



Clery Act Procedures

As part of its Clery Act compliance program, the university adheres to the following procedures as required by federal law and by the [Clery Act Policy](#).

These procedures supplement other university policies and procedures to fulfill federal campus safety policy requirements (see, e.g., [Campus Fire Safety Act Policy](#)¹, [Drug-Free School Policy](#)², and [Sexual Harassment Policy](#)³).

Definitions

For purposes of these procedures, key terms are defined in the [Clery Act Policy](#) and as follows:

Emergency Notification means a report to the campus community, or to a segment or segments of the campus community, regarding a confirmed significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus.

Emergency Notification Situation means circumstances that require the issuance of an Emergency Notification.

Greater Provo Campus means University Property (see definition in the [Traffic, Parking, and Rideables Policy](#)) within the United States, excluding the Salt Lake Center and the Barlow Center (Washington, D.C.).

Main Campus is defined in the [Traffic, Parking, and Rideables Policy](#).

Pastoral Counselor means a person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling and is functioning within the scope of that recognition as a pastoral counselor.

Professional Counselor means a person whose official responsibilities include providing mental health counseling to members of the campus community and who is functioning within the scope of his or her license or certification. This includes professional counselors who are not employees of the university but are under contract to provide counseling to the campus community.

¹ 20 U.S.C. § 1092(i); 34 C.F.R. § 668.49.

² 20 U.S.C. § 1092(f)(1)(H); 34 C.F.R. § 668.46(b)(8); 20 U.S.C. § 1092(f)(1)(H); 34 C.F.R. § 668.46(b)(9); 20 USC § 1092(i)(1)(D); 34 C.F.R. § 668.49(b)(6).

³ 20 U.S.C. § 1092(f)(8)(B)(v) – (vii), (C); 34 C.F.R. § 668.46(b)(11)(iii) – (v), (vii); 20 U.S.C. § 1092(f)(8)(C).



Timely Warning means a report to the campus community of a Clery Act Crime in the Clery Act Geography that is reported to a TWEN CSA or to the BYU Police Department when the university considers that crime to represent a threat to students or employees.

Timely Warning Situation means circumstances that require the issuance of a Timely Warning.

Timely Warning and Emergency Notification (TWEN) Committee means a committee operating under a Timely Warning and Emergency Notification Committee charter.

1. Timely Warnings⁴

Employees in various university offices monitor each campus to identify Timely Warning Situations. Reports of possible Timely Warning Situations are relayed promptly to TWEN CSAs by CSAs (unless the CSA is a TWEN CSA) and through university processes.

When a TWEN CSA receives information about a possible Timely Warning Situation, that TWEN CSA immediately relays the information to the relevant campus's Timely Warning and Emergency Notification Committee (TWEN Committee).

Each of the following campuses has a TWEN Committee:

- Greater Provo Campus
- Barlow Center
- Salt Lake Center

When a TWEN CSA relays information regarding a possible Timely Warning Situation to a campus's TWEN Committee, that TWEN Committee decides in accordance with the procedures described in its charter whether a Timely Warning is required.

Each TWEN Committee issues Timely Warnings in a manner that

- is timely;
- withholds as confidential the names and other identifying information of victims; and
- aids in the prevention of similar crimes.

Each time a campus's TWEN Committee decides whether or not to issue a Timely Warning, that TWEN Committee documents in writing that decision and promptly shares that documentation with the Integrity and Compliance Office.

⁴ 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(i).



The university is not required to provide a Timely Warning with respect to a Clery Act Crime reported to a Pastoral Counselor or a Professional Counselor acting in that capacity.

2. Annual Disclosure of Crime Statistics⁵

A CSA must report any alleged Clery Act Crime that may have occurred within the Clery Act Geography using the form available at clery.byu.edu. University employees use CSA reports to compile crime statistics each year as required by the Clery Act. As required by the Clery Act, these statistics are

- disclosed annually to current employees and students,
- disclosed to prospective employees and students,
- submitted annually to the U.S. Department of Education; and
- available publicly at clerysr.byu.edu.

3. Victim or Witness Crime Reporting⁶

Anyone, including a victim or a witness of a Clery Act Crime, may submit via the university’s hotline (hotline.byu.edu) an anonymous report of an alleged Clery Act Crime occurring within the Clery Act Geography for inclusion in the annual disclosure of crime statistics. (See Annual Disclosure of Crime Statistics section above.)

As described in Section 6 Reporting Crimes to Law Enforcement, all crimes should be reported to local law enforcement. For the purposes of making Timely Warnings and the annual disclosure of crime statistics, the following is a list of the titles of each person or organization to which students and employees should report Clery Act Crimes that are alleged to have occurred within BYU’s Clery Geography:

Campus	TWEN CSAs
Greater Provo Campus	<ul style="list-style-type: none"> • BYU Police Department
Salt Lake Center	<ul style="list-style-type: none"> • Academic & Operations Administrative Assistant; • Evening Academic Program Administrator; or • Integrity & Compliance Office
Barlow Center	<ul style="list-style-type: none"> • Washington Seminar Faculty Director or • Integrity & Compliance Office

⁵ 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(ii).

⁶ 20 U.S.C. § 1092(f)(1)(A); 34 C.F.R. § 668.46(b)(2)(iv).



4. Security of and Access to Campus Facilities⁷

As described in the [Banning Policy](#), the university retains the right to restrict access to university property.

BYU Police Department and BYU Security regularly patrol campus facilities, including around on-campus residential facilities.

University-owned and -controlled facilities are secured in ways appropriate to each facility. When making facility maintenance decisions, university employees consider the security of each facility and prioritize security considerations.

Campus Residences

The university provides card- or key-access to on-campus residential living quarters (i.e., to bedrooms in Helaman Halls and the unmarried housing in the Barlow Center, to apartments in married housing in the Barlow Center and other on-campus residences) only to the assigned tenants and to select employees who have a business need (e.g., hall advisors, maintenance staff).

Non-Residential Facilities

Most non-residential facilities on the Main Campus are unlocked during regular business hours and are card- or key-accessible outside of business hours. Certain non-residential facilities in the Greater Provo Campus and most non-residential facilities at the Salt Lake Center and the Barlow Center are only card- or key-accessible. On Sundays, non-residential buildings are open only for approved, scheduled church meetings. See [Scheduling and Use of BYU Facilities Procedures](#) for more information.

5. Campus Law Enforcement⁸

The BYU Police Department (BYU Police) is a certified private law enforcement agency and operates as the university's law enforcement agency under the authority of the state of Utah. BYU Police's jurisdiction is determined by Utah state law, which includes jurisdiction within the confines of Main Campus and any jurisdiction agreed upon in an interagency agreement with another law enforcement agency, including the March 2024 Police Interagency Agreement between BYU Police Department and the Provo Police Department. Each BYU Police officer is a certified peace officer and has full peace officer enforcement authority under state law, including the authority to make arrests.

⁷ 20 U.S.C. § 1092(f)(1)(B) – (C); 34 C.F.R. § 668.46(b)(3) – (b)(4).

⁸ 20 U.S.C. § 1092(f)(1)(C); 34 C.F.R. § 668.46(b)(4).



BYU Security provides the university's security services for Main Campus. When acting on behalf of BYU Security, BYU Security employees and independent contractors may assert the university's rights as a private property owner, but they do not exercise law enforcement authority and do not make arrests.

6. Reporting Crimes to Law Enforcement⁹

The university encourages accurate and prompt reporting to law enforcement of all crimes that occur, including by others when the victim of a crime elects to, or is unable to, make such a report. Immediate reporting allows law enforcement to identify crimes and situations that pose an immediate or ongoing threat to the campus community and prevent future crime.

Individuals should report crimes that occur on Main Campus to BYU Police and crimes that occur elsewhere to the relevant local law enforcement agency. CSAs must relay reports of Clery Act Crimes that may have occurred within BYU's Clery Act Geography through appropriate processes. Employees must also comply with other crime-reporting obligations they may have under the law or other university policies, e.g.,

- [Minor Protection Policy](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Personnel Conduct Policy](#)
- [Sexual Harassment Policy](#)

7. Off-Campus Student Organizations¹⁰

The university does not recognize off-campus student organizations; therefore, it has not adopted any campus safety policies related to off-campus student organizations. (See [Clubs and Associations Policy](#).)

8. Emergency Response and Evacuation Notification Procedures¹¹

Employees in various university offices monitor campus to identify and relay information about possible Emergency Notification Situations in accordance with their campus unit policies and procedures. In addition, CSAs are encouraged to relay information about possible Emergency Notification Situations immediately and directly to a TWEN CSA (unless the CSA is a TWEN CSA).

Once a threat or potential threat has been identified by a TWEN CSA, the TWEN CSA immediately relays the information regarding the threat or potential threat to the relevant

⁹ 20 U.S.C. § 1092(f)(1)(C); 34 C.F.R. § 668.46(b)(4).

¹⁰ 20 U.S.C. § 1092(f)(1)(G); 34 C.F.R. § 668.46(b)(7).

¹¹ 20 U.S.C. § 1092(f)(1)(J)(i); 34 C.F.R. § 668.46(b)(13); 34 C.F.R. § 668.46(g)(2), (5), (6).



campus's TWEN Committee. That campus's TWEN Committee then evaluates all reasonably available information to determine whether there is an Emergency Notification Situation.

If a campus's TWEN Committee confirms there is an Emergency Notification Situation, that TWEN Committee issues an Emergency Notification in accordance with the Emergency Notification Procedure described below.

If a campus's TWEN Committee confirms there is not an Emergency Notification Situation, the TWEN Committee documents in writing the information that led to its decision not to issue an Emergency Notification and promptly shares that documentation with the Integrity and Compliance Office.

Emergency Notification Procedure

When a campus's TWEN Committee has confirmed that a significant emergency or dangerous situation is occurring on campus that involves an immediate or impending threat to the health or safety of students or employees, the TWEN Committee carries out the following Emergency Notification Procedure:

1. identify the segment of campus requiring an Emergency Notification;
2. determine the content of the Emergency Notification, without delay, and taking into account the safety of the community;
3. issue an Emergency Notification, unless issuing the notification will, in the professional judgment of the responsible authorities, compromise efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency;
4. document the decisions made to fulfill steps 1 – 3 of this procedure; and
5. promptly share the Emergency Notification documentation with the Integrity and Compliance Office.

A campus's TWEN Committee delivers the Emergency Notification to the campus community, or to the appropriate segment or segments of the campus community, through one or more of the following methods:

- emails
- texts
- BYU websites, including byu.edu and police.byu.edu
- BYU social media channels
- fire alarm system
- public address systems (available in limited facilities)



If a campus’s TWEN Committee issues an Emergency Notification, it will not issue a Timely Warning based on the same circumstance.

Employees and Campus Units Responsible for Emergency Notifications

The following are the campus units and employees responsible for carrying out the university’s Emergency Notification Procedure for their respective campuses in accordance with their procedures:

Campus	Responsible Campus Units and Employees
Greater Provo Campus	Greater Provo TWEN Committee
Salt Lake Center	Salt Lake Center TWEN Committee
Barlow Center	Barlow Center TWEN Committee

Disseminating Emergency Information to the Larger Community

The university disseminates emergency information to the larger community via the following procedures:

1. If the university issues an Emergency Notification, a campus’s TWEN Committee decides whether to disseminate emergency information to the larger community.
2. If a TWEN Committee decides to disseminate emergency information to the larger community, the TWEN Committee works with University Communications or BYU Police to relay that emergency information via one or more of the following:
 - BYU websites, including byu.edu and police.byu.edu
 - BYU social media channels
 - local news media outlets

Emergency Response and Evacuation Procedure Tests

The university tests its emergency response and evacuation procedures at least annually, including by

- holding tests that may be announced or unannounced;
- publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year; and
- documenting, for each test, a description of the exercise, the date, time, and whether it was announced or unannounced.



These tests are conducted by Risk Management and Safety, BYU Police, BYU Security, Residence Life, and other relevant campus units. Documentation regarding these tests is maintained by the sponsoring and participating campus units.

9. Preventing Sex Crimes¹²

The university offers programs to prevent Sex Crimes and to promote awareness of Sex Crimes. These programs include

- training for employees and all individuals involved in administering the Sexual Harassment Grievance Procedures, as required by the Sexual Harassment Policy
- training for all incoming students and new employees on
 - the university’s prohibition on Sex Crimes (see the Sexual Harassment Policy)
 - the definitions of Dating Violence, Domestic Violence, Sexual Assault, and Stalking
 - the definition of “consent” in reference to sexual activity in Utah
 - a description of safe and positive options for bystander intervention
 - information on risk reduction, which means options designed to decrease perpetration and bystander inaction, and to increase empowerment for victims in order to promote safety and to help individuals and communities address conditions that facilitate violence
 - the Sexual Harassment Policy and the Sexual Harassment Grievance Procedures
- awareness programs, which means events, initiatives, and strategies that aim to share information and resources to prevent violence, promote safety, and reduce the occurrence of Sex Crimes
- ongoing prevention and awareness campaigns, which means marketing or outreach efforts that aim to prevent and raise awareness of Sex Crimes
- primary prevention programs, which means events, initiatives, and strategies that aim to foster healthy and safe relationships and thereby prevent Sex Crimes

For descriptions of programs to prevent Sex Crimes offered by the university in the most recent calendar year, see the Annual Security Report available at clerysr.byu.edu.

10. Responding to Sex Crimes¹³

University employees respond to allegations of Sex Crimes (1) that involve members of the campus community or participants in university programs or activities or (2) that occurred

¹² 20 U.S.C. § 1092(f)(8)(B)(i) – (ii); 34 C.F.R. § 668.46(b)(11)(i), (vi); 34 C.F.R. § 668.46(k)(1)(iii).

¹³ 20 U.S.C. § 1092(f)(8)(A)(ii), (B)(iv); 34 C.F.R. § 668.46(b)(11)(ii), (vi); 34 C.F.R. § 668.46(k).



within the Clery Act Geography in accordance with the relevant university policies, including the following:

- [Church Educational System Honor Code](#)
- [Minor Protection Policy](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Personnel Conduct Policy](#)
- [Sexual Harassment Policy](#)

These policies and their implementing procedures, if any, describe

- each type of disciplinary proceeding used by the university;
- the steps, anticipated timelines, and decision-making process for each type of disciplinary proceeding; and
- how to file a disciplinary complaint.

The university determines which policy to apply and therefore which proceeding to use based on (1) the circumstances of an allegation of a Sex Crime and (2) those circumstances' relationship to the scope of each policy.

The [Sexual Harassment Policy](#) describes

- the standard of evidence that will be used during any university disciplinary proceeding arising from an allegation of a Sex Crime;
- all possible sanctions that the university may impose following the results of any university disciplinary proceeding for an allegation of a Sex Crime; and
- the range of protective measures that the university may offer to the victim following an allegation of a Sex Crime.

11. Victims of Sex Crimes¹⁴

A victim of a recent Sex Crime should (a) preserve evidence and (b) report the Sex Crime.

(a) Preserve Evidence

Preserving evidence may assist law enforcement agencies investigating reports of Sexual Assault and may be helpful in obtaining protective orders. Before contacting law enforcement, a victim of a Sex Crime should take any of the following actions that might preserve evidence:

¹⁴ 20 U.S.C. § 1092(f)(8)(B)(iii); 34 C.F.R. § 668.46(b)(11)(ii).



- taking screen shots of relevant texts, social media posts, emails, or other digital evidence
- not deleting texts, social media posts, emails, or other digital evidence
- not bathing, showering, or using toothpaste or mouthwash
- not washing clothing, bed sheets, pillows, or other potential evidence

(b) Report the Sex Crime

A victim of a Sex Crime who chooses to report the Sex Crime should report to law enforcement and campus authorities as detailed in the [Sexual Harassment Policy](#).

The university protects the confidentiality of victims of Sex Crimes and other necessary parties as described in the [Sexual Harassment Policy](#). The university completes publicly available recordkeeping, including Clery Act reporting and disclosures, without the inclusion of personally identifying information about the victim. The university maintains 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.

The university provides written notification to students and employees about existing services available for victims, both within the institution and in the community, including existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, and student financial aid at titleix.byu.edu/resources and at clery.byu.edu.

When contacted by a victim, the Title IX Office provides written notification to each victim about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. The university makes such accommodations or provides such protective measures if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to campus police or local law enforcement.

When a student or employee reports to the Title IX Office that the student or employee has been a victim of a Sex Crime, whether the offense occurred on or off campus, the Title IX Office provides the student or employee a written explanation of

- the student's or employee's rights and options, as described in this section (Section 11 Victims of Sex Crimes), and
- a written explanation of the procedures for institutional disciplinary action in cases of alleged Sex Crimes (*see above* Section 10 Responding to Sex Crimes).



12. Missing Students¹⁵

The following are the procedures that the university follows when addressing reports of missing students who reside in on-campus housing facilities.

Missing Student Reports

The following are the titles of the employees or campus units to which students, employees, or other individuals should report that a student who lives in on-campus housing has been missing for 24 hours:

- Main Campus—BYU Police Department
- Barlow Center—Washington Seminar Faculty Director

Any report of a student missing from Main Campus on-campus housing must be referred immediately to BYU Police. Any report of a student missing from Barlow Center housing must be referred immediately to the Metropolitan Police Department.

Missing Persons Contacts

The university provides an option for each student living in on-campus housing to provide the name and contact information of one or more individuals to serve as a contact for missing persons purposes (Missing Persons Contact). A student's Missing Persons Contact is registered confidentially, is accessible only to authorized campus officials, and is not disclosed except to law enforcement personnel in furtherance of a missing person investigation.

If a student is under 18 years of age and not emancipated, the university must notify a custodial parent or guardian within 24 hours of the determination that the student is missing, in addition to notifying any additional Missing Persons Contact designated by the student.

Missing Student Procedures for Main Campus

The procedures that the university follows when a student who resides in a Main Campus on-campus student housing facility is determined to have been missing for 24 hours include the following:

1. Any report of a student missing from Main Campus on-campus housing is referred immediately to BYU Police, unless BYU Police has already been notified.
2. After determining that a student who resides in Main Campus on-campus housing is missing, BYU Police initiates a missing person investigation.

¹⁵ 20 U.S.C. § 1092(j)(1)(A); 34 C.F.R. § 668.46(h)(1)-(2).



3. Within 24 hours after BYU Police has determined that a student who resides in Main Campus on-campus housing is missing, BYU Police notifies
 - a. the student's Missing Persons Contact(s);
 - b. if the student is under the age of 18, the student's parent or guardian; and
 - c. the Provo Police Department or another relevant local law enforcement agency, unless the local law enforcement agency was the entity that made the determination that the student was missing.

Missing Student Procedures for the Barlow Center

The procedures that the university follows when a student who resides in Barlow Center student housing facility is determined to have been missing for 24 hours include the following:

1. Any report of a student missing from Barlow Center housing is referred immediately to
 - a. the Metropolitan Police Department and
 - b. the Washington Seminar Faculty Director.
2. Within 24 hours after the Metropolitan Police Department has determined that a student who resides in the Barlow Center is missing, the Washington Seminar Faculty Director, or his or designee, notifies
 - a. the Washington Seminar Director;
 - b. the Dean of Students;
 - c. the student's Missing Persons Contact(s); and
 - d. if the student is under the age of 18, the student's parent or guardian.

APPROVED: 27 Sep 2024

PRIOR VERSION: N/A

APPLICABILITY: This policy applies to university employees and students when in the United States and to visitors to university property or facilities in the United States.

POLICY OWNER: Assistant to the President and General Counsel

RESPONSIBLE OFFICE: Integrity and Compliance Office

RELATED POLICIES:

- [Banning Policy](#)
- [Campus Fire Safety Act Policy](#)
- [Campus Fire Safety Act Procedures](#)



- [Church Educational System Honor Code](#)
- [Clery Act Policy](#)
- [Clubs and Associations Policy](#)
- [Drug-Free School Policy](#)
- [Minor Protection Policy](#)
- [Nondiscrimination and Equal Opportunity Policy](#)
- [Personnel Conduct Policy](#)
- [Physical Facilities Policy](#)
- [Risk Management and Safety Policy](#)
- [Scheduling and Use of BYU Facilities Procedures](#)
- [Sexual Harassment Grievance Procedures \(Non-Title IX Sexual Violence\)](#)
- [Sexual Harassment Grievance Procedures \(Title IX\)](#)
- [Sexual Harassment Policy](#)
- [Traffic, Parking, and Rideables Policy](#)