



# 2020 Annual Security Report

For Kapi'olani Community College & The Culinary Institute of the Pacific

Includes Crime Statistics for the period January 1 to December 31, 2019



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# 2020 KAPI‘OLANI COMMUNITY COLLEGE ANNUAL SECURITY REPORT

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## 2020 KAPI'OLANI COMMUNITY COLLEGE ANNUAL SECURITY REPORT

### INTRODUCTION

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, food service 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 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 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.

### 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.

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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 three 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 2020 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

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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 *2020 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 Manager of Campus 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 Safety 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 Manager of Safety and Emergency Management (contact 808-734-9334 or go to 'Ohi'a Building, Room 103A). The ASR is also available online to current and prospective students, faculty, staff, and the general public at:

<https://www.kapiolani.hawaii.edu/wp-content/uploads/2013/11/ASR17.pdf>

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### 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: Manager of Campus Safety & Emergency Management**  
**4303 Diamond Head Road, 'Ohi'a 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 SAFETY & EMERGENCY MANAGEMENT

#### 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 Department of Campus Safety and Emergency Management.

The unit is comprised of two (2) University Security Officer (USO) II positions and five (5) USO I positions which is overseen by the Campus Safety and Emergency Management Manager. 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 safety officers and contract security officers provide patrol and other security services 24-hours a day, 365-days a year. The Campus Safety Office is located in the 'Ohi'a Building on the first floor, Room 104. Officers are available by telephone at (808) 734-9900 or by campus telephone at x9900.

#### CAMPUS SAFETY JURISDICTION

The primary jurisdiction of campus security personnel is all property that is currently owned and/or under the control of Kapi'olani Community College. Security personnel are authorized to respond to all service calls and emergency incidents occurring within this jurisdiction. Campus security personnel are authorized to make initial determination for additional support from first responder agencies (as examples: police departments, State Sheriff Division, State Department of Land and Natural Resources enforcement, State Harbors Division, Department of Transportation enforcement, fire departments, Emergency Medical Services/American Medical Response).

#### LAW ENFORCEMENT JURISDICTION

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Although the State Sheriff Division (Sheriffs) is under the State of Hawaii Public Safety Department, the Sheriffs delegate their first responder, law enforcement authority to the Honolulu Police Department (HPD) of City and County of Honolulu (City). Under Hawaii State law (Hawaii Revised Statute Chapter 52D-5), the law enforcement personnel of each county has the authority to enforce the laws of the State. Therefore, HPD has the jurisdictional authority to respond to all calls for law enforcement services for both State and City property on the island of Oahu. Kapi'olani Community College calls the Honolulu Police Department (911 Police) for all matters requiring law enforcement personnel. When needed, the Sheriffs provide support to HPD personnel upon HPD's request. The Sheriffs provide all the law enforcement services for the corrections and judiciary systems; for programmatic support to State facilities (e.g., crime reduction initiatives, joint outreach programs, and special duty services); and, for process services and execution of court documents. The Campus Safety Department response jurisdiction is limited to campus-owned/operated property. However, because Kapiolani Community College's security workforce is non-sworn, the Honolulu Police Department is called upon for all law enforcement functions to include traffic citations (examples include parking in a handicap stall without a permit and fire lane violations).

### ENFORCEMENT

University Security Officers 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. 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 the Honolulu Police Department or relevant law enforcement agency.**

### MUTUAL AGREEMENTS

***The Campus Safety and Emergency Management Office remains in communication with the Honolulu Police Department 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 Safety maintains an open and reciprocal relationship with these agencies utilizing their resources and expertise to gather crime-related information, reports, and statistics. The Honolulu Police Department 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

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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 SAFETY 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 Safety 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/](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](http://www.studentaffairs.manoa.hawaii.edu/downloads/conduct_code/UHM_Student_Conduct_Code.pdf)



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### 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 and contracted security 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

Campus Safety 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.**

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### 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 Manager of Campus 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.

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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 Safety Office at x9900 (on-campus telephone) or (808) 734-9900, or in-person at the Campus Safety Office, 'Ohi'a 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, the Campus Safety Manager 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 decide 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 Safety Office at x9900 (on-campus telephone) or (808) 734-9900, or in-person at the Campus Safety Office, 'Ohi'a 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.

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All campus incident reports are recorded in the Campus Security Office and disseminated to the Manager 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 Safety Department 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 Safety Department CANNOT accept confidential reports. Specifically, if a Campus Safety Officer 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.

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### DAILY CRIME LOG

The Campus Safety 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 ('Ohi'a 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 campus safety 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 Safety Department 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 Safety Department 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.

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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 Safety 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 and other members of the Kapi'olani Community College Administration.

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



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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 safety 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 Safety 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.

### CRIME PREVENTION AND 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 Safety 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

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connected to a campus safety officer for service or assistance. "Code Blue" call boxes are tested weekly 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 supervisors assigned to both Campus Safety and Auxiliary Services 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

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- 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.

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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:

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- **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:

**§ 707-732 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 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

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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.

**§ 707-732 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 Manager of public safety and having received notice of this statute;
  - (iv) By a private correctional facility operating in the State of Hawai'i; 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 Manager of public safety, a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners license 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;



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(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 Manager 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 Manager 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.

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**§ 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.

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(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.

(2) 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.

(3) 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.

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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.

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

#### **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. Kapi'olani Community College Title IX Coordinator
  - b. Kapi'olani Community College Campus Safety Department
  - c. Local Police (Honolulu Police Department)

#### **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 Campus Safety or the campus's Title IX Coordinator. They can be reached at:

##### **Campus Safety**

24/7 Phone: (808) 734-9900

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

##### **Title IX Coordinator**

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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](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.



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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.

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For more information on *CampusClarity* please visit:  
<https://www.hawaii.edu/titleix/documents/7619/>.

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*.

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- 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.

a. **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.

b. **“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.

c. **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.

d. **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.

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### 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.

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- 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?

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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 publicly 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. 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.

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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

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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](http://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 informed in writing of the outcome of the investigation, without significant delay between the notifications to each party. 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,



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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:

<http://sexoffenders.ehawaii.gov/sexoffender/welcome.html>

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### 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.

### 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.

### 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:

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"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/>.

### 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](https://www.dea.gov/sites/default/files/drug_of_abuse.pdf#page=30).

### HIGHLIGHTS OF HAWAI`I 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.

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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.

### 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>.

### 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

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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)  ( <a href="http://al-anonhawaii.org">http://al-anonhawaii.org</a> )
Alcoholics Anonymous (AA)	946-1438	O'ahu-Central Office  1188 Bishop St. Suite 3406 Honolulu, HI 96813  ( <a href="http://www.oahucentraloffice.com">http://www.oahucentraloffice.com</a> )
Aloha United Way 211	536-1951	200 N. Vineyard Blvd, Suite 700  Honolulu, HI 96817  ( <a href="http://www.auw211.org">http://www.auw211.org</a> )

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Hina Mauka O'ahu Main Facility	236-2600	45-845 Po'okela Street Kāne'ohe, HI 96744 ( <a href="http://www.hinamauka.org">http://www.hinamauka.org</a> )
Waipahu Outreach Office	671-6900	Waipahū Outpatient Office 94-830 Hikomoe Street Waipahū, HI 96797 ( <a href="http://www.hinamauka.org">http://www.hinamauka.org</a> )
Kline-Welsh Behavioral Health	841-2319 841-3915 842-7529	Sand Island Treatment Center 1240 Sand Island Pkwy Honolulu, HI 96819 ( <a href="http://www.sandisland.com">http://www.sandisland.com</a> )
Kū Aloha Ola Mau	538-0704	1130 N Nimitz Hwy, Suite C-302 Honolulu, HI 96817 ( <a href="http://www.kualoha.com">http://www.kualoha.com</a> )
Mental Health Kōkua	737-2523	1221 Kapi'olani Blvd, Suite 345 Honolulu, HI 96814 ( <a href="http://www.mentalhealthkokua.org">http://www.mentalhealthkokua.org</a> )

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NA Hawai'i - Narcotics Anonymous	734-4357	P.O. Box 89636 Honolulu, HI 96830  ( <a href="http://www.na-hawaii.org">http://www.na-hawaii.org</a> )
Po'ailani, Inc.	263-3500	45-567 Pahia Road Kaneohe, HI 96744  ( <a href="http://www.poailani.org">http://www.poailani.org</a> )
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  ( <a href="http://www.salvationarmyhawaii.org">http://www.salvationarmyhawaii.org</a> )
University Health Services Health Promotion Program Mānoa	956-3574	Queen Lili'uokalani Center for Student Services, Rm. 313D, 2600 Campus Road Honolulu, HI 96822  ( <a href="http://www.hawaii.edu/shs/health_promotion/adepphp">http://www.hawaii.edu/shs/health_promotion/adepphp</a> )

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

### 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.

### CRIME 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



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### 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:

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- 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.

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**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

#### 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.

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- *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.

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**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.

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**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.

### DEFINITIONS OF CLERY ACT GEOGRAPHY

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### 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.

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### APPENDIX A CRIME STATS

CRIMINAL OFFENSES (Reported By Hierarchy)	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES
Murder / Non-Negligent Manslaughter	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Negligent Manslaughter	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Rape	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Fondling	2019	1	N/A	0	1	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Statutory Rape	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Incest	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Robbery	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Aggravated Assault	2019	1	N/A	0	1	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Burglary	2019	1	N/A	0	1	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	2	N/A	0	2	N/A	0
Motor Vehicle Theft	2019	0	N/A	0	0	N/A	0
	2018	2	N/A	0	2	N/A	0
	2017	2	N/A	0	2	N/A	0
Arson	2019	0	N/A	0	0	N/A	0
	2018	2	N/A	0	2	N/A	0
	2017	0	N/A	0	0	N/A	0
ARRESTS AND/OR DISCIPLINARY ACTION (Reported by Hierarchy)	YEAR	ON CAMPUS	NON CAMPUS	PUBLIC PROPERTY	TOTAL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES

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Arrests: Liquor Law Violations	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Disciplinary Referrals: Liquor Law Violations	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Arrests: Drug Law Violations	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Disciplinary Referrals: Drug Law Violations	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Arrests: Illegal Weapons Possessions	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Disciplinary Referrals: Illegal Weapons Possessions	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
<b>HATE CRIMES (Not Reported by Hierarchy)</b>	<b>YEAR</b>	<b>ON CAMPUS</b>	<b>NON CAMPUS</b>	<b>PUBLIC PROPERTY</b>	<b>TOTAL</b>	<b>RESIDENTIAL FACILITIES</b>	<b>UNFOUNDED CRIMES</b>
Larceny/Theft	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Simple Assault	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Intimidation	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Destruction, Damager, Vandalism of Property	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
<b>VAWA (Not Reported by Hierarchy)</b>	<b>YEAR</b>	<b>ON CAMPUS</b>	<b>NON CAMPUS</b>	<b>PUBLIC PROPERTY</b>	<b>TOTAL</b>	<b>RESIDENTIAL FACILITIES</b>	<b>UNFOUNDED CRIMES</b>
Domestic Violence	2019	2	N/A	0	2	N/A	0
	2018	0	N/A	0	0	N/A	0
	2017	0	N/A	0	0	N/A	0
Dating Violence	2019	0	N/A	0	0	N/A	0
	2018	0	N/A	0	0	N/A	0

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	2017	0	N/A	0	0	N/A	0
	2019	1	N/A	0	1	N/A	0
Stalking	2018	1	N/A	0	1	N/A	0
	2017	1	N/A	0	1	N/A	0



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### APPENDIX B CAMPUS SECURITY AUTHORITIES

Students, faculty, and staff are encouraged to report any criminal offenses within the campus boundaries to the Campus Safety Department. 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.

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:

Last Name	First	Title/Position	Location	Phone
Aganon	Lisa	Associate Professor and Dept. Chair - Nursing	Kopiko 201A	808-734-9301
Anderson	Austin	Instructor - Math and Sciences	Kalia 105	808-734-9406
Au Hoy	Jennifer	Instructor - Medical Assisting		808-734-9230
Bautista	Maria	Vice Chancellor - Academic Affairs (Interim)	'Ilima 206	808-734-9519
Bremser	Sarah	Professor and Dept. Chair - Arts/Humanities	Kauila 101A	808-734-9282
Burke	Laure	Professor and Dept. Chair - Business, Legal and Technology	Kopiko 201C	808-734-9143
Choe	Jacob	Manager - Campus Safety & Emergency Management	'Ohi'a 103 A	808-734-9334
Evans	Dave	Professor and Dept. Chair - Hospitality and Tourism Education	'Olapa 120	808-734-9717
Furuto	Brian	Vice Chancellor - Administrative Services	'Ilima 211	808-734-9531
Hefner	Carl	Professor and Dept. Chair - Social Sciences		808-734-9438

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Hoshiko	Carol	Dean- Office of Continuing Education	'Ilima 203	808-734-9568
Itomitsu	Grant	Associate Professor and Dept. Chair - Culinary Arts	'Ohelo 101A	808-734-9485
Kanae	Lisa	Professor and Dept. Chair - Language, Linguistics and Literature	Kalia 101	808-734-9283
Katsuda	Linda	HR Manager (Acting)	'Ilima 208	808-734-9575
Keopuhiawa	Thomas	Vice Chancellor - Student Affairs	'Ilima 205	808-734-9522
Kitamura	Sheila	Associate Professor and Dept. Chair - Health Sciences	Kauila 122B	808-734-9271
Kiyabu	Ann	Instructor - Dental Assistant/Health Services	Kauila 113A	808-734-9260
Mitchell-Aldan	Keahou	Native Hawai'i Career Explorations Facilitator	Manaele 107	808-734-9360
Naito	Karl	Assistant Professor and Coordinator-Center for Excellence in Learning, Teaching and Technology	Lama 11B	808-734-9865
Napoleon	David	Dean - Arts and Sciences	'Ilima 206	808-734-9517
Overton	Joseph	Professor and Dept. Chair - Honda International Center	Olonā 212	808-734-9832
Pagotto	Louise	Chancellor	'Ilima 213	808-734-9565
Peterson	Devon	Coordinator - Title IX	'Iliahi 116	808-734-9542
Richards	John	Dean - Business, Legal, Technology	'Ilima 206B	808-734-9518
Sabtachi	Romyn	Manager - Student Life/BOSA Advisor	'Iliahi 126	808-734-9578
Sakaue	Shannon	Faculty Advisor- ASKCC Student Congress Counselor - Pahihi Program for Returning Adults	'Iliahi 231	808-734-9511
Tan	Calvin	Assistant Professor - Business, Legal & Technology	Kōpiko 117	808-734-9261
Thomas	Annie	Acting Unit Head - Library and Learning Resources	Lama 108	808-734-9267
Yamashiro	Amy	Dept. Chair - Math and Sciences	Kalia 101C	808-734-9356
Zuckernick	Jeffrey	Professor and Dept. Chair - Emergency Medical Services	Kauila 121	808-734-9330

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### APPENDIX C CLERY GEOGRAPHY MAP



**Solid yellow line indicates the geographical boundaries in accordance with guidelines set forth in The Handbook for Campus Safety and Security Reporting (U.S. Department of Education, 2016 Edition)**

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### APPENDIX D CAMPUS 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 Campus Safety 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.

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### APPENDIX E COMMUNITY RESOURCES

#### KAPI'OLANI COMMUNITY COLLEGE NUMBERS

Office	Telephone Number
Campus Safety and Emergency Management	808-734-9900 (24/7 Emergency Line)
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

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Crimestoppers	808-955-8300
Child and Family Service/Domestic Violence Hotline	808-841-0822
Family Peace Center – Pu'uhonua Victim/Survivor Component	808-585-7944
Hawai'i Coalition Against Domestic Violence	808-832-9316
Hawai'i Emergency Management 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

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