

2024 ANNUAL SECURITY REPORT



UNIVERSITY of HAWAII®

KAPI'OLANI
COMMUNITY COLLEGE



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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 colleges 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 500 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 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 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.

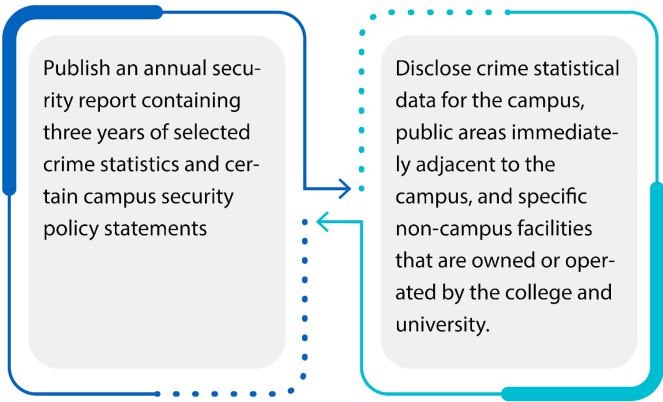
The Violence Against Women Reauthorization Act of 2013 (Pub. Law. 113-4) amended the Violence Against Women Act of 1994 (VAWA) which also added safety- and security-related performance and sexual assault requirements. On March 15, 2022, the President signed into law the Consolidated Appropriations Act of 2022 (Pub. L. 117-103, 136 Stat. 49), which included the Violence Against Women Act Reauthorization Act of 2022 (VAWA 2022).

This Kapi'olani Community College 2024 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 2024 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:



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:

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| Designated Campus Security Authorities (other than Campus Security) | Honolulu Police Department | Department of Law Enforcement, State of Hawai'i | Department of Land and Natural Resources, Division of Conservation and Resource Enforcement |
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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 [2024 ASR](https://go.hawaii.edu/Zga) (<https://go.hawaii.edu/Zga>) is also available online to current and prospective students, faculty, staff, and the general public.

ASR Point of Contact Information

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

Kapi'olani Community College
Attention: Manager of Campus Safety & Emergency Management
4303 Diamond Head Road, 'Ohi'a 103A
Honolulu, Hawai'i 96816

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

CAMPUS SAFETY & EMERGENCY MANAGEMENT

Overview

Each Campus Security Department at each of the institutions in the University of Hawai'i System is independently administered. Security services for Kapi'olani Community College are administered through Kapi'olani Community College's Administrative Services Division. Security services are provided by the Department of Campus Safety and Emergency Management (Campus Security Department).

The unit has two (2) University Security Officer (USO) II positions and five (5) USO I positions which are overseen by the Manager of Campus Safety and Emergency Management. It is anticipated that the Kapi'olani Community College's Campus Security Department will hire additional USO positions in the upcoming year which will result in a reorganization of the Department.

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, USOs 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 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 Kapi'olani 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 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:

- On University property; or
- Outside of University property if:
 - the conduct was in connection with a University-sponsored program or activity; or
 - 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 Standards, 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.

You can access the full [Student Conduct Policy](https://go.hawaii.edu/agD) (<https://go.hawaii.edu/agD>) here.

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/or training, 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)..

Crime Prevention Services

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

- Working with victims and alleged victims in completing incident reports;
- Investigating crimes and working with other college or university offices, or law enforcement, in meeting all internal investigation requirements under federal law;
- Responding to medical, fire and other disaster emergencies;
- Responding to all traffic accidents that occur on the college's property;
- Upholding of university rules and local or federal laws that regulate the use of alcohol, drugs, and weapons;
- Inspecting campus facilities that facilitate safety (i.e., lighting, shrubbery), and other related campus security services;
- Providing first responder assistance in emergency first-aid, cardiopulmonary resuscitation (CPR), automated external defibrillator (AED);
- Crowd control for college events;
- 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, and broadcast email,. In the majority of circumstances, timely warning messages will be communicated via the UH Alert System. Fliers and other informational materials may also be posted in campus buildings, bulletin boards, and digital signage display screens to inform students, faculty, and staff of ongoing safety concerns.

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

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

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

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

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](#). Confidential resources can be found online at <https://go.hawaii.edu/iga>. Please be aware that the College's duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Disclosures to Alleged Victims

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

Daily Crime Log

The Campus 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, the Honolulu Police Department monitors and responds to all crimes reported to them, regardless of location.

The Honolulu Police Department 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. You can visit the [Crime Mapping](#) website (<https://go.hawaii.edu/agR>) here.

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.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

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

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

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.

Campus Notification about an Immediate Threat

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

Based on information received, confirmation of the significant emergency or dangerous situation shall be primarily conducted by the Campus Safety Officers and Auxiliary Services department staff through physical investigation 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,. 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](https://go.hawaii.edu/Sga) (<https://go.hawaii.edu/Sga>).

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](https://go.hawaii.edu/FG) (<https://go.hawaii.edu/FG>) is available for your information.

ACCESS AND SECURITY OF CAMPUS FACILITIES

Kapi'olani Community College allows for the use of campus facilities by students, faculty, staff, affiliated organizations, and non-affiliated groups as long as appropriate facility use guidelines are adhered to. The campus closes at 10:00 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.
- **Facilities and Grounds Surveys:** All potential safety and security hazards observed by security officers are promptly reported to the appropriate individual/unit for corrective action. The supervisors assigned to both Campus Safety and Auxiliary Services 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, 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.

As noted above, 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. The website for [UH Alert enrollment](https://go.hawaii.edu/FG) (<https://go.hawaii.edu/FG>) is available for your information.

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

The University of Hawai'i does not discriminate on the basis of Sex and prohibits Sex Discrimination and Retaliation in any Education Program or Activity that it operates, including in admission and employment.

The above policy statement is taken from [Executive Policy 1.204 – Interim Policy on Sex Discrimination](#) [Interim Policy on Title IX Sexual Harassment](#). The University of Hawai'i and Kapi'olani Community College prohibit the crimes of domestic violence, dating violence, sexual assault, and stalking.

The full policy can be found here: <https://go.hawaii.edu/5JJ>

The full procedure, [AP 1.204 Interim Administrative Complaint Procedures Regarding Sex Discrimination](#), can be found here: <https://go.hawaii.edu/oP>

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 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

The following is the definition, in the applicable jurisdiction, Hawaii, of the following terms: dating violence, domestic violence, sexual assault, stalking, and consent in reference to sexual activity.

Hawaii Criminal Law

Hawai'i Revised Statutes § 709-906

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

(5) Abuse of a family or household member and refusal to comply with the lawful order of a police officer under subsection (4) are misdemeanors and the person shall be sentenced as follows:

- a. For the first offense the person shall serve a minimum jail sentence of forty-eight hours; and
- b. For a second offense that occurs within one year of the first conviction, the person shall be termed a "repeat offender" and serve a minimum jail sentence of thirty days.

(6) It shall be a petty misdemeanor for a person to intentionally or knowingly strike, shove, kick, or otherwise touch a family or household member in an offensive manner; subject the family member or household member to offensive physical contact; or exercise coercive control, as defined in section 586-1, over a family or household member and the person shall be sentenced as provided in sections 706-640 and 706-663. Upon conviction and sentencing of the defendant, the court may order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

(8) For a third or any subsequent offense that occurs within two years of a second or subsequent conviction, the offense shall be a class C felony.

(9) Where the physical abuse consists of intentionally or knowingly causing bodily injury by impeding the normal breathing or circulation of the blood by:

- a. Applying pressure on the throat or the neck with any part of the body or a ligature;
- b. Blocking the nose and mouth; or
- c. Applying pressure to the chest,

abuse of a family or household member is a class C felony; provided that infliction of visible bodily injury shall not be required to establish an offense under this subsection.

For the purposes of this subsection, "bodily injury" shall have the same meaning as in section 707-700.

(10) Where physical abuse occurs in the presence of a minor, as defined in section 706-606.4, and the minor is a family or household member less than fourteen years of age, abuse of a family or household member is a class C felony.

(19) For the purposes of this section:

"Family or household member":

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

Hawaii Civil Law
Hawai'i Revised Statutes § 586-1

Definitions. As used in this chapter:

"**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 or ordinary fraternization between persons in a business or social context.

"**Domestic abuse**" means:

- (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse, 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.

SEXUAL ASSAULT

Hawai'i Revised Statutes § 707-730

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

- a. Knowingly subjects another person to an act of sexual penetration by strong compulsion;
- b. Knowingly engages in sexual penetration with a person who is less than fourteen years old;
- c. Knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that the actor is:
 - i. No less than five years older than the minor; and
 - ii. Not legally married to the minor;
- d. Knowingly subjects to sexual penetration a person who is mentally defective; provided that the actor is negligent in not knowing of the mental defect of the victim; or
- e. Knowingly subjects to sexual penetration a person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person's consent.

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

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

Hawai'i Revised Statutes § 707-731

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

- a. Knowingly subjects another person to an act of sexual penetration by compulsion;

- b. Knowingly subjects to sexual penetration a 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 corrections and rehabilitation 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 corrections and rehabilitation; 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 exception to the warrant clause; or
- d. Knowingly subjects to sexual penetration a person who is at least sixteen years old and the actor is contemporaneously acting in a professional capacity to instruct, advise, or supervise such a person; provided that the actor is:
 - i. No less than five years older than the minor; and
 - ii. 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.

Hawai'i Revised Statutes § 707-732

Sexual Assault in the Third Degree (1) A person commits the offense of sexual assault in the third degree if the person:

- a. Recklessly subjects another person to an act of sexual penetration by compulsion;
- b. Knowingly subjects to sexual contact a person who is less than fourteen years old or causes such a person to have sexual contact with the actor;
- c. Knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes such a person to have sexual contact with the actor; provided that the actor is:
 - i. No less than five years older than the minor; and
 - ii. Not legally married to the minor;

- d. Knowingly subjects to sexual contact a 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 corrections and rehabilitation 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 contact: an imprisoned person; a person confined to a detention facility; a person committed to the director of corrections and rehabilitation; 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.

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.

Hawai'i Revised Statutes § 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.

Hawai'i Revised Statutes § 707-733.6

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

- a. Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and
- b. Engages in three or more acts of sexual penetration or sexual contact with the minor over a period of time, while the minor is under the age of fourteen years.

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

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

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

Hawai'i Revised Statutes § 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.

STALKING

Hawai'i Revised Statutes § 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.

Hawai'i Revised Statutes § 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 as 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.

CONSENT

The Hawai'i Penal Code does not define "consent" in reference to sexual activity.

Policy Definitions from EP 1.204 Related to the Prohibition of the Crimes of Domestic Violence, Dating Violence, Sexual Assault and Stalking

Sex Discrimination

(a) Sexual Assault

Any sexual act directed against another person, without Consent of the Complainant, including instances where the Complainant is incapable of giving Consent; also unlawful sexual intercourse. Sexual Assault includes the following:

i. Rape (except Statutory Rape)

The carnal knowledge (i.e., sexual intercourse) of a person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical Incapacity.

ii. Sodomy

Oral or anal sexual intercourse with another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical Incapacity.

iii. Sexual Assault with an Object

To use an object or instrument to unlawfully penetrate, however slightly, the genital or anal opening of the body of another person, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical Incapacity.

iv. Fondling

The touching of the private body parts, such as genitalia, groin, breast and/or buttocks, of another person for the purpose of sexual gratification, without the Consent of the Complainant, including instances where the Complainant is incapable of giving Consent because of their age or because of their temporary or permanent mental or physical Incapacity.

v. Incest

Nonforcible sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

vi. Statutory Rape

Nonforcible sexual intercourse with a person who is under the statutory age of Consent.

(b) Dating Violence

Violence committed by a person:

- i. Who is in or has been in a social relationship of a romantic or intimate nature with the Complainant; and
- ii. Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - a) the length of the relationship;
 - b) The type of relationship; and
 - c) The frequency of interaction between the persons involved in the relationship.

(c) Domestic Violence

Felony or misdemeanor crimes committed by a person who:

- i. Is a current or former spouse or intimate partner of the Complainant under the family or domestic violence laws of the state of Hawai'i, or a person similarly situated to a spouse of the Complainant;
- ii. Is cohabitating, or has cohabitated, with the Complainant as a spouse or intimate partner;
- iii. Shares a child in common with the Complainant; or
- iv. Commits acts against a youth or adult Complainant who is protected from those acts under the family or domestic violence laws of the jurisdiction.

(d) Sex-Based Stalking

Engaging in a course of conduct on the basis of Sex that is 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.
- iii. For the purposes of this definition:
 - a. *Course of conduct* means two or more acts, including, but not limited to acts in which one person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
 - b. *Reasonable person* means a reasonable person under similar circumstances to the Complainant.
 - c. *Substantial emotional distress* means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

[. . .]

Other Conduct

The following types of conduct may be processed outside of AP 1.204 in accordance with applicable procedures.

(a) Stalking

Stalking is prohibited. Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

- (1) Fear for the person's safety or the safety of others; or
- (2) Suffer substantial emotional distress.
- (3) For the purposes of this definition:
 - (a) *Course of conduct* means two or more acts, including, but not limited to, acts in which one person directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about another person, or interferes with another person's property.
 - (b) *Reasonable person* means a reasonable person under similar circumstances to the Complainant.
 - (c) *Substantial emotional distress* means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Non-sex-based stalking will be processed through Administrative Procedure AP 1.202.

The University has adopted administrative complaint procedures that provide for the prompt and equitable resolution of Complaints of Sex Discrimination or Retaliation. Complaints of Sex-Based

Harassment involving a Student Complainant or Student Respondent will be addressed pursuant to Section V. of AP 1.204; and all other Complaints of Sex Discrimination or Retaliation will be addressed pursuant to Section IV. of AP 1.204.

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 unable to Consent due to a mental disability, or the person is Incapacitated or physically helpless. A person also cannot give Consent if they are unable to understand what is happening or are disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs.

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.

Response Procedures for Victims in the Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

| STEP 1 | STEP 2 | STEP 3 | STEP 4 | STEP 5 |
|--|---|---|---|---|
| Go to a safe location as soon as you are able. | 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. | Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy. | Contact any of the following for confidential assistance: <ol style="list-style-type: none">1. Campus Confidential Resources2. Mental Health Counselor3. Sex Abuse Treatment Center4. Domestic Violence Action Center5. National Domestic Violence Hotline | Or, contact any of the following if you wish to make a formal report: <ol style="list-style-type: none">1. Kapi'olani Community College Title IX Coordinator2. Kapi'olani Community College Campus Safety Department3. 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

The Title IX Coordinator has the specific responsibility to provide prompt and effective response to all complaints of sex discrimination or harassment for faculty, staff and students.

The Title IX Coordinator reports directly to the Chancellor of the college. Questions regarding Title IX should be directed to the Title IX Coordinator. Anyone wishing to make a report relating to sex discrimination or harassment may do so by reporting the concern to HonCC's Title IX Coordinator.

Reports of all domestic violence, dating violence, sexual assault and stalking made to Campus Public Safety will automatically be referred to the Title IX Coordinator for investigation regardless of if the complainant chooses to pursue criminal charges.

| Title IX Coordinator (Devon I. Peterson, JD) | Campus Safety |
|---|---|
| Phone: (808) 734-9542 | 24/7 Phone: (808) 734-9900 |
| Webpage (https://go.hawaii.edu/TSy) | Webpage (https://go.hawaii.edu/dga) |

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:

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:

Kauikaouli Hale
1111 Alakea Street
Honolulu, HI 96813

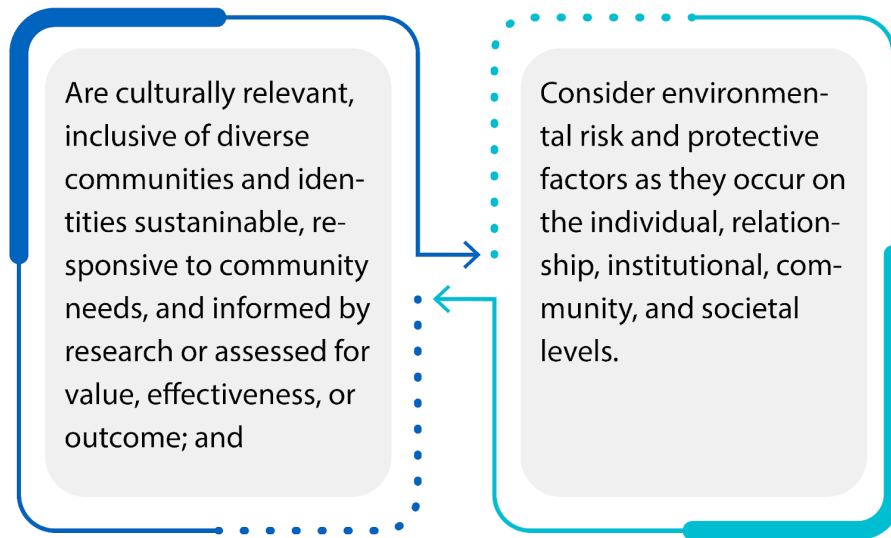
For more information about filing for a Protective Order, please visit the [State of Hawai'i Judiciary website](https://go.hawaii.edu/ag6) (<https://go.hawaii.edu/ag6>)

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 -



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 (i) values, identities and relationships; (ii) gender identities and stereotypes; (iii) sexual harassment and stalking; (iv) consent, coercion and bystander intervention; and (v) reporting options and responsibilities. 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.

Please visit [Vector Solutions training](https://go.hawaii.edu/a9R) (https://go.hawaii.edu/a9R) for more information.

Employees are strongly encouraged to participate in the online training: "Preventing Harassment and Discrimination for Higher Education." This 3 hour 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.

Please visit [Preventing Harassment](https://go.hawaii.edu/NL2) (https://go.hawaii.edu/NL2) for more information.

Other prevention and awareness initiatives include:

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, suggested curriculum activities for instructional faculty, and targeted training.

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 Kapi'olani Community College's policies and resources regarding sexual assault, domestic/ dating/intimate partner violence, sexual harassment, and stalking.

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 sexual 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.

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 tools 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 to initiate sexual behavior.
- Clearly communicate your intentions to your potential sexual partners. Make sure you understand their intentions and/or boundaries before you proceed. If you are unsure what’s OK in any interaction, ask.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Avoid ambiguity. Don’t assume you have consent, regardless of whether someone is attracted to you, of how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don’t have consent.
- Someone’s silence or passivity is not consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn’t want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Even if you don’t think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Understand that exerting power and control over another through sex is unacceptable conduct.

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

Risk Reduction - Bystander Intervention

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

DIRECT

Say or do something that directly engages one or more of the parties involved.

DISTRACT

Say or do something to interrupt the interaction.

DELEGATE

Ask for the help of someone else who may be better able to intervene.

DELAY

Check in with the victim or do something after the difficult moment or incident has passed.



Things to consider before you act:

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

Title IX and VAWA Resolution Process

Kapi'olani Community College's Response Procedures In Cases Of Alleged Dating Violence, Domestic Violence, Sexual Assault, Or Stalking.

Kapi'olani Community 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 Kapi‘olani Community College, below are the procedures that the Title IX Coordinator will follow:

| Incident Being Reported | Procedure College Will Follow |
|-------------------------|---|
| Sexual Assault | <ol style="list-style-type: none">1. Depending on when reported (immediate vs delayed report), Kapi‘olani Community College will assist the reporting party with access to medical care.2. Kapi‘olani Community College will assess immediate safety needs of the reporting party and the rest of the campus.3. Kapi‘olani Community 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. Kapi‘olani Community College will provide the reporting party with referrals to on and off campus mental health providers.5. Kapi‘olani Community College will assess the need to implement interim or long-term protective measures, if appropriate.6. Kapi‘olani Community College will provide the victim with a written explanation of the victim’s rights and options.7. Kapi‘olani Community College will provide a “No trespass” directive to the responding party if deemed appropriate.8. Kapi‘olani Community College will provide written instructions on how to apply for a Protective Order.9. Kapi‘olani Community 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.10. Kapi‘olani Community College will inform the reporting party of the outcome of the investigation, whether the accused will be administratively charged and what the outcome of the hearing is.11. Kapi‘olani Community College will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation. |
| Stalking | <ol style="list-style-type: none">1. Kapi‘olani Community College will assess the immediate safety needs of the reporting party and the rest of the campus . |

2. Kapi‘olani Community College will assist the reporting party with contacting local police if the reporting party requests AND provide the reporting party with contact information for the local police department.
3. Kapi‘olani Community College will provide written instructions on how to apply for Protective Order.
4. Kapi‘olani Community College will provide written information to the reporting party on how to preserve evidence.
5. Kapi‘olani Community College will assess whether there is a need to implement interim or long-term protective measures to protect the reporting party.
6. Kapi‘olani Community College will provide the victim with a written explanation of the victim’s rights and options.
7. Kapi‘olani Community College will provide a “No trespass” directive to the accused party if deemed appropriate.

Dating Violence

1. Kapi‘olani Community College will assess the immediate safety needs of the reporting party and the rest of the campus.
2. Kapi‘olani Community 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. Kapi‘olani Community College will provide written instructions on how to apply for Protective Order.
4. Kapi‘olani Community College will provide written information to the reporting party on how to preserve evidence.
5. Kapi‘olani Community College will assess the need to implement interim or long-term protective measures to protect the reporting party, if appropriate.
6. Kapi‘olani Community College will provide the victim with a written explanation of the victim’s rights and options.
7. Kapi‘olani Community College will provide a “No trespass” directive to the accused party if deemed appropriate.

Domestic Violence

1. Kapi‘olani Community College will assess immediate safety needs of the reporting party and the rest of the campus.
Kapi‘olani Community College will assist the reporting party with contacting the local police if reporting party requests AND reporting party provided with contact information for the local police department.
 2. Kapi‘olani Community College will provide written instructions on how to apply for Protective Order.
Kapi‘olani Community College will provide written information to the reporting party on how to preserve evidence.
 3. Kapi‘olani Community College will assess the need to implement interim or long-term protective measures to protect the reporting party, if appropriate.
 4. Kapi‘olani Community College will provide the victim with a written explanation of the victim’s rights and options.
 5. Kapi‘olani Community College will provide a “No trespass” directive to the accused party if deemed appropriate.
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Confidentiality Statement (Excerpt from EP 1.204)

There is an important distinction between “legal confidentiality” and “privacy.” Legal confidentiality may only be offered by Confidential Employees. In contrast, an individual who is required by policy or law to report incidents of Sex Discrimination or Retaliation can only offer privacy, meaning that they will not disclose information learned from a Reporting individual or bystander any more than is necessary to comply with legal and policy obligations. Information reported to non-Confidential Employees will be treated as private and will be relayed only as necessary for the University to investigate and, if applicable, seek a resolution.

The University will make every effort to preserve the privacy of all Parties to the extent practicable, however, once the University has notice of alleged Sex Discrimination or Retaliation, the University must balance requests for privacy against its obligation to take timely and appropriate action.

Supportive Measures (Excerpt from EP 1.204)

Supportive Measures are individualized measures offered as appropriate, as reasonably available, without unreasonably burdening a Complainant or Respondent, not for punitive or disciplinary reasons, and without fee or charge to the Complainant or Respondent to:

1. Restore or preserve that Party’s access to the University’s Education Program or Activity, including measures that are designed to protect the safety of the Parties or the University’s educational environment; or
2. Provide support during the administrative complaint procedure or during an Informal Resolution process.

Emergency Removal (Excerpt from EP 1.204)

The University may reassign or place an Employee Respondent on leave in accordance with appropriate collective bargaining agreements or policies during the pendency of the administrative complaint procedure under this policy.

The University also may remove a Student Respondent entirely or partially from its education program or activities on an emergency basis if an individualized safety and risk analysis is made, a finding is made that an imminent and serious threat to the health or safety of Complainant or any Students, Employees, or other persons arising from the allegations of Sex Discrimination or Retaliation under this policy, justifies removal, and notice is provided to the Respondent and they are given an opportunity to challenge the removal immediately thereafter. 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 Respondent may be accompanied by an Advisor of their choice to the meeting.

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.

An [electronic copy of this written explanation](https://go.hawaii.edu/agh) (<https://go.hawaii.edu/agh>) is available for your information.

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 time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay.

Interim AP 1.204 includes separate administrative complaint procedures for (1) Administrative Complaint Procedures for Complaints of Sex Discrimination, Including Complaints of Sex-Based Harassment Not Involving a Student Complainant or Respondent; and (2) Complaints of Sex-Based Harassment Involving a Student Complainant and/or Respondent.

Advisors (Excerpt from EP 1.204)

Advisor means an individual chosen by a Party to accompany the Party to meetings related to the Complaint or administrative complaint procedure and to advise the Party on that process. An Advisor may not have a conflict of interest or be a witness in the case.

Informal Resolution (Excerpt from EP 1.204)

In lieu of resolving a Complaint through the University's administrative complaint procedures, the Parties may instead elect, with approval of the respective Title IX Coordinator, to participate in an Informal Resolution process, including but not limited to, facilitated discussions, mediation, ho'oponopono, etc. A Party may request that the matter be resolved through Informal Resolution at any time prior to reaching a Decision.

Receipt of Report of Sex Discrimination or Retaliation (Excerpt from EP 1.204)

Upon receiving a Report of conduct that may reasonably constitute Sex Discrimination or Retaliation, the campus Title IX Coordinator shall assess the information and take the following actions:

1. Treat the Complainant and Respondent equitably;
2. Offer appropriate Supportive Measures (discussed in more detail below) and coordinate the same;
3. Notify the Complainant or, if the Complainant is unknown, the individual who Reported the conduct, of the available administrative complaint procedures and the Informal Resolution process, if available and appropriate;
4. In the absence of a Complaint or the withdrawal of any or all of the allegations in a Complaint, and in the absence or termination of an Informal Resolution process, make a fact-specific selection regarding whether to initiate a Complaint of Sex Discrimination or Retaliation. The Title IX Coordinator must consider, at minimum, the following eight factors:
 - a. The Complainant's request not to proceed with initiation of a Complaint;
 - b. The Complainant's reasonable safety concerns regarding initiation of a Complaint;
 - c. The risk that additional acts of Sex Discrimination or Retaliation would occur if a Complaint is not initiated;
 - d. The severity of the alleged Sex Discrimination or Retaliation, including whether the discrimination, if established, would require the removal of a Respondent from campus or imposition of another disciplinary sanction to end the discrimination or Retaliation and prevent its recurrence;
 - e. The age and relationship of the Parties, including whether the Respondent is an Employee of the University;
 - f. The scope of the alleged Sex Discrimination or Retaliation, including information suggesting a pattern, ongoing Sex Discrimination or Retaliation, or Sex Discrimination or Retaliation alleged to have impacted multiple individuals;
 - g. The availability of evidence to assist a Decision Maker in determining whether Sex Discrimination or Retaliation occurred; and

- h. Whether the University could end the alleged Sex Discrimination or Retaliation and prevent its recurrence without initiating its administrative complaint procedures.

If, after considering these and other relevant factors, the Title IX Coordinator determines that the conduct as alleged presents an imminent and serious threat to the health or safety of the Complainant or other person, or that the conduct as alleged prevents the University from ensuring equal access on the basis of Sex to its Education Program or Activity, the Title IX Coordinator may initiate a Complaint.

If the Title IX Coordinator initiates a Complaint, the Title IX Coordinator must notify the Complainant prior to doing so and appropriately address reasonable concerns about the Complainant's safety or the safety of others.

5. Regardless of whether a Complaint is initiated, take other appropriate and prompt and effective steps, in addition to steps necessary to effectuate the Remedies provided to an individual Complainant, if any, to ensure that Sex Discrimination or Retaliation does not continue or recur within the University's Education Program or Activity.

Receipt of Complaint of Sex Discrimination or Retaliation (Excerpt from EP 1.204)

Upon receiving a Complaint of conduct that may reasonably constitute Sex Discrimination or Retaliation, the campus Title IX Coordinator shall assess the information and take the following actions:

1. Actions 1-5 from Section IV.F. of this Policy, if not already done;
2. Consider whether dismissal of the Complaint is appropriate;
3. In response to a Complaint, as applicable and appropriate, initiate the administrative complaint procedures or the Informal Resolution process; and
4. Notify the Respondent of the allegations, the applicable administrative complaint procedures, and the Informal Resolution process, if available and appropriate.

Investigator (Excerpt from EP 1.204)

Investigator is an impartial individual(s) assigned by the Title IX Coordinator to gather facts, assess relevance, synthesize the evidence, and compile the information into a Fact-Finding Report.

Administrative Complaint Procedures for Complaints of Sex Discrimination, Including Complaints of Sex-Based Harassment Not Involving a Student Complainant or Respondent (Excerpt from AP 1.204)

The administrative complaint procedures under this Section IV. incorporate the following general requirements:

1. The University will treat Complainants and Respondents equitably.
2. The University requires that any Title IX Coordinator, Investigator, or Decision Maker not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.
3. The University presumes that the Respondent is not responsible for the alleged Sex Discrimination or Retaliation until a Decision is made at the conclusion of its administrative complaint procedures.

4. The University will not impose discipline on a Respondent for prohibited Sex Discrimination or Retaliation unless there is a Decision at the conclusion of the administrative complaint procedures that the Respondent engaged in prohibited Sex Discrimination or Retaliation.
5. The University will not discipline a Party, witness, or others participating in the administrative complaint procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Decision whether Sex Discrimination or Retaliation occurred.
6. The University has established the following timeframes for the major stages of the administrative complaint procedures:
 - a. Evaluation: 15 business days from University's receipt of the Complaint.
 - b. Investigation: 60 business days from the date the Investigator is assigned and receives the Complaint file.
 - c. Decision: 20 business days from the conclusion of the investigation process.
 - d. Appeal and Final Determination, if any: 20 business days from the Appeal Officer's receipt of the final written statement or expiration of the deadline to do so.

The above timeframes are good-faith approximations and also may be extended for good cause.

7. The University has also established the following process that allows for the reasonable extension of timeframes on a case-by case basis for good cause with written notice to the Parties that includes the reason for the delay:
 - a. The Title IX Coordinator may reasonably extend timeframes for good cause. Good cause includes the availability of the Parties and witnesses; the timing of breaks; efforts to utilize Informal Resolution; compliance with a request by external law enforcement; accounting for complexities of a case such as the number of witnesses and volume of information provided by the Parties; or addressing other legitimate reasons.
 - b. The Parties or Investigator(s) may request extensions that will be granted, if reasonable, at the discretion of the Title IX Coordinator. Extensions granted to one Party will be granted to the other Party. Requests for an extension for the purpose to simply prolong the process will not be permitted. Deadlines will be enforced, and a failure to meet deadlines may result in forfeiture of a Party's ability to participate in that aspect of the investigation.
8. The University will take reasonable steps to protect the privacy of the Parties and witnesses during its administrative complaint procedures. These steps will not restrict the ability of the Parties to obtain and present evidence, speak with witnesses; consult with family members, confidential resources, or Advisors; or otherwise prepare for or participate in the administrative complaint procedures.
9. The University will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility assessments will not be based on a person's status as a Complainant, Respondent, or witness.

10. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:
- a. Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
 - b. A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the University obtains that Party's or witness's voluntary, written consent for use in its administrative complaint procedures; and
 - c. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude a Decision that Sex-Based Harassment occurred.
11. Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in these proceedings.

Administrative Complaint Procedures for Complaints of Sex-Based Harassment Involving a Student Complainant and/or Respondent (Excerpt from AP 1.204)

The administrative complaint procedures under this Section V. incorporate the following general requirements:

1. The University will treat Complainants and Respondents equitably.
2. The University requires that any Title IX Coordinator, Investigator, or Decision Maker not have a conflict of interest or bias for or against Complainants or Respondents generally, or an individual Complainant or Respondent.
3. The University presumes that the Respondent is not responsible for the alleged Sex-Based Harassment until a Decision is made at the conclusion of its administrative complaint procedures.
4. The University will not impose discipline on a Respondent for prohibited Sex-Based Harassment unless there is a Decision at the conclusion of the administrative complaint procedures that the Respondent engaged in prohibited Sex-Based Harassment.
5. The University will not discipline a Party, witness, or others participating in the administrative complaint procedures for making a false statement or for engaging in consensual sexual conduct based solely on the Decision whether Sex-Based Harassment occurred.

6. The University has established the following timeframes for the major stages of the administrative complaint procedures:
 - a. Evaluation: 15 business days from University's receipt of the Complaint.
 - b. Investigation: 60 business days from the date the Investigator is assigned and receives the Complaint file.
 - c. Hearing: 20 business days from the conclusion of the investigation process.
 - d. Decision: 20 business days from the conclusion of the hearing.
 - e. Appeal and Final Determination, if any: 20 business days from the Appeal Officer's receipt of the final written statement or expiration of the deadline to do so.

The above timeframes are good-faith approximations and also may be extended for good cause.

7. The University has also established the following process that allows for the reasonable extension of timeframes on a case-by case basis for good cause with written notice of any extension to the Parties that includes the reason for the delay:
 - a. The Title IX Coordinator may reasonably extend timeframes for good cause. Good cause includes the availability of the Parties and witnesses; the timing of breaks; efforts to utilize Informal Resolution; compliance with a request by external law enforcement; accounting for complexities of a case such as the number of witnesses and volume of information provided by the Parties; or addressing other legitimate reasons.
 - b. The Parties or Investigator(s) may request extensions that will be granted, if reasonable, at the discretion of the Title IX Coordinator. Extensions granted to one Party will be granted to the other Party. Requests for an extension for the purpose to simply prolong the process will not be permitted. Deadlines will be enforced, and a failure to meet deadlines may result in forfeiture of a Party's ability to participate in that aspect of the investigation.
8. The University will take reasonable steps to protect the privacy of the Parties and witnesses during its administrative complaint procedures. These steps will not restrict the ability of the Parties to obtain and present evidence; speak with witnesses; consult with family members, confidential resources, or Advisors; or otherwise prepare for or participate in the administrative complaint procedures.
9. The University will objectively evaluate all evidence that is relevant and not otherwise impermissible – including both inculpatory and exculpatory evidence. Credibility assessments will not be based on a person's status as a Complainant, Respondent, or witness.
10. The following types of evidence, and questions seeking that evidence, are impermissible (i.e., will not be accessed or considered, except by the University to determine whether one of the exceptions listed below applies; will not be disclosed; and will not otherwise be used), regardless of whether they are relevant:

- a. Evidence that is protected under a privilege recognized by federal or state law or evidence provided to a Confidential Employee, unless the person to whom the privilege or confidentiality is owed has voluntarily waived the privilege or confidentiality;
- b. A Party's or witness's records that are made or maintained by a physician, psychologist, or other recognized professional or paraprofessional in connection with the provision of treatment to the Party or witness, unless the University obtains that Party's or witness's voluntary, written consent for use in its administrative complaint procedures; and
- c. Evidence that relates to the Complainant's sexual interests or prior sexual conduct, unless evidence about the Complainant's prior sexual conduct is offered to prove that someone other than the Respondent committed the alleged conduct or is evidence about specific incidents of the Complainant's prior sexual conduct with the Respondent that is offered to prove Consent to the alleged Sex-Based Harassment. The fact of prior consensual sexual conduct between the Complainant and Respondent does not by itself demonstrate or imply the Complainant's Consent to the alleged Sex-Based Harassment or preclude a Decision that Sex-Based Harassment occurred.

11. Formal rules of process, procedure, and technical rules of evidence, such as applied in criminal or civil court, are not used in these proceedings.

Decision (Excerpt from AP 1.204)

Decision means the conclusion of the Decision Maker based on the preponderance of the evidence standard of proof whether the alleged conduct occurred, whether the conduct met the definition of Sex Discrimination or Retaliation, and whether a policy violation occurred. If the Decision Maker is not persuaded under the preponderance of the evidence standard that Sex Discrimination or Retaliation occurred, whatever the quantity of the evidence is, the Decision Maker will not determine that Sex Discrimination or Retaliation that amounted to a policy violation occurred.

1. The Decision Maker will issue a Cause Finding if they are persuaded that a policy violation occurred.
2. The Decision Maker will issue a No Cause Finding if they are not persuaded that a policy violation occurred.

Disciplinary Sanctions and Remedies (Excerpt from AP 1.204)¹

1. Following a Decision without a subsequent appeal or Final Determination that Sex Discrimination or Retaliation occurred, the University may impose disciplinary sanctions upon the Respondent, in accordance with appropriate collective bargaining agreements, which may include but are not limited to:
 - a. For a Student Respondent: disciplinary warning; disciplinary probation; residential probation; residential suspension; suspension; expulsion; fines; behavioral agreements; no-contact orders; letter of apology; reflection/research papers;

¹ Both the student and non-student complaint procedures sections under AP 1.204 contain the same sanctions and remedies as excerpted in this section.

community restitution; mandatory training and education; mandatory meeting(s) with the Title IX Coordinator or designee; mandatory counseling; withholding or delaying the conferral of degree.

To maintain consistency, the Decision Maker should consult with the Senior Student Affairs Officer prior to imposing Student disciplinary actions.

- b. For an Employee Respondent: written warning; final written warning; suspension; involuntary termination. To maintain consistency, the Decision Maker should consult with Human Resources prior to imposing Employee disciplinary actions.
2. Disciplinary sanctions will only be disclosed to the Complainant when there is a finding of Sex Discrimination.
3. The University may provide Remedies designed to restore or preserve equal access to the University's Education Program or Activity, which may include, but are not limited to: a campus directive of no contact; limiting and/or scheduling access of individual buildings; making an escort available to assist a Complainant or Respondent to move safely between classes and campus activities; adjusting class or work schedules or methods of participating in activities to minimize campus contact between a Complainant and a Respondent; moving a Complainant or Respondent to a different residence hall and/or dining hall; counseling services; medical services; academic support, such as extensions of deadlines or other course-related adjustments; changes in work locations; leaves of absence; increased security and monitoring of certain areas of campus; or adjusting reporting lines. For Employee Respondents, the University may also issue no-contact orders, mandated counseling and/or training, verbal warnings/reprimands, and/or conference summaries as Remedies.

Appeals (Excerpt from AP 1.204)²

1. The University will offer an appeal from a dismissal or Decision on the following bases:
 - a. Procedural irregularity that would change the outcome;
 - b. New evidence that would change the outcome and that was not reasonably available when the Decision or dismissal was made; and
 - c. The Title IX Coordinator, Investigator, or Decision Maker had a conflict of interest or bias for or against Complainants or Respondents generally, or the individual Complainant or Respondent that would change the outcome.
2. If a Party appeals a dismissal or Decision, the University will:
 - a. Notify the Parties of any appeal, including notice of the allegations, if notice was not previously provided to the Respondent;
 - b. Implement appeal procedures equally for the Parties;
 - c. Ensure that the Appeal Officer did not take part in an Investigation of the allegations, dismissal of the Complaint, or serve as the Decision Maker; and

² Both the student and non-student complaint procedures sections under AP 1.204 contain the same appeals language as stated in this section.

- d. Ensure that the Appeal Officer has been trained consistent with the Title IX regulations.
3. An appeal by either Party must be made in writing to the Title IX Coordinator within seven (7) business days after such Party has received notice of the dismissal or Decision. An appeal must state the ground on which the appeal is made.
4. Upon receipt of an appeal, the Title IX Coordinator shall consider the stated basis for the appeal. If the appeal does not set forth a permissible basis, the Title IX Coordinator will make reasonable efforts to clarify the basis for the appeal with the appealing Party. The Party may have an additional seven (7) business days to clarify the basis for the appeal.
5. The Title IX Coordinator shall forward the appeal to the other Party. The non-appealing Party will have five (5) business days to submit a written statement in support of or against the appeal to the Title IX Coordinator. The Title IX Coordinator shall appoint an Appeal Officer and forward the appeal and any additional written statement, if applicable, to the Appeal Officer within five (5) business days of receipt.
6. The Appeal Officer will examine the information presented and issue a written conclusion or Final Determination, as applicable, regarding the appeal and the rationale for the appeal decision within twenty (20) business days from when the Title IX Coordinator forwarded the appeal documents. This written conclusion or Final Determination will be provided to both Parties simultaneously and cannot be further appealed under these procedures or related policy, EP 1.204.
7. For all included Respondent Employees covered by collective bargaining, appeals of disciplinary actions shall be filed in accordance with the applicable collective bargaining agreement. For all excluded Respondent Employees, appeals of disciplinary actions shall be filed in accordance with Administrative Procedure AP 9.110, Employment-Related Grievance Procedure for Persons (Including Applicants for Positions) Not Covered by Collective Bargaining Agreement Grievance Procedures or Other Applicable Procedures.

Recordkeeping (Excerpt from AP 1.204)

For each Complaint of Sex Discrimination or Retaliation, the University will maintain records for seven (7) years documenting the Informal Resolution process or administrative complaint procedure, as applicable, and the resulting outcome.

For each notification the Title IX Coordinator receives of information about conduct that reasonably may constitute Sex Discrimination or Retaliation, the University will maintain records for seven (7) years documenting the actions it took to meet its obligations under 34 CFR § 106.44.

For a period of seven (7) years, the University also will maintain all materials used to train: (1) its Employees, (2) Investigators, Decision Makers, and other persons who are responsible for implementing the University's administrative complaint procedures or have the authority to modify or terminate Supportive Measures, (3) facilitators of Informal Resolution processes, and (4) Title IX Coordinators and designees.

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.

The walk-in location to obtain information is the Hawaii Criminal Justice Data Center located at Kekuanaoa Building, Room 102, 465 S. King Street, Honolulu HI 96813. Office hours are 7:45 AM to 4:30 PM HST Monday through Fridays except for holidays. Their phone number is (808) 587-3100 for directions or other information.

A listing of all registered sex offenders in Hawai'i is available to the general public via an [online database](https://go.hawaii.edu/4ga) (<https://go.hawaii.edu/4ga>).

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 unless a special permit for consumption of alcoholic beverages on campus has been issued by the Chancellor. The College expects lawful behavior by employees and students during their presence on College premises and at College events. Within the constraints of its mission, the College encourages cooperation with law enforcement agencies in enforcing statutes regarding the use of illegal drugs.

The [University of Hawai'i Executive Policy EP 11.201](https://go.hawaii.edu/yP4) (<https://go.hawaii.edu/yP4>) 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 (<https://go.hawaii.edu/agD>).

The code includes the following prohibitions:

"Use, possession, manufacturing, or distribution or other unauthorized use of controlled substances or paraphernalia except as expressly permitted by law. Controlled substances include but are not limited to marijuana, methamphetamine, narcotics, and opioids." UH Executive Policy [EP 7.208](#), Part IV(B)(14)

"Use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by UH System Policies, state or federal law), or public intoxication while on any UH premise or at any UH sponsored event or ancillary site. Alcoholic beverages may not, in any circumstance, be used, possessed, or distributed to any person under twenty-one (21) years of age." UH Executive Policy [EP 7.208](#), Part IV(B)(15)

Employee Disciplinary Action

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

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 pages 36-37 of the [Drugs of Abuse Resource Guide](#) (<https://go.hawaii.edu/agq>) on the United States Drug Enforcement Administration website.

Highlights Of Hawai'i Laws

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

- Class A felony: fine not exceeding \$50,000 and/or an indeterminate term of imprisonment of 20 years without possibility of suspension of sentence or probation.
- Class B felony: fine not exceeding \$25,000 and/or imprisonment of not more than 10 years.
- Class C felony: fine not exceeding \$10,000 and/or imprisonment of not more than 5 years.
- Misdemeanor: fine not exceeding \$2,000 and/or imprisonment of not more than 1 year.
- Petty misdemeanor: fine not exceeding \$1,000 and/or imprisonment of not more than 30 days. 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 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 95,000 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 (<https://go.hawaii.edu/Hga>).

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 | Honolulu Location(s) 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/ |
| 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/adept.php |
| 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

Illegal or unauthorized possession of firearms, explosives, other weapons, or dangerous chemicals on Kapi'olani Community College's premises or use of any such item, even if legally possessed, in a manner that harms, threatens or causes fear to others is strictly prohibited. Illegal and dangerous weapons include, but are not limited to, firearms, ammunition, spear guns, explosives, tasers, and dangerous substances. Since 2003, public displays of any type of "replica" firearm have been illegal; this includes pellet, air, water, and toy guns. Any person found in violation may be subject to all applicable state and federal laws as well as all applicable policies, which includes but is not limited to the Student Conduct Code. Should you suspect or discover someone on campus in possession of a weapon, contact Campus Security 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

Any building or property not within the same reasonably contiguous geographic area of the institution; and, is owned or controlled

a student organization that is officially recognized by the institution.

by an institution that is used in direct support of, or in relation to, the institution's educational purposes.

Public Property

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)

Primary Crimes

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

Negligent Manslaughter is the killing of another person through gross negligence.

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.

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.

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

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.

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

Sex Offenses

Sexual Assault (Sex Offenses): 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 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.

Alcohol, Drug and Weapon Violations

Liquor Law Violations are defined as the violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)

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.

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.

Hate Crimes

A Hate Crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim.

Under the Clery Act, Hate Crimes include any of the following offenses motivated by bias: Murder and Non-negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in your Clery Act statistics only if they are Hate Crimes:

- **Larceny-theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- **Simple Assault:** An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.
- **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual attack. Includes cyber-intimidation if victim is threatened on Clery geography.
- **Destruction, damage or vandalism of property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

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.

APPENDIX A - CRIME STATISTICS

| Criminal Offenses (Reported by Hierarchy) | Year | On Campus | Non Campus | Public Property | Total | Residential Facilities | Unfounded Crimes |
|--|------|--------------|---------------|--------------------|-------|---------------------------|---------------------|
| Murder / Non-Negligent Manslaughter | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Negligent Manslaughter | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Rape | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Fondling | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Statutory Rape | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Incest | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Robbery | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Aggravated Assault | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Burglary | 2023 | 1 | N/A | 0 | 1 | N/A | 0 |
| | 2022 | 1 | N/A | 0 | 1 | N/A | 0 |

| | | | | | | | |
|---------------------|------|---|-----|---|---|-----|---|
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Motor Vehicle Theft | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Arson | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |

| Arrests and/or Disciplinary Action (Reported by Hierarchy) | Year | On Campus | Non Campus | Public Property | Total | Residential Facilities | Unfounded Crimes |
|--|------|-----------|------------|-----------------|-------|------------------------|------------------|
| Arrests: Liquor Law Violations | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Disciplinary Referrals: Liquor Law Violations | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Arrests: Drug Law Violations | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 1 | N/A | 0 | 1 | N/A | 0 |
| Disciplinary Referrals: Drug Law Violations | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Arrests: Illegal Weapons Possessions | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Disciplinary Referrals: Illegal Weapons Possessions | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |

| Hate Crimes (Not Reported by Hierarchy) | Year | On Campus | Non Campus | Public Property | Total | Residential Facilities | Unfounded Crimes |
|--|------|--------------|---------------|--------------------|-------|---------------------------|---------------------|
| Larceny/Theft | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Simple Assault | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Intimidation | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Destruction, Damager, Vandalism of Property | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |

| VAWA (Not Reported by Hierarchy) | Year | On Campus | Non Campus | Public Property | Total | Residential Facilities | Unfounded Crimes |
|-------------------------------------|------|--------------|---------------|--------------------|-------|---------------------------|---------------------|
| Domestic Violence | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Dating Violence | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |
| Stalking | 2023 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2022 | 0 | N/A | 0 | 0 | N/A | 0 |
| | 2021 | 0 | N/A | 0 | 0 | N/A | 0 |

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:

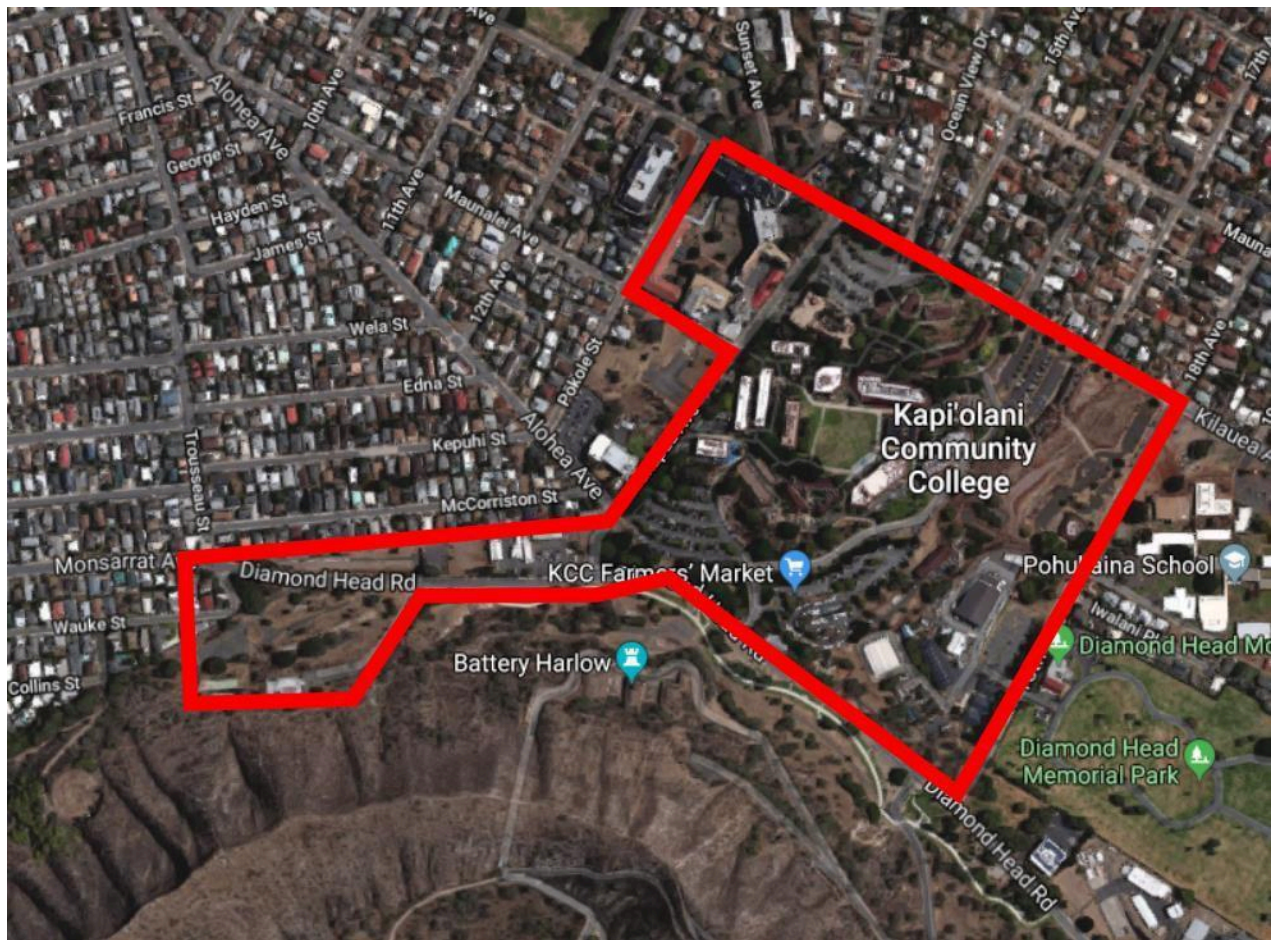
- A campus police department or a campus security department of the institution.
- Any individual or individuals who have responsibility for campus security but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the 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 Dept. Chair Social Sciences | Kalia 101D | 808-734-9151 |
| Bremser | Sarah | Professor and Dept. Chair Arts/Humanities | Kauila 101A | 808-734-9282 |
| Boyer | Karen | Dean Health Science (Interim) | lima 206 | 808-734-9569 |
| Burke | Laure | Dean Business, Legal Technology, Culinary and Hospitality (Interim) | 'Ilima 206 | 808-734-9513 |
| Carter | Michelle | Instructional, Technical, and Student Support Nursing | Kopiko 201 | 808-734-9147 |
| Collin | Herve | ASNS Coordinator | Koki'o 202E | 808-734-9265 |
| Dave | Darsh | HR Manager | 'Ilima 202 | 808-734-9575 |

| | | | | |
|-------------|----------|--|-------------|--------------|
| 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 |
| 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 | 'Ōhelo 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 |
| Ogata | Veronica | Dean of Arts & Sciences | 'Ilima 206C | 808-734-9282 |
| Oho | Stacey | Professor and Dept. Chair Emergency Medical Services | Kauila 124B | 808-734-9205 |
| Takabayashi | Misaki | Chancellor | 'Ilima 213 | 808-734-9565 |
| Torres | Caroline | Professor and Dept. Chair Language, Linguistics and Literature | Kalia 101B | 808-734-9283 |
| Peterson | Devon | Title IX Coordinator | 'Iliahi 116 | 808-734-9542 |
| 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 |
| Wolff | Nadine | Dept. Chair Math and Sciences | Kalia 101 | 808-734-9356 |

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.

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 |
| 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 |