. Federal Penalties for Distribution of Illegal Drugs

Federal Trafficking Penalties (See 21 U.S.C.A. § 841)

<table>
<thead>
<tr>
<th>PENALTY</th>
<th>QUANTITY</th>
<th>DRUG</th>
<th>QUANTITY</th>
</tr>
</thead>
<tbody>
<tr>
<td>CSA</td>
<td>2nd Offense</td>
<td>1st Offense</td>
<td>1st Offense</td>
</tr>
<tr>
<td>Not less than 10 years. Not more than life.</td>
<td>Not less than 5 years. Not more than 40 years.</td>
<td>5-99 gm pure or 50-499 gm mixture</td>
<td>METHAMPHETAMINE</td>
</tr>
<tr>
<td>I and II</td>
<td>If death or serious injury, not less than life.</td>
<td>100-999 gm mixture</td>
<td>HEROIN</td>
</tr>
<tr>
<td>Fine of not more than $4 million individual. $10 million other than individual.</td>
<td>Fine of not more than $2 million individual. $5 million other than individual.</td>
<td>500-4,999 gm mixture</td>
<td>COCAINE</td>
</tr>
<tr>
<td>1-9 gm mixture</td>
<td>10-99 gm or 100-999 gm mixture</td>
<td>5-49 gm mixture</td>
<td>COCAINE BASE</td>
</tr>
<tr>
<td>40-399 gm mixture</td>
<td>400 gm or more mixture</td>
<td>10-99 gm mixture</td>
<td>FENTANYL</td>
</tr>
<tr>
<td>10-99 gm mixture</td>
<td>100 gm or more mixture</td>
<td>FENTANYL ANALOGUE</td>
<td>10 gm or more mixture</td>
</tr>
<tr>
<td>Others</td>
<td>Any</td>
<td>1st Offense</td>
<td>1st Offense</td>
</tr>
<tr>
<td>Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine $1 million individual. $5 million not individual.</td>
<td>Not more than 30 years. If death or serious injury, life. Fine $2 million individual. $10 million not individual.</td>
<td>2nd Offense</td>
<td></td>
</tr>
</tbody>
</table>
### Federal Trafficking Penalties – Marijuana

<table>
<thead>
<tr>
<th>Quantity</th>
<th>Description</th>
<th>First Offense</th>
<th>Second Offense</th>
</tr>
</thead>
<tbody>
<tr>
<td>1,000 kg or more; mixture; or 1,000</td>
<td>Marijuana</td>
<td>Not less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than $4 million individual, $10 million other than individual.</td>
<td>Not less than 20 years, not more than life. If death or serious injury, life. Fine not more than $8 million individual, $20 million other than individual.</td>
</tr>
<tr>
<td>or more points</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>100 kg to 999 kg mixture; or 100-999</td>
<td>Marijuana</td>
<td>Not less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than $2 million individual, $5 million other than individual.</td>
<td>Not less than 10 years, not more than life. If death or serious injury, life. Fine not more than $44 million individual, $10 million other than individual.</td>
</tr>
<tr>
<td>plants</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 to 99 kg mixture</td>
<td>Marijuana</td>
<td>Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine $1 million individual, $5 million other than individual.</td>
<td>Not more than 30 years. If death or serious injury, life. Fine $42 million individual, $10 million other than individual.</td>
</tr>
<tr>
<td>10 to 99 kg</td>
<td>Hashish</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1 to 99 kg</td>
<td>Hashish Oil</td>
<td></td>
<td></td>
</tr>
<tr>
<td>50 - 99 plants</td>
<td>Marijuana</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 50 kg mixture</td>
<td>Marijuana</td>
<td>Not more than 5 years. Fine not more than $250,000, $1 million other than individual.</td>
<td>Not more than 10 years. Fine $500,000 individual, $2 million other than individual.</td>
</tr>
<tr>
<td>Less than 10 kg</td>
<td>Hashish</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Less than 1 kg</td>
<td>Hashish Oil</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
II. Federal Penalties for Possession of Illegal Drugs

21 U.S.C. 844(a)

1st Conviction: May be sentenced to a term of imprisonment of not more than 1 year, and shall be fined a minimum of $1,000, or both.

After 1 prior drug conviction: Shall be sentenced to a term of imprisonment for not less than 15 days but not more than 2 years, and shall be fined a minimum of $2,500.

After 2 or more prior drug convictions: Shall be sentenced to a term of imprisonment for not less than 90 days but not more than 3 years, and shall be fined a minimum of $5,000.

Special sentencing provisions for possession of crack cocaine: Shall be imprisoned not less than 5 years and not more than 20 years, and fined a minimum of $1,000 if:

(a) 1st conviction and the amount of crack possessed exceeds 5 grams; or
(b) 2nd crack conviction and the amount of crack possessed exceeds 3 grams; or
(c) 3rd or subsequent conviction and the amount of crack possessed exceeds 1 gram.

21 U.S.C. 853(a)(2) and 881 (a)(7)

Forfeiture of personal and real property used (or intended to be used) to possess or to facilitate possession of a controlled substance if that offense is punishable by more than 1 year imprisonment. (See special sentencing provisions re: crack)

21 U.S.C. 881(a)(4)

Forfeiture of vehicles, boats, aircraft or any other conveyance used (or intended to be used) to transport or conceal a controlled substance.

21 U.S.C. 844a, 28 C.F.R. § 76.3(a)

Civil fine of up to $11,000

21 U.S.C. 862

Denial of Federal benefits, such as student loans, grants, contracts, and professional and commercial licenses, up to 1 year for first offense, up to 5 years for second and subsequent offenses.

18 U.S.C. 922(g)

Ineligible to receive, possess, or purchase a firearm.

Miscellaneous

Revocation of certain federal licenses and benefits, e.g. pilot licenses, public housing tenancy, etc., are vested within the authorities of individual Federal agencies.
III. Highlights of Hawaii Laws

Under the Hawaii Penal code, crimes are of three grades according to their seriousness: felonies, misdemeanors, and petty misdemeanors.

**Class A felony**: fine not exceeding, $50,000 and/or imprisonment of not more than 20 years.

**Class B felony**: fine not exceeding $25,000 and/or imprisonment of not more than 10 years.

**Class C felony**: fine not exceeding $10,000 and/or imprisonment of not more than 5 years.

**Misdemeanor**: fine not exceeding $2,000 and/or imprisonment of not more than a year.

**Petty misdemeanor**: fine not exceeding $1,000 and/or imprisonment of not more than 30 days.

§ 706-640, 659, 660, 663, H.R.S.

- Promoting (possessing and distributing) drugs (including marijuana) and intoxicating compounds can result in class A or class B or class C felonies.
  
  § 712-1241 – 1250, H.R.S.

- Consuming or possessing intoxicating liquor while operating motor vehicle or moped is a misdemeanor.
  
  § 291-3.1, H.R.S.

- Consuming or possessing intoxicating liquor while a passenger in a motor vehicle is a petty misdemeanor.
  
  § 291-3.2, H.R.S.

- Driving under the influence of intoxicating liquor and result in community service work, treatment programs, suspension of license, fines and/or imprisonment.
  
  § 291-4, H.R.S.

- A person commits the offense of promoting intoxicating liquor to a minor if he knowingly sells, delivers or gives intoxicating liquor to a minor.
  
  § 72-1250.5, H.R.S.

Hawaii Penalties for Alcohol and Illegal Drug Abuse

Legal sanctions pertaining to unlawful possession, use and distribution of illicit drugs and alcohol on federal level is seldom used and to cite very difficult. Therefore the local/state level sanctions will be cited in accordance to the Hawaii Revised Statutes.
Promoting a Dangerous drug

A. First Degree (Class “A” Felony; 20 years/$50,000)

Any person who knowingly:

Possesses: one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing methamphetamine, heroin, morphine, or cocaine or any of their respective salts, isomers, and salts of isomers; or one and one-half ounces or more containing one or more of any of the other dangerous drugs; or

Distributes: twenty-five or more capsules, tablets, ampoules, dosage units, or syrettes containing one or more dangerous drugs; or one or more preparations, compounds, mixtures or substances of an aggregate weight of one-eighth ounce or more containing methamphetamine, heroin, morphine, or cocaine or any of their respective salts, isomers, and salts of isomers; or three-eighths ounce or more containing any other dangerous drug; or distributes any dangerous drug in any amount to a minor

§ 712-1241 (1993) H.R.S.

B. Second degree (Class “B” Felony; 10 years/$25,000)

Any person who knowingly possesses twenty-five or more capsules, tablets, ampoules, dosage units, or syrettes containing one or more dangerous drugs; or one or more preparations, compounds, mixtures or substances of an aggregate weight of one-eighth ounce or more containing methamphetamine, heroin, morphine, or cocaine or any of their respective salts, isomers, and salts of isomers; or one-fourth ounce or more containing any other dangerous drug; or distributes any dangerous drug in any amount.

§ 712-1242 (1993) H.R.S.

C. Third Degree (Class “C” Felony; 5 years/$10,000)

Any person who knowingly possesses any dangerous drug in any amount.

§ 712-1243 (1993) H.R.S.

Promoting a Harmful Drug

A. First Degree (Class “A” Felony; 20 years/$50,000)

Any person who knowingly:

Possesses: one hundred or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates or any combination thereof; or one or more preparations, compounds, mixtures, or substances of an aggregate weight of one ounce or more containing one or more of the
harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or

**Distributes:** twenty-five or more capsules or tablets containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-eighth ounce or more containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or any harmful drug or any marijuana concentrate in any amount to a minor.

§ 712-1244 (1993) H.R.S.

**B. Second Degree (Class “B” Felony; 10 years/$25,000)**

Any person who knowingly possesses fifty or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates or any combination thereof; or one or more preparations, compounds, mixtures, or substances of an aggregate weight of one-eighth ounce or more containing one or more of the harmful drugs or one or more of the marijuana concentrates, or any combination thereof; or any harmful drug or marijuana concentrate in any amount.

§ 712-1245 (1993) H.R.S.

**C. Third Degree (Class “C” Felony; 5 years/$10,000)**

Any person who knowingly possesses twenty-five or more capsules or tablets or dosage units containing one or more of the harmful drugs or one or more of the marijuana concentrates or any combination thereof.

§ 712-1246 (1993) H.R.S.

**Commercial Promotion of Marijuana**

**A. First Degree (Class “A” Felony; 20 years/$50,000)**

Any person who knowingly:

**Possesses:** marijuana having an aggregate weight of twenty-five pounds or more; or possesses, cultivates, or has under his control one hundred or more marijuana plants; or

**Distributes:** marijuana having an aggregate weight of 5 pounds or more; or

**Cultivates:** on land owned by another person, including land owned by the government or other legal entity, twenty-five or more marijuana plants; or

**Uses or causes to be used:** any firearm or other weapon, device, instrument, material, or substance, whether animate or inanimate, which in the manner used is capable of causing death, serious bodily injury, substantial bodily injury, or other
bodily injury, as defined in chapter 707 in order to prevent the theft, removal, search and seizure, or destruction of marijuana.

B. Second degree (Class “B” Felony; 10 years/$25,000)

Any person who knowingly:

**Possesses**: marijuana having an aggregate weight of two pound or more; or possesses, cultivates, or has under his control fifty or more marijuana plants; or

**Distributes**: marijuana having an aggregate weight of 1 pound or more; or

**Cultivates**: on land owned by another person, including land owned by the government or other legal entity, any marijuana plant; or

**Sells or barters**: any marijuana or any schedule V substance in any amount to a minor.

§ 712-1249.5 (1993) H.R.S.

Promoting Intoxicating Compounds

A. Misdemeanor; 1 year/$2000

Any person who knowingly:

**Breathes, inhales, or drinks** any compound, liquid, or chemical contained toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes; or

**Sells or offers for sale, delivers or gives to any person under eighteen years of age**, unless upon written order of such person’s parent or guardian, any compound, liquid, or chemical containing toluol, hexane, trichloroethylene, acetone, toluene, ethyl acetate, methyl ethyl ketone, trichloroethane, isopropanol, methyl isobutyl ketone, methyl cellosolve acetate, cyclohexanone, or any other substance for the purpose of inducing an intoxicated condition, as defined herein, when the seller, offeror or deliverer knows or has reason to know that such compound is intended for use to induce such condition.

Promoting Intoxicating Liquor to a Minor

Misdemeanor; 1 year/$2000

Any person who knowingly:

1. Sells or offers for sale, delivers, or gives to a person intoxicating liquor, and the person receiving the intoxicating liquor is a minor; or
2. Permits a person to possess intoxicating liquor while on property under his control, and the person possessing the intoxicating liquor is a minor.

Notes:

1. It is a defense to a prosecution for promoting intoxicating liquor to a minor that:
   a. The intoxicating liquor provided to a minor was an ingredient in a medicine prescribed by a licensed physician for medical treatment of the minor; of
   b. The intoxicating liquor was provided to the minor as part of a ceremony of a recognized religion; or
   c. The defendant provided the intoxicating liquor to the minor with the belief, which was reasonable under the circumstances, that the minor had attained the age of twenty-one; or
   d. The defendant provided the intoxicating liquor to the minor with the express consent of the parent or legal guardian and with the belief, which was reasonable under the circumstances, that the minor would not consume any portion of the substance; or
   e. The defendant provided the intoxicating liquor to the minor with the express consent of the parent or legal guardian and with the belief, which was reasonable under the circumstances, that the minor would consume the substance only in the presence of the parent or legal guardian; or
   f. The intoxicating liquor was possessed by the minor to be sold or served as allowed by law.

2. The fact that a person engaged in the conduct specified by this section is prima facie evidence that the person engaged in that conduct with knowledge of the character, nature, and quantity of the intoxicating liquor possessed, distributed, or sold.

*Minor – any person less than sixteen years old. For alcohol offenses, any person below the age of 21 years old.
### Exhibit 5: National Institute of Health on Commonly Used Drugs and Prescriptions

<table>
<thead>
<tr>
<th>SUBSTANCES</th>
<th>COMMERCIAL &amp; STREET NAMES</th>
<th>CSA SCHEDULE &amp; HOW ADMINISTERED</th>
<th>ACUTE EFFECTS &amp; HEALTH RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>ALCOHOL</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Alcohol (ethyl alcohol)</td>
<td>Found in liquor, beer, and wine</td>
<td>Not scheduled Swallowed</td>
<td>In low doses, euphoria, mild stimulation, relaxation, lowered inhibitions. In higher doses, drowsiness, slurred speech, nausea, emotional volatility, loss of coordination, visual distortions, impaired memory, sexual dysfunction, loss of consciousness. Increased risk of injuries, violence, fetal damage (in pregnant women); depression; neurologic deficits; hypertension; liver and heart disease; addiction; fatal overdose.</td>
</tr>
<tr>
<td><strong>CANNABINOIDs</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Hashish</td>
<td>Boom, gangster, hash, hash oil, hemp</td>
<td>Schedule I Smoked, swallowed</td>
<td><strong>Marijuana and Hashish</strong> – euphoria; relaxation; slowed reaction time; distorted sensory perception; impaired balance and coordination, increased heart rate and appetite; impaired learning, memory; anxiety; panic attacks; psychosis.</td>
</tr>
<tr>
<td>Marijuana</td>
<td>Blunt, dope, ganja, grass, herb, joint, bud, Mary Jane, pot reefer, green, trees, smoke, sinsemilla, skunk, weed</td>
<td>Schedule I Smoked, swallowed</td>
<td>Cough; frequent respiratory infections; possible mental health decline; addiction.</td>
</tr>
<tr>
<td>Spice (“Synthetic Marijuana”)</td>
<td>K2, spice product, herbal smoking blend, fake marijuana, Yucatan Fire, Skunk, Moon Rocks</td>
<td>Schedule I Smoked, swallowed</td>
<td><strong>Spice</strong> – As of December 2012, no studies on the effects of Spice (or similar products) on the human brain had been completed. However, patients have reported symptoms that include rapid heart rate, vomiting, agitation, confusion, hallucinations, increased blood pressure, reduced blood supply to the heart and heart attacks.³</td>
</tr>
<tr>
<td>SUBSTANCES &amp; CATEGORY</td>
<td>COMMERCIAL &amp; STREET NAMES</td>
<td>CSA SCHEDULE &amp; HOW ADMINISTERED</td>
<td>ACUTE EFFECTS &amp; HEALTH RISKS</td>
</tr>
<tr>
<td>-----------------------</td>
<td>---------------------------</td>
<td>---------------------------------</td>
<td>-----------------------------</td>
</tr>
<tr>
<td>Flunitrazepam</td>
<td>Rohypnol; forget-me pill, Mexican Valium, R2, roach, Roche, roofies, roofinol, rope, rophies</td>
<td>Schedule IV Smoked, swallowed</td>
<td>Flunitrazepam – sedition; muscle relaxation; confusion; memory loss; dizziness; impaired coordination</td>
</tr>
<tr>
<td>GHB</td>
<td>Gamma-hydroxybutyrate; G, Georgia home boy, grievous bodily harm, liquid ecstasy, soap, scoop, goop, liquid X</td>
<td>Schedule I Swallowed</td>
<td>Addiction</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>GHB – drowsiness; nausea; headache; disorientation; loss of coordination; memory loss.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Unconsciousness; seizures; coma</td>
</tr>
<tr>
<td>MDMA</td>
<td>K2, spice product, herbal smoking blend, fake marijuana, Yucatan Fire, Skunk, Moon Rocks</td>
<td>Schedule I Smoked, snorted, injected</td>
<td>MDMA – mild hallucinogenic effects; increased tactile sensitivity, emphatic feelings, lowered inhibition; anxiety; chills; sweating; teeth clenching; muscle cramping</td>
</tr>
<tr>
<td>(methylendioxy Methamphetamine)</td>
<td></td>
<td></td>
<td>Sleep disturbances; depression; impaired memory; hyperthermia; addiction</td>
</tr>
</tbody>
</table>

**DEPRESSANTS**

<table>
<thead>
<tr>
<th>SUBSTANCES</th>
<th>COMMERCIAL &amp; STREET NAMES</th>
<th>CSA SCHEDULE &amp; HOW ADMINISTERED</th>
<th>ACUTE EFFECTS &amp; HEALTH RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Barbiturates</td>
<td>Amytal, Nembutal, Seconal, Phenobarbital; harbs, reds, red birds, phennies, tooies, yellows, yellow jackets</td>
<td>Schedule II, III or IV Injected, swallowed</td>
<td>Sedation/drowsiness; reduced anxiety; feelings of well-being; lowered inhibitions; slurred speech; poor concentration; confusion; dizziness; impaired coordination and memory.</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Slowed pulse and breathing; lowered blood pressures; tolerance, withdrawal; addiction; increased risk of respiratory distress and</td>
</tr>
<tr>
<td>Benzodiazepine</td>
<td>/Ativan, Halcion, Librium, Valium, Xanax; candy, downers, sleeping pills,</td>
<td>Schedule IV Swallowed</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>SUBSTANCES: CATEGORY &amp; NAME</th>
<th>COMMERCIAL &amp; STREET NAMES</th>
<th>CSA SCHEDULE AND HOW ADMINISTERED</th>
<th>ACUTE EFFECTS AND HEALTH RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Sleep Medications</strong></td>
<td>Ambien (zolpidem), Sonata (zaleplon), Lunesta (eszopicolone), forget-me pill, Mexican Valium, R2, Roche, roofies, roofinol, rope, ropies</td>
<td>Schedule IV</td>
<td>death when combined with alcohol</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Swallowed, snorted</td>
<td></td>
</tr>
<tr>
<td><strong>DISSOCIATIVE DRUGS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dextromethorphan (DXM)</td>
<td>Found in some cough and cold medications; Robotripping, Robo, Triple C</td>
<td>Not Scheduled</td>
<td><strong>DXM</strong> – euphoria; slurred speech; Confusion; dizziness; distorted visual perceptions; increased heart rate and blood pressure; nausea; vomiting; paranoia; impaired motor function.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Swallowed</td>
<td></td>
</tr>
<tr>
<td>Ketamine</td>
<td>Ketalar SV – cat, Valium, K, Special K, Vitamin K</td>
<td>Schedule III</td>
<td><strong>Ketamine</strong> – analgesia; impaired memory; delirium; respiratory depression and arrest; death.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Injected, snorted, smoked</td>
<td></td>
</tr>
<tr>
<td>PCP and analogs</td>
<td>Phencyclidine – angel dust, boat, hog, love boat, peace pill</td>
<td>Schedule I or II</td>
<td><strong>PCP and analogs</strong> – analgesia, psychosis, aggression, violence; slurred speech, loss of coordination, hallucinations.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Swallowed, smoked, injected</td>
<td></td>
</tr>
<tr>
<td>Salvia divinorum</td>
<td>Salvia, Shepherdess's Herb, Maria Pastora, magic mint, Sally -D</td>
<td>Not scheduled</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td>Chewed, swallowed, smoked</td>
<td></td>
</tr>
<tr>
<td>SUBSTANCES</td>
<td>COMMERCIAL &amp; STREET NAMES</td>
<td>CSA SCHEDULE AND HOW ADMINISTERED</td>
<td>ACUTE EFFECTS AND HEALTH RISKS</td>
</tr>
<tr>
<td>------------</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>-------------------------------</td>
</tr>
<tr>
<td><strong>HALLUCINOGENS</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>LSD</td>
<td>Lysergic acid diethylamide; acid, blotter, cubes, microdot, yellow sunshine, blue heaven</td>
<td>Schedule I</td>
<td>Altered states of perception and feeling; hallucinations; nausea</td>
</tr>
<tr>
<td>Mescaline</td>
<td>Buttons, cactus, mesc, peyote</td>
<td>Schedule I</td>
<td>LSD and Mescaline – increased body temperature, heart rate, blood pressure; loss of appetite, sweating, sleeplessness; numbness, dizziness, weakness; tremors, impulsive behavior, rapid shifts in emotion</td>
</tr>
<tr>
<td>Psilocybin</td>
<td>Magic mushrooms, purple passion, shrooms, little smoke</td>
<td>Schedule I</td>
<td>Psilocybin – nervousness; paranoia; panic</td>
</tr>
</tbody>
</table>

| **OPIOIDS and MORPHINE DERIVATIVES** | | | |
| Codeine | Empirin with Codeine, Fiorinal with Codein, Robitussin A-C, Tylenol with Codeine – Captain Cody, Cody, schoolboy (with glutethimide); doors and four loads; pancakes and syrup | Schedule II, III o IV | Codeine – less analgesia, sedation, and respiratory depression than morphine |
| Fentanyl & Analogs | Actiq, Duragesic, Sublimaze - Apache, China girl, China white, dance fever, friend, goodfella, jackpot, murder 8, TNT, Tango and Cash | Schedule II | Fentanyl – 80 – 100 times more potent analgesic than morphine |
| Heroin | Diacetylmorphine: smack, horse, brown sugar, dope, H, junk, skag, skunk, white horse, China white; cheese (with OTC cold medicine and antihistamine). | Schedule I | Constipation; endocarditis; hepatitis; HIV; addiction; fatal overdose; lowered pulse and blood pressure; unconsciousness; coma; death |

Injected, swallowed
<table>
<thead>
<tr>
<th>SUBSTANCES : CATEGORY &amp; NAME</th>
<th>COMMERCIAL &amp; STREET NAMES</th>
<th>CSA SCHEDULE AND HOW ADMINISTERED</th>
<th>ACUTE EFFECTS AND HEALTH RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morphine</td>
<td>Roxanol, Duramorph: M, Miss Emma, monkey, white stuff</td>
<td>Schedule II or III</td>
<td>Injected, swallowed, smoked</td>
</tr>
<tr>
<td>Methadone</td>
<td>Methadose Dolophine; fizzies, amidone (with MDMA: chocolate chip cookies)</td>
<td>Schedule II</td>
<td>Swallowed, injected Methadone – used to treat opioid addiction and pain; significant overdose risk when used improperly.</td>
</tr>
<tr>
<td>Opium</td>
<td>Laudanum, paregoric: big O, black stuff, block, gum, hop</td>
<td>Schedule I</td>
<td>Swallowed, smoked</td>
</tr>
<tr>
<td>Other opioid pain relievers (oxycodone HCL, meperidine, hydromorphone, hydrocodone, propoxyphene, bitartrate)</td>
<td>Tylox, Oxycontin, Percodan, Percocet; Oxy, O.C., oxycotgton, oxycet, hillbilly heroic, percs, Vicodin, Lortab, Lor cet; Vike, Watson-387; Dilaudid; juice, smack, D, footballs, dillies Opana, Numorphan, Numorphone; biscuits, blue heaven, blues, Mrs. O, octagons, stop signs, O bomb Demerol, meperidine hydrochloride; demmies, pain killer Darvon, Darvocet</td>
<td>Schedule II, III or IV</td>
<td>Chewed, Swallowed, snorted, injected, suppositories Oxycodone – muscle relaxation/twice as potent analgesic as morphine; high abuse potential</td>
</tr>
</tbody>
</table>

OTHER COMPOUNDS

<table>
<thead>
<tr>
<th>OTHER COMPOUNDS</th>
<th>COMMERCIAL &amp; STREET NAMES</th>
<th>CSA SCHEDULE AND HOW ADMINISTERED</th>
<th>ACUTE EFFECTS AND HEALTH RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Anabolic steroids</td>
<td>Anadrol, Oxandrin, Durabolin, Depo-Testosterone, Equipoise: roids, juice, gym candy, pumpers</td>
<td>Schedule III</td>
<td>Injected, swallowed, applied to skin Anabolic Steroids – no intoxication effects Hypertension: blood clotting and cholesterol changes; liver cysts; hostility and aggression; acne; in adolescents—premature stoppage of growth; in males—prostate cancer, reduced sperm production, shrunken testicles,</td>
</tr>
<tr>
<td>SUBSTANCES : CATEGORY &amp; NAME</td>
<td>COMMERCIAL &amp; STREET NAMES</td>
<td>CSA SCHEDULE AND HOW ADMINISTERED</td>
<td>ACUTE EFFECTS AND HEALTH RISKS</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>---------------------------</td>
<td>-----------------------------------</td>
<td>--------------------------------</td>
</tr>
<tr>
<td>Inhalants</td>
<td>Solvents (paint thinners, gasoline, glues); gases (butane, propane, aerosol propellants, nitrous oxide); nitrates (isomyl, isobutyl, cyclohexyl); laughing gas, poppers, snappers, whippets,</td>
<td>Not scheduled</td>
<td>Acute effects: breast enlargement; in females—menstrual irregularities, development of beard and other masculine characteristics. Inhaled through nose or mouth. Inhalants (varies by chemical) - Stimulant; loss of inhibition; headache; nausea or vomiting; slurred speech; loss of motor coordination; wheezing. Health risks: Cramps; muscle weakness; depression; memory impairment; damage to cardiovascular and nervous systems; unconsciousness; sudden death.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>STIMULANTS</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Amphetamine</td>
<td><strong>Biphetamine, Dexedrine, Adderall; bennies, black beauties, crosses, hearts, LA turnaround, speed, truck drivers, uppers</strong></td>
<td>Schedule II</td>
<td>Increased heart rate, blood pressure, body temperature, metabolism; feelings of exhilaration, increased energy, mental alertness; tremors; reduced appetite; irritability; anxiety; panic; paranoia; violent behavior; psychosis. Amphetamines – rapid breathing, tremor, loss of coordination, irritability, anxiousness, restlessness/delirium, panic, paranoia, hallucinations</td>
</tr>
<tr>
<td>Cocaine</td>
<td><strong>Cocaine hydrochloride: blow, bump, C, candy, Charlie, coke, crack, flake, rock, snow, toot</strong></td>
<td>Schedule II</td>
<td>Weight loss, nervousness; insomnia; cardiac or cardiovascular complications; heart attack; stroke; seizures; addiction.</td>
</tr>
<tr>
<td>Methamphetamine</td>
<td><strong>Desoxyn: meth, ice, crank, chalk, crystal, fire, glass, go fast, speed</strong></td>
<td>Schedule II</td>
<td>Swallowed, snorted, smoked, injected.</td>
</tr>
</tbody>
</table>

83
<table>
<thead>
<tr>
<th>SUBSTANCES: CATEGORY &amp; NAME</th>
<th>COMMERCIAL &amp; STREET NAMES</th>
<th>CSA SCHEDULE AND HOW ADMINISTERED</th>
<th>ACUTE EFFECTS AND HEALTH RISKS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Methyphenidate</td>
<td><em>Concerta, Ritalin:</em> JIF, MPH, R-ball, Skippy, the smart drug, vitamin R</td>
<td>Schedule II</td>
<td>Injected, swallowed, snorted</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>impulsive behavior, aggressiveness, tolerance, addiction</strong></td>
</tr>
<tr>
<td>Synthetic cathinones</td>
<td>Bath salts, plant food, jewelry cleaner, phone screen cleaner</td>
<td>Not Scheduled</td>
<td>Swallowed, snorted, injected</td>
</tr>
<tr>
<td></td>
<td>Brand names: Bloom, Cloud Nine, Ivory Wave, Lunar Wave, Scarface, Vanilla Sky, White Lightning</td>
<td></td>
<td><strong>Cocaine – nasal damage from snorting</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Methamphetamine – severe dental problems</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Methylphenidate – increase or decrease in blood pressure, digestive problems, loss of appetite, weight loss</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Synthetic cathinones – euphoria, increased sociability and sex drive, paranoia, hallucinatory delirium, psychotic and violent behavior.</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Cardiac symptom; panic attacks; dehydration; breakdown of skeletal muscle tissue; kidney failure; addiction, death</strong></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Increased blood pressure and heart rate.</strong></td>
</tr>
<tr>
<td>TOBACCO</td>
<td><strong>Nicotine</strong></td>
<td>Not schedule</td>
<td>Smoked, snorted, chewed</td>
</tr>
<tr>
<td></td>
<td>Found in cigarettes, cigars, bidis and smokeless tobacco (snuff, spit tobacco, chew)</td>
<td></td>
<td>Chronic lung disease; cardiovascular disease; stroke; cancers of the mouth; pharynx, larynx esophagus, stomach, pancreas, cervix, kidney, bladder, and acute myeloid leukemia</td>
</tr>
</tbody>
</table>
Exhibit 6: BYU-Hawaii Sexual Misconduct Policy

Sexual Misconduct Policy

Student Life

<table>
<thead>
<tr>
<th>Policy #:</th>
<th>Date Approved by</th>
<th>Policy Owner:</th>
<th>Executive Sponsor:</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>President's Council:</td>
<td>Office of Honor; Human Resource Services; Office of Faculty Relations</td>
<td>Student Life Vice President; Administrative Vice President; Vice President of Academics</td>
</tr>
</tbody>
</table>

1. POLICY

I. GENERAL POLICY STATEMENT

Brigham Young University – Hawaii 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 the procedural flowchart accompanying the 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. 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 Brigham Young University – Hawaii 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 Brigham Young University – Hawaii 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 Hawaii Penal 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 Hawaii Penal 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 Security 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 observe 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, Office of Honor 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 Brigham Young University – Hawaii 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.

B. WHERE TO REPORT
Sexual Misconduct should be reported to the Title IX Coordinator, 808-675-4819 titleIX@byuh.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.byuh.edu. In addition, individuals may submit reports, including anonymous reports, through Ethics Point, 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 Security 675-3911 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 Health Center, 55-220 Kulanui Street #1728, Laie, Hawaii, 808-675-3510.
Counseling support is available to victims whether or not they choose to make an official Report. Victims can make confidential disclosures to BYU Hawaii Counseling Services, McKay Building 181, 808-675-3518.

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 titleix@byuh.edu.

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 (when harassment is alleged to have taken place in the employment context) 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 record the incident in the confidential log of Title IX complaints and activity and will select a qualified employee to promptly investigate the allegations in the Report (“Investigator”). 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.
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 (FERPA) 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 Brigham Young University – Hawaii 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. Legal advisors 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.

Both the Complainant and the Respondent are entitled to have the same opportunity to present evidence and to have others present during the University disciplinary proceeding, including the opportunity to be accompanied to any related meeting or proceedings by an advisor of their choice. The University may establish restrictions regarding the extent to which the advisor may participate in the proceedings as long as the restrictions apply equally to both parties.

12. 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 is the Associate Academic Vice President (AAVP). Possible sanctions include verbal counseling, written warning, probation, reassignment, demotion, reduction in pay, suspension, termination of faculty employment, and a ban from campus.

- The Responsible Administrator for allegations of Sexual Misconduct against a non-faculty employee is the director or managing director over the employee’s area, who shall administer any discipline in consultation with the Manager of Employee Relations and consistent with the Discipline and Discharge of Administrative/Staff Personnel Policy. 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 Council, which shall administer any discipline consistent with the Non-academic Discipline provisions of the Brigham Young University -- Hawaii Honor Code. Possible sanctions include fines, community service, loss of privileges, nonacademic probation for a specified period of time, being counseled out (voluntary withdrawal), suspension (involuntary withdrawal for a specified period of time), or dismissal (permanent, involuntary withdrawal), 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 Discipline and Discharge of Administrative/Staff Personnel Policy. 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 Threat Assessment Committee. If the visitor was not invited to campus, the Responsible Administrator is the Threat Assessment 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.

13. Review of Outcome

A party who remains unsatisfied with the outcome may request an administrative review of the investigation outcome and resolution (“Review”). The Complainant or Respondent must request a Review within two business days of delivery of the Outcome Notice to the parties. 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 Grievances 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 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 Requesting a Review provisions of the Brigham Young University -- Hawaii Honor Code.

In situations where there is no other university policy or procedure that applies, the Complainant may petition the immediate supervisor of the Responsible Administrator who determined the resolution for a Review.

The petition for review should be submitted to the Title IX Coordinator, who will conduct the Review together with (a) the Vice President for Academics when the Respondent is a faculty member or (b) the Administrative Vice President when the Respondent is a staff or administrative employee. The Title IX Coordinator will provide a copy of the Review petition to the Respondent and invite him or her to submit a written response. The Title IX Coordinator and other responsible Vice President will meet with the parties and with the Investigator and will review the Complainant’s petition, any response submitted by the Respondent, and the documentary record of the investigation and resolution process. Within thirty calendar days, the Title IX Coordinator will provide the parties with a written determination as to whether the Complainant 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.

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 Hawaii Penal Code.

b. The definition of consent under the Hawaii Penal 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).

2. DEFINITION

3. HISTORY

PRIOR VERSION: 3 March 2014

Approval by Presidents Council: 27 April 2015

PRIOR VERSION: 3 March 2014

4. RELATED POLICIES or PROCEDURES
Exhibit 7: BYU-Hawaii Non Discrimination and Equal Opportunity Policy

NONDISCRIMINATION AND EQUAL OPPORTUNITY POLICY

Human Resources

NONDISCRIMINATION AND EQUAL OPPORTUNITY POLICY

Policy #: HRSD - 006

Date Approved by President’s Council: 4/24/2015

Policy Owner: Human Resources

Executive Sponsor: Vice President of Administration

1. POLICY

Brigham Young University-Hawaii prohibits unlawful discrimination in employment, education and all programs and activities sponsored by the University. This prohibition applies to acts of unlawful discrimination by or against University employees, students, and campus visitors—including applicants for employment or admission—and it includes unlawful discrimination on the basis of race, color, national origin, religion, sex, pregnancy condition, age (40 and over), disability, genetic information, or veteran status (collectively the “Legally Protected Categories”). The University will not tolerate unlawful discrimination and will take immediate and appropriate steps to stop unlawful discrimination, prevent its recurrence, and address its effects.

2. DEFINITION

Equal Opportunity

Brigham Young University-Hawaii will provide equal opportunity to all qualified employees and applicants for employment. This policy prohibits unlawful discrimination on the basis of any of the Legally Protected Categories in all employment practices, including:

- Recruiting, hiring, training, upgrading, promoting, and transferring;
- Compensation and benefits;
- Conditions and privileges of employment; and
- Discipline, layoff, and termination.

Generally, available positions should be listed with the appropriate employment office.

Discriminatory Conduct

The University strives to provide employees and students with a working and educational environment free from all forms of unlawful discrimination, including unlawful harassment.
Federal law prohibits harassment when it is based on the victim’s membership in the Legally Protected Categories identified above and the harassment becomes so severe or pervasive that it creates a hostile work environment or for participation in other programs and activities of the University. Unlawful harassment that creates a hostile environment is prohibited at the University.

In addition to this prohibition against unlawful harassment, the Honor Code requires students, employees, and others subject to its provisions to “maintain the highest standards of . . . consideration of others in personal behavior” and to “[r]espect others.”

Retaliation

The University also prohibits retaliation against any employee or student who engages in either of the following “Legally Protected Actions”: (a) opposing unlawful discrimination by communicating to the University through word or action a belief that unlawful discrimination is taking place or has taken place, or (b) participating in any way in an investigation, proceeding, hearing, or litigation under state and federal discrimination laws. Any adverse action taken against an individual because he or she has engaged in any Legally Protected Actions constitutes unlawful retaliation if the adverse action is reasonably likely to deter the person or others from pursuing their rights. Retaliation will be considered a separate act of discrimination under this policy.

Adverse actions do not include petty slights and trivial annoyances, such as stray negative comments in an otherwise positive evaluation, “snubbing” by a colleague or fellow student, or negative comments or evaluations that are justified by an employee’s or a student’s poor performance.

This policy also prohibits University employees or students from encouraging others to retaliate, and protects both the person who has engaged in any Legally Protected Actions and individuals closely associated with that person, such as a spouse or close relative. Retaliation is prohibited under this policy even if the original discrimination complaint is without merit; however, an individual opposing discrimination by communicating an allegation of unlawful discrimination to the University must act in reasonable good faith in order to be protected against retaliation.

Procedures

Incidents of unlawful discrimination in violation of this policy should be reported to the Human Resource Office.

3. HISTORY


2011 Review and updated: April 24, 2015

4. RELATED POLICIES or PROCEDURES

- Grievance Policy
- Honor Code Policy
- Faculty Grievance Policy
- Sexual Misconduct Policy
Exhibit 8: BYU-Hawaii Honor Code

Honor Code Statement

We believe in being honest, true, chaste, benevolent, virtuous, and in doing good to all men. . . . If there is anything virtuous, lovely, or of good report or praiseworthy, we seek after these things (Thirteenth Article of Faith).

As a matter of personal commitment, faculty, administration, staff, and students of Brigham Young University, Brigham Young University—Hawaii, Brigham Young University—Idaho, and LDS Business College seek to demonstrate in daily living on and off campus those moral virtues encompassed in the gospel of Jesus Christ, and will

- Be honest
- Live a chaste and virtuous life
- Obey the law and all campus policies
- Use clean language
- Respect others
- Abstain from alcoholic beverages, tobacco, tea, coffee, and substance abuse
- Participate regularly in church services
- Observe the Dress and Grooming Standards
- Encourage others in their commitment to comply with the Honor Code

BYU-Hawaii Honor Code

Brigham Young University-Hawaii exists to provide an education in an atmosphere consistent with the ideals and principles of The Church of Jesus Christ of Latter-day Saints. That atmosphere is created and preserved through commitment to conduct that reflects those ideals and principles. Members of the faculty, administration, staff, and student body at BYUH are selected and retained from among individuals who voluntarily live the principles of the gospel of Jesus Christ. Observance of such is a specific condition of employment and admission.

Those individuals who are not members of The Church of Jesus Christ of Latter-day Saints are also expected to maintain the same standards of conduct, except church attendance. All who represent BYUH are to maintain the highest standards of honor, integrity, morality, and consideration of others in personal behavior. By accepting appointment on the faculty, continuing in employment, or continuing class enrollment, individuals evidence their commitment to observe the Honor Code standards approved by the Board of Trustees "at all times and...in all places." (Mosiah 18:9)
1. POLICY

This Brigham Young University–Hawaii policy is written for the protection of minors under applicable laws and procedures, specifically, for the protection of all minors that participate in activities, or use facilities at Brigham Young University-Hawaii. These minors may include, but are not limited to, family members of faculty, staff and student families or visitors at Brigham Young University –Hawaii. This policy for youth protection will be part of all new BYU-Hawaii employee orientations.

At times, BYU-Hawaii sponsors programs and events where youth from the community are invited on campus with adult leaders. It is the policy of BYU-Hawaii that all off-campus adult leaders be screened via known reliable forms of clearance by the agency or organization sponsoring any such event at the BYU-Hawaii.

1. Other forms of assurance of youth safety under this policy include: no single child will be alone with an adult leader one-on-one at any time. Some programs may receive an exception that no single child will be alone with an adult as approved by President’s Council and reliable forms of screening for the adult is carried out by the program.

Knowledge of and adherence to applicable laws and procedures is required of adult leaders. All BYU-Hawaii employees or volunteers are required to report incidences where any minor is believed to be abused in any way or at risk of such abuse.

2. DEFINITION

Minor/Youth is used interchangeably in this policy and means any person under the age of 18.

3. HISTORY

Approved by President’s Council: 10/11/2012

Updated by President’s Council: 05/29/2013

4. RELATED POLICIES or PROCEDURES
Exhibit 10: BYU-Hawaii Access to Student Records (FERPA)

Access to Student Records (FERPA)

Academics

Access to Student Records (FERPA)  
Policy #: GAOP-019

| Date Approved by President's Council: 11/11/2011 | Policy Owner: Max Checketts | Executive Sponsor: Vice President for Academics |

1. POLICY

The Family Educational Rights and Privacy Act (FERPA) regulates access to student educational records at colleges and universities receiving federal financial assistance. This Act is applicable to BYU-Hawaii as a recipient of federal funds under the Pell Grant and Guaranteed Student Loan programs.

This policy, in compliance with FERPA, governs access to student educational records and identifies the procedures students may follow to obtain or restrict access to their educational records. This document is not intended, however, to fully implement the University Access to Student Records Policy. Individual academic departments and administrative areas should prepare their own policies and procedures consistent with this comprehensive University policy.

The Associate Academic Vice President for Curriculum is responsible for University compliance with this policy. This policy applies to the records of students who are both admitted and enrolled or who have previously attended the University. It does not apply to applications of persons who were not admitted, nor to other correspondence with the University.

2. PROCEDURE

A. Educational Records. This policy applies to any educational record (in handwriting, print, tapes, film, or other medium) maintained by BYUH which is directly related to a student. The following are not classified as educational records under FERPA:

a. Records kept by faculty, staff, administrative, or auxiliary personnel for their own use if kept in the personal possession of the person who made them and the record has not been made available to any other person except the maker's temporary substitute. These personal notes are to be referred to in departmental and administrative records policies as "sole possession" records.

b. An employment related record which does not result from student status. (Example — Records of student performance in work study or teaching assistant settings are education records, but the employment records of students hired for positions unrelated to academic performance such as grounds or building maintenance are not education records provided the record is used only in relation to employment.)

c. University law enforcement records that are created and maintained by University Security for a law enforcement purpose. University law enforcement records do not include any records generated or maintained by University Security relating to matters internal to BYUH (See LAW ENFORCEMENT policy of this handbook).
d. Parents' confidential financial statements, income tax records, and reports received by the University.

e. Records maintained by BYUH health or counseling services which are used only for treatment and made available only to those individuals providing the diagnosis and treatment. Patient access to medical or counseling records is provided upon submission of written patient authorization according to University policy.

f. Alumni records which contain only information about a student after he/she is no longer attending the University and do not relate to the person as a student.

B. Annual Notification. The University General Catalog shall include a notice which shall contain the following information:

1. The right of a student to inspect and review education records.

2. The right to Petition BYUH to amend or correct any part of the education record believed to be inaccurate, misleading, or in violation of their privacy or other rights of students through application to the Office of Admissions and Records.

3. The right of the student to consent to disclosure of personally identifiable information contained in the student's educational records, except as otherwise authorized by law.

4. The right of any person to file a complaint with the Family Policy and Regulations Office, U.S. Department of Education, Washington, D.C. 20202, if BYUH violates FERPA.

5. The right of the student to obtain a copy of this policy.

C. The following is a summary notice of student rights to their educational records at BYU- Hawaii under FERPA as required by law, eligible students, admitted and enrolled at BYU- Hawaii, generally have the right to:

1. Inspect and review their educational records within a reasonable period of time upon submitting to the appropriate department managing their educational records a written request, with proof of identification, specifying the records to be inspected. The department will notify the student of the time and place that the records may be inspected.

2. Petition BYUH to amend or correct any part of the education record believed to be inaccurate, misleading, or in violation of their privacy rights. Students may submit a written request to the department holding the record, clearly identifying the part of the record they want changed, and specify why it is inaccurate or misleading. If the department decides not to amend the record as requested, the department will notify the student of the decision and advise them of their right to a hearing regarding their request for amendment. Additional information regarding the hearing procedures as outlined in the University policy will be provided to the student.

3. Consent to disclosure of personally identifiable information contained in the student's educational record, except as otherwise authorized by law. Examples of exceptions to consent of disclosure include:

   a. Access of educational records by University officials and agents having a legitimate educational interest in the records. This category generally includes any BYU-Hawaii official or agents who accesses student educational records for the purpose of performing a task or responsibility at the University. These individuals may include faculty, administration, staff and other persons who manage student educational record information including, but not limited to, student education, discipline, and financial aid.

   b. Parents who establish the student's dependency for federal income tax purposes.

   c. Educational records without consent to officials of another college or university to which the student seeks or intends to enroll.

4. File a complaint with the U.S. Department of Education concerning failures by BYU-Hawaii to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is: Family Policy Compliance Office, U.S. Department of Education, 400 Maryland Avenue SW, Washington, D.C. 20202-4605.

D. Statement of Rights BYUH encourages students to exercise all of their rights under FERPA and this policy. Since the student's education record will be repeatedly used by University officials and others to make important decisions affecting the student's academic program and future career, the student should certify that his/her education record is complete and accurate. This policy is intended to inform students about BYUH's procedures to provide students the rights to:

1. Inspect and review their educational records.

2. Exercise control, with some limitations, over disclosures of information contained in their
education records.
3. Correct errors or omissions in their education records and to a hearing if necessary when they believe that their records are inaccurate, misleading, or in violation of the privacy or other rights of students.
4. Be informed about their FERPA rights.
5. Report violations of FERPA to the Family Educational Rights and Privacy Act Office, Department of Education.

E. Procedure to Inspect Education Records
1. FERPA controls access to student education records. BYUH will make a reasonable effort to provide eligible students and qualifying parents the rights granted by the act. On presentation of appropriate identification and under circumstances that prevent alteration or mutilation of records, a student with proper identification will be permitted to inspect all education records not restricted by a pledge of confidentiality or considered to be private records of University personnel. Those with legitimate access to the records will be charged a reasonable fee for copies.
2. Students are encouraged to submit to the record custodian or to appropriate University personnel a written request which identifies as precisely as possible the record the student wishes to inspect. However, oral requests may be honored upon proper presentation of identification and in circumstances where a written request would be burdensome or impractical.
3. The record custodian or appropriate University personnel will make reasonably prompt arrangements for access and notify the student of the time and place where the records may be inspected.
4. When a record contains information about more than one student, the student may inspect and review only that portion relating to the requesting student.

F. Right of University to Refuse Access. The following records are not available for review by students:
1. The financial statements and tax returns of the student’s parents.
2. Letters and statements of recommendations to which the student has waived the right of access, or which were placed in the student’s file before Jan. 1, 1975.
3. Records connected with an application to attend BYU or a component unit of BYUH if that application was denied.
4. Any records which are not education records as defined by FERPA or this policy and which are not otherwise accessible pursuant to law.

G. Refusal to Provide Copies. BYUH reserves the right to deny transcripts or copies of educational records for any one of the following reasons:
1. The student has an unpaid financial obligation to the University.
2. There is an unresolved disciplinary action against the student.
3. There is unresolved litigation between the student and the University.
4. The student has failed to comply with the decision of the BYUH Housing Arbitration Board.
5. Other cases as determined by the University policy on Registration and Academic Holds or as determined appropriate by the University.

H. Copies of Records. If for any valid reason such as work hours, distance from a student’s place of residence to a record location, distance between record location sites, or health, a student cannot inspect and review his/her education record in person, BYUH will arrange for the student to obtain copies. A reasonable fee for copies will be charged. There is no charge for search or retrieval of education records or for personal inspection of education records.

I. Disclosure of Student Education Records. BYUH will disclose student educational records without the written consent of the student in the following limited circumstances:
1. School officials and specified agents of the University who have a legitimate educational interest in the records.
   a. A school official or specified agent of the University is:
      (1) A member of the Board of Trustees;
      (2) A person employed by the University in an administrative, supervisory, academic, research, or support staff position; or
      (3) A person employed by, under contract to, or designated by the University to perform a specific task.
   b. A school official or specified agent has a legitimate educational interest if the official is:
      (1) Performing a task that is specified in his /er position description or by contract agreement;
(2) Performing a task related to a student's education;
(3) Performing a task related to student discipline; or
(4) Performing a service or benefit relating to the student or the student's family, such as health care, counseling, job placement or financial aid.

2. To officials of another school, upon request, in which a student seeks or intends to enroll.

3. To certain officials of the U.S. Department of Education, the Comptroller General, and state and local educational authorities, in connection with certain state or federally supported education programs.

4. In connection with a student's request for or receipt of financial aid, as necessary to determine the eligibility, amount, or conditions of the financial aid, or to enforce the terms and conditions of the aid.

5. As required by state law disclosure that was adopted before Nov. 19, 1974.

6. To organizations conducting certain studies for or on behalf of the University on condition that the organizations conducting the studies not permit the personal identification of students by anyone other than the organizations' representatives. Additionally, all information provided must be destroyed by the requesting organizations when no longer needed for the studies purposes.

7. To accrediting organizations to carry out their functions.

8. To parents of an eligible student who claim the student as a dependent for income tax purposes. Parents requesting information from a student's file shall be responsible to demonstrate that the student in question is a dependent pursuant to Section 152 of the Internal Revenue Code.

9. To comply with a judicial order or a lawfully issued subpoena in which case the order or subpoena shall be directed to the Office of General Counsel for review prior to dissemination of the education record. The University will make a reasonable attempt to notify the student in advance of disclosure when non-directory information is released in response to subpoenas or court orders.

10. To appropriate parties in a health or safety emergency.

J. Record of Request for Disclosure. Each custodian of educational records at BYUH will maintain a record of all off-campus requests for and disclosures of information from a student's applicable education records file. The record will indicate the name of the party making the request and the legitimate interest the party had in requesting or obtaining the information. The record of the request for disclosure may be reviewed by an eligible student or qualifying parents.

K. Disclosable Student Information. BYU-Hawaii has designated the following student information as directory information that it may disclose to the public without the consent of the student:

Name
Address and phone numbers
Month, date, and place of birth
Names of parents or spouse
Major and minor field of study
Participation in officially recognized activities and sports
Weight and height of members of athletic teams
Current class schedule
Pictures
Dates of attendance (current and past)
Number of months/semesters enrolled
Class standing (freshman, sophomore, etc.)
Total hours earned
Enrollment status (full-time, part-time, etc.)
Degrees and awards received
Previous educational institutions attended
Anticipated future enrollments
Course registrations prior to the beginning of a semester or term
Expected date of graduation
Deferred registration eligibility
Religious affiliation to a student's local church or congregation

Students have the right to restrict disclosure of the above information. To request
restriction of disclosure, students must file a written request on or before the tenth day of a semester or the sixth day of a term. Forms are available in the Office of the Registrar.

L. Correction of Education Records. Students have the right to ask to have education records corrected that are inaccurate, misleading, or maintained in violation of their privacy or other rights. In cases of alleged academic dishonesty or of an unfair or mistaken evaluation, students must pursue redress under the ACADEMIC GRIEVANCE policy. In cases of alleged violations of the University Honor Code, the student must pursue redress under the applicable policies and procedures of the Honor Code Office. In cases of other non-academic, extenuating circumstances or emergencies potentially affecting a student’s educational records, students must pursue redress under BYUH’s ADJUDICATORY policy. In all other cases of challenge to the content of a student’s educational records not otherwise governed by established University policy, this policy will apply. Under this policy, the process must be initiated within one year from the semester or term in question. The following are the applicable procedures:

1. A student must file a written request with the custodian of the applicable BYUH education record to amend the record. The request should identify the part of the record requested to be changed and specify why the student believes it to be inaccurate, misleading, or in violation of the student’s privacy or other rights.
2. The Dean/Associate Dean or supervisor of the University area maintaining the records shall promptly review the facts and seek to resolve the complaint by informal discussions with the student.
3. If the Dean/Associate Dean or supervisor decides not to comply with the request, BYUH will notify the student in writing.
4. A student who disagrees with the decision has a right to a hearing to challenge the information believed to be inaccurate, misleading, or in violation of the student’s rights. Upon written request to the Dean of Admissions and Records, a hearing will be scheduled and the student will be provided reasonable advance notification of the date, place, and time of the hearing. The University FERPA Committee consisting of three disinterested individuals appointed from the Office of the Vice-President for Student Life and the Office of Admissions and Records or other appropriate custodian of the student educational records will conduct the hearing. The student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised in the original request to amend the student’s education records. The hearing panel will be advised on matters of procedure and law by the Vice-President for Administrative Services. The hearing panel will prepare a written decision based solely on the evidence presented at the hearing. The decision will include a summary of the evidence presented and the reasons for the decision.

5. If the hearing panel finds that the information is not inaccurate, misleading, or in violation of the student’s right of privacy or other rights, the record will be maintained, but the student will be notified of the right to place in the record a statement commenting on the challenged information and/or a statement setting forth reasons for disagreeing with the decision. The statement will be maintained as part of the student’s education records as long as the contested portion is maintained. If BYUH discloses the contested portion of the record, it will also disclose the statement. If the hearing panel decides that the information is inaccurate, misleading, or in violation of the student’s right of privacy or other rights, it will amend the record and notify the student, in writing, that the record has been amended.

6. DEFINITION

7. HISTORY

8. RELATED POLICIES or PROCEDURES
Exhibit 11: Faculty Grievances Policy

Faculty Grievances

Academics

Faculty Grievances

Policy #: ACAD-002

Date Approved by President's Council: 10/25/2010

Policy Owner: Vice President for Academics

Executive Sponsor: Vice President for Academics

1. POLICY
   1. It is the policy of BYU—Hawaii to provide an opportunity to air their complaints.
   2. All complaints should be resolved at the lowest level possible (Normally Department Chair Deans).
   3. Though faculty will be expected to follow their designated line of supervision to process a compliant, they may, when necessary, meet with the associate academic vice president for instruction to discuss their complaints.
   4. Every effort will be made to resolve complaints as expeditiously as practicable.

To provide an effective fair process for resolving employee grievances. This policy and procedure is intended to cover all faculty grievances such as charges of unfairness, discrimination, poor working conditions, relationships etc.

2. PROCEDURE
   1. Any faculty who feels aggrieved shall take his or her complaint to his or her immediate supervisor.
   2. If the supervisor cannot resolve the complaint to the faculty’s satisfaction within a reasonable period, the employee shall put the grievance in writing and file the written grievance with the next administrator in the employee’s reporting structure. The administrator shall meet with the faculty as soon as is reasonably convenient and shall attempt to resolve the problem.
   3. If the employee is not satisfied with the actions of the administrator, he or she shall file the written grievance with the appropriate academic administrator, who shall meet promptly with the aggrieved faculty and attempt to resolve the problem.
   4. If the academic vice president is unable to resolve the problem to the faculty’s satisfaction, the vice president will, on request, afford the employee an opportunity to appear before a panel consisting of the Associate Academic Vice President for Instruction, a panel consisting of two faculty colleagues, and such other persons as may be appointed by the President. The decision of this panel shall be final. The associate vice president for instruction should be involved in an advisory role as requested by the faculty, the supervisor or the academic vice president.
   5. If the faculty’s grievance involves dissatisfaction with the actions of a person with whom the faculty would ordinarily file a grievance under the procedure,
the faculty may skip that person and take the grievance to the next person in the supervisory line.

6. Grievances should, where possible, be filed promptly and in any case within two months of occurrence. Supervisors are encouraged to meet with faculty to try to resolve their complaints as expeditiously as practicable.

7. In all cases involving claims of discrimination, the Director of Human Resources shall assist the faculty in resolving his or her grievance at each stage of the procedure.

3. NON-RELATION

At no time should a faculty suffer retaliation or harassment for having submitted a grievance. Any retaliatory action taken by any employee against another employee as the result of that person’s seeking redress under these procedures is prohibited and maybe regarded as the separate cause under these procedures.

4. DOCUMENTATION

A complete record should be maintained of grievances that become formalized that cannot be solved with the immediate supervisor. Copies of all documentation should be sent to the Associate Academic Vice President for Instruction.

BYU HAWAII RESERVES THE RIGHT TO DEVIATE FROM THIS POLICY WHEN CIRCUMSTANCES WARRANT.

5. DEFINITION

6. HISTORY

Original Approved by president’s Council:

Updated by President’s Council: 10/15/2010

7. RELATED POLICIES or PROCEDURES
   (Faculty Grievances Procedures)
1. PURPOSE

The Jeanne Clery Campus Safety Act of 1992 enacted by Congress and codified through Federal Regulation 34 CFR 668.64(b)(14) requires the University to provide for means of notifying parents, campus authorities and law enforcement when a student who lives in on-campus housing has been missing for more than 24 hours.

2. POLICY

Annually, the university will inform all students via an automated alert, of the option to confidentially register the name of one or more emergency contacts to be notified in the event that the student is determined to be missing. Students may update this information at any time through the Student Center of the Student Registration system. Information regarding registered emergency contacts will be accessible only to authorized campus officials and may not be disclosed, except to law enforcement personnel in furtherance of a missing student investigation. In the event that a student is missing, authorized campus officials should notify the Dean of Students and Campus Security so that the Behavior Assessment Team can plan and oversee an investigation as outlined in the following implementation guidelines.

2.1 Registration of Contact Persons by the student

The university affords all students with the option to identify a contact person or persons whom the university shall notify within 24 hours of a determination that the student is missing. A general emergency contact and a missing student contact may be registered, although the contact person may be the same for both purposes. A student may choose to designate a parent as their contact person; however the contact person may be anyone they choose. If there is no contact identified, only the Honolulu Police Department must be notified.

2.2 Students under the age of 18

The University will notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional contact person identified by the student and the Honolulu Police Department no later than 24 hours after a student is determined missing.
2.3 Notification of law enforcement
The university, regardless of age or status, and regardless of whether the student has registered a confidential contact person, will also notify Honolulu Police Department within 24 hours of the determination that the student is missing, unless the Honolulu Police Department made the determination that the student is missing.

3. IMPLEMENTATION

3.1 Definitions
3.1.1 Authorized campus officials
Authorized campus official is deemed to include the Vice President of Student Development and Services, Dean of Students, Director of Security and Safety.

3.2 Scope of Control
Any person who believes that a student is missing should immediately alert Campus Security (or an authorized campus official) by: a) clicking the Report a Concern button on the homepage, b) file a report with the Dean of Students, Security Office, or Residential Life Coordinator. Reports of missing students may also be made to the Honolulu Police Department by calling 9-1-1.

3.3 Investigation Procedures
3.3.1 Obligation of the reporter
3.3.2 Behavior Intervention Team (BIT) responsibilities
When a university employee or faculty member receives notification that a student is missing, the employee should help the reporter contact Campus Security to file a missing student report. If the reporter is unwilling to make a report the employee should attempt to collect and report as much information as possible, including the following:
- Name of the missing person
- Contact information of the missing person
- Physical description of the missing person, including clothing, hair, eye, and skin color, and any distinguishing features
- Time and location where the person was last seen
- Names and contact information of persons close to the missing person or recently seen with the missing person
- Name and contact information of the reporter

3.3.3 Behavior Intervention Team responsibilities
When a student is reported missing, and has been deemed to have been missing for more than 24 hours without any known reason, Campus Security will notify the TAC chair, who is the Dean of Students, who shall:

1. Initiate an investigation to determine the validity of the missing student report;
2. Contact the Vice President of Student Development and Services;
3. The Behavior Intervention Team will identify and implement actions to assist in locating the missing student.
4. Make a determination as to the status of the missing student. Determination can be made at any time within the 24 hours and notification will be made within 24 hours of when a determination is made.
5. Notify the missing student notification contact(s), as identified by the missing student, within 24 hours of determining that the student is missing;
6. If the student is under 18 (and not emancipated), notify the student’s custodial parent/guardian no later than 24 hours of determining that the student is missing; and,
7. Notify Honolulu Police Department within 24 hours of determining that the student is missing.
8. All attempts to notify the contact person(s) will be documented. Dean of
Student may take any of the foregoing steps before a person is determined to have been missing for more than 24 hours if they determine that there is reason to believe the person is missing or may otherwise be in danger.

4. RELATED POLICIES or PROCEDURES

   Campus Threat Assessment

   Student Emergency Leave Policy

5. VERSION ARCHIVE
Exhibit 13: BYU-Hawaii Fire Safety Policy

Fire Safety

General Policies

Fire Safety

Policy #: CSSR-002

Date Approved by President’s Council: 01/06/2014

Policy Owner: Campus Safety & Security

Executive Sponsor: Vice President for Administrative Services

1. POLICY

In order to ensure safety for all University personnel, BYU-Hawaii shall abide by all the fire safety laws and regulations required by both the federal, state and municipal governments. Open flame devices are strictly prohibited in all University buildings and open area spaces on University property except for designated food preparation areas, science laboratories, ceramics laboratories and designated maintenance hot work areas. Permission must be obtained by the Campus Safety and Security Office for use of open flames in other areas and spaces including theatrical areas.

2. DEFINITION

Fire safety laws: include but are not limited to the Occupational Health and Safety Administration regulations and the National Fire Code

Maintenance hot work: may include but is not limited to cutting and welding with a torch.

Open area spaces: includes but are not limited to lawns, parking lots, fields, etc.

Open flame devices: include but are not limited to candles, incense, fireworks, torches, and other incendiary devices

University buildings: include but are not limited to classrooms, laboratories, dormitories, married student housing, etc.

University personnel: faculty, staff, and students

3. HISTORY

Original Approval by President’s Council: 10/15/2010.

4. RELATED POLICIES or PROCEDURES

Occupational Safety