



2023 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, 2022



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2023 KAPI'OLANI COMMUNITY COLLEGE ANNUAL SECURITY REPORT

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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 one of 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 Science, Technology, Engineering, and Mathematics (STEM) program. Nationally, Kapi'olani Community College has been recognized for its Culinary Arts Program (CAP). The CAP has won over a dozen national competitions and is renowned in the Pacific region. Locally, Kapi'olani Community College is well known for programs in health sciences and education for emergency medical services. The vast majority of Kapi'olani Community College's students are liberal arts students who study for their first 1 to 2 years either graduate with their associate's degree or use Kapi'olani Community College's robust foundational education as a starting point before moving on to the University of Hawai'i at Mānoa or other four-year universities to complete.

Kapi'olani Community College has one of the largest student bodies with over (on average) 5,000 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 Hawai'i - Mānoa, and proximity to Waikiki. Kapi'olani Community College employs approximately 600 full and part-time employees.

Originally located at Pensacola Street and Kapi'olani Boulevard, 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 (Le'ahi), 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

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Border), 18th Ave (Northeastern Border), and Makapuu Ave (Southwestern Border), see Appendix C for the campus location and map. Kapi'olani Community College also utilizes spaces in the neighboring Leahi Hospital, located at 3675 Kilauea Avenue, for teaching.

The campus also manages the Culinary Institute of the Pacific (CIP), located at 4500 Diamond Head Road location. The CIP is a consortium of University of Hawai'i culinary programs and was developed to provide post degree education and training. The CIP currently comprises of a classroom/lab building, locker room and restroom building and two support buildings for storage, physical plant and maintenance. This first phase (Phase 1) features advanced continental, Asian and food innovation culinary training. The second phase is currently under construction and will be completed in the Fall of 2024. The CIP is bordered by Diamond Head Road, Wauke Street and Diamond Head Crater.

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 (Pub. L. 113-4) amended the Violence Against Women Act of 1994 (VAWA) which also added safety- and security-related performance and sexual assault requirements. On March 15, 2022, the President signed into law the Consolidated Appropriations Act of 2022 (Pub. L. 117-103, 136 Stat. 49), which included the Violence Against

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Women Act Reauthorization Act of 2022 (VAWA 2022).

This Kapi'olani Community College 2023 Annual Security Report has been published in accordance with the disclosure and information requirements of the current amended versions of the Clery Act, the HEOA, and the VAWA.

ANNUAL SECURITY REPORT

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

The *2023 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

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- 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 to obtain one hard copy of the report with 36 hours of advanced notice to 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/ASR23.pdf>

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

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Department of Campus Safety and Emergency Management (Campus Security Department).

The unit is comprised of two (2) University Security Officer (USO) II positions and eleven (11) USO I positions which are overseen by the Manager of Campus Safety and Emergency Management.

When necessary, the College also contracts security services on a limited basis. These services are utilized to supplement the workforce and provide additional coverage as necessary.

Together, campus security officers and contract security officers provide patrol and other security services 24-hours a day, 365-days a year. The Campus 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 USOs is all property that is currently owned and/or under the control of Kapi'olani Community College. University Security Officers are authorized to respond to all service calls and emergency incidents occurring within this jurisdiction. USOs are authorized to make an initial determination for additional support from first responder agencies (e.g., 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

Although the State Sheriff Division (Sheriffs) is under the State of Hawai'i 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 Hawai'i State law (Hawai'i Revised Statute Chapter 52D-5), the law enforcement personnel of each county have 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

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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

While University Security Officers have authority to enforce University of Hawai'i and Kapi'olani Community College policies, they are not sworn law enforcement and do not have powers or arrest authority (other than citizen's arrest), and are not authorized to carry firearms. University Security Officers may detain individuals involved in the violation of laws and those involved in criminal acts they personally view, or those positively identified as having committed such an act by victims or witnesses until such time that the Honolulu Police Department 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 on O'ahu Island, including Kapi'olani Community College.

Kapi'olani Community College and the Honolulu Police Department have a Memorandum of Understanding Relating to Communications and Procedures Regarding Reports of Sexual Assaults on Campus. This Memorandum of Understanding sets forth the responsibilities of each party for a cooperative effort regarding communications and procedures for addressing sexual assault, occurring on Kapi'olani Community College's campus. Though no other formal agreements exist between the agencies, Kapi'olani Community College, as a state-level agency, is recognized in local-, state- and federal-level emergency management plans. The law enforcement agencies are also identified in those plans as members of the State Law Enforcement Coalition (SLEC). Certain

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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 System "Student Code of Conduct" (Executive Policy E7.208 University of Hawai'i System-Wide Student Conduct Code) Section IV A. states that the jurisdiction of the UH Student Conduct Code is:

1. On University property; or
2. Outside of University property if:
 - a. the conduct was in connection with a University-sponsored program or activity; or
 - b. the conduct may have a continuing adverse effect or could create a hostile environment on campus.

The Senior Student Affairs Officer shall decide whether the Student Conduct Code shall be applied to conduct occurring off campus (including but not limited to the use of social media and other electronic forums), on a case-by-case basis, in their sole discretion.

Additionally, Section IV.B: Conduct - Rules and Regulations, provides "examples of the types of behavior that conflict with the community standards that UH values and expects of students. Engaging in, or attempting to engage in any of these behaviors subjects a student to the disciplinary process and sanctions on each campus."

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:

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<https://www.hawaii.edu/policy/?action=viewPolicy&policySection=ep&policyChapter=7&policyNumber=208>

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 Hawai'i Revised Statute Chapter 463-10.5.

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;

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- 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;
- Upon request, escorting individuals on campus;
- 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.

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 social media outlets (i.e., Facebook, Instagram). Kapi'olani Community College also "Code Blue" emergency telephone public address system and emergency broadcast annunciator system which are currently undergoing maintenance and are anticipated to be brought back online in the near future. 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

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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, Vice Chancellor for Student Service 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 email.

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 Manager of Campus Safety and Emergency Management will immediately contact the Vice-Chancellor for Administrative Services, or designee acting in their capacity, to provide information on the incident/situation. The Vice-Chancellor for Administrative Services will decide

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or, as necessary, [proposed alternate language: “consult with the pertinent campus stakeholders to discuss and determine the immediate action steps”] convene the Campus Emergency Management Team to discuss and determine the immediate action 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 resolved.

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). CSAs will assist with the notification procedures to proper security or law enforcement authorities as necessary and incidents reported to CSAs will be included in the annual security report crime statistics. Please refer to Appendix A of this report for more information on CSAs.

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

All campus incident reports are recorded in the Campus Security Office and disseminated to the 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 disciplinary process.

VOLUNTARY - CONFIDENTIAL REPORTING

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If you are a witness to, or victim of a crime and do not wish to pursue action within the college disciplinary 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/support-and-campus-life/health-and-safety/title-ix/confidential-space/>. 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).

ASSISTANCE SERVICES

We will provide written notification to students and employees about existing counseling, health, mental health, legal assistance, and other services at the beginning of each semester. A list of available services can be found in Appendix E.

LOCAL POLICE MONITORING OF CRIMES & RECORDING OF CRIMES

The Kapi'olani Community College's Security Department has a strong working relationship with the Honolulu Police Department. As the primary law enforcement agency, HPD monitors and responds to all crimes reported to them, regardless of location.

HPD maintains a Crime Mapping website that is publicly available for view. The Safety and Emergency Management Manager utilizes the information from this website as an additional means to gather campus crime statistics.

We recommend this Crime Mapping tool to our campus community. This site can provide you with direct access to information that can assist you in making sound personal decisions when living, studying, working, or recreating on the island of O'ahu.

<http://www.honolulupd.org/information/index.php?page=crimemapping>

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.

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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.

On an annual basis members of the campus community are advised that they are required to notify the Campus Safety Department of any significant emergency or dangerous situation which 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 resources necessary to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. The Campus Safety Department has a responsibility to respond to such situations to determine if they do, in fact, pose a threat to the community. If the threat is verified, federal law requires that the institution immediately notify the campus community of this situation.

On an annual basis, the campus shall conduct a test of its emergency response and evacuation procedures. The test may be announced or unannounced. The campus will also publicize its test procedures in conjunction with at least one test per calendar year. Each test will be documented with a description of the exercise, the date, time and whether it was announced or unannounced.

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

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and Auxiliary Services department staff through physical investigation as personal safety allows. The information shall be relayed to the Emergency Management Team (EMT). The EMT is composed 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 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>

ACCESSIBILITY AND SECURITY OF CAMPUS FACILITIES

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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 PM. 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 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

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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 participate 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 Hawai'i 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 Hawai'i 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.

The University of Hawai'i is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that is free from discrimination on the basis of sex. The above policy statement is taken from Executive Policy 1.204 – Interim Policy on Title IX Sexual Harassment. The University of Hawai'i and Kapi'olani Community College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.

The full policy can be found at

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<https://www.hawaii.edu/policy/docs/temp/ep1.204.pdf>

The full procedure can be found here:

<https://www.hawaii.edu/policy/docs/temp/ap1.204.pdf>

DEFINITIONS AND PERTINENT STATUTES

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

Dating violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For purposes of this definition –

- Dating violence includes, but not limited to, sexual or physical abuse or the threat of such abuse.
- Dating violence does not include acts covered under the definition of domestic violence.

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; 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 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: (i) fear for the person's safety or the safety of others; or (ii) 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

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circumstances and with similar identities to the victim.

- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

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

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

Hawai'i Revised Statutes' Definitions

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

HRS § 709-906 Abuse of Family or Household Members

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

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request, may transport the abused to a hospital or safe shelter.

(19) 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 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:

- Coercive control means: a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual. "Coercive control" includes a pattern of behavior that seeks to take away the individual's liberty or freedom and strip away the individual's sense of self, including bodily integrity and human rights, whereby the "coercive control" is designed to make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:
 1. Isolating the individual from friends and family;
 2. Controlling how much money is accessible to the individual and how it is spent;
 3. Monitoring the individual's activities, communications, and movements;
 4. Name-calling, degradation, and demeaning the individual frequently;
 5. Threatening to harm or kill the individual or a child or relative of the individual;
 6. Threatening to publish information or make reports to the police or the authorities;
 7. Damaging property or household goods; and
 8. Forcing the individual to take part in criminal activity or child abuse.
- 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.

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- Domestic Abuse means: (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, coercive control, 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.

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

§ 707-730 Sexual Assault in the First Degree.

(1) A person commits the offense of sexual assault in the first degree if:

- (a) The person knowingly subjects another 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, provided that the actor is negligent in not knowing of the mental defect of the victim; or
- (e) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly

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caused to be administered to the other person without the other person's content.

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) While employed:
 - (i) In a state correctional facility;
 - (ii) By a private company providing services at a correctional facility;
 - (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
 - (iv) By a private correctional facility operating in the State; or
 - (v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual penetration: an imprisoned person; a person confined to a detention facility; a person committed to the director of public safety; a person in custody; a person who is stopped by a law enforcement officer; or a person who is being accompanied by a law enforcement officer for official purposes; 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) Knowingly subjects to sexual penetration a person 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.

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 second degree is a class B felony.

§ 707-732 Sexual Assault in the Third Degree.

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- (1) A person commits the offense of sexual assault in the third degree if:
 - (a) The person recklessly subjects another person to an act of sexual penetration by compulsion;
 - (b) The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
 - (c) The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have sexual contact with the person; provided that:
 - (i) The person is not less than five years older than the minor; and
 - (ii) The person is not legally married to the minor;
 - (d) The person knowingly subjects to sexual contact another person who is mentally incapacitated or physically helpless, or causes such a person to have sexual contact with the actor;
 - (e) Knowingly subjects to sexual contact a person who is mentally defective, or causes such a person to have sexual contact with the actor; provided that the actor is negligent in not knowing of the mental defect of the victim;
 - (f) While employed:
 - (i) In a state correctional facility;
 - (ii) By a private company providing services at a correctional facility;
 - (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
 - (iv) By a private correctional facility operating in the State; or
 - (v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual contact, or causes to have sexual conduct: an imprisoned person; a person confined to a detention facility; a person committed to the director of public safety; a person residing in a private correctional facility operating in the State; a person in custody; a person who is stopped by a law enforcement officer; or a person who is being accompanied by a law enforcement officer for official purposes; provided that this paragraph 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; or
 - (g) Knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

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Paragraphs (b), (c), (d), (e) and (f) 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 third degree is a class C felony.

§ 707-733 Sexual Assault in the Fourth Degree.

- (1) A person commits the offense of sexual assault in the fourth degree if:
 - (a) The person knowingly subjects another person, not married to the actor, to sexual contact by compulsion or causes another person, not married to the actor, to have sexual contact with the actor by compulsion;
 - (b) The person knowingly exposes the person's genitals to another person under circumstances in which the actor's conduct is likely to alarm the other person or put the other person in fear of bodily injury;
 - (c) The person knowingly trespasses on property for the purpose of subjecting another person to surreptitious surveillance for the sexual gratification of the actor; or
 - (d) The person knowingly engages in or causes sexual contact with a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that:
 - (i) The person is not less than five years older than the minor; and
 - (ii) The person is not legally married to the minor.
- (2) Sexual assault in the fourth degree is a misdemeanor.
- (3) Whenever a court sentences a defendant for an offense under this section, the court may order the defendant to submit to a pre-sentence mental and medical examination pursuant to section 706-603.

§ 707-733.6 Continuous Sexual Assault of a Minor Under the Age of Fourteen Years.

- (1) A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person:
 - (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and
 - (b) Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.
- (2) To convict under this section, the trier of fact, if a jury, need unanimously agree only that the requisite number of acts have occurred; the jury need not agree on which acts constitute the requisite number.
- (3) No other felony sex offense involving the same victim may be charged in the same proceeding with a charge under this section, unless the other charged offense occurred outside the period of the offense charged under this section, or the other offense is charged in the alternative. A defendant may be charged with only one count under this section, unless more than one victim is involved, in which case a separate count may be charged for

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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.

(2) Incest is a class C felony.

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) A person convicted under this section may be required to undergo a counseling program ordered by the court.

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

(4) Harassment by stalking is a misdemeanor.

§ 711-1106.4 Aggravated Harassment by Stalking.

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

(2) Aggravated harassment by stalking is a class C felony.

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,

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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;
- (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;
- (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

Policy Definitions for EP 1.204

Sexual Harassment is defined as conduct on the basis of sex that satisfies one or more of the following:

- a. An employee of the University of Hawai'i conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;
- b. Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to the University's education program or activity;
- c. Sexual Assault, including:
 - 1) Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
 - 2) Forcible Rape: 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 Complainant.
 - 3) Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually); or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
 - 4) Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the 5 genital or anal opening of the body of another person, forcibly, and/or against that person's will (nonconsensually), or not

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forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

5) Forcible Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually); or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.

6) Sex Offenses, Non-forcible:

- a. Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Hawai'i law.
- b. Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16.¹

¹In Hawai'i, the age of consent is sixteen (16) generally, or the age of consent is between fourteen (14) and fifteen (15) when either the other person is less than five (5) years older or when the other person is legally married to the person between the ages of fourteen (14) and fifteen (15). See Haw. Rev. Stat. § 707-732.

Dating Violence is violence committed by a person, who is in or has been in a social relationship of a romantic or intimate nature with the Complainant.

The existence of such a relationship shall be determined based on the Complainant'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 the purposes of this definition:

- (1) Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
- (2) Dating violence does not include acts covered under the definition of domestic violence.

Domestic Violence is violence committed by a current or former spouse or intimate partner of the Complainant, by a person with whom the Complainant shares a child in common, or by a person who is cohabitating with, or has cohabitated with, the Complainant as a spouse or intimate partner, or by a person similarly situated to a spouse of the Complainant under the domestic or family violence laws of Hawai'i, or by any other person against an adult or youth Complainant who is protected from that person's acts **under the domestic or family violence laws of Hawai'i**.

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Stalking is 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 the purposes of this definition:

(1) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.

(2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.

(3) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Consent means knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

A person cannot give Consent if the person is under the age of consent for sexual activity, the person is developmentally or intellectually disabled, 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 activity 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.

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the "who, what, when, where, why, or how" of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Incapacitation also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. A Respondent violates this policy if they engage in sexual activity with someone who is incapable of giving consent.

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RESPONSE PROCEDURES FOR VICTIMS IN THE CASE OF ALLEGED DATING VIOLENCE, DOMESTIC VIOLENCE, SEXUAL ASSAULT OR STALKING

Immediate Response

1. Go to a safe location as soon as you are able.
2. If you have been sexually assaulted, preserve physical evidence such as tissue and fluid samples, towels, sheets, clothing, etc. Avoid showering, bathing, urinating, etc., until you have been examined at the 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 Confidential Resources
 - b. Mental Health Counselor
 - c. Sex Abuse Treatment Center
 - d. Domestic Violence Action Center
 - e. National Domestic Violence Hotline
5. Or, contact any of the following if you wish to make a formal report:
 - f. Kapi'olani Community College Title IX Coordinator
 - g. Kapi'olani Community College Campus Safety Department
 - h. 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/support-and-campus-life/health-and-safety/title-ix/>

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

You have a right to live in a safe environment, free from the threat of harm from a family member or acquaintance. If someone you know is engaging in a pattern of harassment (including physical or sexual violence, verbal threats, property damage or stalking), you can seek protection by obtaining a temporary restraining order (TRO) against the perpetrator. If you need to extend your protection for up to three years, you can obtain a Protective Order, which sets guidelines aimed at protecting you. This can include prohibiting the defendant from calling or visiting you.

The College cannot apply for a TRO or Protective Order on behalf of a victim. The victim must apply for these orders through the State Judiciary system as follows:

File through Family Court if the respondent is a Family or Household Member. Family and Household Members are defined as:

- Current or former spouse or reciprocal beneficiary;
- Persons who have a child in common;
- Parents;
- Children;
- Blood-related family members;
- Persons currently or formerly in a dating relationship; or
- Persons currently or formerly residing together (but "residing together" does not include those persons who are, or were, adult roommates or cohabitants only because of an economic or contractual affiliation).

Family Court for the island of Oahu is located at:

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Kapolei Judiciary Complex
4675 Kapolei Parkway
Kapolei, HI 96707-3272
Phone: 808-954-8000

File through District Court is not a Family or Household Member. On the island of Oahu, District Court is located at:

Kauikeaouli Hale
1111 Alakea Street
Honolulu, HI 96813

For more information about filing for a Protective Order, please see the State of Hawai'i Judiciary website here:

https://www.courts.state.hi.us/self-help/protective_orders/protective_orders.

Any victim who obtains a TRO or Protective Order from the State should provide a copy to the Title IX Coordinator. The Title IX Coordinator can assist the victim in developing a safety plan to reduce the victim's risk of harm while on campus. This plan may include security escorts and other arrangements.

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

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levels.

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

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

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

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

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

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 "Sexual Assault Prevention for Community College" from VectorSolutions. This course takes approximately 45 minutes to complete. Students will learn about sex discrimination, gender-based violence, and the rights and resources available to them on campus and in the community. The curriculum covers Title IX, VAWA, and relevant Hawai'i State statutes. This 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.

For more information on the Vector Solutions training please visit:
<https://www.hawaii.edu/titleix/training/title-ix-training-students/>

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Employees are strongly encouraged to participate in the online training: “Preventing Harassment and Discrimination for Employees.” This 70 minute course prepares faculty and staff to cultivate and maintain a workplace culture resistant to discrimination, harassment and retaliation. Faculty and staff will be equipped with the information and skills that promote intervention, empathy, and allyship. This course includes a section specific to requirements under Title IX and the Clery Act.

For information on *Preventing Harassment*, please visit:

<https://www.hawaii.edu/titleix/training/online-training-employees/>

Other prevention and awareness initiatives include:

- 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 movie nights, tabling activities, social media campaigns, suggested curriculum activities for instructional faculty, and target training.
- b. First Year Orientation. As a part of the first-year orientation, Kapi'olani Community College's Title IX and PAU Violence program present to incoming students on Kapi'olani Community College's policies and resources regarding sex assault, domestic/ dating/intimate partner violence, sexual harassment and stalking.
- c. New Employee Orientation. Kapi'olani Community College's Title IX program present to new employees on Kapi'olani Community College's policies and resources regarding sex assault, domestic/ dating/intimate partner violence, sexual harassment and stalking.
- d. Peer Education Programs. Kapi'olani Community College also provides training to peer educators and student leaders. In addition to providing information on Kapi'olani Community College's policies and resources regarding sex assault, domestic/ dating/intimate partner violence, sexual harassment and stalking, Student Leaders are taught how to refer peers to receive support from the Title IX program.

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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

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

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

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

RISK REDUCTION - BYSTANDER INTERVENTION

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

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 acting to intervene.

What Can You Do to be an Engaged Bystander?

Specific interventions can be divided into four main types ("The Four D's")

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

Things to Consider Before You Act:

1. Is the situation an emergency or nonemergency?
2. Should intervention be direct, indirect or both? To ensure intervention is safe, Kapi'olani Community College encourages bystanders to evaluate the risk of intervening. If you feel there is an imminent risk, 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.

Supportive Measures

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Supportive Measures means non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to the University's educational programs and/or activities without unreasonably burdening the other party, including measures designed to protect the safety of all parties or the University's educational environment, or deter sexual harassment.

Violations of the terms of supportive measures may be considered a separate conduct violation and may be referred to the appropriate student or employee conduct processes for enforcement, investigation, and possible sanction or the Title IX Coordinator may combine allegations of violations of the terms of supportive measures with a formal complaint of Title IX sexual harassment under Interim EP 1.204.

Supportive measures may include counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.

The University may provide supportive measures regardless of whether a formal complaint is filed, or whether the Grievance Process is engaged. These measures may also be instituted to protect all parties during a Grievance Process, including investigation, decision-making, and appeals. The University will act to ensure as minimal an academic impact on the parties as possible.

Emergency Removal

The University may remove a Respondent entirely or partially from its education program or activities on an emergency basis if an individualized safety and risk analysis is made, a determination is made that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment, as defined in Interim EP 1.204, justifies removal, and notice is provided to the Respondent and they are given an opportunity to challenge the decision immediately following the removal.

The University will implement the least restrictive emergency actions possible in light of the circumstances and safety concerns. Where an emergency removal is imposed, the Respondent will be given an opportunity to meet with the Title IX Coordinator, and any other appropriate official, within twenty-four (24) hours of receiving notice of the emergency removal to explain why the action/removal should not be implemented or should be modified. A

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Respondent may be accompanied by an Advisor of their choice to the meeting.

Procedures for Institutional Disciplinary Action In Cases Of Alleged Dating Violence, Domestic Violence, Sexual Assault, Or Stalking.

The College has procedures in place that serve to support victims who report sexual assault, domestic violence, dating violence, and stalking, including informing individuals about their right to file criminal charges as well as the availability of counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance and other services on and/or off campus as well as additional remedies to prevent contact between a complainant and an accused party, such as housing, academic, transportation and working accommodations, if reasonably available. The Title IX Coordinator will make such accommodations, if the victim requests them and if they are reasonably available, regardless of whether the victim chooses to report the crime to local law enforcement. Students and employees should contact the Title IX Coordinator for more information about or to request these kinds of accommodations. If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the Title IX Coordinator will follow:

In the event of a reported sex assault the College will:

1. Depending on when reported (immediate vs delayed report), College will facilitate the reporting party with obtaining access to medical care.
2. College will assess immediate safety needs of the reporting party and the rest of the campus.
3. College will assist the reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for the local police department.
4. College will provide reporting party with referrals to on and off campus mental health providers
5. College will assess the need to implement interim or long-term protective measures, if appropriate.
6. College will provide the victim with an explanation of the victim's rights and options.
7. College will provide information on how to apply for a Protective Order.
8. College will provide a copy of the policy applicable to Sexual Assault to the reporting party and inform the reporting party regarding timeframes for inquiry, investigation and resolution.
9. College will inform the reporting party of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.
10. College will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of

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sex-based discrimination or for assisting in the investigation.

In the event of a reported stalking the College will:

1. College will assess immediate safety needs of the reporting party and the rest of the campus.
2. College will assist the reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for the local police department.
3. College will provide information on how to apply for a Protective Order.
4. College will provide information to the reporting party on how to preserve evidence.
5. College will assess the need to implement interim or long-term protective measures to protect the reporting party, if appropriate.
6. College will provide the victim with an explanation of the victim's rights and options.
7. College will provide a "No trespass" directive to the accused party if deemed appropriate.

In the event of a reported Dating Violence or Domestic Violence the College will:

1. College will assess immediate safety needs of the reporting party and the rest of the campus.
2. College will assist the reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for the local police department.
3. College will provide information on how to apply for Protective Order.
4. College will provide information to the reporting party on how to preserve evidence.
5. College will assess the need to implement interim or long-term protective measures to protect the reporting party, if appropriate.
6. College will provide the victim with an explanation of the victim's rights and options.

Assistance for Victims: 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.

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An electronic copy of this written explanation is available at <http://uhcc.hawaii.edu/titleIX/docs/TitleIXBrochure.pdf>

Complaint Resolution Process

Kapi'olani Community College's disciplinary process includes a prompt, fair, and impartial investigation and resolution process. In all instances, the process will be conducted in a manner that is consistent with University policy and that is transparent to the accuser and the accused.

Interim EP 1.204 and AP 1.204 are a policy and procedure that establish a prompt, fair, and impartial investigation and resolution process, from the initial investigation to the final result.

Interim AP 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.

Advisors

Advisor means an individual chosen by a party or appointed by the University, as applicable, to accompany the party to meetings related to the grievance process, to advise the party on that process, and/or to conduct cross-examination for the party at the live hearing, if any.

The parties may have an advisor of their choice during the grievance process, including during initial meetings or interviews and investigative meetings or interviews.

The University generally expects an advisor to be available to attend University meetings when planned but may change scheduled meetings to accommodate an advisor's schedule, if doing so does not cause an unreasonable delay.

Advisors shall not disrupt proceedings. If the advisor is disruptive or otherwise fails to respect the limits of the advisor role, the meeting will be ended, or other appropriate measures implemented. Advisors are expected to comply with all University policies and procedures.

Advisors shall maintain the privacy of any information, including documents, shared with them. Such information shall not be shared with third parties, disclosed publicly, used outside of the grievance process, and/or used for unauthorized purposes. The University may restrict the role of any advisor who fails to abide by the University's privacy expectations.

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Informal Resolution

Any time after a formal complaint has been submitted, and prior to reaching a determination following a hearing, the Complainant and Respondent may agree to informally resolve the complaint through an alternate resolution mechanism, such as, but not limited to, facilitated discussions, mediation, ho'oponopono, etc. Informal resolution is not available unless a formal complaint has been filed.

Informal resolution is not available where it has been alleged that an employee sexually harassed a student. Any party participating in informal resolution can stop the process at any time and choose to begin or resume the grievance process.

Prior to facilitating an informal resolution, the University will provide the parties with a written notice disclosing: (1) The allegations; (2) The requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations, provided, however, that at any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint; and (3) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared by the University.

The University will obtain voluntary, written confirmation that all parties wish to resolve the matter through an informal resolution before proceeding and shall not pressure the parties to participate in informal resolution.

The Title IX Coordinator will keep a record of any resolution that is reached, and failure to abide by the resolution agreement may result in appropriate responsive/disciplinary actions.

Notice of Allegations and Investigation

Upon receipt of a formal complaint, the Title IX Coordinator will provide written notice of the allegations and investigation to the parties. The notice will include:

- A. Information about and a copy of this procedure, including the informal resolution process;
- B. The identity of the involved parties (if known);
- C. A summary of the allegations, including sufficient details known such as the conduct allegedly constituting sexual harassment under EP 1.204, the date and location of the alleged incidents, if known at the time;
- D. A statement that Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;

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- E. Statement that the parties may have an advisor of their choice;
- F. Information that the parties may inspect and review all directly related evidence during the review and comment period;
- G. A statement regarding the code of conduct and consequences for making false statements;
- H. Any other policies and/or procedures implicated, with a copy of those policies and procedures;
- I. A statement about the University's policy on non-retaliation;
- J. The name(s) of the investigator(s) and their contact information.

Amendments and updates to the notice may be made as the investigation progresses and more information becomes available regarding the addition or dismissal of various charges.

Notice will be made in writing. Once mailed or emailed, notice will be presumptively delivered.

Appointment of Investigators

Upon commencing an investigation into a formal complaint, the Title IX Coordinator will appoint an Investigator(s). The Title IX Coordinator will vet the assigned Investigator(s) to ensure there are no actual or apparent conflicts of interest or disqualifying biases.

Steps in the Investigation Process

The Investigator(s) will:

- a. Interview the Complainant, Respondent, relevant witnesses, and individuals with unique knowledge pertinent to the allegations in the notice of allegations and investigation, in order to gather and ascertain case facts and circumstances; and
- b. Collect all relevant evidence including documents, notes, electronic records, photographs, and any other materials relevant to the investigation offered by any party or witness and will seek to collect relevant evidence from other sources; and
- c. Prior to the conclusion of the investigation, provide the parties an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; and
- d. Prior to the completion of the investigative report, send to the parties and their advisors, if any, the evidence directly related to the allegations that is subject to inspection and review, in an electronic format or a hard copy¹ and

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- e. provide them with ten (10) business days to submit a written response; Consider the parties' written comments on the evidence prior to completion of the investigative report; and
- f. Create an investigative report that fairly summarizes relevant evidence.

Investigation Timeline

The Investigator(s) shall seek to complete the first two steps of the investigation process, outlined above, within ninety (90) business days of their assignment. Some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, etc.

The University will make a good faith effort to complete investigations as promptly as circumstances permit. If an extension becomes necessary for good cause, the Investigator(s) will notify the parties in writing of any extension and the reason for the extension.

Good cause may include, but is not limited to, ensuring the integrity and completeness of the investigation, complying with a request by external law enforcement, accommodating the availability of witnesses, or delays by the parties, or for other legitimate reasons.

Live Hearings Under Interim AP 1.204

Upon completion of the investigation, and provided the complaint is not resolved through other means, the Title IX coordinator will refer the matter for a live hearing. At least fifteen (15) business days prior to a hearing, the Title IX Coordinator will send to each party and the party's advisors, if any, the final investigative report for their review and written response. If a party chooses to provide a written response, it must be provided to the Title IX coordinator at least five (5) business days before the hearing. Any evidence obtained in the investigation that is directly related to the allegations, including the evidence upon which the University does not intend to rely, will be available at the hearing for the parties to inspect and review. Evidence that was not gathered and presented during the investigation cannot be introduced at the hearing, unless good cause can be shown as to why the evidence was not previously provided. The Title IX Coordinator may serve as an administrative facilitator of the live hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

Appointment of Decision Maker

The Title IX Coordinator has the discretion to designate a single Decision Maker or a three-member panel. If a panel is used, the Title IX Coordinator will appoint one of the three members as the Chair of the hearing. The Decision Maker or panel members will

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not have had any previous involvement with the investigation.

Determination Regarding Responsibility

The Decision Maker(s) will make an objective evaluation of all relevant evidence to decide whether, by a preponderance of the evidence, the Respondent is responsible or not responsible for each of the alleged policy violation(s) in question. If a panel is used, a simple majority vote is required for each finding, including sanctions.

If there is a finding of responsibility, the Decision Maker(s) will consult with other appropriate administrators as necessary to review any pertinent disciplinary/conduct history and to decide on appropriate sanction(s).

The Decision Maker(s) shall seek to issue a written determination within thirty (30) business days of completion of the hearing. The determination must be provided to the parties simultaneously and must include the following:

- a. Identification of the allegations potentially constituting sexual harassment under EP 1.204;
- b. A description of the procedural steps taken from receipt of the formal complaint through the determination, including any notification to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c. Findings of fact supporting the determination;
- d. Conclusions regarding the application of the EP 1.204 to the facts;
- e. A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant;
- f. The procedure and permissible bases for both parties to appeal the determination.

Sanctions

The University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under Interim EP 1.204.

Employees

Discipline may be imposed in accordance with the applicable collective bargaining agreements. Possible discipline may include:

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- a. Reprimand – Verbal or Written
- b. Loss of Oversight or Supervisory Responsibility
- c. Demotion
- d. Suspension
- e. Termination
- f. Other actions in addition to or in place of the above sanctions as deemed appropriate.

Students

The following sanctions may be imposed upon students singly or in combination:

- a. Warning: A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- b. Required Counseling: A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- c. Probation: A written reprimand for violation of institutional policy, providing for more severe disciplinary sanctions in the event that the student or organization is found in violation of any institutional policy, procedure, or directive within a specified period of time. Terms of the probation will be articulated and may include denial of specified social privileges, exclusion from co-curricular activities, exclusion from designated areas of campus, no contact orders, and/or other measures deemed appropriate.
- d. Suspension: Termination of student status for a definite period of time not to exceed two years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University.
- e. Expulsion: Permanent termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events. It will be noted permanently, subject to any applicable expungement policies, as a Conduct Expulsion on the student's official transcript.
- f. Withholding Diploma: The University may withhold a student's diploma for a specified period of time and/or deny a student's participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- g. Revocation of Degree: The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- h. Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.

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- i. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Remedial Actions and Educational Refresher Programs

When appropriate, remedial actions may be offered to the parties, including, but not limited to, no contact orders, management directions to employees, campus security/public safety escort, changes in schedules, changes in assignments, counseling, assistance with academic services, and other actions that the decision maker(s) deems appropriate.

When appropriate, an employee or student may be required to participate in educational refresher programs. Educational refresher programs may be required as part of the University's goal to prevent the recurrence of inappropriate conduct.

Relevant information remains on an employee's personnel records in accordance with the applicable collective bargaining agreement.

Appeals

Both parties have equal rights to an impartial appeal from the University's dismissal of a formal complaint or any allegation therein or from a determination of responsibility under Interim EP 1.204 and AP 1.204.

For an appeal to be considered timely, it must be submitted to the Title IX coordinator within five (5) business days after the date the written determination was received by the parties.

An appeal shall be in writing, cite the basis for the appeal, and explain why the party believes there is a basis for the appeal.

Appeals are limited to the following bases:

- a. Procedural irregularity that affected the outcome of the matter;
- b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
- c. The Title IX coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.

If an appeal is filed, the Title IX coordinator will notify the other party in writing of the appeal and the basis. The other party may submit a response to the appeal within five (5) business days from the date they received the appeal.

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Within five (5) business days of the deadline for a response, the Title IX Coordinator shall forward the appeal, any response, and the record to an appropriate appeals officer, who is not the same person as the Decision Maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

The appeals officer will examine the information presented. Within twenty (20) business days from the date the appeals officer received the information, the appeals officer will:

- a. Deny the appeal and uphold the original decision;
- b. Grant the appeal and remand the case because of procedural irregularities that affected the outcome of the matter;
- c. Grant the appeal and remand the case because new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made could affect the outcome of the matter;
- d. Grant the appeal and remand the case because the Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter; or

The appeals officer shall draft a determination of appeal explaining the rationale for the determination. The determination of appeal shall be promptly sent to the parties simultaneously.

Standard of Review – Preponderance of the Evidence

In determining whether alleged behavior violates Interim EP 1.204, the University will consider the totality of the facts and circumstances involved in the incident, including the nature of the alleged behavior and the context in which it occurred, and determine whether it is more likely than not that the alleged prohibited behavior occurred.

Recordkeeping

The University will maintain for a period of at least seven (7) years records of:

1. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation, any disciplinary sanctions imposed on the Respondent, any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity, and any appeal and the result therefrom;
2. Any Informal Resolution and the result therefrom;
3. All materials used to train Title IX Coordinators, Investigators, Decision-

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makers, and any person who facilitates an Informal Resolution process. The most current training materials will be made publicly available on the University's website; and

4. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including the basis for all conclusions that the response was not deliberately indifferent; any measures designed to restore or preserve equal access to the University's education program or activity; and if no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

The University will also maintain any and all records in accordance with state and federal laws.

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>

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, 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

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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:

“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)(I)

“Public intoxication is expressly prohibited. Use, possession, manufacturing or

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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.

HIGHLIGHTS OF HAWAII LAWS

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

- Class A felony: fine not exceeding \$50,000 and/or an indeterminate term of imprisonment of 20 years without possibility of suspension of sentence or probation.
- Class B felony: fine not exceeding \$25,000 and/or imprisonment of not more than 10 years.
- Class C felony: fine not exceeding \$10,000 and/or imprisonment of not more than 5 years.
- Misdemeanor: fine not exceeding \$2,000 and/or imprisonment of not more than 1 year.
- Petty misdemeanor: fine not exceeding \$1,000 and/or imprisonment of not more than 30 days. HRS §706-640,659,660,663

In addition, promoting (possessing, distributing and manufacturing) drugs (including marijuana) and intoxicating compounds can result in a Class A, B or C

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felony, misdemeanor or petty misdemeanor. HRS §712-1241-1250

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. HRS §291-3.2

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 deliverer 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 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. HRS §712-1250.5

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>.

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DRUG AND ALCOHOL COUNSELING, TREATMENT AND REHABILITATION PROGRAMS

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

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

ORGANIZATION	PHONE	ADDRESS/WEBSITE
Al-Anon	808- 546-5647	http://al-anonhawaii.org
Alcoholics Anonymous (AA)	808-946-1438	O'ahu-Central Office 1188 Bishop St. Suite 3406 Honolulu, HI 96813 (http://www.oahucentraloffice.com)
Aloha United Way 211	808-536-1951	200 N. Vineyard Blvd, Suite 700 Honolulu, HI 96817 (http://www.auw211.org)
Hina Mauka O'ahu Main Facility	808-236-2600	45-845 Po'okela Street Kāne'ohe, HI 96744 (http://www.hinamauka.org)
Waipahu Outreach Office	808-671-6900	94-830 Hikomoe Street Waipahū, HI 96797 (http://www.hinamauka.org)

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Kū Aloha Ola Mau	808-538-0704	1130 N Nimitz Hwy, Suite C-302 Honolulu, HI 96817 (http://www.kualoha.com)
NA Hawai'i - Narcotics Anonymous	808-734-4357	P.O. Box 89636 Honolulu, HI 96830 (http://www.na-hawaii.org)
Po'ailani, Inc.	808-263-3500	45-567 Pahia Road Kaneohe, HI 96744 (http://www.poailani.org)
University Health Services Health Promotion Program Mānoa	808-956-3574	Queen Lili'uokalani Center for Student Services, Rm. 313D, 2600 Campus Road Honolulu, HI 96822 (http://www.hawaii.edu/shs/health_promotion/adepphp)
Wai'anae Coast Comprehensive Health Center	808-697-3300	86-260 Farrington Hwy Wai'anae, HI 96792 (http://www.wcchc.com)
Wai'anae Coast Community Mental Health Center, Inc.	808-696-4211	Hale Na'au Pono 86-226 Farrington Hwy Wai'anae, HI 96792 (http://www.wccmhc.org)

WEAPONS POLICY

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

- Firearms:

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- 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.

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

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- 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 man made barrier because it is not accessible to/from your campus.

CLERY ACT GUIDELINES FOR REPORTING

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

Includes felony or misdemeanor crimes of violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim shares a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction receiving grant monies, or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction

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

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

Stalking Statistics (Referenced from Title 42 of the United States Code; Section 13925)
Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

Fear for his or her safety or the safety of others; OR,
Suffer substantial emotional distress.

DEFINITIONS OF CLERY ACT CRIMES

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

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

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

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

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

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

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

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

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

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

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, growing, manufacturing and making of narcotic drugs.

Weapon Law Violations is defined as the violation of laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession, concealment, or use of firearms, cutting instruments, explosives, incendiary devices or other deadly weapons. This classification encompasses weapons offenses that are regulatory in nature.

HATE CRIME AND OTHER REPORTABLE INCIDENTS

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.

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

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

Aggravated Assault is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.

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

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

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

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

Drug Abuse Violations are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the

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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

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 STATISTICS

CRIMINAL OFFENSES (Reported By Hierarchy)	YEAR	ON CAMPU S	NON CAMP US	PUBLIC PROPER TY	TOT AL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES
Murder / Non- Negligent Manslaughter	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Negligent Manslaughter	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Rape	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Fondling	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Statutory Rape	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Incest	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Robbery	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Aggravated Assault	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Burglary	2022	1	N/A	0	1	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Motor Vehicle Theft	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Arson	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
ARRESTS AND/OR	YEAR	ON CAMPUS	NON CAMPUS	PUBLI C	TOT AL	RESIDENTIAL FACILITIES	UNFOUNDED CRIMES

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DISCIPLINARY ACTION (Reported by Hierarchy)			S	PROPER TY			
Arrests: Liquor Law Violations	2022	0	N /A	0	0	N/A	0
	2021	0	N /A	0	0	N/A	0
	2020	0	N /A	0	0	N/A	0
Disciplinary Referrals: Liquor Law Violations	2022	0	N /A	0	0	N/A	0
	2021	0	N /A	0	0	N/A	0
	2020	0	N /A	0	0	N/A	0
Arrests: Drug Law Violations	2022	0	N /A	0	0	N/A	0
	2021	1	N /A	0	1	N/A	0
	2020	0	N /A	0	0	N/A	0
Disciplinary Referrals: Drug Law Violations	2022	0	N /A	0	0	N/A	0
	2021	0	N /A	0	0	N/A	0
	2020	0	N /A	0	0	N/A	0
Arrests: Illegal Weapons Possessions	2022	0	N /A	0	0	N/A	0
	2021	0	N /A	0	0	N/A	0
	2020	0	N /A	0	0	N/A	0
Disciplinary Referrals: Illegal Weapons Possessions	2022	0	N /A	0	0	N/A	0
	2021	0	N /A	0	0	N/A	0
	2020	0	N /A	0	0	N/A	0

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HATE CRIMES (Not Reported by Hierarchy)	YEAR	ON CAMP US	NO N CAMP US	PUBLI C PROPER TY	TOT AL	RESIDENTIA L FACILITIES	UNFOUNDE D CRIMES
Larceny/Theft	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Simple Assault	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Intimidation	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Destruction, Damager, Vandalism of Property	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
VAWA (Not Reported by Hierarchy)	YEAR	ON CAMP US	NO N CAMP US	PUBLI C PROPER TY	TOT AL	RESIDENTIA L FACILITIES	UNFOUNDE D CRIMES
Domestic Violence	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Dating Violence	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	N/A	0
Stalking	2022	0	N/A	0	0	N/A	0
	2021	0	N/A	0	0	N/A	0
	2020	0	N/A	0	0	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 CSAs. The Clery Act defines four groups of individuals and organizations associated with an institution as CSAs:

- 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
Anderson	Austin	Instructor - Math and Sciences	Kalia 105	808-734-9406
Au Hoy	Jennifer	Director – Medical Assisting Program	Kauila 109	808-734-9230
Branson	Candy	Professor and Department Chair - Social Sciences	Kalia 101D	808-734-9151
Bremser	Sarah	Professor and Dept. Chair - Arts/Humanities	Kauila 101A	808-734-9282
Burke	Laure	Professor and Dept. Chair - Hospitality and Tourism Education	'Olapa 122	808-734-9793
Carter	Michelle	Instructional, Technical, and Student Support - Nursing	Kopiko 201	808-734-9147
Collin	Herve	ASNS Coordinator	Koki'o 202E	808-734-9265
Coloretti McGough	Angela	Student Affairs Coordinator (Interim)	'Ilima 205	808-734-9549

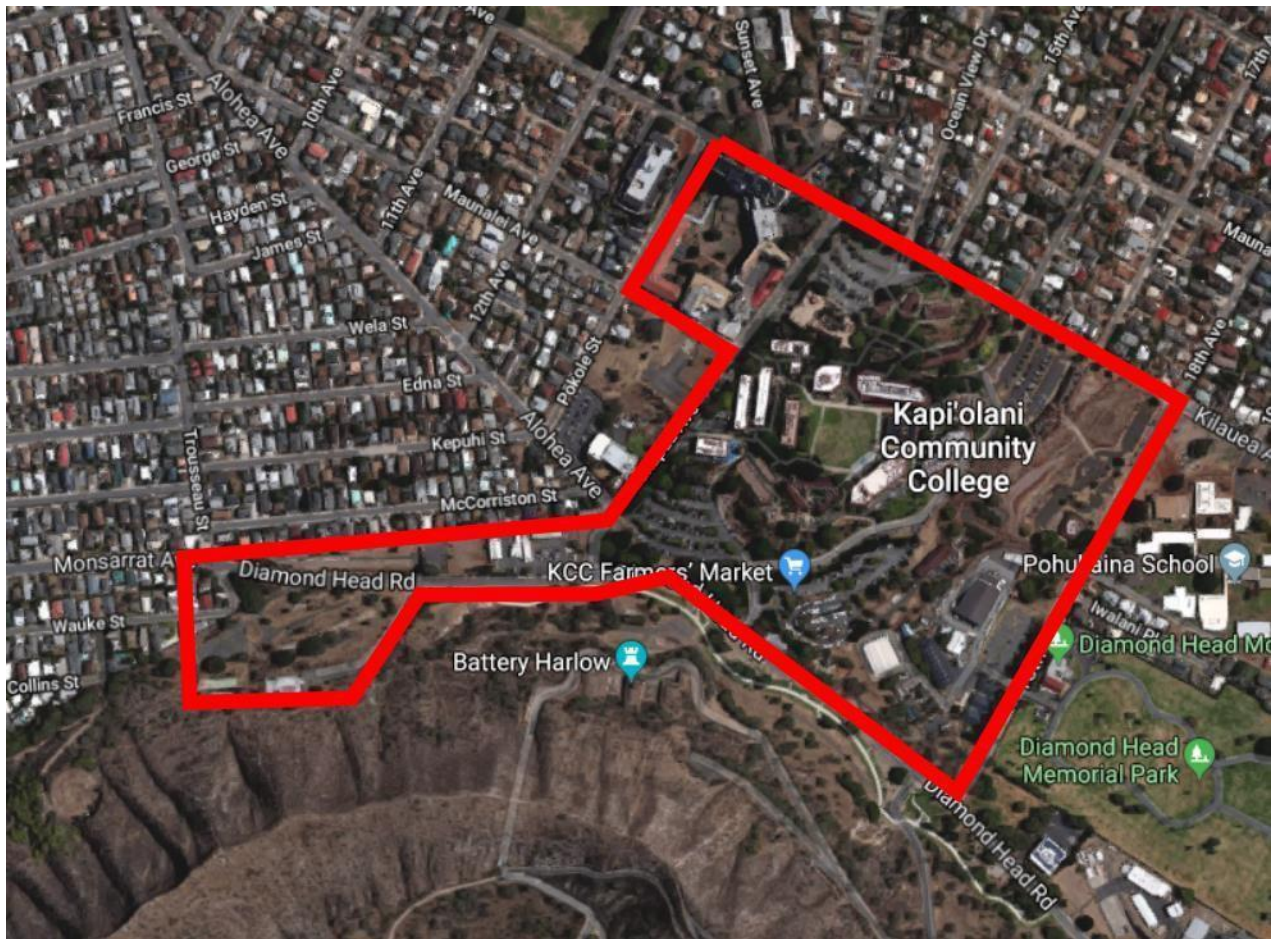
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Dave	Darsh	HR Manager	'Ilima 202	808-734-9575
Denton	Eric	Dean - Arts and Sciences (Interim)	'Ilima 206	808-734-9517
Galarita	Kalei	STEM Outreach and Peer Mentoring Coordinator	Koki'o 202C	808-734-9236
Hoshiko	Carol	Dean- Office of Continuing Education	'Ilima 203	808-734-9568
Itomitsu	Grant	Associate Professor and Dept. Chair - Culinary Arts	'Ohelo 101A	808-734-9485
Kam	Saba	Instructor and Dept. Chair - Nursing	Kopiko 201	808-734-9305
Kanae	Lisa	Professor and Dept. Chair - Language, Linguistics and Literature	Kalia 101	808-734-9283
Kenolio	Ellen Lokelani	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
Maehara	Lori	Culinary Arts Counselor	'Ohelo 121	808-734-9466
Naito	Karl	Assistant Professor and Coordinator-Center for Excellence in Learning, Teaching and Technology	Lama 11B	808-734-9865
Napoleon	Nāwa'a	Vice Chancellor - Academic Affairs	'Ilima 206	808-734-9519
Overton	Joseph	Professor and Dept. Chair - Honda International Center	Olonā 212	808-734-9832
Takabayashi	Misaki	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
Sabatachi	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

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Wolff	Nadine	Dept. Chair - Math and Sciences	Kalia 101	808-734-9356
Zuckernick	Jeffrey	Professor and Dept. Chair - Emergency Medical Services	Kauila 121	808-734-9330

APPENDIX C - CLERY GEOGRAPHY MAP



Solid red 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)

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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