

2018 ANNUAL SECURITY REPORT



UNIVERSITY *of* HAWAI'I®

KAPI'OLANI
COMMUNITY COLLEGE

The 2018 Annual Security Report (ASR) is prepared and published in compliance with the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The ASR is made available electronically on the Kapi'olani Community College Campus Security website to all current and potential students and employees and to the general public.
<http://go.hawaii.edu/Rvf>

The 2018 Annual Security Report is based on crime statistical data and related information for the period of January 1, 2017 through December 31, 2017.

TABLE OF CONTENTS

CLERY ACT COMPLIANCE CROSSWALK	1
INTRODUCTION	11
ABOUT THE INSTITUTION.....	11
GEOGRAPHICAL LOCATION	12
SPECIFIC FEDERAL LAWS REQUIRING SAFETY- AND SECURITY- RELATED DISCLOSURES.....	14
ANNUAL SECURITY REPORT.....	14
PREPARATION AND NOTIFICATION OF ANNUAL SECURITY REPORT	15
ASR POINT OF CONTACT INFORMATION	16
CAMPUS SECURITY	17
OVERVIEW	17
ENFORCEMENT	17
ENFORCEMENT AND CAMPUS SECURITY’S RELATIONSHIP TO THE STUDENT CONDUCT CODE	18
SECURITY WORKFORCE TRAINING	19
CRIME PREVENTION SERVICES	19
POLICY STATEMENTS.....	21
TIMELY WARNINGS.....	21
REPORTING OF CRIMINAL OFFENSES	23
VOLUNTARY – CONFIDENTIAL REPORTING.....	23
DISCLOSURES TO ALLEGED VICTIMS.....	24
DAILY CRIME LOG.....	24
EMERGENCY RESPONSE AND EVACUATION PROCEDURES.....	25
CAMPUS NOTIFICATION ABOUT AN IMMEDIATE THREAT	26
ACCESS AND SECURITY OF CAMPUS FACILITIES.....	27
CRIME PREVENTION AWARENESS PROGRAMS.....	28

SEXUAL ASSAULT POLICY	29
SEX DISCRIMINATION AND GENDER-BASED VIOLENCE EDUCATIONAL PROGRAMS	41
RISK REDUCTION – AWARENESS AND PREVENTION.....	46
RISK REDUCTION – BYSTANDER INTERVENTION	47
PROCEDURES IN CASE OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING	48
SEX OFFENDER REGISTRY	52
ALCOHOL AND DRUG POLICY.....	53
WEAPONS POLICY.....	59
CRIME STATISTICS.....	60
DEFINITIONS AND GUIDELINES FOR INSTITUTIONS IN REPORTING STATISTICS:	62
ON CAMPUS	62
NON-CAMPUS	62
PUBLIC PROPERTY.....	62
CLERY ACT GUIDELINES FOR REPORTING	63
DEFINITIONS OF CLERY ACT CRIMES.....	64
HATE CRIME AND OTHER REPORTABLE INCIDENTS.....	66
DEFINITIONS OF CLERY ACT GEOGRAPHY	68
ON-CAMPUS CATEGORY	68
NON-CAMPUS CATEGORY	68
PUBLIC PROPERTY CATEGORY	68
APPENDICES	70
APPENDIX A	71
CAMPUS SECURITY AUTHORITIES	71
LISTING OF CAMPUS SECURITY AUTHORITIES.....	72
APPENDIX B	73

CRIME PREVENTION AND SAFETY TIPS	73
APPENDIX C.....	74
CAMPUS MAP	74
CALL BOX LOCATIONS.....	75
APPENDIX D.....	76
WHERE TO GO FOR ASSISTANCE OR INFORMATION	76
REFERENCES.....	77

CLERY ACT COMPLIANCE CROSSWALK

The table below is a crosswalk that is intended to assist in locating specific Clery Act compliance components within this publication.

ITEM #	DESCRIPTION	PAGE #
1	Policy statement concerning the enforcement authority of security personnel	17
2	Policy statement concerning security personnel authority to make arrests	17
3	Policy statement concerning jurisdiction of security personnel	18
4	Policy statement concerning working relationship of security personnel with State and local police	17
5	A statement regarding memoranda of understanding with local police regarding the investigation of alleged criminal offenses	17 - 18
6	Policy statements regarding procedures for students and others to report criminal actions or other emergencies occurring on campus	23
7	Policy statement regarding campus' response to reports of criminal actions or other emergencies occurring on campus	23 - 27
8	List of titles or organizations to whom students and employees should report criminal offenses for the purpose of making timely warning reports and the annual statistical disclosure; Campus Security Authorities	72
9	Policies which encourage accurate and prompt reporting of all crimes to the campus police (Campus Security Office) and the appropriate law enforcement agencies	23

10	Policy concerning victims or witnesses ability to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crimes statistics	23 - 24
11	A description of procedures, if any, that encourage pastoral counselors and professional counselors, when they deem appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics	23
12	Policy for making timely warning reports to members of the campus community regarding the occurrence of crimes listed in the Clery Act	21 - 22
13	A statement that such reports shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential and that will aid in the prevention of similar occurrences	21
14	Description of circumstances for which a timely warning will be issued	22
15	The individual(s) or office(s) responsible for writing or developing the content of a timely warning	21
16	The individual(s) or office(s) responsible for initiating or sending a timely warning	21
17	The manner in which a timely warning will be disseminated	21
18	A statement that the campus is not required to issue a timely warning with respect to crimes reported to a pastoral or professional counselor	22
19	Policy statement regarding immediate emergency response procedures	25 - 26

20	Policy statement regarding evacuation procedures	25 - 26
21	Policy statement regarding the use of electronic or cellular communication	26
22	A statement that the campus will immediately notify the campus community upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health and safety of students and employees occurring on the campus	26
23	A description of the process the campus will use to confirm that there is a significant emergency or dangerous situation	26
24	A description of the process the campus will use to determine the segment or segments of the campus community to receive notification	26
25	A description of the process the campus will use to determine the content of the notification	26
26	A description of the process the campus will use to initiate the notification system	26
27	A statement that if there is an immediate threat to the health or safety of the campus community the campus is not required to issue a timely warning when following its emergency notification procedures and under the same circumstances	27
28	A description of how the campus will provide follow up information to the community if there is an immediate threat to the health or safety of the campus community	27
29	A statement that the campus will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification	26

	system, unless issuing a notification will, in the professional judgement of responsible authorities, compromise efforts to assist the victim or to contain , respond to or otherwise mitigate the emergency	
30	Procedures for disseminating emergency information to the larger community	26
31	A statement to publicize procedures to test emergency response and evacuation procedures on an annual basis, announced or unannounced	25 - 26
32	A statement to publicize procedures to test emergency response and evacuation procedures on an annual basis, publicizing its emergency response and evacuation procedures in conjunction with at least one test per calendar year	25 - 26
33	A statement to publicize procedures to test emergency response and evacuation procedures on an annual basis, documenting for each test, a description of the exercise, the date, time and whether it was announced or unannounced	25 - 26
34	Policy concerning the monitoring and recording, through local police agencies of criminal activity in which students engage at off-campus locations of student organizations officially recognized by the institution, including student organizations with off-campus housing facilities (as applicable to institutions with housing)	NA
35	Policy statement concerning security of campus facilities, including campus residences	27
36	Policy statement concerning access to campus facilities, including campus residences	27

37	Security considerations used in the maintenance of campus facilities	28
38	A description of the type and frequency of institutional programs designed to inform students and employees about campus security procedures and practices	28 – 29, 73
39	A description of the type and frequency of institutional programs designed to inform students and employees about campus security procedures and practices and to encourage students and employees to be responsible for their own security and the security of others	28 – 29, 73
40	A description of programs designed to inform students and employees about the prevention of crimes	28 – 29
41	Policy statement regarding the possession, use and sale of alcoholic beverage and the enforcement of State underage drinking laws	53
42	Policy statement regarding the possession, use and sale of illegal drugs and the enforcement of Federal and State drug laws	53
43	A description of any drug or alcohol-abuse education programs	56 – 59
44	Crimes required by the Clery Act that occurred on or within the campus' Clery Geography that were reported to a Campus Security Authority	60 – 61
45	Policies for preparing the annual disclosure of crime statistics	15
46	A statement that the institution will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any	24

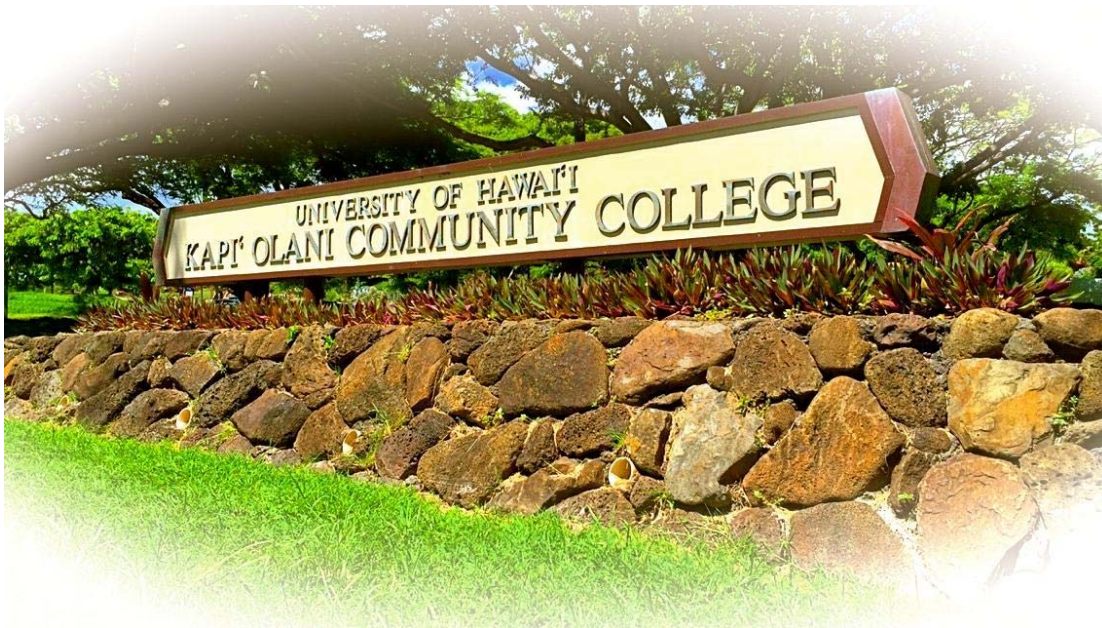
	disciplinary proceeding conducted by such institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim	
47	Law enforcement agency information concerning registered sex offenders may be obtained	52 – 53
48	Policy statement regarding programs to prevent dating violence, domestic violence, sexual assault and stalking	41 – 46
49	A statement that the campus prohibits the crimes of domestic violence, dating violence, sexual assault and stalking	29
50	The VAWA definition of Dating Violence	29
51	The VAWA definition of Domestic Violence	29 – 30
52	The VAWA definition of Sexual Assault	30 – 31
53	The VAWA definition of Stalking	30
54	The jurisdiction definitions of dating violence, domestic violence, sexual assault and stalking	31 – 38
55	A statement regarding the jurisdiction definition of consent	38
56	The campus' definition of consent	39
57	A description of safe and positive options for bystander intervention	44
58	Information on risk reduction	46 – 48

59	Policy statement that addresses the campus' programs to prevent dating violence, domestic violence, sexual assault and stalking	41 – 42
60	Description of the campus' primary prevention and awareness programs for all incoming students and employees	42 – 43
61	Description of the campus' primary prevention and awareness programs for all incoming students and employees, stating that the campus prohibits crimes of domestic violence, dating violence, sexual assault and stalking	44
62	Description of the campus' primary prevention and awareness programs for all incoming students and employees, providing the VAWA definition of dating violence, domestic violence, sexual assault and stalking	44
63	Description of the campus' primary prevention and awareness programs for all incoming students and employees, stating the jurisdiction definition of domestic violence, dating violence, sexual assault and stalking	44
64	Description of the campus' primary prevention and awareness programs for all incoming students and employees, statement regarding the jurisdiction definition of consent	44
65	Description of the campus' primary prevention and awareness programs for all incoming students and employees, statement of the campus' definition of consent and the purpose for which it is used	44
66	Description of the campus' primary prevention and awareness programs for all incoming students and	44 – 45

	employees, providing a description of safe and positive options for bystander intervention	
67	Description of the campus' primary prevention and awareness programs for all incoming students and employees, regarding information on risk reduction	46 - 48
68	Policy statement regarding programs to prevent dating violence, domestic violence, sexual assault and stalking, and procedures taken when one of these crimes is reported	48 - 52
69	Description of the campus' ongoing prevention and awareness campaigns for students and employees	42 - 46
70	Policy statement regarding programs to prevent dating violence, domestic violence, sexual assault and stalking, including procedures to be followed when one of these crimes is reported	49 - 52
71	Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault or stalking has occurred	39 - 41
72	Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault or stalking has occurred including the importance of preserving evidence	40
73	Procedures victims should follow if a crime of domestic violence, dating violence, sexual assault or stalking has occurred and whom the alleged offense should be reported	40 - 41
74	Options regarding the involvement of law enforcement and campus authorities	41
75	Option to be assisted in notifying law enforcement by campus officials	41

76	Option to decline notifying law enforcement	41
77	Statement on protective orders and no-contact orders	41
78	Statement regarding availability of written explanation of rights and options	52
79	Statement regarding written notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures	52
80	Statement regarding written notification to students and employees about existing resources available for victims within the institution	52
81	Statement regarding written notification to students and employees about existing resources available for victims within the larger community	52
82	Statement regarding confidentiality protection of victims and other necessary parties	48 - 49
83	Statement regarding ensuring no personally identifying information about the victim is publicly available	48
84	Statement regarding maintaining the confidentiality of protective measures	49
85	Procedures for disciplinary action in cases of alleged dating violence, domestic violence, sexual assault or stalking to be prompt, fair and impartial	49
86	Statement that disciplinary actions to be conducted by officials with minimal annual training	50

87	Statement that accuser and accused have equal opportunities to have others present during disciplinary proceedings	50
88	Statement that accuser and accused have equal opportunities to have others present during disciplinary proceedings, however the institution may impose restrictions that are applied equally to both parties	50 - 51
89	Statement that both parties shall be notified in writing, simultaneously, of the results arising from disciplinary proceedings	51
90	Policy statement that both parties shall be informed in writing, simultaneously, that they have equal rights to appeal	51
91	Policy statement that both parties shall be informed in writing, simultaneously, of any change to the results	51
92	Policy statement that both parties shall be informed in writing, simultaneously, when results become final	51
93	Description of each type of disciplinary proceeding used	49
94	Description of standard of evidence used in disciplinary proceedings	51
95	List of possible sanctions the campus can impose following the results of a disciplinary procedure	51
96	Description of the range of protective measures the campus may offer the victim following an allegation of dating violence, domestic violence, sexual assault or stalking	49



INTRODUCTION

ABOUT THE INSTITUTION

The University of Hawai'i System (UH System) is currently comprised of three 4-year institutions and seven 2-year institutions (community colleges), one of which is Kapi'olani Community College.

Kapi'olani Community College is the state's largest comprehensive community college with technical, occupational and professional programs in business education, foodservice and hospitality education, and nursing. It offers the state's most successful university transfer program as well as a well-respected STEM (Science, Technology, Engineering, and Mathematics) program. Nationally, Kapi'olani Community College has been recognized for its programs in health sciences and education for emergency medical services. Locally, KCC is well known for its culinary program. Other students attend Kapi'olani Community College as a starting point before moving on to the University of Hawai'i at Mānoa and other four-year universities to complete a bachelor's degree.

Of all the community colleges in the University of Hawai'i System, KCC has the largest liberal arts student body with over (on average) 10,000 students enrolled annually. The

campus has one of the nation's largest international student bodies and attracts students from over 100 nations including very large numbers of students from Japan, Korea, China, and Hong Kong because of its programs of study, links to the University of Hawaii – Mānoa, and proximity to Waikiki.

Originally located at Pensacola Street and Kapi'olani Boulevard (from which the school gets its name), adjacent to President William McKinley High School in the Makiki community, Kapi'olani Community College was established in 1946 as Kapi'olani Technical College. The school was administered by the Territory of Hawai'i as one of its chief vocational schools, specializing in food service. In 1965, its curricula was modified and the college became an open-door public college administered by the University of Hawai'i. As part of the realignment of programs, the school adopted its current name.

Kapi'olani Community College gained national attention in 1976 when radiology instructors Roland Clements and Harry Nakayama developed a new hip x-ray technique. In 1986, Kapi'olani Community College's respiratory care program won a national award as an outstanding vocational education program. Also in the late 1980s, Gallaudet University Regional Center opened at the Fort Ruger campus.

GEOGRAPHICAL LOCATION

Kapi'olani Community College lies on the opposite slope of Diamond Head, across from the entrance to the Diamond Head National Monument. The main campus can be found at 4303 Diamond Head Road and is bordered by Diamond Head Road (Northwestern Border), Kilauea Avenue (Southeastern Border), 18th Ave (Northeastern Border), and Makapuu Ave (Southwestern Border), see Appendix C for the campus location and map. KCC also utilizes spaces in the neighboring Leahi Hospital, located at 3675 Kilauea Avenue, for teaching.

A third location, the Diamond Head Theater parking lot, is used for overflow parking. Its boundaries include Alohea Ave (southwest) intersecting with Pokole Street (northwest), which converge with the Leahi Hospital property line continuing to the rear of the Diamond Head Theater.

In June of 2017, the Culinary Institute of the Pacific (CIP), located at 4500 Diamond Head Road, was officially opened and is managed by Kapi'olani Community College. It features advanced continental, Asian and food innovation culinary training. The CIP is bordered by Diamond Head Road, Wauke Street and Diamond Head Crater.

The campus population includes more than 10,000 credit and noncredit students each semester. On any given semester, depending on our student population size, the campus employs approximately 500 full and part-time employees.

As defined by the *Clery Act*, the disclosure of statistics for certain reportable crimes will be based upon the location of the crimes. Maps that delineate the *Clery Act* geographical boundaries for the four sites are located in Appendix C.

SPECIFIC FEDERAL LAWS REQUIRING SAFETY- AND SECURITY-RELATED DISCLOSURES

In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542) that was later amended and renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act).

The Clery Act requires all postsecondary institutions that participate in the Higher Education Act (HEA) Title IV student financial assistance programs, to meet annual performance measures related to safety, security, and emergency management. One such measure is to publicly disclose specific crime statistics and safety- and security-related information by way of an Annual Security Report (ASR) which must be published and disseminated (or provide notice of its availability) by October 1 of each year.

In 2008, the Higher Education Opportunity Act (HEOA; Public Law 110-315) was reauthorized and expanded the elements of the HEA. The HEOA further amended the Clery Act and created additional safety and security performance and disclosure requirements for postsecondary institutions.

The Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) amended the Violence Against Women Act of 1994 (VAWA) which also added safety- and security-related performance and sexual assault requirements.

This Kapi'olani Community College 2018 Annual Security Report has been published in accordance with the disclosure and information requirements of the current amended versions of the Clery Act, the HEOA, and the VAWA.

ANNUAL SECURITY REPORT

Kapi'olani Community College is firmly committed to providing a safe and secure learning and working environment. Policies and procedures are designed to provide precautionary measures to protect persons and property. The entire Kapi'olani Community College community should exercise good judgment and take appropriate precautions to reduce the possibility of becoming the victim of a crime-related event on campus.

The 2018 Annual Security Report (ASR) is prepared and published in compliance with the Higher Education Opportunity Act (HEOA) and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (Clery Act). These federal laws require colleges and universities to:

- Publish an annual security report containing three years of selected crime statistics and certain campus security policy statements.
- Disclose crime statistical data for the campus, public areas immediately adjacent to the campus, and specific non-campus facilities that are owned or operated by the college and university.

PREPARATION AND NOTIFICATION OF ANNUAL SECURITY REPORT

The Director of Safety and Emergency Management coordinates the collection, publication, and dissemination of the ASR for Kapi'olani Community College. The primary source of statistical data comes from the Campus Security Office to whom crimes and incidents are generally reported. However, because not all incidents are reported to Campus Security, other sources are sought for statistical data. These sources include the following:

- Designated Campus Security Authorities (other than Campus Security)
- Honolulu Police Department
- Department of Public Safety-Sheriff Division
- Department of Land and Natural Resources, Division of Conservation and Resource Enforcement

Please note that only the statistics are collected. No identifiable information on the victim or suspect is disclosed to the college.

Upon completion of the annual report, a mass email notification is sent to all current students, faculty, and staff providing the website address to access this report.

A hard copy of this report is also available for viewing in the library (for review and reference only).

Current and prospective students and employees may make a request 36 hours prior to obtain one hard copy of the report from the Director of Safety and Emergency Management (contact 808-734-9334 or go to Ohia Building, room 103A). The ASR is also available online to current and prospective students, faculty, staff, and the general public at: <http://go.hawaii.edu/Rvf>

ASR POINT OF CONTACT INFORMATION

All communication related to this ASR is to be addressed in writing to the following office:

Kapi'olani Community College
Attention: Director of Safety and Emergency Management
4303 Diamond Head Road, Ohia 103A
Honolulu, Hawai'i 96816

Should there be any amendment to this ASR, an email notice will be sent to the campus community. The cover page will reflect: "Revised as of: [Date]". The revised version will also be posted on the campus website for public download.

CAMPUS SECURITY

OVERVIEW

Each Campus Security Department at each of the institutions in the University of Hawai'i System is independently administered. Security services for Kapi'olani Community College are administered through Kapi'olani Community College's Administrative Services Division. Security services are provided by the Campus Security Office. The unit is comprised of two (2) University Security Officer (USO) II positions and six (6) USO I positions. The College also contracts security services on a limited basis. These services are utilized to supplement the workforce and provide additional coverage as necessary.

Together, campus security officers and contract security officers provide patrol and other security services 24-hours a day, 365-days a year. The Campus Security Office is located in the Ohia Building on the first floor, Room 104. Security officers are available by telephone at (808) 734-9900 or by campus telephone at x9900.

ENFORCEMENT

USO's are charged with upholding federal, state, and local laws in addition to the rules, regulations, and policies governing the University of Hawai'i and Kapi'olani Community College. In addition, USO's and contract security personnel are non-sworn and unarmed. Security officers may detain individuals involved in the violation of laws and those involved in criminal acts they personally view, or those positively identified as having committed such an act by victims or witnesses until such time that the Honolulu Police Department (HPD) arrives to take custody of the individual(s). Any campus incident requiring an arrest is referred to HPD.

The Campus Security Office remains in communication with HPD and will occasionally work with other law enforcement agencies including the State of Hawai'i's Department of Public Safety (DPS) and the Federal Bureau of Investigation (FBI). Campus Security maintains an open and reciprocal relationship with these agencies utilizing their resources and expertise to gather crime-related information, reports, and statistics. The HPD is the primary investigating agency for all criminal activity that occurs on all University of Hawai'i campuses, including Kapi'olani Community College.

Kapi'olani Community College and the Honolulu Police Department, City and County of Honolulu, have a Memorandum of Understanding Relating to Communications and Procedures Regarding Reports of Sexual Assaults on Campus. This Memorandum of

Understanding sets forth the responsibilities of each party for a cooperative effort regarding communications and procedures for addressing sexual assault, occurring on Kapi'olani Community College's campus. Though no other formal agreements exist between the agencies, Kapi'olani Community College, as a state-level agency, is recognized in local-, state- and federal-level emergency management plans. The law enforcement agencies are also identified in those plans as members of the State Law Enforcement Coalition (SLEC). Certain federal and state-sponsored training for SLEC personnel are often opened to include Kapi'olani Community College personnel.

ENFORCEMENT AND CAMPUS SECURITY'S RELATIONSHIP TO THE STUDENT CONDUCT CODE

The University of Hawai'i (UH) System "Student Code of Conduct" (Executive Policy E7.208 University of Hawai'i System-Wide Student Conduct Code) Section IV.A: Jurisdiction of the UH Student Conduct Code, states: "The UH Student Conduct Code shall apply to conduct that occurs on UH premises, at UH sponsored activities, in distance/online courses and events, and to off-campus conduct that affects the UH Community and/or the pursuit of its objectives. Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. Conduct that occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment (and even if his/her conduct is not discovered until after a degree is awarded), is subject to the Student Conduct Code." Additionally, Section IV.B: Conduct - Rules and Regulations, item #8 states: "Failure to comply with any directions of UH officials or law enforcement officers acting in the performance of their duties and/or failure to provide identification to these persons when requested to do so."

In order to maintain a safe and secure educational environment, Kapi'olani Community College Campus Security personnel may encounter circumstances that will require obtaining personal identity information from students at on- and off-campus properties, as well as requiring acceptance of guidance and direction.

Students are encouraged to review their "Student Code of Conduct" and in order to better assist the campus administration in their endeavor to help preserve a positive learning environment for all. Others in the campus community such as faculty, staff, and contractors are guided by their respective provisions of conduct as identified by their employers.

The Student Conduct policy can be found at:

http://www.studentaffairs.manoa.hawaii.edu/policies/conduct_code/

The Student Conduct code in pdf format can be found at:

http://www.studentaffairs.manoa.hawaii.edu/downloads/conduct_code/UHM_Student_Conduct_Code.pdf

SECURITY WORKFORCE TRAINING

State-Employed USOs are licensed professionals with the State of Hawai'i, Department of Commerce and Consumer Affairs (DCCA), in accordance with the Hawaii Revised Statute (HRS) Chapter 463-10.

In addition to completing the training requirements for licensure, USOs must also complete initial certification and, thereafter, regular recertification/refresher training on cardiopulmonary resuscitation/first aid/automated external defibrillator; defensive tactics training; safe operation of motorized vehicles; safety measures to mitigate against bloodborne pathogen exposure; and, safety measures in response to fire/chemical hazards.

USOs also are trained on their responsibilities under the Clery Act; and, they are required to complete courses in the National Incident Management System (NIMS) and the Incident Command System (ICS), which are the operational, and command/control protocols utilized by all first responder agencies throughout the nation.

Contract security personnel are subject to the same DCCA licensure requirements as the USOs. Contract personnel who are assigned to any University of Hawai'i Community College are also expected to meet all the initial certifications and recertification/refresher training requirements as the USOs (with the exception of the defensive tactics training). Additionally, contract security personnel must also complete NIMS/ICS training.

CRIME PREVENTION SERVICES

Security officers, including contract security, conduct regular patrolling of the campuses by either vehicle and/or by foot. Security officers perform an array of public safety services, including, but not limited to:

- Working with victims and alleged victims in completing incident reports;

- Investigating crimes and working with other college or university offices, or law enforcement, in meeting all internal investigation requirements under federal law;
- Responding to medical, fire and other disaster emergencies;
- Responding to all traffic accidents that occur on the college's property;
- Upholding of university rules and local or federal laws that regulate the use of alcohol, drugs, and weapons;
- Inspecting campus facilities that facilitate safety (i.e., lighting, shrubbery), and other related campus security services;
- Providing first responder assistance in emergency first-aid, cardiopulmonary resuscitation (CPR), automated external defibrillator (AED);
- Crowd control for college events;
- Managing the overall campus aggressive and/or disturbing behavior.

University Security Officers also provide lock-out services within the college and/or department procedural guidelines and policies.

*** Safety Tip ***

Enroll in UH ALERT for emergency email and text message notifications.

<https://www.hawaii.edu/alert/>



POLICY STATEMENTS

TIMELY WARNINGS

In the event that a significant emergency or dangerous situation arises on campus that poses an **immediate** threat to the health or safety of employees or students, a timely warning message will be sent. These messages will continue to be sent as long as there is an **ongoing** threat.

Such warnings shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences.

Any of the following communication methods may be used to issue the timely warning messages; emergency text message alerts, prominent postings on the Kapi'olani Community College website, broadcast email and voicemail, social media outlets (i.e., Facebook, Twitter), "Code Blue" emergency telephone public address system, and emergency broadcast enunciator system. In the majority of circumstances, timely warning messages will be communicated via the UH Alert System. Fliers and other informational materials may also be posted in campus buildings, bulletin boards, and digital signage display screens to inform students, faculty, and staff of ongoing safety concerns.

The *timely warning* notification will be developed and issued by one of the following offices, depending upon the circumstances of the situation: Chancellor's Office, the Vice-Chancellor for Administrative Services Office, Vice-Chancellor for Academic Affairs Office, or the Director of Safety and Emergency Management.

Examples of significant emergencies or dangerous situations include, but are not limited to:

- The outbreak of serious illness;
- Imminent weather conditions such as hurricanes and storms;
- Gas leaks and other biohazard and chemical spills;
- Terrorist incidents;
- Explosions;
- Violent persons.

Certain incidents and situations may not require a timely warning notification but are important in nature to communicate. For example, power outages, road conditions, and facility closures may necessitate an emergency communication to ensure campus and public safety. In these circumstances, informational messages and advisories will be sent via e-mail.

Kapi'olani Community College is not required to issue a timely warning with respect to crimes reported to pastoral or professional counselors.

Anyone with information that may warrant a timely warning notification should report the circumstances to the appropriate law enforcement or campus authorities:

- Campus Security Office at x9900 (on-campus telephone) or (808) 734-9900, or in-person at the Campus Security Office, Ohia Building, Room 104.

Upon receipt of information from a reliable source and/or upon visual observation of an incident or situation that represents a significant emergency or dangerous situation, Campus Security will immediately contact the Vice-Chancellor for Administrative Services, or designee acting in his/her capacity, to provide information on the incident/situation. The Vice-Chancellor for Administrative Services will make a determination or, as necessary, convene the campus Emergency Management Team to discuss and determine the immediate actions steps. A timely warning will be immediately sent out via UH Alert, if available, or any other method(s) to ensure the campus is informed. Messages will continue as new information presents itself or the situation is closed.

REPORTING OF CRIMINAL OFFENSES

Students, faculty, and staff are encouraged to immediately and accurately report any on-campus emergency, criminal offense, or suspected criminal activity. Prompt reporting improves campus security and law enforcement's ability to investigate the situation and to apprehend suspects and/or prevent potential crimes. Incidents should be reported to one of the following:

- Honolulu Police Department (HPD) at 911.
- Campus Security Office at x9900 (on-campus telephone) or (808) 734-9900, or in-person at the Campus Security Office, Ohia Building, Room 104.

As an option, criminal offenses may also be reported to campus officials who are designated as Campus Security Authorities (CSA's). CSA's will assist with the notification procedures to proper security or law enforcement authorities as necessary and incidents reported to CSA's will be included in the annual security report crime statistics. Please refer to Appendix A of this report for more information on CSA's.

Although exempt from the reporting requirements of the Clery Act, pastoral and professional mental health counselors are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis, especially if the incident poses an immediate or ongoing threat to the campus community. Crimes reported will be included in the annual security report crime statistics.

All campus incident reports are recorded in the Campus Security Office and disseminated to the Director of Safety and Emergency Management and to the Vice-Chancellor for Administrative Services Office. Incident reports involving students are also distributed to the Vice-Chancellor for Student Affairs for review and potential action via the student judiciary process.

VOLUNTARY – CONFIDENTIAL REPORTING

If you are a witness to, or victim of a crime and do not wish to pursue action within the college judicial system or criminal justice system, you may still want to consider making a confidential report. In certain instances, with your permission, the Campus Security Office can report on the details of the incident without revealing your identity. The purpose of a confidential report is to comply with your wish to keep the matter confidential, while taking steps to ensure the future safety of yourself and others. With the disclosure of this information, the college can keep an accurate

record of the number of incidents involving students, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution and in the Daily Crime Log. If complete anonymity is requested, please be aware, however, that an anonymous report may not be enough for us to pursue further action against an individual or ameliorate a dangerous situation, unless witnessed by a campus official or others who will provide witness.

Individuals should be aware that for certain types of gender-based misconduct, the Campus Security Office CANNOT accept confidential reports. Specifically, if the Campus Security Office receives any crimes involving sexual discrimination, sexual harassment, gender-based harassment, sexual exploitation, sexual assault; domestic violence; dating violence; and/or stalking, it must report that to the College's Title IX Coordinator. If one wishes to make a confidential report regarding gender-based misconduct, Kapi'olani Community College has on-campus, confidential resources available at <https://www.kapiolani.hawaii.edu/regulations-policies-and-data/sexual-respect-title-ix/confidential-counselors/>. Please be aware that the College's duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

DISCLOSURES TO ALLEGED VICTIMS

Kapi'olani Community College will, upon written request, disclose to the alleged victim of a crime of violence, or any crime/incident defined under the Violence Against Women Act, the results of any disciplinary hearing conducted by the College against the student who is the alleged perpetrator of the crime or offense. If the alleged victim is deceased as a result of the crime or offense, the College will provide the results of the disciplinary hearing to the victim's next of kin, if so requested.

DAILY CRIME LOG

The Campus Security Office maintains a Daily Crime Log that records all crimes and incidents that occur within the Clery Act defined geographical boundaries. The Daily Crime Log includes the nature, date, time, and general location of each crime reported as well as the disposition of the incident. The Daily Crime Log is available for public inspection at the Campus Security Office (Ohia Building, Room 104).

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

Kapi'olani Community College maintains an Emergency Management Plan (EMP) that provides procedures for managing and responding to emergencies that may threaten the health and/or safety of the campus community and/or disrupt the College's programs and activities. The EMP outlines necessary emergency preparedness requirements and identifies organizations and individual positions responsible for emergency preparedness, response, and recovery.

The EMP is designed to provide an organized management system for the campus to follow during times of emergencies. The system is flexible whereby part of or the entire plan may be activated, as appropriate to the situation. Emergency response leadership at Kapi'olani Community College will be provided by the Emergency Management Team (EMT). It is drawn from the College's senior administration, academic leaders, and other key personnel. The EMT is responsible for conveying a team of administrators and information obtained from security to review emergency situations that may arise and determine how to proceed.

All campus classrooms and faculty and staff offices are required to post and have available the institution's Emergency Reference Guide. The Emergency Reference Guide is a quick reference flipchart that provides step-by-step procedures on various emergency scenarios as well as providing a telephone directory of campus and community resources. Copies of the Emergency Reference Guide are available in the Vice- Chancellor for Administrative Services Office.

Members of the campus community are advised on an annual basis that they are required to notify the Campus Security Office of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and/or safety of students and employees. The Campus Security Office has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Campus Security Office has a responsibility to respond to such incidents to determine if the situation does in fact, pose a threat to the community. If the threat is verified, federal law requires that the institution immediately notify the campus community of this situation.

On an annual basis, the campus shall conduct a test of its emergency response and evacuation procedures. Such test may be announced or unannounced. It will also

publicize its procedures in conjunction with the at least one test per calendar year and document for each test a description of the exercise, the date, time and whether it was announced or announced.

CAMPUS NOTIFICATION ABOUT AN IMMEDIATE THREAT

Upon confirmation that a significant emergency or dangerous situation poses an immediate threat to the health and/or safety of some or all members of the campus community, the institution will immediately notify the campus community and activate all or a portion of the College's EMP.

Based on information received, confirmation of the significant emergency or dangerous situation shall be primarily conducted by the Campus Security Officers and Auxiliary Services department staff through physical investigation and as personal safety allows. The information shall be relayed to the Emergency Management Team (EMT). The EMT is comprised of the Vice Chancellor for Administrative Services, Vice Chancellor for Academic Affairs, Dean for Arts and Sciences, Executive Assistant to the Chancellor and Department Chair for Culinary Arts.

Members of the EMT will collaborate to determine the nature of the emergency, appropriate response plans, and the content of the message that will be delivered to the campus community. Students, faculty and staff shall be immediately notified of all significant emergencies or dangerous situations.

The EMT will initiate the notification systems, unless issuing a notification will, in the judgment of authorized first responders (e.g., Honolulu Police Department, Honolulu Fire Department, Emergency Medical Technicians), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

Various communication methods are used by the campus to alert students, faculty, and staff of emergencies or dangerous situations. Some or all of these methods of communication may be activated in the event of an immediate or ongoing threat to the campus community: emergency text message alerts, prominent postings on the College's website, broadcast email and voicemail, social media outlets (i.e., Facebook, Twitter), "Code Blue" emergency telephone public address system, and emergency broadcast enunciator system. Fliers and other informational materials may also be posted in campus buildings, bulletin boards, and digital signage display screens to inform students, faculty, and staff of ongoing safety concerns.

In the event there is an immediate threat to the health or safety of students or employees occurring on campus, the campus will follow its emergency notification procedures and is not required to issue a timely warning based on the same circumstances. However, the campus will post frequent and regular updates during a critical incident on the College's website main page: <http://www.kapiolani.hawaii.edu/>

Members of the campus community including all students, faculty, and staff, are encouraged to voluntarily enroll in the University of Hawai'i's UH Alert Emergency Notification System. UH Alert includes broadcast email and text message delivery options that may be used to alert the campus community of natural, health, or civil emergencies. The website for UH Alert enrollment is as follows:
<http://www.hawaii.edu/alert>

ACCESS AND SECURITY OF CAMPUS FACILITIES

Kapi'olani Community College allows for the use of campus facilities by students, faculty, staff, affiliated organizations, and non-affiliated groups as long as appropriate facility use guidelines are adhered to. The campus closes at 10:00 p.m. After 10:00 PM, the College asks that the campus be vacated unless specific arrangements have been made for the campus community and/or the general public to attend educational, cultural, or recreational performances or events. These requests can be made via Facility Use request through the Vice-Chancellor for Administrative Services. If you are present for authorized business or attending a campus sponsored meeting or event after 10:00 PM, you may be questioned as to your activities by a security officer. This is done to ensure that the campus remains a safe environment, particularly during late night hours. During these times, access for students, faculty, staff, and guests is limited to the facilities in which these authorized meetings or events are held.

The Campus Security Office will be notified of all meetings and events prior to the day of the event/meeting to address safety and security concerns and to assist in security officer scheduling if necessary.

The College does not have any residences on its campus.

*** Safety Tips ***

*While walking on campus, follow these safety tips:
Avoid walking alone;
Walk in lighted areas;
Keep hands free;*

CRIME PREVENTION AWARENESS PROGRAMS

The College's crime prevention awareness programs are based upon the dual concept of eliminating or minimizing opportunities for crime while encouraging students and employees to assume responsibility for their own safety and the safety of others by taking common-sense precautionary measures. The following is a listing of the crime prevention programs offered by Kapi'olani Community College:

- **Escort Service:** Campus Security Officers provide walking escort services for anyone when requested during the evening hours, or as circumstances may require. An escort may be requested by calling x9900 or (808) 734-9900. Security escorts will walk the requestor to a College facility or vehicle parked on, or within the campus boundaries as defined by the Clery Act.
- **Emergency "Code Blue" Call Boxes:** There are emergency "Code Blue" call boxes located throughout the campus. When activated, the caller will be automatically connected to a campus security officer for service or assistance. "Code Blue" call boxes are tested bi-monthly and are located in the following areas: Parking Lot B, Parking Lot C, Alani building, Iliahi building, Kauila building, Lama Library, Mamane building, Ohelo building, and Olona building.
- **Facilities and Grounds Surveys:** All potential safety and security hazards observed by security officers are promptly reported to the appropriate individual/unit for corrective action. The Security Supervisor participates in the review of safety issues and related concerns.
- **Crime Prevention and Safety Outreach Programs:** Various crime prevention and safety educational and informational programs are delivered to students and employees through various outlets including, but not limited to, the following; the Annual Security Report, the College website, special workshops, seminars, and presentations, email notification, the campus bulletin, crime prevention and awareness posters and packets, bulletin boards, and digital signage display screens. These programs focus on developing sound personal safety and property protection habits and to actively practice crime prevention. Periodically, in cooperation with other college or University of Hawai'i units and departments, seminars are presented on sexual assault, harassment, workplace violence, and other crime awareness and prevention topics.

UH Alert System – The UH Alert System (UH Alert) is managed by the University of Hawaii System’s Information Technology Services Department. UH Alert has the capability to send timely emergency information in the form of text messages and/or email directly to subscribers whose accounts are on the most recently updated University of Hawaii System’s “UH Username” list. To sign up, go to:
<https://www.hawaii.edu/alert/>.

Please note that your UH Alert subscription will be terminated when your account is unsubscribed from the UH Alert System upon termination of your relationship with the University. Students, faculty, and staff are encouraged to sign up for the UH Alert System (at no charge) to receive text or email notification of security issues.

SEXUAL ASSAULT POLICY

Kapi’olani Community College prohibits crimes involving dating violence, domestic violence, sexual assault, and stalking as those terms are defined in the *Clery Act*.

Clery Act Definitions

The *Clery Act* defines the terms “dating violence,” “domestic violence,” “sexual assault,” and “stalking” as follows:

Dating violence is 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

- 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.
- For purposes of this definition –
 - Dating violence includes, but not limited to, sexual or physical abuse or the threat of such abuse.
 - Dating violence does not include acts covered under the definition of domestic violence.
- For the purpose of complying with the requirement of this section and §668.41, any incident meeting this definition is considered a crime for the purpose of *Clery Act* reporting.

Domestic violence is defined as a felony or misdemeanor crime of violence committed

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

Stalking is defined as engaging in a course of conduct directed at a specific person that would cause a reasonable person to

- Fear for the person's safety or the safety of others; or
- Suffer substantial emotional distress.

For purposes of this definition –

- Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method devise, or means follows, monitors, observes, surveils, threatens, or communication to or about, a person, or interferes with a person's property.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Sexual Assault is defined as an offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program. Per the National Incident-Based Reporting System User Manual From the FBI UCR Program, A sex offense is "any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent,"

- Rape: The penetration, no matter how slight, of the vagina or anus with any part or object, or oral penetration by a sex organ of another person, without the consent of the victim.

- Fondling: The touching of the private parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- Incest: Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- Statutory Rape: Sexual intercourse with a person who is under the statutory age of consent.

Hawai'i Revised Statutes' Definitions

In the *Hawai'i Revised Statutes* (HRS), Penal Code, the State of Hawai'i does not differentiate between "dating violence" and "domestic violence." Both crimes are prohibited in the same section as follows:

HRS § 709-906 Abuse of Family or Household Members

- (1) It shall be unlawful for any person, singly or in concert, to physically abuse a family or household member or to refuse compliance with the lawful order of a police officer under subsection (4). The police, in investigating any complaint of abuse of a family or household member, upon request, may transport the abused to a hospital or safe shelter.

For purposes of this section:

"Family of household member":

- (a) Means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons related by consanguinity, and persons jointly residing or formerly residing in the same dwelling unit; and
- (b) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

HRS 586-1 defines the following terms:

- **Dating relationship** means “a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship nor ordinary fraternization between persons in a business or social context.
- **Domestic abuse** means: (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or (2) Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.
- **Extreme psychological abuse** means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress.
- **Family or household member** (1) means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children, persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship; and (2) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.
- **Malicious property damage** means an intentional or knowing damage to the property of another, without his consent, with an intent to thereby cause emotional distress.

Hawaii state law divides the crime of sexual assault into multiple categories, as stated in the HRS:

§ 707-730 Sexual assault in the first degree. (1) A person commits the offense of sexual assault in the first degree if:

- (a) The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
- (b) The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
- (c) The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
 - (i) The person is not less than five years older than the minor; and
 - (ii) The person is not legally married to the minor;
- (d) The person knowingly subjects to sexual penetration another person who is mentally defective; or
- (e) The person 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.

Paragraphs (b) and (c) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices.

- (2) Sexual assault in the first degree is a class A felony.

§ 707-731 Sexual assault in the second degree. (1) A person commits the offense of sexual assault in the second degree if:

- (a) The person knowingly subjects another person to an act of sexual penetration by compulsion;
- (b) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless;
- (c) The person, while employed:
 - (i) In a state correctional facility;

(ii) By a private company providing services at a correctional facility;

(iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;

(iv) By a private correctional facility operating in the State of Hawaii; or

(v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause; or

(d) The person knowingly subjects to sexual penetration a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that:

(i) The person is not less than five years older than the minor; and

(ii) The person is not legally married to the minor.

(2) Sexual assault in the second degree is a class B felony.

§ 707-732 Sexual assault in the third degree. (1) A person commits the offense of sexual assault in the third degree if:

(a) The person recklessly subjects another person to an act of sexual penetration by compulsion;

(b) The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;

(c) The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:

(i) The person is not less than five years older than the minor; and

(ii) The person is not legally married to the minor;

(d) The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;

(e) The person, while employed:

(i) In a state correctional facility;

(ii) By a private company providing services at a correctional facility;

(iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;

(iv) By a private correctional facility operating in the State of Hawaii; or

(v) As a law enforcement officer as defined in section [710-1000], knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or

(f) The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

Paragraphs (b), (c), (d), and (e) shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; provided further that paragraph (e)(v) shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or an exception to the warrant clause.

(2) Sexual assault in the third degree is a class C felony.

§ 707-733 Sexual assault in the fourth degree. (1) A person commits the offense of sexual assault in the fourth degree if:

(a) The person knowingly subjects another person, not married to the actor, to sexual contact by compulsion or causes another person, not married to the actor, to have sexual contact with the actor by compulsion;

(b) The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury;

(c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor; or

(d) The person knowingly engages in or causes sexual contact with a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that:

(i) The person is not less than five years older than the minor; and

(ii) The person is not legally married to the minor.

(2) Sexual assault in the fourth degree is a misdemeanor.

(3) Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603.

§ 707-733.6 Continuous sexual assault of a minor under the age of fourteen years. (1) A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person:

(a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and

(b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.

(2) To convict under this section, the trier of fact, if a jury, need unanimously agree only that the requisite number of acts have occurred; the jury need not agree on which acts constitute the requisite number.

(3) No other felony sex offense involving the same victim may be charged in the same proceeding with a charge under this section, unless the other charged offense occurred outside the period of the offense charged under this section, or the other offense is charged in the alternative. A defendant may be charged with only one count under this section, unless more than one victim is involved, in which case a separate count may be charged for each victim.

(4) Continuous sexual assault of a minor under the age of fourteen years is a class A felony.

§ 707-741 Incest. (1) A person commits the offense of incest if the person commits an act of sexual penetration with another who is within the degrees of consanguinity or affinity within which marriage is prohibited.

According to HRS § 710-1000, as used in the preceding sections, “Law enforcement officer” means “any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses.”

The HRS defines “stalking” as a form of harassment. According to the HRS:

711-1106.5 Harassment by stalking. (1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

(3) For purposes of this section, “nonconsensual contact” means any contact that occurs without that individual’s consent or in disregard of that person’s express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

(4) Harassment by stalking is a misdemeanor.

§ 711-1106.4 Aggravated harassment by stalking. (1) A person commits the offense of aggravated harassment by stalking if that person commits the offense of harassment by stalking as provided in section 711-1106.5 and has been convicted previously of harassment by stalking under section 711- 1106.5 within five years of the instant offense.

According to HRS 711-1111(d), “Electronic communication” means “any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.”

Consent

Hawai’i’s Penal Code does not define “consent” with regard to sexual activity.

With regard to sexual assault crimes, Hawai’i law has defined what constitutes “ineffective consent” in HRS § 702-235:

Unless otherwise provided by this Code or by the law defining the offense, consent does not constitute a defense if:

- (1) It is given by a person who is legally incompetent to authorize the conduct alleged; or
- (2) It is given by a person who by reason of youth, mental disease, disorder, or defect, or intoxication is manifestly unable or known by the defendant to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct alleged; or
- (3) It is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
- (4) It is induced by force, duress or deception

Kapi'olani Community College uses the definition of Consent provided in EP 1.204 for purposes of determining whether there was a policy violation for the prohibited conduct of sexual exploitation or sexual assault. EP 1.204 § II(C)(2) provides:

Consent is affirmative, conscious, and voluntary agreement to engage in agreed upon forms of sexual conduct.

A person cannot give Consent if the person is under the age of consent, for sexual contact, the person is developmentally or intellectually disabled to the extent they are incapable of providing consent, or the person is mentally incapacitated or physically helpless.

Lack of protest or resistance cannot be interpreted as Consent. Silence cannot be interpreted as Consent. Consent must be ongoing throughout any sexual any sexual contact and can be revoked at any time.

The existence of a dating relationship, domestic partnership or marriage between the persons involved, or the existence of past sexual relations between the persons involved, is never by itself an indicator of Consent.

PROCEDURES VICTIMS SHOULD FOLLOW IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

If you have experienced a sexual assault. If you have experienced a sexual assault:

1. Go to a safe location as soon as you are able.
2. If you have been assaulted or raped, preserve physical evidence such as tissue and fluid samples, towels, sheets, clothing, etc. Avoid showering, bathing, urinating, etc., until you have been examined at your campus health center or hospital.
3. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.
4. Contact any of the following for confidential assistance:
 - a. Campus Victim Advocate
 - b. Campus Health Services
 - c. Mental Health Counselor
 - d. Sex Abuse Treatment Center
 - e. Domestic Violence Action Center
 - f. National Domestic Violence Hotline
5. Or, contact any of the following if you wish to make a formal report:
 - a. Title IX Coordinator
 - b. Campus Security
 - c. Local Police

Preservation of Evidence Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve relevant evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any. Victims of sexual assault, domestic violence, stalking and dating violence are also encouraged to preserve physical and medical evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking or in obtaining a protection order.

Reporting the Alleged Offense Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to report to the Campus Security or the campus's Title IX Coordinator. They can be reached at:

Campus Security

Phone: (808) 734-9900

Web page: <https://www.kapiolani.hawaii.edu/campus-safety/>

Title IX Coordinator

Devon I. Peterson, JD

Phone: (808) 734-9542

Web page: <https://www.kapiolani.hawaii.edu/regulations-policies-and-data/sexual-respect-title-ix/title-ix-coordinators/>

Law Enforcement Involvement and Reporting to Law Enforcement Victims of sexual assault, domestic violence, stalking, and dating violence have the option of notifying law enforcement directly of the alleged offense, or to be assisted in doing so by campus officials. Victims may also choose to decline to notify law enforcement. Please be aware that Kapi'olani Community College's duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Protective Orders

Kapi'olani Community College does not issue protective orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court. However, the Hawai'i State Judiciary provides protective order information at http://www.courts.state.hi.us/selfhelp/protective_orders/protective_orders.

Victims may seek a no-contact order from Kapi'olani Community College by filing a report with a Title IX Coordinator.

SEX DISCRIMINATION AND GENDER-BASED VIOLENCE EDUCATIONAL PROGRAMS

In an effort to reduce the risk of gender-based violence, as well as the crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, Kapi'olani Community College utilizes a range of campaigns, strategies, and initiatives.

It is the policy of Kapi'olani Community College to offer programming to identify and prevent domestic violence, dating violence, sexual assault, and stalking each year.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that –

- Are culturally relevant, inclusive of diverse communities and identities sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. Kapi'olani Community College's programming efforts include both primary prevention and awareness programs.

Primary prevention programs are defined as programming, initiatives and strategies intended to stop dating violence, domestic violence, sexual assault and stalking before they occur through the promotion of positive and healthy behaviors that foster healthy, mutually respectful relationships and sexuality, encourage safe bystander intervention, and seek to change behavior and social norms in healthy and safe directions.

Awareness programs are defined as community-wide or audience-specific programming, initiatives and strategies that increase audience knowledge, and share information and resources to prevent violence, promote safety and reduce perpetration.

Ongoing prevention and awareness campaigns mean programming initiatives and strategies that are sustained over time.

Kapi'olani Community College's primary prevention and awareness programs and ongoing prevention and awareness campaigns, included but are not limited to:

- a. **Training for Incoming Students and Employees.** All incoming students and new employees at Kapi'olani Community College are provided access to online

training. Students and employees are also afforded the opportunity to take these trainings on an annual basis.

Students are offered the opportunity to take *UH CampusClarity Online Student Training Program on Sex-Discrimination and Gender-Based Violence* (“*CampusClarity*”). *CampusClarity* is an educational tool for students to learn about sex-discrimination, gender-based violence, and the rights and resources available to them on the campus and in the community. The curriculum covers Title IX, VAWA, and relevant Hawaii State law. The training establishes standards for what constitutes sexual violence and how to respond to problematic situations. Because these problems occur on both an intimate and institutional level, the training takes a look at these issues from a personal and academic lens. There are four parts to the training:

- Part I – Foundations: Looks at the big picture and pinpoints the roots of the problem.
- Part II – Academic Life: Teaches skills to create and maintain a supportive environment.
- Part III – Personal Life: Teaches how to identify abusive relationships and sexual violence.
- Part IV – Taking Action: Explore practical strategies to do something about sexual misconduct.

For more information on *CampusClarity* please visit:

<https://www.hawaii.edu/titleix/documents/7619/>.

Kapi’olani Community College is currently in the process of procuring new online bystander training for students. If an appropriate training is procured, the College intends to make it available to incoming students during the Spring 2019 semester.

Employees are strongly encouraged to participate in the online training *Intersections: Anti-Harassment – Title VII – Title IX – VAWA Section 304* (“*Intersections*”). *Intersections* trains employees to recognize, prevent, and respond to workplace harassment and discrimination based on “protected characteristics.” The course also helps employees address inappropriate behavior before it creates a “hostile work environment” by giving employees the skills necessary to reduce potential legal risks by recognizing and addressing abusive behavior and other misconduct, including microaggressions and unconscious bias that may lead to workplace bullying or hostility, reducing productivity and creativity.

Intersections invites employees to consider the nature of harassment and discrimination, and provides practical tips on creating a safe, inclusive environment for work, including safe and positive options for bystander intervention.

- Part I provides employees with a learning experience that is driven by narratives and immersive interactions. These interactive exercises engage employees with realistic situations and tasks, and cover all aspects of an employee's role in promoting a harassment and discrimination-free workplace.
- In Part II: Protecting Students, employees are trained in how to identify and report sexual and interpersonal misconduct against students, covering awareness and prevention subjects required by Section 304(a)(5) of the Violence Against Women Reauthorization Act of 2013 (known as the "Campus SaVE Act"), as well as Title IX of the Education Amendments Act of 1972. In addition, as required by the Campus SaVE Act, the course includes summaries of the legal definitions of consent, sexual assault, domestic violence, dating violence, and stalking, and provides copies of the relevant statutes for Hawaii.

For information on *Intersections*, please visit: <https://www.hawaii.edu/titleix/training/>.

Both *CampusClarity* and *Intersections* include:

- A statement that Kapi'olani Community College prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the *Clery Act*.
- The definitions (from VAWA) of "domestic violence," "sexual assault" and "stalking."
- The definitions of "domestic violence," "sexual assault" and "stalking" as those terms are defined by the *Hawaii Revised Statutes*. "Dating violence" and "consent" are not terms that are defined by the *Hawaii Revised Statutes*.
- The definition of "consent" used by Kapi'olani Community College in applying EP 1.204.
- A description of the procedures Kapi'olani Community College will follow when dating violence, domestic violence, sexual assault, and/or stalking is reported.
- A description of safe and positive options for bystander intervention. Bystander intervention is defined as safe and positive options that may be

carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:

- Recognizing situations of potential harm;
- Understanding institutional structures and cultural conditions that facilitate violence;
- Overcoming barriers to intervening;
- Identify safe and effective intervention options; and
- Taking actions to intervene.
- Information on risk reductions. Risk reduction is defined as options designed to:
 - Decrease perpetration and bystander inaction;
 - Increase empowerment for victims in order to promote safety; and
 - Help individuals and communities address conditions that facilitate violence.

b. **Pau Violence program.** During the Fall and Spring semesters, Kapi'olani hosts events as a part of the PAU Violence program. PAU Violence is a University of Hawai'i system-wide program supported by the Hawai'i State Department of Health, Maternal and Child Health Branch. The Women's Center at UH Mānoa assists in coordinating, supporting and strengthening all system campus efforts with prevention education, events and trainings that raise awareness on issues of gender-based violence. These events include resource fairs, social media campaigns, suggested curriculum activities for instructional faculty, target training, and art projects.

c. **"Shots" Training.** Kapi'olani Community College hosted trainings by the Sex Abuse Treatment Center focusing on its "SHOTS" film which explores the intersection between alcohol and sexual assault.

d. **Bystander intervention.** As noted above, Kapi'olani Community College anticipates providing Bystander intervention online training to all incoming students during the Spring 2019 semester. The College also has Bystander intervention posters on display at strategic locations on campus. The "SHOTS" training also has a Bystander component.

e. **Peer Education Programs.** Kapi'olani Community College also provides training to peer educators and student leaders. Student leaders are trained to present

trainings on healthy relationships, campus and community resources, and reporting options.

RISK REDUCTION – AWARENESS AND PREVENTION

Sexual misconduct and other forms of gender violence can affect anyone and is never the fault of the victim. Those who commit sexual misconduct are responsible for their actions. The University provides the following suggestions to increase awareness and reduce instances of sexual misconduct.

Awareness & Prevention for Dating Violence, Domestic Violence, Stalking, and Sexual Violence include:

- Look out for your friends, and ask them to look out for you. Respect them and ask them to respect you, but be willing to challenge each other about high-risk choices.
- Alcohol and drugs can be used as a tool to gain control over an intoxicated person. Don't accept drinks from strangers and don't leave your drinks unattended.
- Don't take advantage of someone who may be under the influence of drugs or alcohol. Others' loss of control does not put you in control.
- Individuals have a right to set boundaries and limitations in their intimate experiences and relationships. Consent is required each and every time. If a potential partner says "no," accept it and don't push.
- If you want a "yes," ask for it, and don't proceed without clear permission.
- Know the signs of isolating and controlling behavior. Healthy relationships consist of honesty, respect, trust, equality, and shared responsibility. Violence in a relationship is never deserved.
- Show your potential partner respect if you are in a position of initiating sexual behavior.
- Clearly communicate your intentions to your potential sexual partners. Make sure you understand their intentions and/or boundaries before you proceed. If you are unsure what's OK in any interaction, ask.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Avoid ambiguity. Don't assume you have consent, regardless of whether someone is attracted to you, of how far you can go with that person, or if the

individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.

- Someone's silence or passivity is not consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Understand that exerting power and control over another through sex is unacceptable conduct.

Remember it's always ok to ask for help. There are resources on campus and in the community that are there to assist you whether you are concerned about an incident that happened to you or a friend, the safety of your relationship, or your own choices and behaviors.

RISK REDUCTION – BYSTANDER INTERVENTION

Most people want to be engaged bystanders and help in difficult or uncomfortable situations but incorrectly assume someone else will take action.

What is Bystander Intervention? Bystander Intervention is a strategy based on the likelihood of individuals or groups willing to address a situation they believe is problematic. It is often used to address various types of violence, such as bullying, sexual harassment, sexual assault, intimate partner violence, stalking and other forms of gender-based violence. You are a bystander if you observe a situation. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

What Can You Do to be an Engaged Bystander?

Specific interventions can be divided into four main types (“The Four D’s”)

1. **DIRECT:** Say or do something that directly engages one or more of the parties involved
2. **DISTRACT:** Say or do something to interrupt the interaction
3. **DELEGATE:** Ask for the help of someone else who may be better able to intervene
4. **DELAY:** Check in with the victim or do something after the difficult moment or incident has passed

Things to Consider Before You Act:

1. Is the situation an emergency or nonemergency?
2. Should intervention be direct, indirect or both? To ensure intervention is safe, Kapi'olani Community College encourages bystanders to evaluate the risk of intervening. If intervening means putting yourself in danger, call 911 instead.

PROCEDURES IN CASE OF DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

Kapi'olani Community College is committed to preventing dating violence, domestic violence, sexual assault, and stalking. Kapi'olani Community College offers the following crime prevention programs: (i) Escort Services; (ii) Emergency "Code Blue" Call Boxes; (iii) Facilities and Grounds Surveys; and (iv) Crime Prevention and Safety Outreach Programs. For additional information on these programs please refer to the Crime Prevention Awareness section of this report. Furthermore, Kapi'olani also offers ongoing primary prevention and awareness programs. For additional information on these programs please refer to Sex Discrimination and Gender-Based Violence Education Programs section of this report.

Confidentiality Statement. Kapi'olani Community College will protect the confidentiality of victims and other necessary parties. Identifying information provided to Kapi'olani Community College's Confidential Resources are not disclosed without the written consent of the individual. Campus Security is responsible for ensuring there is no personally identifying information about the victim in the Daily Crime Log and other publically available *Clery* records.

The University of Hawai'i Legal Affairs and University General Counsel Office may be consulted in situations where the release of information under open records requests

may include the names of the parties or information that could easily lead to their identification, to ensure appropriate redactions are made, if any.

Interim Measures are services, accommodations, or other assistance that the University puts in place on a temporary basis after receiving notice of a complaint and before any outcomes – investigatory, disciplinary, or remedial – have been determined. Interim measures vary in range from class schedule changes, no-contact orders, escorts, etc. Kapi’olani Community College will maintain as confidential any Interim Measures implemented, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the specific Interim Measure.

Procedures For Institutional Disciplinary Action In Cases Of Alleged Dating Violence, Domestic Violence, Sexual Assault, Or Stalking. Interim Executive Policy 1.204 (EP 1.204) is a policy and procedure that establishes an integrated and consistent approach to preventing, reporting, and promptly responding to sex discrimination and gender-based violence across all campuses and centers at the University of Hawaii.

EP 1.204 provides that proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result.

EP 1.204 includes reasonably prompt timeframes and allows for the extension of timeframes for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

As detailed below, Kapi’olani Community College will carry out the Policy in such a way that: (i) is consistent with Kapi’olani Community College’s policies and transparent to both the Reporting Party and the Responding Party; (ii) includes timely notice of meetings at which the Reporting Party or Responding Party, or both, may be present; and (iii) provides timely and equal access to the Reporting Party, the Responding Party, and appropriate officials to any information that will be used during informal and formal disciplinary meetings.

In order to file a disciplinary proceeding for a dating violence, domestic violence, sexual assault, and/or stalking claim, an accuser may file a complaint online at <https://report.system.hawaii.edu/student>. Kapi’olani Community College’s Title IX Coordinator or Confidential Resources are available to assist individuals with filing a complaint.

Kapi'olani Community College's Title IX Coordinator, Deputy Title IX Coordinators and/or Confidential Resources will assist Reporting and Responding Parties with their options and accessing resources. One option includes moving forward with a College resolution through formal or informal proceedings, which can be concurrent. All resolutions are carried out by individuals who do not have a conflict of interest or bias for or against the accuser or the accused and who, at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault, and stalking on how to conduct an investigation process that protects the safety of victims and promotes accountability. The resolution process is confidential to the extent possible. Kapi'olani Community College will protect the confidentiality of all participants, consistent with federal and state law.

If a resolution is not pursued, an initial determination is made about the Reporting Party's allegations and whether to move forward to a formal investigation. This decision is made by the Title IX Coordinator taking into account the nature of the allegations and the accuser's wishes. In certain circumstances where the allegations involve a threat to the community based upon the use of weapons, violence, pattern, predation, or threatening conduct by the person being accused, Kapi'olani Community College may initiate formal proceedings even without a request or agreement from the accusing party. Once formal proceedings are commenced, the Title IX Coordinator will assign investigators or fact-finders to conduct an investigation into the allegations.

An investigative model is used to resolve allegations. Trained investigators will provide an investigation that is prompt, thorough, reliable, equitable, fair, and impartial. They will interview reporting and responding parties and witnesses, and prepare reports with their findings. Information about all the steps in the investigative process is available at www.hawaii.edu/titleix/policy.

Each party may have a union agent or an advisor of their choice accompany them to any meeting or related proceeding to advise them. The following restrictions apply to the participation of these advisors and/or union representatives:

- a. The union agent or advisor cannot speak for the Reporting or Responding party nor dictate the line or rationale of questioning;
- b. Involved parties, e.g., the Reporting Party, Responding Party, or witnesses, will not be allowed to be present during the interviews of others; and

c. Involved parties cannot question or cross-examine others during the investigatory interviews.

A decision maker will be appointed to review the investigation or fact-finding report, render a decision regarding whether EP 1.204 has been violated, and impose sanctions as appropriate.

Kapi'olani Community College uses a preponderance of evidence standard. Decision makers consider whether, given the available credible evidence, it is more likely than not that a violation of EP 1.204 occurred.

The parties will be simultaneously informed, in writing, of the outcome of the investigation. This notice will include the procedures for appealing the decision, any change to the results that occurs prior to the time that such results become final, and when results are considered to be final.

Both parties are informed in writing that they have equal rights to an impartial appeal and the procedures associated with the appeal. During the appeal process, all imposed restrictions and interim measures and disciplinary sanctions will remain in place pending the outcome of the appeal. Both parties will be simultaneously notified, in writing, of the outcome of the appeal.

If it is determined that a student violated EP 1.204, sanctions include warning; disciplinary probation; suspension; suspension with conditions; withholding of degree; expulsion/discharge; censure; university housing restrictions; restrictions of access to space, resources, and activities; and Decision Maker imposed other sanctions.

If it is determined that an employee violated EP 1.204, sanctions or appropriate administrative actions may be imposed in accordance with applicable collective bargaining agreements, and can include disciplinary action, up to and including recommending termination. Sanctions include oral reprimands, written reprimands, suspensions, demotions, or discharge, if authorized by the applicable collective bargaining agreement, when applicable.

Interim Measures are services, accommodations, or other assistance that Kapi'olani Community College puts in place on a temporary basis after receiving notice of a

Complaint and before any outcomes – investigatory, disciplinary, or remedial – have been determined.

Kapi'olani Community College may provide Interim Measures regardless of whether there is formal disciplinary action. Appropriate Interim Measures shall be available throughout all phases of an investigation.

Failure to comply with the terms of Interim Measures may be considered a separate violation of the Policy, which may result in a separate investigation, findings, and determination.

Availability of Written Explanation Rights and Options. When a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, regardless of whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options. This written explanation includes notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. This written explanation also includes notification to students and employees about existing resources available for victims within the institution and within the larger community. An electronic copy of this written explanation is available at <http://uhcc.hawaii.edu/titleIX/docs/TitleIXBrochure.pdf>

SEX OFFENDER REGISTRY

In accordance with the Campus Sex Crimes Prevention Act (CSCPA) of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, the Family Educational Rights and Privacy Act of 1974 (FERPA), and Chapter 846E of the Hawai'i Revised Statutes, the Hawai'i Criminal Justice Data Center maintains a central repository of registered sex offenders for the State of Hawai'i. These laws require institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. It also requires sex offenders to provide notice of each institution of higher education at which the person is either employed, carries a vocation, or is a student.

A listing of all registered sex offenders in Hawai'i is available to the general public via an online database at the following website:

ALCOHOL AND DRUG POLICY

Kapi'olani Community College expects its employees and students to carry out their responsibilities free of intoxication by any illegal drugs or alcohol. Employees and students are not permitted to manufacture, distribute, possess, use, dispense or be under the influence of illegal drugs as prohibited by state and federal law, at College-sponsored or approved events or on school property or in buildings used by the College for education, research and recreational programs. The College expects lawful behavior by employees and students, during their presence on College premises and at College events. Within the constraints of its mission, the College encourages cooperation with law enforcement agencies in enforcing statutes regarding the use of illegal drugs.

The University of Hawai'i Executive Policy EP 11.201 recognizes that substance abuse is a complex problem that is not easily resolved solely by personal effort and may require professional assistance and/or treatment. Employees and students with substance abuse problems are encouraged to take advantage of available diagnostic, referral, counseling and prevention services. Kapi'olani Community College has the Employee Assistance Program (EAP) where employees may receive confidential, short-term professional counseling services in accordance with the EAP plan. Kapi'olani Community College will not excuse misconduct by employees and students whose judgment is impaired due to substance abuse. For more information on

Additional Requirements for Employees Engaged in Federal Contracts and Grants

The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that College employees directly engaged in the performance of work on a federal contract or grant shall abide by this policy as a condition of employment. In addition, such employees shall notify the University within five (5) days of any conviction for a criminal drug statute offense occurring in the workplace. The College is required to notify the federal agency within 10 days of receiving notice of such conviction. In accordance with EP 11.201, the College shall take appropriate corrective action or require the employees to satisfactorily participate in a drug abuse or rehabilitation program.

B. THE UH SYSTEMWIDE STUDENT CONDUCT CODE Sanctions which may be imposed on violators of the alcohol and drug-related sections of the UH Student Conduct Code include disciplinary warning, probation, suspension, expulsion or rescission of grades or degree. The UH Student Conduct Code may be found in the UH Executive Policy, EP 7.208. available at <https://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=ep&policyChapter=7&policyNumber=208&menuView=closed>.

The code includes the following prohibitions:

“Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.” UH Executive Policy EP 7.208, Part III(C)(2)(l)

“Public intoxication is expressly prohibited. Use, possession, manufacturing or distribution of alcoholic beverages by any person under 21 years of age is expressly prohibited.” UH Executive Policy EP 7.208, Part III(C)(2)(m)

For information on how Kapi’olani Community College enforces the Student Code of Conduct, please visit <https://www.kapiolani.hawaii.edu/regulations-policies-and-data/student-conduct-code/>.

C. EMPLOYEE DISCIPLINARY ACTION

The sanctions for employees in bargaining units 1 and 10 will be in accordance with the drug and alcohol testing provisions contained within the collective bargaining agreements. For all other employees, progressive discipline will be in accordance with the employee’s applicable collective bargaining agreement; possible sanctions may include disciplinary action ranging from a reprimand to termination, and may include suspension without pay, disciplinary reassignment, disciplinary transfer, and demotion.

D. LEGAL SANCTIONS

There are numerous federal, state, and local statutes and ordinances relating to the manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol. These statutes impose legal sanctions for both felony and misdemeanor

convictions related to violations of applicable laws and ordinances. For federal trafficking penalties relating to marijuana and other drugs, refer to page 30 of the Drugs of Abuse Resource Guide on the United States Drug Enforcement Administration website available at https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30.

HIGHLIGHTS OF HAWAII LAWS

Under the Hawai'i Penal Code, crimes are of 3 grades according to their seriousness: felonies, misdemeanors, and petty misdemeanors.

- Class A felony: fine not exceeding \$50,000 and/or an indeterminate term of imprisonment of 20 years without possibility of suspension of sentence or probation.
- 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 1 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.

In addition, promoting (possessing, distributing and manufacturing) drugs (including marijuana) and intoxicating compounds can result in a Class A, B or C felony, misdemeanor or petty misdemeanor. §712-1241-1250, H.R.S.

Consuming or possessing intoxicating liquor while operating a motor vehicle or moped is fined not more than \$2,000 or imprisonment of not more than 30 days, or both. §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.

A person commits the offense of promoting intoxicating compounds if the person knowingly breathes, inhales or drinks any intoxicating compound 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, offers, delivers or gives to any person under 18 years of age, unless upon written order of such person's parent or guardian, any intoxicating compound or any substance which will induce an intoxicated condition when the seller, offeror or deliveror knows or has reason to know that such compound is intended for use to induce such condition. This offense is a misdemeanor. §712-1250, H.R.S.

A person commits the offense of promoting intoxicating liquor to a person under the age of 21 if the person recklessly sells, offers, influences the sale, serves, delivers or gives a person under the age of 21 intoxicating liquor; or permits a person under the age of 21 to possess intoxicating liquor while on property under his control. This offense is a misdemeanor. §712-1250.5, H.R.S.

E. HEALTH RISKS ASSOCIATED WITH SUBSTANCE ABUSE

Kapi'olani Community College encourages employees and students to be aware of the health risks associated with substance abuse. In general, the health risks related to the abuse of alcohol and other drugs are both direct and indirect. The direct pharmacological effects of substances on the body influence every organ, particularly the brain, liver and cardiovascular system. Death and injury from drug-related accidents, suicide and homicide are some of the indirect health effects. It is estimated by the National Institute of Alcohol Abuse and Alcoholism that annually 88,000 people in the U.S. die from alcohol-related problems alone. Physical effects may be immediate and acute, as in drug overdose, or long-term and chronic, as in alcohol-related liver disease or neurological impairment. For possible effects associated with controlled substances, refer to the Drug Facts at the United States Drug Enforcement Administration website available at <https://www.dea.gov/factsheets>.

F. DRUG AND ALCOHOL COUNSELING, TREATMENT AND REHABILITATION PROGRAMS

Kapi'olani Community College encourages employees and students to seek assistance in overcoming drug or alcohol abuse. Early recognition and treatment are important for successful rehabilitation. Students may contact their campus Vice Chancellor for Students for assistance regarding counseling and treatment referral services. Employees may contact their supervisors for assistance and referral services. The State Department of Health has contacts with numerous private agencies to provide a

range of counseling and treatment services. See listing of assistance and treatment services.

The following is provided for information only. This is not a comprehensive list of all available programs or an endorsement of any specific program.

ORGANIZATION	PHONE	ADDRESS(Website)
Al-Anon	546-5647	Honolulu Location(s) (http://al-anonhawaii.org)
Alcoholics Anonymous (AA)	946-1438	O'ahu-Central Office 1188 Bishop St. Suite 3406 Honolulu, HI 96813 (http://www.oahucentraloffice.com)
Aloha United Way 211	536-1951	200 N. Vineyard Blvd, Suite 700 Honolulu, HI 96817 (http://www.auw211.org)
Hina Mauka O'ahu Main Facility	236-2600	45-845 Po'okela Street Kāne'ohe, HI 96744 (http://www.hinamauka.org)
Hina Mauka Waipahu Outreach Office	671-6900	Waipahū Outpatient Office 94-830 Hikomoe Street Waipahū, HI 96797 (http://www.hinamauka.org)
Kline-Welsh Behavioral Health	841-2319 841-3915 842-7529	Sand Island Treatment Center 1240 Sand Island Pkwy Honolulu, HI 96819 (http://www.sandisland.com)

Kū Aloha Ola Mau	538-0704	1130 N Nimitz Hwy, Suite C-302 Honolulu, HI 96817 (http://www.kualoha.com)
Mental Health Kōkua	737-2523	1221 Kapi'olani Blvd, Suite 345 Honolulu, HI 96814 (http://www.mentalhealthkokua.org)
NA Hawai'i - Narcotics Anonymous	734-4357	P.O. Box 89636 Honolulu, HI 96830 (http://www.na-hawaii.org)
Po'ailani, Inc.	263-3500	45-567 Pahia Road Kaneohe, HI 96744 (http://www.poailani.org)
The Salvation Army	595-6371 732-2802	Addiction Treatment Services 3624 Waokanaka Street Honolulu, HI 96817 Family Treatment Services 845 22nd Ave, Honolulu, HI 96816 (http://www.salvationarmyhawaii.org)
University Health Services Health Promotion Program Mānoa	956-3574	Queen Lili'uokalani Center for Student Services, Rm. 313D, 2600 Campus Road Honolulu, HI 96822 (http://www.hawaii.edu/shs/health_promotion/adepp.htm)

Wai'anae Coast Comprehensive Health Center	697-3300	86-260 Farrington Hwy Wai'anae, HI 96792 (http://www.wcchc.com)
Wai'anae Coast Community Mental Health Center, Inc.	696-4211	Hale Na'au Pono 86-226 Farrington Hwy Wai'anae, HI 96792 (http://www.wccmhc.org)

WEAPONS POLICY

The possession or use of illegal, lethal, or dangerous weapons on the College premises is strictly prohibited. Illegal, lethal, or dangerous weapons include, but are not limited to;

- Firearms;
- Ammunition;
- Spear guns;
- Explosives; and,
- Dangerous Substances;
- Replica firearms (including, pellet guns, airsoft guns, water guns, and toy guns)

Any person found in violation of this policy may be subject to all applicable state and federal laws, University/College policy, and the Student Conduct Code. Should you suspect or discover someone on campus in possession of a weapon, contact the Campus Security Office immediately.

*** Safety Tips ***

Motor vehicle safety and awareness tips:

- *Report all suspicious persons or vehicles around parking areas to the Campus Security Office @ (808) 734-9900 or x9900;*
 - *Keep your vehicle locked and the windows rolled up tightly;*
 - *Never leave your vehicle running when unattended;*
 - *When parking; choose a well-lit, heavily traveled area;*
 - *Packages, backpacks, books, and other valuables should be locked in the trunk of the vehicle or out of view of others.*
-

CRIME STATISTICS

CRIMINAL OFFENSES (Reported By Hierarchy)	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES
Murder / Non Negligent Manslaughter	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Negligent Manslaughter	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Rape	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Fondling	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Statutory Rape	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Incest	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Robbery	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Aggravated Assault	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Burglary	2017	2	N/A	0	2	N/A	0
	2016	3	N/A	0	3	N/A	0
	2015	2	N/A	0	2	N/A	0
Motor Vehicle Theft	2017	2	N/A	0	2	N/A	0
	2016	3	N/A	0	3	N/A	0
	2015	1	N/A	0	1	N/A	0
Arson	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0

ARRESTS AND/OR DISCIPLINARY ACTION (Not Reported By Hierarchy)	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES
Arrests:Liquor Law Violations	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Disciplinary Referrals: Liquor Law Violations	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Arrests: Drug Law Violations	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Disciplinary Referrals: Drug Law Violations	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Arrests: Illegal Weapons Possession	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Disciplinary Referrals: Illegal Weapons Possession	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
HATE CRIMES (Not Reported By Hierarchy)	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES
Larceny / Theft	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Simple Assault	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Intimidation	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Destruction, Damage, Vandalism of Property	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
VAWA (Not Reported By Hierarchy)	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES
Domestic Violence	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	2	N/A	0	2	N/A	0
Dating Violence	2017	0	N/A	0	0	N/A	0
	2016	0	N/A	0	0	N/A	0
	2015	0	N/A	0	0	N/A	0
Stalking	2017	0	N/A	0	0	N/A	0
	2016	1	N/A	0	1	N/A	0
	2015	1	N/A	0	1	N/A	0

DEFINITIONS AND GUIDELINES FOR INSTITUTIONS IN REPORTING STATISTICS:

ON CAMPUS

- Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area
- This includes on campus residence halls for students. Note: If full ownership of hall belongs to the sorority or fraternity, it is not included. If the landowner of the sorority or fraternity is the institution, it must be included in the report
- Faculty-only residence facilities controlled by the institution falls under the on-campus category

NON-CAMPUS

- Any building or property not within the same reasonably contiguous geographic area of the institution; and, is owned or controlled by a student organization that is officially recognized by the institution.
- Any building or property not within the same reasonably contiguous geographic area of the institution; and, is owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes.

PUBLIC PROPERTY

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus (the Clery Act geographical boundaries of the campus).
- The sidewalk across the street from your campus is included; but, not the property beyond the sidewalk.
- NOT included is an adjacent area that is separated by a fence or other manmade barrier because it is not accessible to/from your campus.

CLERY ACT GUIDELINES FOR REPORTING

Domestic Violence Statistics (Referenced from Title 42 of the United States Code; Section 13925)

- Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or 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

Dating Violence Statistics (Referenced from Title 42 of the United States Code; Section 13925)

- Violence committed by a person:
 - Who is or has been in a social relationship of a romantic or intimate nature with the victim; AND,
- Where the existence of such a relationship shall be determined based on a consideration of the following factors: i) The length of the relationship; ii) The type of relationship; iii) The frequency of interaction between the persons involved in the relationship.

Stalking Statistics (Referenced from Title 42 of the United States Code; Section 13925)

- 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,
 - Suffer substantial emotional distress.

DEFINITIONS OF CLERY ACT CRIMES

(Crime Definitions from the Uniform Crime Reporting Handbook and Sex Offenses Definitions from the National Incident-Based Reporting System Edition of the Uniform Crime Reporting Program)

Murder and Non-negligent Manslaughter is the willful (non-negligent) killing of one human being by another.

Manslaughter by Negligence is defined as the killing of another person through gross negligence.

Sexual Assault (Sex Offenses): Any sexual act directed against another person, without the consent of the victim, including instances where the victim is incapable of giving consent.

- *Rape:* The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
- *Fondling:* The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
- *Incest:* Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
- *Statutory Rape:* Sexual intercourse with a person who is under the statutory age of consent.

Robbery is 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 is 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.

Burglary is the unlawful entry of a structure to commit a felony or a theft.

Motor Vehicle Theft is the theft or attempted theft of a motor vehicle.

Arson is any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another, etc.

Liquor Law Violations are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.

Drug Abuse Violations are defined as 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.

Weapon Law Violations is defined as 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.

HATE CRIME AND OTHER REPORTABLE INCIDENTS

(Crime Definitions from the Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection)

Another category of criminal offense Kapi'olani Community College must disclose are Hate Crimes. **Hate Crimes** are defined as crimes that manifest evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Although there are many possible categories of bias, under the Clery Act, only the following eight categories are reported:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For *Clery Act* purposes, Hate Crimes include any of the following offenses that are motivated by bias:

- Murder and Non-negligent Manslaughter
- Sexual Assault (Sex Offenses) offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Arson
- Larceny-Theft
- Simple Assault
- Intimidation
- Destruction/Damage/Vandalism of Property

The first seven offenses are defined previously. In addition to those offenses, Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in the Clery Act statistics only if they are Hate Crimes.

Larceny-Theft is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. **Constructive possession** is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.

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.

DEFINITIONS OF CLERY ACT GEOGRAPHY

ON-CAMPUS CATEGORY

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls; and

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of the definition, that is owned by an institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

NON-CAMPUS CATEGORY

Any building or property owned or controlled by a student organization that is officially recognized by the institution; or,

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

PUBLIC PROPERTY CATEGORY

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that are within the campus, or immediately adjacent to and accessible from the campus.

****UH SAFE ZONE****

The UH Safe Zone symbol conveys a positive message to the entire University of Hawai'i community—particularly to lesbian, gay, bisexual, transgendered and queer (LGBTQ) students, faculty, and staff. The symbol identifies people, LGBTQ and otherwise, who are non-judgmental and have access to LGBTQ resources, should you need them. Safe Zone participants are not trained counselors but may direct you to a trained counselor who is also a Safe Zone participant. When you see this symbol, know that whatever the attitudes toward LGBTQ people and their allies on campus—here at least is a “Safe zone” or safe place.

*For more information, contact the
Kapi'olani CC Student Affairs office*





APPENDICES

APPENDIX A

CAMPUS SECURITY AUTHORITIES

Students, faculty, and staff are encouraged to report any criminal offenses within the campus boundaries to the Campus Security Office. As an option, criminal offenses may also be reported to campus officials who are designated as Campus Security Authorities or CSA's.

The Clery Act defines four groups of individuals and organizations associated with an institution as CSA's:

- A campus police department or a campus security department of the institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
- Any individual or organization specified in an institution's statement of campus security policy as an individual or organization to which students and employees should report criminal offenses.
- An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline, and campus judicial proceedings.

LISTING OF CAMPUS SECURITY AUTHORITIES

The following is a listing of the College's CSA's who are required to immediately notify the Campus Security Office of any crime reported to them or any crime that they may have knowledge of for the purpose of making timely warning reports and the annual statistical disclosure:

OFFICE/TITLE	AREA
Campus Security Officers	Public Safety
Chancellor	Administration
Vice Chancellor for Academic Affairs	Administration
Vice Chancellor for Student Affairs	Administration
Vice Chancellor for Administrative Services	Administration
Dean of Health Programs	Administration
Dean of Arts and Sciences	Administration
Dean of Business, Legal and Technology	Administration
Director of Campus and Community Relations	Administration
All Department Chairs	Academic
Title IX Coordinator	Student Affairs
Student Activities Coordinator	Student Affairs
Student Government Coordinator	Student Affairs
All Club Coordinators and Advisors	Student Affairs
Human Resources Manager	Administrative Services
Office of Continuing Education and Training Director	Continuing Education

APPENDIX B

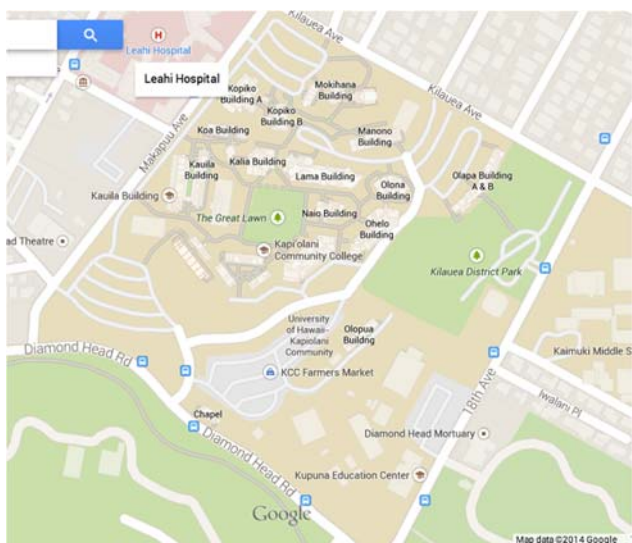
CRIME PREVENTION AND SAFETY TIPS

Kapi'olani Community College is firmly committed to providing a safe and secure learning and working environment. Policies and procedures are designed to ensure that every possible precautionary measure is taken to protect persons and property. Please be aware, however, that preventive efforts on your part can effectively reduce your chances of becoming a victim of a crime-related event. Criminals often act when opportunities to commit crimes present themselves. By taking proactive precautions, such opportunities may be minimized. All students and employees are encouraged to be responsible for their own safety and security, as well as for others.

A successful campus safety awareness program needs the cooperation, involvement, and support of all students, faculty, and staff. Please exercise these simple, common sense precautions while on campus:

- Park and walk in lighted areas; use the “buddy system” by walking with others; use the campus escort service.
- Report any suspicious persons or activities; report all incidents no matter how minor; report injuries or damages immediately.
- Be careful when using elevators; exit the elevator if a suspicious person enters the elevator.
- Be sure to lock and secure windows and doors in your office and room; lock your vehicles; secure bicycles; store valuables out of sight of others.
- Never loan keys to anyone; they may be lost, stolen, or duplicated.
- Mark or engrave your belongings; do not leave your belongings/valuables unattended.
- Register your bicycle/moped with the City and County License Registration Department.
- Let someone know that you are working odd hours or will be in the building after normal business hours.
- Familiarize yourself with the locations of telephones, emergency “Code Blue” call boxes, and the Security Office.
- Keep alert; be aware of your surroundings.
- Walk briskly; be aware of anyone walking behind you.
- Have your keys ready when approaching your vehicle so that you can minimize the time to get into your vehicle.

APPENDIX C CAMPUS MAP



CALL BOX LOCATIONS

There are nine (9) code blue call boxes that are located throughout the campus. If you find that you need immediate assistance and are not in proximity of a call box or do not have the time to locate the call box, please call 911 (HPD) or (808) 734-9900 (Campus Security) immediately. Be ready to provide your location (nearest buildings or landmarks) and a quick summary of the purpose of your call.

- Olona
 - On the walkway between the building and the road.
- Ohelo
 - On the walkway at the front entrance.
- Lama Library
 - On the walkway near the front entrance.
- Kauila
 - At the corner of the building facing Koa.
- Mamane
 - At the edge of the building closest to the parking lot.
- Iliahi
 - In the central courtyard facing the Subway doors.
- Lot C
 - Center row; center of lot.
- Lot B
 - Just above the bus terminal point.
- Alani
 - Fronting the building on the sidewalk facing the parking lot.

APPENDIX D

WHERE TO GO FOR ASSISTANCE OR INFORMATION

Kapi'olani Community College Numbers:

OFFICE	TELEPHONE NUMBER
Campus Security	808-734-9900
Disability Support Services	808-734-9552
Mental Health and Wellness Counselor	808-734-9585
Vice Chancellor for Administrative Services	808-734-9531
Vice Chancellor for Student Affairs	808-734-9522
Vice Chancellor for Academic Affairs	808-734-9519
Human Resources Office	808-734-9573
Title IX Coordinator	808-734-9542

Community Support Services Numbers:

ORGANIZATION	TELEPHONE NUMBER
ACCESS – Suicide & Crisis Intervention	808-832-3100
Ala Kuola	808-545-1880
ASK Aloha United Way	211 (statewide referral service)
Child Protective Services	808-832-5300
CrimeStoppers	808-955-8300
Child and Family Service/Domestic Violence Hotline	808-841-0822
Domestic Violence Action Center (Legal Helpline)	808-531-3771
Family Peace Center – Puuhonua Victim/Survivor Component	808-585-7944

Hawai'i Coalition Against Domestic Violence	808-832-9316
Hawaii Emergency Management (formerly Civil Defense Agency)	808-733-4300
Hawai'i Immigrant Justice Center	808-536-8826
Hawai'i State Judiciary Adult Client Victim Services	808-538-5687
Legal Aid Society of Hawai'i	808-536-4302
Narcotics Anonymous	808-734-4357
Parents and Children Together	808-847-3285
Poison Control Center	800-222-1222
Sex Abuse Treatment Center	808-524-7273
Temporary Restraining Order Hotline (Family Court)	808-954-8090
Volunteer Legal Services Hawai'i	808-528-7046

REFERENCES

Clery Center for Security on Campus; "The Clery Act: Fast Facts", <http://ncsam.clerycenter.org/wp-content/uploads/Clery-Act-Fast-Facts.pdf>, September 19, 2017.

Clery Center for Security on Campus; "Understanding Campus SaVE: Strategies for Partnership and Compliance," webinar, April 25, 2013.

Federal Register; "Violence Against Women Act," U.S. National Archives and Records Administration, online: <https://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women-act>, September 19, 2017.

Public Law 110-315; "Higher Education Opportunity Act," U.S. Government Printing Office, online: <http://www.gpo.gov/fdsys/pkg/PLAW-110publ315/html/PLAW-110publ315.htm>, September 19, 2017.

State of Hawaii Criminal Justice Data Center; “Online Covered Offender Search,” State of Hawaii, on-line: <http://sexoffenders.ehawaii.gov/sexoffender/search.html>, September 19, 2017.

University of Hawai‘i, Office of the Vice President for Community Colleges; “Campus Security Standard Operating Procedures for the University of Hawai‘i Community Colleges,” Honolulu, HI, April 1, 2014.

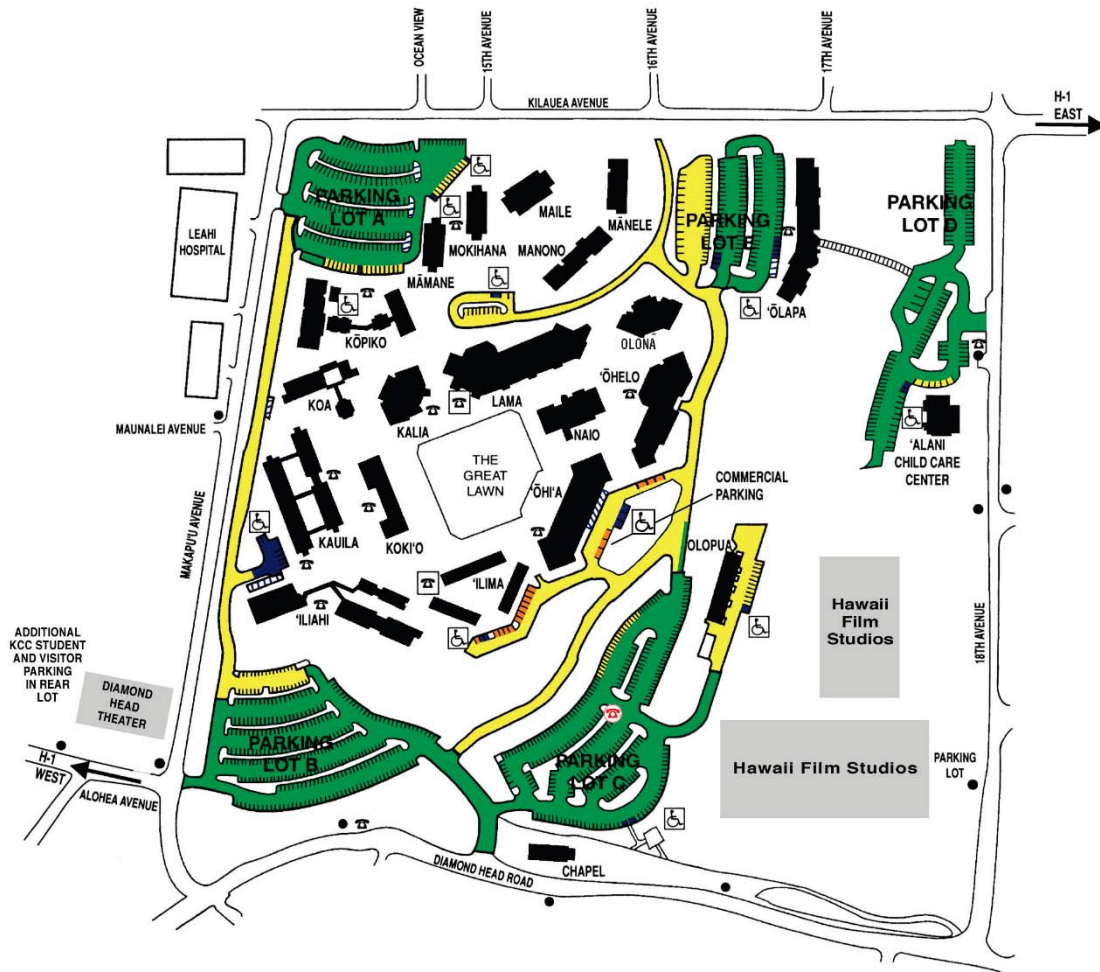
University of Hawaii System; “UH Systemwide Executive Policies,” The University of Hawai‘i, online: <http://www.hawaii.edu/policy/>, September 19, 2017.

U.S. Code; “Security Policy and Campus Crime Statistics Act (20 USC § 1092(f),” Cornell University Law School, online: <http://www.law.cornell.edu/uscode/text/20/1092>, September 19, 2017.

U.S. Department of Education, Office of Postsecondary Education; “The Handbook for Campus Safety and Security Reporting,” Washington, D.C., 2011.

YouTube: U.S. Department of Homeland Security; “Options for Consideration Active Shooter Training Video,” U.S. Department of Homeland Security, online: <https://www.youtube.com/watch?v=pY-CSX4NPtg>, September 19, 2017.

Kapi'olani Community College



■ ♿ Handicap Parking

■ Staff Parking
(Mon-Fri, 6:00 am to 4:00 pm)

■ Visitor with Permit Parking
(Mon-Fri, 6:00 am to 4:00 pm)

■ Student and Visitor Parking
(No permit required)

■ Motorcycle, Moped Parking

● Bus Stops

☎ Emergency Phone

☎ Pay Phones

☎ TDD Pay Phones

Cars parked at red curbs will be towed!!!

**Permits required for Lot A Parking
(Mon-Fri, 6:00 am to 4:00 pm)**

10/13/04



UNIVERSITY of HAWAI'I®

KAPI'OLANI
COMMUNITY COLLEGE