



# **Honolulu Community College 2021 Annual Security Report**



This report reflects the current safety, security and emergency management policies and procedures in addition to the statistics for certain reportable crimes and other incidents as defined by federal law for the period beginning January 1, 2020 through December 31, 2020.

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UNIVERSITY of HAWAII\*  
**HONOLULU**  
COMMUNITY COLLEGE

Office of the Chancellor

September 14, 2021

Dear Honolulu CC Community:

Honolulu Community College is committed to ensuring a safe and positive learning and working environments for all.

The Annual Security Report, which includes information compliant with the federal Clery Act, will provide you with safety and security information and policy statements that are applicable to all the Honolulu Community College sites, which includes the main campus and three off campus training sites. The publication also provides crime statistics specific to each location. I encourage you to read the content of this publication thoroughly, and consider how you can use the information to help you make better decisions about your own personal safety and security.

To ensure optimal safety and security at Honolulu CC, everyone is expected to contribute. Remember, when you see something suspicious or of concern, say something. Campus security can be reached 24 hours a day, 7 days a week, at (808) 284-1270. The well-being of our campus can only be achieved through the active communication and awareness of every member of our Honolulu CC community.

Thank you for your attention to the Annual Security Report and for making safety a priority on our campus. If you have any questions or comments regarding the information contained in this report, please contact Derek Inafuku, Vice Chancellor of Administrative Services.

Sincerely,

A handwritten signature in blue ink, appearing to read "Karen C. Lee".

Karen C. Lee  
Interim Chancellor

874 Dillingham Boulevard  
Honolulu, Hawai'i 96817-4598  
Telephone: (808) 845-9211  
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An Equal Opportunity/Affirmative Action Institution



### **About the Institution**

Honolulu CC was originally established in 1920 as the “Territorial Trade School” in the Kāpalama district of the city of Honolulu. Subsequently, it became part of the, then, growing UH System as a result of the Community College Act of 1964. In 1966, the University of Hawai`i’s Board of Regents approved the name “Honolulu Community College” and authorized the school to grant Associate in Arts and Associates in Science degrees.

## **Campus Description and Clery Act Geographical Boundaries**

Honolulu Community College has 3 separate campuses--the main campus, the Marine Education and Training Center (METC), and Aeronautics Maintenance Technology Training Center (aka Aero).

**Main Campus:** Honolulu Community College (College) is a 2-year public institution that offers both liberal arts and vocational education programs. The campus is located at 874 Dillingham Boulevard in the town of Honolulu on the island of Oahu.

The campus is comprised of 24 academic and administrative facilities in addition to open space lawns and a walking mall. The main campus abuts to Dillingham Boulevard and is bounded on each end by Kokea Street and Akepo Lane. The College enjoys ingress and egress along Robello Lane during campus hours.

The campus also has a parking lot, diesel mechanic shop, and automotive training center that is within a reasonable contiguous distance at the southern end of Kokea Street. The main campus Clery Act geographical boundaries include the adjacent sidewalks, the roadways, and opposing sidewalks of all named streets (SEE Appendix A.1).

The main campus has security officers on duty 24 hours a day, 7 days a week. They can be reached at (808) 284-1270

**Marine Education and Training Center (METC):** METC is located at 10 Sand Island Parkway, Honolulu; and, is bounded on the north by the ocean shoreline; on the east by the Sand Island Parkway; on the west by the Sand Island Boat ramp parking lot; and, on the south by undeveloped land (SEE Appendix A.2). METC's geographical boundary is delineated by a secured fence line. Although our security staff make routine random checks of this campus, METC does NOT have a dedicated security officer providing on site coverage. Security can be reached at the main campus at (808) 284-1270. If you have an emergency, please call **911** then make a follow up call to security on campus.

**Aeronautics Maintenance Technology Training Center (aka Aero):** Aero is located at 140 Iako Place, Honolulu; and, is bounded on the east by Iako Place; on the south by Lagoon Drive; on the north by the Daniel K. Inouye International Airport runway (which is fenced); and, on the west by FedEx Ground (which is also fenced) (See Appendix A.3). Aero's geographical boundary extends to the far sidewalk of Lagoon Drive. Although our security staff make routine random checks of this campus, AERO does NOT have a dedicated security officer providing on site coverage. Security can be reached at the main campus at (808) 284-1270. If you have an emergency, please call **911** then make a follow up call to security on campus.

Each academic semester, Honolulu CC enjoys a population of approximately 8,000 students (credit and noncredit), faculty, and staff. At any given time, the campus community can also include guests, contractors, and vendors.



## **Commitment to Safety and Security**

Honolulu Community College (HonCC) is firmly committed to providing a safe and secure campus environment. Our institution's policies and procedures are designed to ensure that best practices are followed to protect persons and property.

We believe in being proactive in matters of campus safety and security; and we encourage you to familiarize yourself with the contents of this Annual Security Report (Report). This Report provides information about our Campus Security Department, procedures for reporting crimes, emergency procedures, safety and security programs, important policy statements, and crime statistics—all of which are intended to assist you in making sound decisions about your own personal safety and security.

An annual security report is a requirement of all institutions of higher education that participate in Title IV Student Financial Aid programs. As a part of our performance obligations under the federal Clery Act, we have published this document in accordance with the guidelines set forth in *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, 2016 Edition).

## **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 HEOA. The HEOA further amended the Clery Act, and created additional safety and security performance and disclosure requirements for postsecondary institutions.

The Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) amended the Violence Against Women Act of 1994 (VAWA), which also added safety- and security-related performance and disclosure requirements. This Honolulu Community College 2020 Annual Security Report has been published in accordance with the disclosure and information requirements of the current amended versions of the Clery Act, the HEOA, and the VAWA.

## **Scope of ASR Statistics**

This ASR contains statistical data and information for the main campus and the three satellite campuses. For more information on HPD crime statistics please visit <http://www.honolulupd.org>

## **Preparation for the Annual Disclosure of Crime Statistics**

The Vice Chancellor for Administrative Services (VCAS) coordinates activities related to the collection of annual crime statistics for the institution's Annual Security Report (ASR). The primary source of statistical data comes from the Campus Security Department to whom crimes and incidents are generally reported.

But, because not all incidents are reported to Campus Security, other sources are sought for statistical data. These sources include the following:

- Designated Campus Security Authorities (other than Campus Security Department personnel)
- Honolulu Police Department (local police for the City and County of Honolulu)  
<http://www.honolulupd.org>
- Department of Public Safety-Sheriffs Division (State of Hawaii)
- Department of Transportation, Airports Division-Oahu District; Honolulu International Airport (State of Hawaii)
- Department of Land and Natural Resources, Division of Conservation and Resource Enforcement (State of Hawaii)

## **THE CAMPUS SECURITY DEPARTMENT**

### **Authority to Implement Safety and Security Programs**

The University of Hawaii Board of Regents policy (RP 11.205 Public Health, Safety and Security) delegates authority to the University of Hawaii President, the responsibility to establish policies and procedures that address matters affecting the health, safety and security of the University of Hawaii. Each campus has been delegated the authority to develop specific programs for providing security services.

### **Campus Security Department**

Under guidance from the Vice President for Community Colleges, each campus has an established Campus Security Department (Department). The Office of the Vice Chancellor for Administrative Services is responsible for the executive oversight of the Department's functions for Honolulu Community College. A full-time Safety and Security Manager oversees the day-to-day security operations in addition to compliance activities related to safety, security, and emergency management. This employee is also the designated "Clery Compliance Officer" for Honolulu Community College.

## **The Security Workforce**

The Campus Security Department consists of uniformed, state-employed University Security Officers (USOs) who are required to hold a professional license under the State of Hawaii, Department of Commerce and Consumer Affairs-Professional Licensing Division. All USOs are non-sworn/unarmed personnel who are authorized to enforce safety-, security-, and emergency management-related policies and procedures of Honolulu Community College, of the Community Colleges System, and the University of Hawai'i System.

Under the current *Campus Security Standard Operating Procedures for the University of Hawaii Community Colleges* USOs do not have arrest authority; but, are authorized to take appropriate actions in support of federal/state/local laws, ordinances, and governmental executive orders and directives.

In order to maintain safety as well as maintain order until the arrival of law enforcement, emergency medical services, or other appropriate response professionals, USOs are authorized to (as examples) identify any person on campus jurisdiction, conduct field interviews, maintain the custodial integrity of property that could be classified as evidence, or detain persons until the arrival of law enforcement who will make the final determination for subsequent, formal arrest or remand for campus disciplinary referral.

Contract security services (whose personnel are also required to maintain a professional license; separately uniformed and also non-sworn/unarmed) are utilized on a limited basis to supplement the security workforce; and, to provide additional security coverage during special functions and events.

## **Crime Statistics from Law Enforcement Agencies**

The Allied Safety and Security Manager coordinates activities related to the collection of annual crime statistics for the institution's Annual Security Report (ASR). The primary source of statistical data comes from the Campus Security Department to whom crimes and incidents are generally reported.

But, because not all incidents are reported to Campus Security, other sources are sought for statistical data. These sources include the following:

- Designated Campus Security Authorities (other than Campus Security Department personnel)
- Honolulu Police Department (local police for the City and County of Honolulu)  
<http://www.honolulupd.org>

- Department of Public Safety-Sheriffs Division (State of Hawaii)
- Department of Transportation, Airports Division-Oahu District; Honolulu International Airport (State of Hawaii)
- Department of Land and Natural Resources, Division of Conservation and Resource Enforcement (State of Hawaii)

## **Security Workforce Training**

University Security Officers (USOs) under licensure with the State of Hawai'i, Department of Commerce and Consumer Affairs (DCCA), are required to receive initial training and continuing education in accordance with the Hawai'i Revised Statute, Chapter 463-10.5 Guards; registration, instruction, training, testing, and continuing education required; renewal of registration. The curriculum is determined by the DCCA Board of Private Detectives and Guards.

In addition to completing the training requirements for licensure, USOs must also complete (at minimum) initial certification and, thereafter, regular recertification/refresher training on cardiopulmonary resuscitation, first aid, automated external defibrillator, defensive tactics training, safe operation of motorized vehicles, safety measures to mitigate against blood borne pathogen exposure, and safety measures in response to hazardous materials exposure.

USOs and contracted security also are trained on their responsibilities as Campus Security Authorities under the Clery Act; and, are required to complete courses in the National Incident Management System and the Incident Command System which are utilized by all first responder agencies statewide. As a public institution, Honolulu Community College is considered part of a recognized branch of State of Hawai'i government and must meet the same U.S. Department of Homeland Security performance requirements as any other government agency.

## **Campus Security Department Jurisdiction**

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

## **Law Enforcement Jurisdiction**

Although the State Sheriff Division (Sheriffs) is under the State of Hawaii Public Safety Department, the Sheriffs delegate their first responder, law enforcement authority to the Honolulu Police Department (HPD) of City and County of Honolulu (City). Under Hawaii State law (Hawaii Revised Statute Chapter 52D-5), the law enforcement personnel of each county has the

authority to enforce the laws of the State. Therefore, HPD has the jurisdictional authority to respond to all calls for law enforcement services for both State and City property on the island of Oahu. Honolulu 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 Security Department response jurisdiction is limited to campus-owned/operated property. However, because Honolulu 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).

### **Relationships with Law Enforcement Agencies**

The University of Hawai'i, on behalf of Honolulu Community College, entered into a Memorandum of Understanding (MOU) with the Honolulu Police Department (HPD), a law enforcement entity under the City and County of Honolulu, State of Hawai'i. The MOU sets forth the roles and responsibilities of HPD and the University of Hawai'i for a cooperative effort regarding communications and procedures for addressing sexual assault occurring on the University's Oahu campuses.

Honolulu Community College also has established relationships through joint exercises, statewide planning, and special events.

The University of Hawai'i, as a whole, is identified in local-, state- and federal-level emergency management plans along with law enforcement agencies. Those agencies which include local police, the State Sheriff, the State Attorney General, and the Department of Land and Natural Resources are also identified in those plans as members of the State Law Enforcement Coalition (SLEC). These cooperative and collaborative opportunities have strengthened this institution's relationship with its law enforcement partners upon whom this campus depends for both on- and off-campus intelligence, crime/criminal trends, and information on other adverse activities that may affect the campus community and campus operations. Additionally, this relationship ensures their cooperation in keeping Honolulu Community College informed of those specific crimes for which the campus has an obligation to issue a timely warning.

### **Security Services**

Honolulu Community College offers comprehensive security services on a 24-hour, 7-day-a-week, year-round basis. Major service areas include, but, are not limited to:

- General campus information, guidance, and direction;

- Initial campus response to emergencies and crisis situations;
- Campus response to other incidents and issues requiring security personnel assistance;
- Facilities opening and closures;
- Preventive patrols (on foot and/or by motorized vehicle);
- Safety escorts from/to specified campus locations.

Security can be reach 24 hours a day, 7 days a week at: (808) 284-1270

## **ACCESS TO CAMPUS FACILITIES**

### **Opening and Closing of Campus Facilities**

Most Honolulu Community College facilities are open to students, faculty, and staff during the day and evening hours when classes are in session. The general public is welcome to our library and to attend cultural and recreational events on campus; however, their access into certain facilities will be limited to the designated areas under a facilities use agreement.

During the times when the campus is officially closed, all buildings are locked and access is limited to only authorized faculty and staff.

Facilities are secured according to schedules developed by the Operations and Maintenance Manager, the Security Manager and the Vice Chancellor of Administrative Services from consultation and recommendations from the deans and division chairs. Security regularly patrols the campus grounds and conducts internal checks of each building to monitor activity. Based on building activity/occupancy the hours for locking doors may vary at different times of the year.

Access control for all keys are issued and accounted for by the campus Business Office. Additionally, all padlocks are issued by the Business Office. Any non-standard hasp, padlock, or other privately supplied locking devices are prohibited. Non-standard devices will be removed and the department or individual responsible will be charged for any costs incurred for the removal.

NOTE: Honolulu Community College has no residential housing and therefore has no agreements with any local, State, or Federal Law enforcement entities regarding the commission of crimes in any residential complexes either on- or off-site

### **Campus Facilities and Safety Measures**

Honolulu Community College Campus Security personnel also serve as safety officers and take note of hazards that are an issue to health and safety; and, refer the issue to the proper authorities. Security works closely with maintenance and facility personnel to place warning signage and barricades where needed.

The campus community is urged to abide by the signage and barricades. Although sometimes inconvenient, the resulting detours are in the best interest of your health and safety.

USOs note safety discrepancies as they make their security rounds. Any discrepancy is reported through an on-line work order system.

### **Honolulu Community College's Safety and Security Systems:**

- **Intrusion Alarm System**—Alarm systems are monitored by a third-party company during non-operational hours. Information of any detected unauthorized access is relayed to the campus' on-duty security personnel. These alarms are called into the Security staff member on duty at the main campus for investigation and response.
- **UH Alert System**—The UH Alert System (UH Alert) is managed by the University of Hawai'i System's Information Technology Services Department. UH Alert has the capability to send timely emergency information in the form of text messages and/or email directly to subscribers who possess a University of Hawai'i user account. 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. Please note that your UH Alert subscription will be terminated upon departure of your relationship with the University. This is an opt-in service that you can sign up for at: <https://www.hawaii.edu/alert/>
- **Fire Detection System**—Required by law, all campuses have fire systems installed. Upon activation of the system, campus security personnel will respond to the site, conduct an assessment, and call the fire department if required.

### **REPORTING AN EMERGENCY OR CRIME**

There are several ways to report an emergency or to report a crime. Honolulu Community College Campus Security Department operates 24 hours per day, 7 days a week, year-round.

#### **By Phone**

To reach Campus Security by phone, call (808) 284-1270. You will be connected directly to a University Campus Security Officer. Should the circumstances require the immediate need for police, firefighters, or emergency medical services, please **call 911** first; then, take an extra 10 seconds to call security. Our officers will prepare to meet and guide the responders to your location as quickly as possible.

#### **In Person**

Security personnel can also be reached in person. The Campus Security Department office is located in Building 72B, Room 101 (Security). However, it is recommended that you call the

phone number first. At any given time, the on-duty officer may be located anywhere on the campus.

### **By Radio**

Campus Security Officers can also be reached via two way radio for those staff that have access to one. This includes most executive team members and facilities and maintenance employees.

### **How to Report a Crime or an Emergency Incident:**

For emergencies, call HCC Campus Security at (808) 284-1270

#### **Main Campus (874 Dillingham Boulevard)**

The Campus Security Department office is located in Building 72B, Room 101. However, it is recommended that the campus community call the numbers listed below. The calls are routed directly to the duty-officer's phone because, at any given time, the officer may be out of office conducting patrols or responding to other calls for service.

Campus Security can also be made aware of a crime or any emergency incidents by:

- Direct report (in-person or by phone) from other, non-security Campus Security Authorities or by outside responder agencies who will relay emergency information to Campus Security personnel.
- Radio-to-radio communication among Campus Security personnel and other radio-carrying faculty or staff.

#### **Marine Education and Training Program (METC; at 10 Sand Island Parkway, Building 50)**

Report to the METC Coordinator or Campus Security Department at (808) 284-1270. If you have an emergency, call **911** and request the appropriate emergency responders.

#### **Aeronautics Maintenance Technology Training (AERO; at 140 Iako Place, Building 52)**

Report all crimes and emergencies to The AERO Education Specialist or Campus Security Department at (808) 284-1270. If you have an emergency, call **911** and request the appropriate emergency responders.

### **Reporting Emergencies and Crimes to Campus Security Authorities**

Emergencies and crimes can also be brought to the attention of Campus Security Authorities (CSAs). The list of CSAs can be obtained from the Campus Security Department.



## **Prompt and Accurate Reporting of Crimes**

If you are a victim or a witness to a crime, you are encouraged to promptly and accurately report all crimes to security personnel and to the Honolulu Police Department--even when the victim elects to or is unable to make such a report.

Campus Security can be reached at (808) 284-1270. For the Honolulu Police Department, call 911 and state your emergency need for police.

If there is an urgent need for a first responder, call 911 first; then, call Campus Security so they can guide the first responders quickly to the proper location. Your prompt action could save a life as well as assist us in issuing a timely warning if the situation merits such a warning.

## **CONFIDENTIAL REPORTING**

### **Respecting the Victim's Rights**

Honolulu Community College will respect your rights as a victim (or reporting party). If you are a victim of a crime and do not want to pursue formal action within the institution's judicial system or with the criminal justice system, you may still want to consider filing a confidential report.

The reason for encouraging confidential reporting is so that the campus administration can, both, comply with the desire to protect educational interests, while enabling the administration to take specific measures to ensure the future safety of the victim and others while on campus.

When asked to do so, Campus Security Department personnel or Campus Security Authorities can file a confidential report which will restrict identity information to only those who have direct roles and responsibilities in campus safety and security processes.

We encourage all reports to be filed as quickly as possible. If the situation deems necessary, the campus administration can act swiftly to initiate a warning notification to the campus community of potential or imminent danger. No personal identifying information will be disclosed; only sufficient information that would assist someone in making informed personal decisions for their own safety and security.

### **Pastors and Professional Counselors**

Although the Clery Act does not require pastoral and professional counselors to be designated as Campus Security Authorities, they are encouraged, if and when they deem it appropriate, to inform the persons they are counseling of Honolulu Community College's procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

Honolulu Community College has designated, trained personnel who fully understand the victim's right to confidential reporting. For a list of campus personnel that you can report crimes and other incidents to, please see the Campus Security Authority list beginning on page 20.

## **Bystander Reporting**

If you see something, please say something. Bystanders, who witness or know of an emergency situation or crime, are encouraged to report it to the Campus Security Department. Safety and security at Honolulu Community College begins with YOU.

We encourage you to say something:

- If someone is injured or ill;
- If you see or smell smoke or fire;
- If you see or hear of any sexual misconduct, domestic or dating violence or stalking;
- If you see someone being hurt, harassed, or bullied;
- If you see a crime in progress such as someone stealing, causing damage, driving while under the influence of any substance that impairs their ability to safely operate a vehicle;
- If you see someone place a substance in someone else's drink;
- If you see something that does not look right to you;
- If you see someone that appears suspicious to you.

Bystanders should avoid assuming that someone else has made or will contact the police or Campus Security. The others could be assuming the same thing. Every call—even with partial information—is important. Each call could be the piece of a big puzzle and could provide a critical piece of information for the first responders and security personnel.

Most importantly, consider your own safety and security. Honolulu Community College has personnel who are trained and experienced in handling crisis intervention. We do not recommend that a bystander undertake any physical confrontation. If you see or know of something, please call Campus Security immediately at 284-1270 from an external phone; or 845-9459 to reach the Security Manager (Extension 459 from an internal system phone.) If there is an urgent need for a first responder, call 911 first; then, call Campus Security so they can guide the first responders quickly to the proper location. Your prompt action could save a life as well as assist us in issuing a timely warning if the situation merits such a warning.

## **CAMPUS RESPONSE TO CRIMES AND EMERGENCY INCIDENTS**

For crimes and emergency incidents within the Clery Geographical boundaries of Honolulu Community College, Campus Security personnel are the primary points of contact to report crimes and emergencies (unless the situation has escalated and requires immediate police, fire, or ambulance). Campus security personnel will generally do either of the following based on the information received.

- Respond to the scene to conduct an initial assessment to determine if there is a crime, significant emergency, or dangerous situation involving an immediate threat to health or safety of the campus community; and, to determine if first responders (police, fire, ambulance) and/or additional campus actions are required.
- Initiate an immediate call to the appropriate first responder agency based on the information provided; make a determination if there is a crime, a significant emergency, or dangerous situation involving an immediate threat to the health or safety of the campus community; and, determine if additional campus actions are required.

### **Secondary Response Personnel**

The Campus Security Authorities (CSAs) are the secondary points of contact to report crimes and emergencies; however, they may on occasion, based on their function, be the first available persons that a victim or reporting party can locate. The CSAs will record as much information as possible and will do either of the following based on the information received.

- If there appears to be a significant emergency or dangerous situation involving an immediate threat to health or safety of the campus community, call 911 first; then, call Campus Security personnel so that they can meet the first responders and guide them to the victim/reporting party's location quickly. Based on the situation, Campus Security may need to initiate a call for additional campus actions such as a timely warning.
- Call the Safety and Security Manager (or designee) or deliver the CSA report immediately as there may be issues that require urgent attention.
- Call Campus Security personnel who will submit the CSA report to the Safety and Security Manager (or designee).

In the event a situation arises (outside the campus boundary/jurisdiction), the Campus Security personnel or Campus Security Authorities will conduct an assessment based on the information provided; initiate a call to the appropriate first responder agency if needed; and, if asked to do so by the victim/complainant, assist in contacting family, friends, or other campus personnel.

The Clery Act requires an institution to identify its Campus Security Authorities (CSAs) who are people and offices designated as those to whom crimes and emergencies should be reported. Honolulu Community College CSAs are listed as follows (also continued on the next page):

OFFICE/TITLE	AREA
Chancellor	Campus administration
Executive Assistant to the Chancellor	Campus administration
Vice Chancellor of Academic Affairs	Campus administration
Vice Chancellor of Administrative Services	Campus administration
Director of PCATT	Campus administration
Dean of University College	Campus administration
Dean of Tech I	Campus administration
Dean of Tech II	Campus administration
Dean of Student Services	Campus administration
Dean of Academic Support	Campus administration
Safety and Security Manager	Campus Safety and Security
Student Life Advisor	Student Affairs
Counselors	Student Affairs
Facilities Manager	Ops and Maintenance
Assistant Professor	University College
Club Advisor-Advocate	Student Affairs
Club Advisor-AEC	Student Affairs
Club Advisor-Communication Arts	Student Affairs
Club Advisor-Construction Management	Student Affairs
Club Advisor-Cosmetology	Student Affairs
Club Advisor-Early Childhood Education	Student Affairs
Club Advisor-Fashion Society	Student Affairs
Club Advisor-Hui 'Oiwi'	Student Affairs
Club Advisor-Human Services	Student Affairs

Club Advisor-Operations System and Maintenance	Student Affairs
Club Advisor-Phi Theta Kappa	Student Affairs
Club Advisor-Righteous Rainbows	Student Affairs
Club Advisor-Suzume No Kai	Student Affairs
Club Advisor-Young Americans for Liberty	Student Affairs
Coordinator /Assistant Professor	Apprenticeship
Title IX Coordinator	Title IX
Disabilities Services	ADA Coordinator
Division Chair-Tech II	Communication/Svc Program
Division Chair-Math & Natural Science	University College
Division Chair-Language Arts	University College
Division Chairs (2)-Humanities/Social Science	Employee/Student Affairs
Human Resource Manager	Administration
Wellness Center	Student Affairs
Instructor	Language Arts
Instructor	Hawaiian Programs
Professor	Math and Natural Sciences
Division Chair Tech I	Transportation and Trades

<b>OTHER CAMPUSES /OFF CAMPUS</b>	<b>Area</b>
AERO Coordinator	Transportation and Trades
METC Associate Professor	Transportation and Trades
Assistant Professor and Coordination	Pearl Harbor/Coop. Ed.
Alani Children's Center-Kapiolani C. C.	Communication/Svc Program
Children's Center-Leeward Community College	Communication/Svc Program

PACE Coordinator	Communication/Svc Program
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### **Where to find Information on Registered Sex Offenders**

The walk-in location to obtain information is: 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.

For online access to their search database, go to:

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

The following information is provided by the Hawaii Criminal Justice Data Center to the public through the link provided above: name, prior names, aliases, nicknames and pseudonyms, year of birth and alias years of birth, physical description including scars and tattoos, photograph, residence, temporary and future addresses, personal vehicles(s) driven, street name of employment and volunteer location, college/university affiliation, and crime for which convicted, judgment of conviction, judgment of acquittal, or judicial determination of unfitness to proceed for which the offender is registered, and the provision of law defining the criminal offense.

Honolulu Community College will, upon written request, disclose to the alleged victim of a crime of violence or a non-forcible sex offense, the report on the results of any disciplinary proceeding conducted by the institution against a student who is the alleged perpetrator of such crime or offense. If the alleged victim is deceased as a result of such crime or offense, the next of kin of such victim shall be treated as the alleged victim for purposes of this paragraph.

## **Assistance and Information Personnel and Offices**

### Honolulu Community College Telephone Numbers

Disabilities Services ..... (808) 845-9272

Mental Health Counselor ..... (808) 845-9180

#### **Security**

Emergency ..... (808) 284-1270

Security Office ..... (808) 845-9459

#### **Sexual Harassment Reporting**

Students ..... (808) 845-9235

Employees ..... (808) 847-9843

Hotline for Confidential Reporting ..... (808) 842-2595

### Community Assistance Programs Telephone Numbers

Alcoholics Anonymous ..... (808) 946-1438

ASK Aloha United Way ..... (Statewide referral Services): 211

Child Neglect and Abuse Reporting Hotline ..... (808) 832-5300

Civil Defense Agency ..... (808) 523-4121

Crime Stoppers ..... (808) 955-8300

Domestic Anonymous Hotline ..... (808) 841-0822

Narcotics Anonymous Helpline ..... (808) 734-4357

Poison Control Center ..... (800) 222-1222

Sex Abuse Treatment Center (Hotline) .....(808) 524-7273 ACCESS

Crisis Line of Hawaii of Hawaii (Suicide & Crisis Intervention) .....(808) 832-3100

## **The Campus Crisis Management Team**

Should a significant incident occur that (based on the initial assessment of campus response personnel) merits a timely warning, or emergency notification, or safety advisory, the Campus Crisis Management Team (CCMT) will convene to discuss the appropriate messages to disseminate to the campus community. Honolulu Community College's CCMT is made up of the following positions:

Chancellor

Vice Chancellor of Administrative Services

Vice Chancellor Academic Affairs

PCATT Director

Dean of Student Services

Dean of University College

Dean of Academic Support

Dean of Transportation and Trades

Dean of Communications and Services

Executive Assistant to the Chancellor

Facilities Manager

Human Resources Manager

Safety and Security Manager

Fiscal Administrators

Secretary to the Chancellor

Secretary to Academic Affairs

University Security Supervisor

The warnings/notifications are intended to provide you with essential information that will assist you in making informed decisions about your own safety and security.

## **TIMELY WARNINGS**

Under the federal Clery Act, timely warnings are required for crimes that have occurred or criminal activity that is on-going.



Campus Security personnel are authorized to verify and assess the elements of an incident in order to make recommendations to the Campus Crisis Management Team (CCMT) for the issuance of a timely warning. The CCMT leader (or designee) may call upon other team personnel with specific training in the development and dissemination of timely warning messages.

The CCMT member(s) will determine:

- The content of the timely warning; and,
- The best means by which the timely warning is to be disseminated. The options available are:
  - University of Hawai'i System "UH Alert System" (with SMS/text and emergency email capabilities); 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. To sign up, go to: <https://www.hawaii.edu/alert/>
  - Posts to social media pages (Facebook and Twitter)
  - Communication by security personnel (in-person or by radio)
  - Mass communication (Code Blue emergency call box loudspeakers)
  - Phone call directly to affected department /program personnel
  - Campus list-serves (group emails to faculty, staff, and students)

If the circumstance of the incident appears to have the potential to affect areas outside the campus geographical boundaries, the CCMT will also ensure that information is provided to the appropriate first responder agency and adjacent agencies and organizations.

Should a timely warning be issued, the campus community will be notified in a reasonable time-frame. The victim's name will be confidential; and, the timely warning message will include information on recommendations to prevent similar crimes from occurring.

NOTE: Timely warnings are not required with respect to crimes that are reported to a pastoral or professional counselor.

## **EMERGENCY NOTIFICATIONS**

Should the Campus Crisis Management Team (CCMT) determine that there is an imminent or potential threat to the campus community; an immediate emergency notification will be disseminated. An example of an imminent threat is a shooter on campus. An example of a potential threat is a person who calls and says they will come to campus to shoot someone.

If circumstances are such that both an emergency notification and a timely warning are merited only an emergency notification will be sent because the threat threshold for an emergency notification is far greater than the timely warning. Should you receive an emergency notification, you can expect a follow-on message with additional information.

The CCMT member(s) will determine:

- The content of the emergency notification;
- The appropriate segment(s) of the campus community to receive the emergency notification; and,
- The best means by which the emergency notification is to be disseminated. Some of the common options available include:
  - University of Hawai'i System "UH Alert System" (with SMS/text and emergency email capabilities); 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. To sign up, go to: <https://www.hawaii.edu/alert/>
  - Posts to social media pages (Facebook and Twitter)
  - Communication by security personnel (in-person or by radio)
  - Mass communication (Code Blue emergency call box loudspeakers)
  - Phone call directly to affected department /program personnel
  - Campus list-serves (group emails to faculty, staff, and students)

If the circumstance of the incident appears to have the potential to affect areas outside the campus geographical boundary, the CCMT will also ensure that information is provided to the appropriate first responder agency and adjacent agencies and organizations. The campus may also utilize the media such as television and radio.

**Honolulu Community College will, without delay, and taking into account the safety of the community, determine the content of the notification and initiate the notification system, unless issuing the notification will, in the professional judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.**

## **CAMPUS EMERGENCY EVACUATION AND SHELTERING**

### **Evacuation**

If an evacuation from a structure is required (e.g., a fire incident or hazardous material discharge), the fire detection system will sound an alarm. Upon hearing this alarm, follow the posted exit signage as well as any instructions provided to you by Campus Security personnel and/or faculty and staff.

Evacuation locations are dependent on many factors. The location choice will be determined based on the information received such as the area, type and scope of the emergency. Therefore, be especially alert to instructions provided to you by campus officials and act quickly upon their guidance and direction.

From time to time, the campus will conduct drills to test the readiness of both the campus response personnel and the campus community. It is important that these drills are taken seriously; and that you actively participate in the evacuation processes. Drills provide valuable information on issues that can arise during evacuation. This information is used to make improvements to the campus evacuation procedures.

### **Sheltering**

Should there be an incident that requires seeking shelter or sheltering-in-place (e.g., an incident involving a person with a knife), the Campus Crisis Management Team will, based on the assessment of Campus Security or other Campus Security Authority personnel, initiate an emergency notification as described under the topic of “Emergency Notifications.”

If you are confronted with a dangerous situation (such as an armed suspect), Honolulu Community College recommends that the campus community utilize the Avoid, Deny, Defend concept that has been adopted by the Honolulu Police Department. To learn more about your personal safety and security options during such confrontations, contact the Safety and Security Manager at (808) 845-9459 to schedule a presentation of *Civilian Response to Active Shooter Events*. Although the scenario is for an active shooter incident, the Avoid, Deny, Defend concept can be applied to other situations involving a threatening person.

## **ANNUAL EXERCISES TO TEST CAMPUS EMERGENCY RESPONSE PLANS**

Honolulu Community College operates on the sound emergency planning philosophy of the Federal Emergency Management Agency which advocates a cyclical approach (respond, recover, mitigate, plan and improve for the next response).

Our campus’ Emergency Response and Evacuation Plan undergoes annual review and testing. Testing the validity of plans takes the form of annual exercises and drills to not only determine readiness; but, to determine capabilities and identify any process gaps that need to be improved. These events can be announced or unannounced to the campus community.

This year, running an emergency exercise was a difficult task. Most of the campus was empty due to Covid-19 regulations, with most classes moved to online and many staff working remotely. Due to these circumstances, Honolulu Community College opted to use our exercise to test our evacuation routes at Building 14, as well as our fire alarm system in that building. We also simulated contact with Honolulu Fire Department and tested the security officer on duty's duty to notify the CCMT.

In preparation for this exercise, beginning March 29<sup>th</sup>, Sgt. Spencer and Officer Deamicis did a pre-check of the evacuation routes. Officer Deamicis discovered that a new gate across Parking Lot 6 prevented the Welding Shop from following their evacuation route. Due to this discovery, Security altered the lock-up pattern and will not be locking this closed gate until Building 14 is empty and secured for the day. It is also to be unlocked by 6:00 AM on school days, when campus opens.

Honolulu Fire Department was called and scheduled to come to campus through Robello Lane and assure that a fire truck could make the turns into campus. They arranged to come on April 15, 2021 at 9:00 AM, and the truck made the turns satisfactorily.

As noted above, we have already implemented one change that was identified in the planning of this exercise. We have already altered security practices to keep evacuation routes open during school hours. This is an example of why it is important to do repeated inspections in regards to building fire code and OSHA safety, as we may discover concerns previously overlooked.

The other issue we need to address is to ensure that all faculty should be familiar with the evacuation maps posted in their area, and should make presenting this information to their classes a part of the first week of each semester. There is already a requirement in place that calls for this, but we should be doing an outreach to faculty and staff through an email announcement in August and design a presentation for Duty Week discussing the importance of this.

### **Testing of Emergency Notification and Safety Systems**

Throughout the year, the campus tests its various systems to disseminate emergency notifications such as the fire alarm system, the UH Alert System, the Code Blue emergency phone system, outdoor public address system, and safety systems such as fire hydrants, emergency power and lighting units.

Most of the testing is scheduled such that it minimizes disruption to the campus community. However, there may be occasions where an audible alarm must be activated in order to test and/or conduct maintenance. The campus community will receive advance notice from either the Campus Security Department or Facilities Department regarding any scheduled testing. The notification

will provide information on what will be tested, the testing duration, what to expect, and a point of contact.

## **SECURITY AWARENESS PROGRAMS**

- New student orientations at the start of Fall Semester
- New employee orientations (full-time, part-time, and student hires)
- Materials provided for student events such as Frosh Camp, Early College
- Signage of campus security contact information in all classrooms and posted public boards
- Appearances at student life functions
- Information tables at campus-sponsored events, mass emails for campus security awareness tips for self and others

## **Crime Prevention Programs**

Honolulu Community College's crime prevention programs are based on the dual concept of eliminating or minimizing opportunities to commit crime by: 1) Instituting crime prevention and service programs that encourage students, faculty, and staff to take logical precautions for their own safety and the safety of others; and 2) Installing security systems to monitor and to provide notification of security issues.

### **Campus Crime Prevention and Security Service Programs:**

- Campus Relations – The campus community is a good source for gathering information about crime and other activities that are inconsistent with campus policy and codes of student and faculty/staff conduct. As a part of their regular patrol regimen, officers' conduct walk-throughs of various departments and offices to maintain rapport with faculty and staff. In addition to obtaining "intelligence" from this activity safety issues and security concerns are also gathered. These issues and concerns are promptly reported to the proper campus department for corrective action (e.g., burned out light bulb, door does not lock, etc.).
- Honolulu Community College Campus Safety Committee – This committee is coordinated by the Safety and Security Manager and is composed of representative personnel from various sectors of the campus community. This committee meets on a regular basis throughout the year to review and discuss issues and concerns related to crime trends and Clery Act compliance. This committee expects to convene at least once a quarter.
- Security Escort Services – Campus Security personnel provides a physical escort to or from one campus location to another when circumstances pose a safety and security risk. Our most common escorts are at night when we either walk alongside a person or persons; or, provide a motorized escort on a security cart. We also provide a courtesy,

motorized escort when access to an alternate entry is needed (sidewalk construction as an example); or, under circumstances involving restricted personal mobility. While we strive to meet these escort requests in a timely manner, we ask for understanding that there may be a slightly delay from time to time due to an emergency or need to complete a prioritized task. This service is available year-round, 24 hours a day, 7 days a week. Security can be reached at (808) 284-1270 to arrange an escort.

- Safety and Security Awareness – Campus Security personnel participate in biennial events and activities to promote safety and security concepts (e.g., Administrative Services Day). The Campus Security Department website offers downloadable files with safety, security, and crime prevention information

## **ALCOHOL POLICY**

The purchase, possession, or consumption of alcoholic beverages is regulated by state law. Under state law, no one under the age of 21 may purchase, possess, or consume alcoholic beverages on campus.

In addition, consumption of alcoholic beverages is forbidden in all public and common areas at Honolulu CC unless a special permit for consumption of alcoholic beverages on campus has been issued by the Chancellor. Students, employees, and others found in violation of this policy are subject to criminal prosecution and/or college disciplinary procedures. Students, employees, and others found in violation of this policy may be subject to criminal prosecution in addition to any institutional disciplinary procedures.

## **ILLEGAL DRUG AND CONTROLLED SUBSTANCES POLICY**

As prohibited by state and federal law, Honolulu Community College (HonCC) students, employees, and others are not permitted to be under the influence of, possess, manufacture, distribute, or sell illicit drugs at campus-sponsored or approved events, on HonCC property, or in buildings contracted for use by HonCC.

Honolulu Community College encourages students, faculty, and staff to seek assistance in overcoming drug or alcohol abuse. Early recognition and treatment are important for successful rehabilitation. Students may contact the Dean of Student Services at (808) 845-9235 for assistance regarding counseling and treatment referral services. Faculty and staff may contact their supervisors for assistance and referral services.

Students, employees, and others found in violation of this policy may be subject to arrest. Conviction may result in probation, fines, and imprisonment. Those found in violation are also subject to disciplinary action under their respective conduct codes/contracts.

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

## **WEAPONS POLICY**

The possession or use of lethal weapons on Honolulu Community College's premises is strictly prohibited. Lethal weapons include, but are not limited to, firearms, ammunition, spear guns, explosives, and dangerous substances. Also prohibited are replica firearms, pellet/air/water guns, and toy guns as this can easily be mistaken for a real weapon.

Students, employees, and others found in violation of this policy are subject to criminal prosecution and/or college disciplinary procedures.

## **STUDENT CODE OF CONDUCT**

In order to preserve a positive learning environment for all, Honolulu Community College's Campus Security personnel may request identification of students; and, as deemed necessary, may require cooperation in receiving guidance and direction.

Students at Honolulu Community College are expected to adhere to University of Hawai'i (UH) Executive Policy 7.208 [Student Conduct Code](#).

Section III Executive Policy: Part C, 2h addresses student interaction with campus officials and law enforcement. This section describes the following violation which may result in a student disciplinary proceeding: "Failure to comply with any directions of UH officials or law enforcement officers acting in performance of their duties and/or failure to provide identification to these persons when requested to do so." Campus security personnel are employed in an administrative capacity to enforce policies/procedures that are intended to ensure the preservation of the educational environment.

Additionally, Section III Executive Policy: Part C, 1 Jurisdiction of the UH Student Conduct Code states that the UH Student Conduct Code also applies to UH sponsored activities, distance/on-line courses and events, and to off-campus conduct that affects the campus community and/or the pursuit of its objectives. It further states that conduct applies from the time of application for admission through the actual awarding of a degree, before classes begin or after classes end, and during periods between terms of actual enrollment (and even if his/her conduct is not discovered until after a degree is awarded).

Students are encouraged to review the extent of the UH Student Conduct Code to avoid any possibility of compromising their and others' educational opportunities. To access UH Executive

Policy 7.208 “Student Conduct Code,” go to: <https://www.honolulu.hawaii.edu/node/163>

## **VIOLENCE AGAINST WOMEN ACT AND TITLE IX**

The Violence Against Women Act (VAWA) is a landmark piece of legislation that sought to improve criminal, legal, and community-based responses to domestic violence, dating violence, sexual assault, and stalking in the United States. The Violence Against Women Reauthorization Act of 2013, among other provisions, amended section 485(f) of the Higher Education Act of 1965, as amended (HEA), otherwise known as the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act).

Title IX is a landmark federal civil rights law that prohibits discrimination on the basis of sex in any federally funded education program or activity.

### **Sexual Assault & Domestic Violence Policy**

The University of Hawai'i is committed to providing a workplace and educational environment, as well as other benefits, programs, and activities, that is free from discrimination on the basis of sex.

The above policy statement is taken from Executive Policy 1.204 – Interim Policy on Title IX Sexual Harassment. The University of Hawai'i and Honolulu Community College prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking.

The full policy can be found here:

<https://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=ep&policyChapter=1&policyNumber=204>

The full procedure can be found here:

<https://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=ap&policyChapter=1&policyNumber=204>

### **Policy Definitions from Interim EP 1.204**

#### **1. Title IX Sexual Harassment**

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

- a. An employee of the University of Hawai'i conditions the provision of an aid, benefit, or service of the University on an individual's participation in unwelcome sexual conduct;



- b. Unwelcome conduct, determined by a reasonable person, to be so severe, and pervasive, and objectively offensive, that it effectively denies a person equal access to the University's education program or activity;
- c. Sexual Assault, including:
  - (1) Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
  - (2) Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
  - (3) Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually); or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - (4) Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the 5 genital or anal opening of the body of another person, forcibly, and/or against that person's will (nonconsensually), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - (5) Forcible Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually); or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
  - (6) Sex Offenses, Non-forcible:
    - (a) Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Hawaii law.
    - (b) Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16.

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

d. Dating Violence

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

The existence of such a relationship shall be determined based on the Complainant's statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship. For the purposes of this definition:

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

e. Domestic Violence

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

f. Stalking

Stalking is engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for the person's safety, or the safety of others; or suffer substantial emotional distress. For the purposes of this definition:

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

interferes with a person's property.

- (2) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- (3) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Formal complaints alleging Title IX sexual harassment are subject to the grievance process outlined in Administrative Procedure (AP) 1.204.

## **Related Definitions**

### **1. Consent**

The University of Hawaii defines consent in Executive Policy 1.204 – Interim Policy on Title IX Sexual Harassment.

Consent under Interim Executive Policy 1.204 means knowing, and voluntary, and clear permission by word or action to engage in sexual activity.

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

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

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

### **2. Incapacitation**

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction). Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk. Incapacitation also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs. A person cannot

consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs. A Respondent violates Interim Executive Policy 1.204 if they engage in sexual activity with someone who is incapable of giving consent.

## **HAWAII DEFINITIONS OF VAWA CRIMES AND CONSENT**

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.

### **DATING VIOLENCE AND DOMESTIC VIOLENCE**

#### **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.

For the purposes of this section:

“Business day” means any calendar day, except Saturday, Sunday, or any state holiday.

“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**

“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 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) The person knowingly subjects another person to an act of sexual penetration by strong compulsion;
- (b) The person knowingly engages in sexual penetration with another person who is less than fourteen years old;
- (c) The person knowingly engages in sexual penetration with a person who is at least fourteen years old but less than sixteen years old; provided that:
  - (i) The person is not less than five years older than the minor; and
  - (ii) The person is not legally married to the minor;
- (d) The person knowingly subjects to sexual penetration another person who is mentally defective; or
- (e) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless as a result of the influence of a substance that the actor knowingly caused to be administered to the other person without the other person’s consent.

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

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

### **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:

- (a) The person knowingly subjects another person to an act of sexual penetration by compulsion;
- (b) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless;
- (c) The person, while employed:
  - (i) In a state correctional facility;
  - (ii) By a private company providing services at a correctional facility;
  - (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
  - (iv) By a private correctional facility operating in the State of Hawaii; or
  - (v) As a law enforcement officer as defined in section 710-1000,

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

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

- (i) The person is not less than five years older than the minor; and
- (ii) The person is not legally married to the minor.

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

### **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:

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

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

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

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

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

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

(e) The person, while employed:

(i) In a state correctional facility;

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

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

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

(v) As a law enforcement officer as defined in section 710-1000,

knowingly subjects to sexual contact an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody, or causes the person to have sexual contact with the actor; or

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

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

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

### **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.

## **STALKING**

### **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.

(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.

### **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.

## **CONSENT**

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

## **Honolulu Community College Response Procedures for Victims**

1. Go to a safe location as soon as you are able.
2. If you have been assaulted or raped, preserve physical evidence such as tissue and fluid samples, towels, sheets, clothing, etc. Avoid showering, bathing, urinating, etc., until you have been examined at your campus health center or hospital.
3. Seek immediate medical attention if you are injured, or believe you may have been exposed to an STI/STD or potential pregnancy.

4. Contact any of the following for confidential assistance:
  - a. Campus Victim Advocate
  - b. Campus Health Services
  - c. Mental Health Counselor
  - d. Sex Abuse Treatment Center
  - e. Domestic Violence Action Center
  - f. National Domestic Violence Hotline
5. Or, contact any of the following if you wish to make a formal report:
  - a. Title IX Coordinator
  - b. Campus Security
  - c. Local Police

### **Preservation of Evidence**

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to preserve relevant evidence by saving text messages, instant messages, social networking pages, other communications, and keeping pictures, logs or other copies of documents, if they have any.

Victims of sexual assault, domestic violence, stalking and dating violence are also encouraged to preserve physical and medical evidence as may be necessary to the proof of criminal domestic violence, dating violence, sexual assault or stalking or in obtaining a protection order.

### **Reporting the Alleged Offense**

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to report the incident to Campus Security or the campus's Title IX Coordinator.

### **Law Enforcement Involvement and Reporting to Law Enforcement**

Although the College strongly encourages all members of its community to report violations of this policy to law enforcement, it is the victim's choice whether or not to make such a report. Furthermore, victims have the right to decline to notify law enforcement. However, the College's Title IX Coordinator will assist any victim with notifying law enforcement if the victim so desires. The Honolulu Police Department may also be reached directly by calling: (808) 529-3111, or in person at 801 South Beretania Street, Honolulu, HI 96813

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 the University'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.

### **Honolulu Community College's Commitment**

If you or someone you know has experienced interpersonal violence, we want you to know:

1. Your safety is the College's primary concern
2. Telling someone your story does not mean you have to report what happened to you.
3. Honolulu CC security or the VCAS will meet with you privately, at a time and place of your choice to take a report.
4. Honolulu CC cannot and will not notify your parents without your consent.
5. You will not be judged and you will not be blamed for what occurred.
6. You will be treated with professionalism, courtesy, sensitivity and dignity.
7. The VCAS will assist you in arranging any necessary hospital treatment, or other medical needs at your request.
8. If you feel comfortable talking with a friend or advocate of your choice present at the time of reporting, you will be accommodated at your request.
9. It is your choice to contact the Honolulu Police Department. You will have the full support of the college whether or not you choose to report to HPD.
10. You can privately contact the Sex Abuse Treatment Center, Counseling and other available service needed.
11. Your case will be considered seriously, regardless of your gender and background or the gender or status of the person that harmed you.
12. Your experience may disrupt your academic work. You will be provided with academic support at your request.

## **Reporting Incidents of Domestic Violence, Dating Violence, Sexual Assault, and Stalking**

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 Honolulu Community College'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:	David Uranaka-Yamashiro Building 7 Room 324 (808) 845-9174 <a href="mailto:david.yamashiro@hawaii.edu">david.yamashiro@hawaii.edu</a>
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## **TITLE IX AND VAWA RESOLUTION PROCESS**

### **Title IX Brochure**

<http://uhcc.hawaii.edu/titleIX/docs/TitleIXBrochure.pdf>

### **Campus Response Procedures**

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

If a report of domestic violence, dating violence, sexual assault or stalking is reported to the College, below are the procedures that the Title IX Coordinator will follow:

<b>Incident Being Reported</b>	<b>Procedure College Will Follow</b>
<b>Sexual Assault</b>	<ol style="list-style-type: none"> <li>1. Depending on when reported (immediate vs delayed report), College will provide reporting party with access to medical care</li> <li>2. College will assess immediate safety needs of reporting party and the rest of the campus</li> <li>3. College will assist reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for local police department</li> <li>4. College will provide reporting party with referrals to on and off campus mental health providers</li> <li>5. College will assess the need to implement interim or long-term protective measures, if appropriate.</li> <li>6. College will provide the victim with a written explanation of the victim's rights and options</li> <li>7. College will provide a "No trespass" directive to responding party if deemed appropriate</li> <li>8. College will provide written instructions on how to apply for a Protective Order</li> <li>9. 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</li> <li>10. College will inform the reporting party of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</li> <li>11. 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</li> </ol>
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. College will assess immediate safety needs of reporting party and the rest of the campus</li> <li>2. College will assist reporting party with contacting local police if reporting party requests AND provide the reporting party with contact</li> </ol>

	<p>information for local police department</p> <ol style="list-style-type: none"> <li>3. College will provide written instructions on how to apply for Protective Order</li> <li>4. College will provide written information to reporting party on how to preserve evidence</li> <li>5. College will assess need to implement interim or long-term protective measures to protect the reporting party, if appropriate</li> <li>6. College will provide the victim with a written explanation of the victim's rights and options</li> <li>7. College will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. College will assess immediate safety needs of reporting party and the rest of the campus</li> <li>2. College will assist reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for local police department</li> <li>3. College will provide written instructions on how to apply for Protective Order</li> <li>4. College will provide written information to reporting party on how to preserve evidence</li> <li>5. College will assess need to implement interim or long-term protective measures to protect the reporting party, if appropriate</li> <li>6. College will provide the victim with a written explanation of the victim's rights and options</li> <li>7. College will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol>

<b>Domestic Violence</b>	<ol style="list-style-type: none"> <li>1. College will assess immediate safety needs of reporting party and the rest of the campus</li> <li>2. College will assist reporting party with contacting local police if reporting party requests AND reporting party provided with contact information for local police department</li> <li>3. College will provide written instructions on how to apply for Protective Order</li> <li>4. College will provide written information to reporting party on how to preserve evidence</li> <li>5. College will assess need to implement interim or long-term protective measures to protect the reporting party, if appropriate</li> <li>6. College will provide the victim with a written explanation of the victim's rights and options</li> <li>7. College will provide a "No trespass" directive to accused party if deemed appropriate</li> </ol>
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## **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 is available at <http://uhcc.hawaii.edu/titleIX/docs/TitleIXBrochure.pdf>

## **Temporary Restraining Orders and 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 defendant, is or was married to you, had a child with you, lives or lived with you, has or had a dating relationship with you, or is related to you by blood.

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

- File through District Court if the defendant was never married to you, did not have a child with you, has never lived with you, never had a dating relationship with you, or is not related to you by blood.

Kauikaouli Hale  
1111 Alakea Street  
Honolulu, HI 96813



An additional community resource for students seeking assistance is Ala Kuola. Ala Kuola is a Honolulu-based non-profit organization that provides domestic violence prevention and victim assistance services. Their two primary areas of focus are assisting victims of domestic violence in obtaining Temporary Restraining Orders (TRO's) through the Family Court and facilitating the nationally-recognized program Coaching Boys into Men.

Ala Kuola  
677 Ala Moana Blvd, Suite 1005  
Honolulu, HI 96813  
Phone: (808) 545-1880

Any victim who obtains a TRO or Protective Order from the State should provide a copy to the Campus Public Safety Department. The CPSD will then meet with the victim to develop a safety plan to reduce the victim's risk of harm while on campus. This plan may include security escorts and other arrangements.

### **Supportive Measures**

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

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

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

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

## **Emergency Removal**

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

Where an emergency removal is imposed, the Respondent will be given an opportunity to meet with the Title IX Coordinator, and any other appropriate official, within twenty-four (24) hours of receiving notice of the emergency removal to explain why the action/removal should not be implemented or should be modified. A Respondent may be accompanied by an Advisor of their choice to the meeting.

## **Victim Assistance**

Victims of domestic violence, dating violence, sexual assault or stalking may seek the following resources:

### **On Campus Resources**

- Campus Wellness Center – If there is an emergency please call 911, otherwise call the health office for more information.
- Health Office – 808-845-9282
- For a listing of additional resources visit <https://www.hawaii.edu/titleix/help/directory/#uh-honolulu-cc>

### **Community Resources**

- State of Hawaii 24-hour ACCESS Line – 808-832-3100
- (Oahu) or 800-753-6879 (Neighbor Islands)
- YWCA Hawaii 24-hour Crisis Hotline – 808-935-0677
- Ala Kuola (For domestic violence related issues including TROs) <https://www.alakuolahawaii.com/>

- For a listing of additional resources visit:  
<http://www.hawaii.edu/titleix/community>

## **Other Resources**

- <http://www.rainn.org> – Rape, Abuse and Incest National Network
- <https://www.justice.gov/ovw/sexual-assault> – Department of Justice
- <http://www2.ed.gov/about/offices/list/ocr/index.html> – Department of Education, Office of Civil Rights

## **Confidentiality**

While the College recognizes the importance of privacy and confidentiality in these matters, only the Confidential Resources identified above can maintain confidentiality. All other College personnel and programs will uphold the privacy of all parties to the extent practicable, but must take appropriate action once it receives a complaint. This means that personally identifiable information about the victim and other necessary parties will only be shared with persons who have a specific need-to-know, i.e., those who are investigating the complaint or those involved in providing support services to the victim, including accommodations and protective measures.

The College does not publish the name of crime victims or other identifiable information regarding victims in the Daily Crime Log or in the annual crime statistics that are disclosed in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. Furthermore, if a Timely Warning Notice is issued on the basis of a report of domestic violence, dating violence, sexual assault or stalking, the name of the victim and other personally identifiable information about the victim will be withheld.

## **Complaint Resolution Process**

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

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

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

## **Advisors**

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

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

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

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

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

## **Informal Resolution**

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

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

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

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

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

### **Notice of Allegations and Investigation**

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

- a. Information about and a copy of this procedure, including the informal resolution process;
- b. The identity of the involved parties (if known);
- c. A summary of the allegations, including sufficient details known such as the conduct allegedly constituting sexual harassment under EP 1.204, the date and location of the alleged incidents, if known at the time;
- d. A statement that Respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
- e. Statement that the parties may have an advisor of their choice;
- f. Information that the parties may inspect and review all directly related evidence during the review and comment period;
- g. A statement regarding the code of conduct and consequences for making false statements;
- h. Any other policies and/or procedures implicated, with a copy of those policies and procedures;
- i. A statement about the University's policy on non-retaliation;
- j. The name(s) of the investigator(s) and their contact information.

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

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

## **Appointment of Investigators**

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

## **Steps in the Investigation Process**

The Investigator(s) will:

- a. Interview the Complainant, Respondent, relevant witnesses, and individuals with unique knowledge pertinent to the allegations in the notice of allegations and investigation, in order to gather and ascertain case facts and circumstances; and
- b. Collect all relevant evidence including documents, notes, electronic records, photographs, and any other materials relevant to the investigation offered by any party or witness and will seek to collect relevant evidence from other sources; and
- c. Prior to the conclusion of the investigation, provide the parties an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; and
- d. Prior to the completion of the investigative report, send to the parties and their advisors, if any, the evidence directly related to the allegations that is subject to inspection and review, in an electronic format or a hard copy<sup>1</sup> and provide them with ten (10) business days to submit a written response;
- e. Consider the parties' written comments on the evidence prior to completion of the investigative report; and
- f. Create an investigative report that fairly summarizes relevant evidence.

## **Investigation Timeline**

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

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

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

### **Live Hearings Under Interim AP 1.204**

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

### **Appointment of Decision Maker**

The Title IX Coordinator has the discretion to designate a single Decision Maker or a three-member panel. If a panel is used, the Title IX Coordinator will appoint one of the three members as the Chair of the hearing. The Decision Maker or panel members will not have had any previous involvement with the investigation.

### **Determination Regarding Responsibility**

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

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

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

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

## **Sanctions**

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

## **Employees**

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

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



## Students

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

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

## **Remedial Actions and Educational Refresher Programs**

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

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

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

## **Appeals**

1. Both parties have equal rights to an impartial appeal from the University's dismissal of a formal complaint or any allegation therein or from a determination of responsibility under Interim EP 1.204 and AP 1.204.
2. For an appeal to be considered timely, it must be submitted to the Title IX coordinator within five (5) business days after the date the written determination was received by the parties.
3. An appeal shall be in writing, cite the basis for the appeal, and explain why the party believes there is a basis for the appeal.
4. Appeals are limited to the following bases:
  - a. Procedural irregularity that affected the outcome of the matter;
  - b. New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made, that could affect the outcome of the matter; or
  - c. The Title IX coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter.
5. If an appeal is filed, the Title IX coordinator will notify the other party in writing of the appeal and the basis. The other party may submit a response to the appeal within five (5) business days from the date they received the appeal.
6. Within five (5) business days of the deadline for a response, the Title IX Coordinator shall forward the appeal, any response, and the record to an appropriate appeals officer, who is not the

same person as the Decision Maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.

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

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

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

### **Standard of Review – Preponderance of the Evidence**

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

### **Recordkeeping**

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

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

3. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The most current training materials will be made publicly available on the University's website; and

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

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

### **Victim's Bill of Rights**

Honolulu Community College (Honolulu CC) is committed to ensuring a safe and secure college environment for all students and employees and will not tolerate acts of sexual assault. The State of Hawaii, Hawai'i Revised Statute Section 707- 741 "Hawai'i Penal Code" defines sexual offenses which, for Clery Act statistical reporting purposes are categorized as follows: rape, forcible fondling, statutory rape and incest.

Any member of the Honolulu CC community who commits a sexual offense is subject to criminal prosecution and subject to University of Hawai'i Community College (College) disciplinary procedures through which a variety of sanctions may be imposed. For students, the Dean of Student Services or designee will be responsible for any campus administrative action by the College against a student assailant in accordance with the Honolulu Community College (Honolulu CC) Student Conduct Code (Code). The Code provides sanctions ranging from warning, probation, restitution, temporary suspension, suspension, and expulsion. Employee assailants are subject to sanctions in accordance with State of Hawai'i and University of Hawai'i Rules and Regulations, and provisions of collective bargaining agreements. Appropriate sanctions may be taken up to and including termination of employment. College disciplinary procedures provide due process protection for the accuser and the accused. Both are entitled to have others present during a discipline hearing, and both shall be informed of the outcomes of any institutional disciplinary proceeding brought alleging a sex offense, pursuant to provisions of collective bargaining agreements, the State Uniform Information Practices Act, and the Federal Campus Assault Victim's Bill of Rights. Employees may use on-campus procedures and file complaints with the EEO/AA (Equal Employment Opportunity and Affirmative Action) Officer or designee who is responsible for investigating the complaint.

Under federal law, Honolulu CC is required to have procedures that appropriately address complaints regarding sexual misconduct when reported to the institution.

Time is a critical factor for evidence collection and preservation. HCC encourages assault victims to timely report sexual assault to either a Campus Security Authority or HCC Campus Security Department.

Filing a report with a HCC Campus Security Officer will not obligate a student to prosecute, nor will it subject the victim to scrutiny or judgmental opinions from officers. Filing a report will:

- Ensure that a victim of sexual assault receives the necessary medical treatment and test;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);
- Assure the victim is provided information regarding free confidential counseling from community or campus counselors specifically trained in the area of sexual assault crisis intervention.

When a sexual assault victim contacts HCC Campus Security Department, other College officials (Title IX Coordinator) may be contacted to ensure compliance with federal law, when appropriate, to assist the victim and/or provide information regarding HCC's sexual assault procedures.

The victim of a sexual assault has the right to determine which type of investigation they wish to pursue (criminal or administrative or both). An advocate/representative can be provided or chose by the victim to guide them through the available options and the support the victim in his or her decision. HCC currently does not provide Counseling Services due to vacancies.

The "Campus Sexual Assault Victims' Bill of Rights" (Victim's Bill of Rights) was signed into law by President George Bush in July of 1992. This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. The Victims' Bill of Rights exists as a part of the campus security reporting requirements of the Clery Act that requires all colleges and universities (both public and private; and, participating in federal student aid programs) to afford sexual assault victims certain basic rights as follows:

Survivors shall be notified of their options to notify law enforcement.

- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.

- Survivors shall be notified of options for change in academic and living situations.

To promote campus safety, information regarding the prevention of sexual offenses such as rape, date/ acquaintance rape, and other forcible and non- forcible sexual offenses are shared with students at new student orientation sessions. In addition, other educational programming related to these topics may be offered at other times during the academic year. Also, an Annual Security Report is disseminated to current students and employees, and available to prospective students and employees upon request.

When a sexual offense occurs, the victim should immediately contact any of the Campus Security Authorities listed in the next section on “Reporting an Emergency Incident.” The victim has the option of notifying proper law enforcement authorities both on campus (with Campus Security) and off campus (Honolulu Police Department).

The appropriate on-campus support staff that may include the Honolulu CC Health Nurse, Mental Health Counselor, the Dean of Student Services and the Vice Chancellor of Administrative Services may be contacted for further assistance. Note the importance of preserving evidence for the proof of a criminal offense. Off-campus counseling and services for victims of sexual offenses such as Sex Abuse Treatment Center may be contacted upon the request of the victim. The student victim may request reasonable changes to his/her academic schedule in order that they may safely continue their studies at Honolulu CC. Honolulu CC will take all steps to ensure confidentiality of any sexual offense victim.

## **Campus Programming**

Honolulu Community College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. These programming efforts include, but are not limited to:

- a. Awareness programs. “Awareness programs” refers to programs, campaigns, or initiatives that increase audience knowledge of the issues of sexual assault, domestic violence, dating violence and stalking and share information and resources to prevent interpersonal violence, promote safety, and reduce perpetration.

Honolulu CC’s proposed activities include Awareness month campaigns, informational poster campaigns or resource websites, and educational programming that focuses on sharing resources and information about these issues.

- b. Bystander intervention. “Bystander intervention” refers to safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene in situations of potential harm when there is a risk of domestic violence, dating violence, sexual assault, or stalking.

For students, the [online training offered to UH students](#) contains helpful information regarding how to be an active bystander.

For employees, the [online training offered to UH employees](#) helps to identify barriers to intervention, and provides safe and positive intervention options.

- c. Ongoing prevention and awareness campaign. “Ongoing prevention and awareness campaign” refers to campaigns that are sustained over time focusing on increasing awareness of understanding of topics relevant to sexual assault, domestic/dating violence and stalking. These programs occur at different levels throughout the institution (i.e. faculty, athletics, and incoming students) and utilize a range of strategies.

Honolulu CC’s proposed activities include pamphlets, handouts, posters, banners, and artwork about what constitutes sexual assault, dating violence/intimate partner abuse, and stalking; and other roundtable discussions with various audiences.

- d. Primary prevention programs. “Primary prevention” refers to programming, initiatives, and strategies intended to stop domestic violence, dating violence, sexual assault, or stalking before it occurs to prevent initial perpetration or victimization through the promotion of positive and healthy behaviors and beliefs.

Honolulu Community College’s primary prevention activities include social media campaigns, pamphlets and handouts, and awareness events. As a part of the University of Hawaii System, Honolulu Community College also collaborates with other campuses through the Prevention, Awareness, Understanding Violence Program (“PAU Violence”). PAU Violence is a University of Hawaii systemwide program supported by the Hawaii State Department of Health, Maternal and Child Health Branch.

### **Risk Reduction:**

No victim is **EVER** to blame for being assaulted, abused, or victimized in any way.

Because risk reduction includes safety planning and recognizing situations of potential harm, the following are some tips from the Rape Abuse and Incest National Network (<https://www.rainn.org/safety-prevention>) that may be helpful.

### **Safety planning when someone is hurting you:**

- **Become familiar with safe places.** Learn more about safe places near you such as a local domestic violence shelter or a family member’s house. Learn the routes and commit them to memory. Find out more about [sexual assault service providers](#) in your area that can offer support.

- **Create a code word.** It might be a code between you and your children that means “get out,” or with your support network that means “I need help.”
- **Keep computer safety in mind.** If you think someone might be monitoring your computer use, consider regularly clearing your cache, history, and cookies. You could also use a different computer at a friend’s house or a public library.
- **Lean on a support network.** Having someone you can reach out to for support can be an important part of staying safe and recovering. Find someone you trust who could respond to a crisis if you needed their help.
- **Prepare an excuse.** Create several plausible reasons for leaving the house at different times or for existing situations that might become dangerous. Have these on hand in case you need to get away quickly.
- **Stay safe at home.** If the person hurting you is in your home, you can take steps to feel safer. Try hanging bells or a noise maker on your door to scare the person hurting you away, or sleep in public spaces like the living room. If possible, keep the doors inside your house locked or put something heavy in front of them. If you’re protecting yourself from someone who does not live with you, keep all the doors locked when you’re not using them, and install an outside lighting system with motion detectors. Change the locks if possible.

#### **Safety planning when someone is stalking you:**

- **Be prepared to reach out.** If possible, keep your cell phone charged and have emergency contact numbers programmed ahead of time. You may want to save these contacts under a different name. Memorize a few numbers in case you don’t have cell phone access in the future.
- **Change your routine.** Be aware of your daily routine and begin to alter it over time. Switch up the way you commute more often, taking different routes or different modes of transportation. Visit the [Stalking Resource Center](#) for more ways to stay safe.
- **Tell someone you trust.** Stalking shouldn’t be kept a secret. Tell your loved ones, parents or other trusted adults, or the local police to determine if a report can be made.

#### **Safety planning when leaving the person hurting you:**

- **Make an escape bag.** Pack a bag that includes all important papers and documents, such as your birth certificate, license, passport, social security card, bills, prescription drugs, and medical records. Include cash, keys, and credit cards. Hide the bag well. If it’s discovered, call it a “hurricane bag” or “fire bag.” If you are escaping with children, include their identifying information as well.



- **Plan a destination.** If you're not going to stay with someone you know, locate the nearest domestic violence shelter or homeless shelter.
- **Plan a route.** Then plan a backup route. If you are driving, have a tank of gas filled at all times. If you rely on public transportation, know the routes departure times. Many public transportation systems have mobile apps that update their schedules and arrival times.
- **Prepare your support network.** Keep your support network in the loop. Let them know how to respond if the perpetrator contacts them.
- **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.

#### **Safety Planning when you are out in public:**

- **Be aware** of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.
- Try to **avoid isolated areas**. It is more difficult to get help if no one is around.
- **Walk with purpose.** Even if you don't know where you are going, act like you do.
- **Trust your instincts.** If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- **Try not to load yourself down** with packages or bags as this can make you appear more vulnerable.
- **Make sure your cell phone is with you** and charged and that you have cab money.
- **Don't allow yourself to be isolated** with someone you don't trust or someone you don't know.
- **Avoid putting music headphones in both ears** so that you can be more aware of your surroundings, especially if you are walking alone.
- **When you go to a social gathering, go with a group of friends.** Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- **Trust your instincts.** If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).

- **Don't leave your drink unattended** while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- **Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- **Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- **If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).** Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- **If you need to get out of an uncomfortable or scary situation here are some things that you can try:**
  - **Remember that being in this situation is not your fault.** You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
  - **Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
  - **Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
  - **Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.
- **Try to think of an escape route.** How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

## **Bystander Intervention**

Honolulu Community College seeks to further the understanding of institutional structures and cultural conditions that facilitate violence. The existence of a relationship often creates barriers to reporting. Domestic and dating abuse often escalates from threats and verbal abuse to violence. And, while physical injury may be the most obvious danger, the emotional and psychological consequences of domestic and dating violence are also severe.

### **Overcoming Barriers to Intervening**

Honolulu Community College encourages its community members to reframe common barriers to intervening, in order to promote safe and effective intervention options.

#### **Barrier: In/Out Groups**

When making decisions, labeling the victim in an “out group” reduces a sense of responsibility to act. Therefore, instead of having the rationalization that a situation may not involve someone you know, an active bystander can reframe the issue by thinking that if it’s happening, it affects you.

#### **Barrier: Role Morality**

We act differently based on our roles. If we rationalize a situation by saying “It’s not my job,” then we may not respond. However, if we think “as part of the UH community, I have a duty to keep our campus safe,” then the reframed role helps to encourage being an active bystander.

#### **Barrier: Diffusion of Responsibility**

The more people present in a situation, the less likely a person will act. This is because many people think that if lots of people are around, someone will take care of the situation. By understanding that this happens, we can reframe the situation and think that because everyone else might be feeling the same way, you must be the one to act.

### **Taking Action: Safe and Effective Intervention Options**

Honolulu Community College provides descriptions of several safe and positive options for bystander intervention in this report.

To ensure intervention is safe, Honolulu Community College encourages bystanders to evaluate the risk for intervening. **If intervening means putting yourself in danger, call 911 instead.**

### **Taking Action: Offer Assistance**

As long as intervening does not put you in danger, you can step in and ask if the person needs help. By remaining at the scene and being a witness, you can make it less likely that the situation will escalate.

### **Taking Action: Buddy System**

By letting a friend know you are there for them, you can help reduce isolation and create effective group support systems.

### **Taking Action: Safety Plans**

Encouraging people to seek professional help can place them with trained professionals such as victim advocates and/or law enforcement officers. Professionally prepared safety plans can help to address case specific circumstances, reducing the risk of further harm.

## **DAILY CRIME LOG AND CLERY CRIME STATISTICS**

### **Entries into the Daily Crime Log**

All crimes reported to the Campus Security Department and other Clery Act reportable incidents are entered into a hardcopy Daily Crime Log (Log) that is located in the Campus Security Department office at Building 72B, Room 101. Please call the Campus Security Department at (808) 284-1270 before arriving because, at any given time, the officers may be out of office conducting patrols or responding to other calls for service.

The Log contains information such as the crime classification, a case number, the date/time the offense was reported, the date/time the offense occurred, the general location of the incident, and the disposition of the case. At no time will this Log depict any personal, identifying information.

Entries and updates to the Log are made in accordance with the Clery Act. The exception to entry into the Log is if the release of information would:

- Jeopardize an ongoing investigation;
- Jeopardize the safety of an individual;
- Cause a suspect to flee or evade detection; or,
- Result in the destruction of evidence.

Once the Safety and Security Manager receives information that confirms there no longer exists any harmful effect by the act of entering information into the Crime Log, the entry shall be made. This procedure is consistent with the provisions of the Clery Act related to the Crime Log.

### **Evaluation of Crime/Violation Trends**

The Honolulu Community College administration regularly analyzes incident statistics (especially crimes and disciplinary referrals involving drugs, alcohol, weapons, and sexual offenses) in order to develop new, or enhance existing, preventive measures/programs. Providing a safe and secure educational environment is paramount; and, the entire campus community can help by practicing personal vigilance and reporting crimes and violations.

### **CRIME STATISTICS**

#### **Definitions and Guidelines for Reporting Statistics**

##### **On Campus:**

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

##### **Non-Campus:**

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

##### **Public Property:**

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus (the Clery Act geographical boundaries of the campus).

- The sidewalk across the street from Honolulu Community College is included; but, not the property beyond the sidewalk.
- NOT included is an adjacent area that is separated by a fence or other man-made barrier because it is not accessible to/from our campus.

## Clery Crimes and Definitions

### Primary Crimes

- **MURDER AND NON NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another.
- **NEGLIGENT MANSLAUGHTER:** The killing of another person through gross negligence.
- **AGGRAVATED ASSAULT:** 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. Simple assaults are excluded.
- **ARSON:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. (Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.)
- **BURGLARY:** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
- **ROBBERY:** 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:** The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

## 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.
- **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 and/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.
- **STAUTORY RAPE:** Sexual intercourse with a person who is under the statutory age of consent.

## Alcohol, drug and weapon violations

The Clery Act requires institutions collect statistics for violations of state law and or ordinances for drug, alcohol and weapons violations.

**LIQUOR LAW VIOLATIONS:** 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.)

**WEAPONS POSSESSION VIOLATIONS:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.

**DRUG ABUSE VIOLATIONS:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: Opium or Cocaine and their derivatives (Morphine, Heroin, Codeine); Marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

NOTE: Drug, alcohol, and weapon violations statistics are broken down into two categories: Arrest, which are made by authorized law enforcement officers and lead to the criminal justice system; and violations, which are referred to the Dean of Student Services for discipline according to the Student Code of Conduct

## **Hate Crimes**

The Clery Act requires institutions collect crime statistics for hate crime associated with either the commission of a primary crime or the lesser offenses of larceny-theft, simple assault, intimidation, destruction of or vandalism of a buildings or property.

**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.

## **Violence Against Women Act (2013) Crimes**

**DOMESTIC VIOLENCE:** 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.

**DATING VIOLENCE:** 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 with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

(1) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.

(2) Dating Violence does not include acts covered under the definition of Domestic Violence.

**STALKING:** 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.

For the purposes of this definition:

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

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

Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

### **Clery Act Guidelines for Reporting Domestic Violence Statistics (Referenced from Title 42 of the United States Code; Section 13925)**

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

### **Clery Act Guidelines for Reporting 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:
- The length of the relationship;
- The type of relationship;
- The frequency of interaction between the persons involved in the relationship.

### **Clery Act Guidelines for Reporting 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

### **2019 CLERY ACT CRIME STATISTICS, EXPLAINED**

On the following pages, you will see three different tables that show the crime statistics for Honolulu Community College. One is for the main campus, which includes stats for 874 Dillingham and the outlying buildings (Construction Academy, Automotive Tech, and Diesel Tech) that are nearby and are considered contiguous to the main campus. The second table reports statistics for METC at 10 Sand Island Parkway. The third table shows statistics for AERO at 140 Iako Place. By standard, these three separate campuses have to be reported separately.

You will also note that statistics are reported for 2018, 2019, and 2020. These statistics are again required to be reported for the previous three years. 2021 statistics cannot be reported yet, as the 2021 year is not complete.

One of the Clery requirements is that we report any statistics that occurred in student housing as a subset of the campus statistics. Because Honolulu Community College has no student housing, there are no statistics to report.

Another requirement for our Clery report is that we are to list any unfounded crimes in our Clery statistics. Unfounded crimes can only be identified and labeled by authorized Law Enforcement personnel. During the years of 2018, 2019, and 2020 Honolulu Community College had no unfounded crimes to report.

The third disclosure required by the Clery Act is regarding hate crimes that fit the definition above. During the years of 2018, 2019, and 2020, no hate crimes were reported.

## 2020 Clery Act Crime Statistics – Main Campus

UH Crime Statistics – Honolulu Community College (Main Campus)									
Offense	On Campus Property			Non-Campus Property			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	1	1
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	7	2	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	2	0	0	0	0	0	0	0	0
Sexual Assault (Sex Offenses)									
Rape	0	0	1	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Weapons, Drug Abuse, and Alcohol Law Violations									
Weapons Arrests	0	2	0	0	0	0	0	0	0
Illegal Drug Arrests	0	0	0	0	0	0	0	0	0
Alcohol Arrests	0	0	0	0	0	0	0	0	0
Weapons Behavior Referrals	2	1	0	0	0	1	0	0	0
Illegal Drug Behavior Referrals	4	9	3	0	0	0	0	0	0
Alcohol Behavior Referrals	2	5	2	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	1	0	1	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	1
Stalking	0	3	0	0	0	0	0	0	0

## 2020 Clery Act Crime Statistics – METC

UH Crime Statistics – Honolulu Community College – (METC Campus)									
Offense	On Campus Property			Non-Campus Property			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/ Non-Negligent manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	1	1	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Sexual Assault (Sex Offenses)									
Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Weapons, Drug Abuse, and Alcohol Law Violations									
Weapons Arrests	0	0	0	0	0	0	0	0	0
Illegal Drug Arrests	0	0	0	0	0	0	0	0	0
Alcohol Arrests	0	0	0	0	0	0	0	0	0
Weapons Behavior Referrals	0	0	0	0	0	0	0	0	0
Illegal Drug Behavior Referrals	0	0	0	0	0	0	0	0	0
Alcohol Behavior Referrals	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

## 2020 Clery Act Crime Statistics – AERO

UH Crime Statistics – Honolulu Community College (AERO)									
Offense	On Campus Property			Non-Campus Property			Public Property		
	2020	2019	2018	2020	2019	2018	2020	2019	2018
Murder/ Non-Negligent Manslaughter	0	0	0	0	0	0	0	0	0
Manslaughter By Negligence	0	0	0	0	0	0	0	0	0
Robbery	0	0	0	0	0	0	0	0	0
Aggravated Assault	0	0	0	0	0	0	0	0	0
Burglary	0	0	0	0	0	0	0	0	0
Motor Vehicle Theft	0	0	0	0	0	0	0	0	0
Arson	0	0	0	0	0	0	0	0	0
Sexual Assault (Sex Offenses)									
Rape	0	0	0	0	0	0	0	0	0
Incest	0	0	0	0	0	0	0	0	0
Fondling	0	0	0	0	0	0	0	0	0
Statutory Rape	0	0	0	0	0	0	0	0	0
Weapons, Drug Abuse, and Alcohol Law Violations									
Weapons Arrests	0	0	0	0	0	0	0	0	0
Illegal Drug Arrests	0	0	0	0	0	0	0	0	0
Alcohol Arrests	0	0	0	0	0	0	0	0	0
Weapons Behavior Referrals	0	0	0	0	0	0	0	0	0
Illegal Drug Behavior Referrals	0	0	0	0	0	0	0	0	0
Alcohol Behavior Referrals	0	0	0	0	0	0	0	0	0
VAWA Offenses									
Domestic Violence	0	0	0	0	0	0	0	0	0
Dating Violence	0	0	0	0	0	0	0	0	0
Stalking	0	0	0	0	0	0	0	0	0

## APPENDICES

## A-1: Main Campus - Honolulu Community College Clery Act Geographical Boundaries



NOTE: Geographical boundaries include the entire length of sidewalks and paved area on Kokea Street that lead to the southwest parking area.

**A-2: Marine Education and Training Program Clery Act Geographical Boundaries (10 Sand Island Parkway)**





**A-3: Aeronautics Maintenance Technology Training Program Clery Act  
Geographical Boundaries (140 Iako Place)**

