

# 2023 Annual Security Report



UNIVERSITY *of* HAWAI'I®

**HAWAI'I**  
COMMUNITY COLLEGE

# Table of Contents

Table of Contents .....	2
From the Interim Chancellor .....	4
From the Interim Vice Chancellor for Administrative Services .....	4
<b>ANNUAL SECURITY REPORT .....</b>	<b>5</b>
PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS .....	5
REPORTING CRIMES AND OTHER EMERGENCIES .....	5
ANNUAL DISCLOSURE OF CRIME STATISTICS.....	6
Daily Crime Log .....	6
Crime Prevention .....	6
Clery Act Crimes .....	7
Definitions of Reportable Crimes .....	7
Categories of Prejudice.....	8
<b>CRIME STATISTICS: CLERY DATA .....</b>	<b>14</b>
CRIMINAL OFFENSES: .....	14
VAWA OFFENSES: .....	15
ARRESTS & REFERRALS FOR DISCIPLINARY ACTION: .....	15
HATE CRIMES: CLERY DATA .....	15
UNFOUNDED CRIMES: CLERY DATA .....	15
ABOUT THE HAWAII COMMUNITY COLLEGE SAFETY & SECURITY OFFICE .....	16
Authority, Role, and Training .....	16
Safety - Our #1 Priority.....	16
Working Relationship with Local, State, and Federal Law Enforcement Agencies.....	16
Crimes Involving Student Organizations at Off-Campus Locations .....	16
Voluntary, Confidential Reporting.....	17
Anonymous Reporting .....	17
Reporting to Campus Security.....	17
SECURITY OF AND ACCESS TO HAWAII COMMUNITY COLLEGE FACILITIES .....	17
MAINTENANCE OF CAMPUS FACILITIES .....	18
Emergency Phones.....	18
CRIME PREVENTION AND SECURITY AWARENESS PROGRAMS .....	18
Campus Crisis Management Team .....	18
Weapons Policy.....	18
Rights for Victims of Crimes .....	18
Student Conduct .....	19
Notification of Final Results.....	20
HAWAII COMMUNITY COLLEGE POLICIES GOVERNING ALCOHOL AND OTHER DRUGS.....	20
HawCC's Alcohol and Drug Policy.....	20
Hawaii Alcohol-Related Offense Laws .....	20
Related Drug Offenses.....	22
Drug and Alcohol Abuse Education Programs.....	26
Resources for Faculty and Staff .....	26
Resources for Students .....	26
<b>HAWAII COMMUNITY COLLEGE'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING.....</b>	<b>27</b>
Our Commitment to Addressing Sexual Assault/ Rape, Domestic Violence, Dating Violence, and Stalking.....	27
What is Consent? .....	27
Defining Sexual Assault/Rape, Domestic Violence, Dating Violence, and Stalking.....	27
What to do if you have been the victim of sexual assault, dating violence,	

domestic violence or stalking .....	29
Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks ...	30
Community College Procedures for Responding to Reports of Sexual Assault, Domestic Violence, Dating Violence, and Stalking .....	31
Resources:.....	32
Promoting Awareness, Victim Empowerment (PAVE) .....	33
Internal Disciplinary Procedures that will be followed once an incident of Domestic Violence, Dating Violence, Sexual Assault, or Stalking has been reported .....	33
Internal Disciplinary Procedures for institutional disciplinary action in cases of alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking .....	35
Burden of Proof.....	37
Right to Alternative Procedures .....	37
Possible sanctions or protective measures Hawai'i Community College may impose following a final determination of an institutional procedure	37
Protecting the Confidentiality of Victims .....	37
Education and Prevention Programs .....	38
Hawai'i Covered Offender Registration and Adult Criminal Conviction Information.....	38
<i>Bystander Intervention</i> .....	39
<b>TIMELY WARNING</b> .....	<b>39</b>
EMERGENCY RESPONSE AND EVACUATION PROCEDURES .....	40
Emergency Management at Hawai'i Community College .....	40
Hawai'i Community College Evacuation Procedures .....	40
TESTS – DRILLS, EXERCISES, FOLLOW-THROUGH ACTIVITIES & TRAINING .....	42
<b>Emergency Notification</b> .....	<b>42</b>
<b>UH ALERT</b> .....	<b>42</b>





### From the Interim Chancellor

### From the Vice Chancellor for Administrative Services

To our Campus ‘Ohana—

We at Hawai‘i Community College think of our campus as a *Kauhale*, an ‘ohana of administrators, faculty, staff, students, their families, and the Hawaii Island community. We hope you will join us in our mission to create a learning environment that embraces our unique Hawaii Island culture by ensuring that Hawai‘i Community College is a safe place for our students, staff and visitors to work, learn and grow in the spirit of “E ‘Imi Pono” (seeking excellence).

### Susan Kazama

Interim Chancellor

On behalf of the Hawai‘i Community College Safety and Security Office, I want to thank you for your interest in our Annual Security Report. This report will provide you with valuable information about our campus community, security policies and procedures, crime data, and crime prevention information.

Campus safety and security is a collaborative effort at Hawai‘i Community College. It has always been our goal to provide the highest quality of public safety services to the campus community and we are honored to collaborate with the entire Hawai‘i Island community. The men and women of the Campus Safety and Security Office are committed to making Hawai‘i Community College a safe place to work and study. We join Chancellor Kazama in her commitment to foster a safe, secure and supportive learning environment at Hawaii Community College in the spirit of E ‘Imi Pono.

### Jodi Mine

Vice Chancellor for Administrative Services

#### Accessibility to Information and Non-Discrimination Policy

This publication is available in alternative formats upon request. The Community College is committed to equal access to programs, facilities, admission, and employment for all persons. It is the policy of the Community College to maintain an environment free of harassment and free of discrimination against any person because of age, race, color, ancestry, national origin, religion, creed, service in the uniformed services (as defined in state and federal law), veteran status, sex, sexual orientation, marital or family status, pregnancy, pregnancy-related conditions, physical or mental disability, gender, perceived gender, gender identity, genetic information, or political ideas. Discriminatory conduct and harassment, as well as sexual misconduct and relationship violence, violates the dignity of individuals, impedes the realization of the Community College’s educational mission, and will not be tolerated.



# ANNUAL SECURITY REPORT

## PREPARATION OF THE ANNUAL SECURITY REPORT AND DISCLOSURE OF CRIME STATISTICS

The Hawai'i Community College (HawCC) Safety and Security Office publishes this report to inform the Hawai'i community about campus security policies, initiatives to prevent and respond to crime and emergencies, and the occurrence of crime on campus. This report complies with the Jeanne Clery Disclosure of Campus Security and Crime Statistics Act (Clery Act), the Violence Against Women Act (VAWA), and Title IX of the 1972 Education Act (T-IX), and uses information maintained by the Hawaii Community College Safety and Security Office, information provided by other Community College offices such as Student Affairs, Campus Security Authorities (CSA), and information provided by local law enforcement agencies surrounding the Hawai'i Community College campus. Each of these offices provides updated policy information and crime data.

This report provides statistics for the previous three (3) years concerning reported crimes that occurred on campus and adjacent public properties, in certain non-campus buildings or properties owned, leased, or controlled by Hawai'i Community College. This report also includes institutional policies concerning campus security, such as those policies which include, but are not limited to, sexual assault, alcohol, and other drugs.

Hawai'i Community College distributes a notice of the availability of this Annual Security Report by October 1 of each year to every member of the Hawai'i Community College 'ohana (family). Anyone, including prospective students and employees, may obtain a paper copy of this report by contacting the Hawaii Community College Safety and Security Office at 808-934-2760 or by visiting <http://hawaii.hawaii.edu/security>.

## REPORTING CRIMES AND OTHER EMERGENCIES

Hawai'i Community College has a number of ways for campus community members and visitors to report crimes, serious incidents, and other emergencies to appropriate HawCC officials. Regardless of how and where one decides to report these incidents, it is critical for the safety of the entire campus community that incidents are reported *immediately*, so that the Safety and Security Office can investigate the situation and determine if follow-up actions are required, including issuing a Timely Warning notification when deemed necessary.

Manono Campus Security	808-854-1420
Pālanui Campus Security	808-640-6515
Hawaii Police Non-Emergency	808-935-3311
All Emergencies	Dial 911



## ANNUAL DISCLOSURE OF CRIME STATISTICS

While the Hawai'i Community College campuses are a reasonably safe environment, there are times when crimes do occur. In addition to the Clery Act crimes statistics, other common crimes that occur on campus are outlined below.

### *Daily Crime Log*

The College community is kept aware of reported incidents on campus and in the nearby community by viewing the security log at the Campus Security Office on the west (mauka or mountain) side of Building 387 at the Manono campus. Incidents are documented for Manono, Pālanui, and Kō campuses and entered into the Daily Crime Log within two (2) business days of the event being reported. Campus Security will make the crime log available for the most recent 60-day period open to public inspection during normal business hours, Monday through Friday, except holidays and closure of school. Any portion of the log beyond 60 days, if not immediately available, will be made accessible within two (2) business days of a request for public inspection.

### *Crime Prevention*

#### **Theft**

Theft is a common occurrence on college campuses. Often, this is due to the fact that theft is often seen as a crime of opportunity. Work spaces, recreation facilities, and many open classrooms and laboratories provide thieves with effortless opportunities. Staff members occasionally leave classrooms unlocked and resources unsecured when they are not in use for short periods of time.

It is important to be very vigilant when it comes to suspicious persons. Never leave items and valuables lying around unsecured. Doors should be locked at all times. The following is a list of suggestions to help you not fall victim to theft.

1. Keep doors to labs, classrooms locked when not occupied.
2. Don't provide unauthorized access to persons in the buildings or classrooms.
3. Do not keep large amounts of money with you.
4. Lock all valuables, money, jewelry, and checkbooks in your vehicle, a lock box or a locked drawer.
5. Keep a list of all valuable possessions including the make, models, and serial numbers.
6. Take advantage of the Engraving Programs to have all valuables engraved with specific identifying marks.
7. Don't leave laptop computers or textbooks unattended in labs or classrooms, even if it is for a short period of time.
8. Don't lend credit cards or identification cards to anyone.

#### **Identity Theft**

Identity theft is a crime in which someone wrongfully obtains and uses another person's personal information in some ways that involves fraud or deception, typically for economic gain. This personal data could be a Social Security number, bank account, or credit card information.

Persons involved in identity theft often use computers or other forms of media to assist them.

You can take measures to prevent this from happening to you:

- Do not give anyone your personal information unless there is a legitimate reason to trust them.
- Never give your credit card information, date of birth, or other personally identifiable information over the telephone, unless you can confirm the identity of the person receiving that information.
- Complete a credit check frequently to assure there is no suspicious activity.
- Examine financial information often to assure all transactions are authorized and accounted for.
- Use security software and install firewalls on computers.

## **Clery Act Crimes**

Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (20 USC § 1092(f)) requires colleges and universities across the United States to disclose information about crime on and around their campuses. The Hawaii Community College Safety and Security Office collects the Clery crime statistics disclosed in the following charts through a number of methods.

The Hawai'i Community College Safety and Security Office maintains a close relationship with all police departments where Hawaii owns or controls property to ensure that crimes reported directly to these police departments that involve the Community College are brought to the attention of HawCC officials. In addition to collecting Clery crime statistics from local police departments, all reports of crime incidents made directly to the Community College Security Officers are entered into an Incident Log.

The entries are recorded in the Log in accordance with the crime definitions outlined in the FBI Uniform Crime Reporting (UCR) Handbook and the FBI National Incident-Based Reporting System (NIBRS) Handbook (sex offenses only). To ensure each report is appropriately classified in the correct crime category, after an officer enters the report in the Log, the Safety and Security Manager reviews the report to ensure it is appropriately classified.

In addition to the crime data that the Hawai'i Community College Safety and Security Office maintains, the Community College collects Clery crime statistics of reports made to various Campus Security Authorities (CSA) including, but not limited to, the Chancellor, Vice Chancellor of Administrative Services, Vice Chancellor of Student Affairs and the Title IX Coordinator, as defined in this report.

The statistics reported in the upcoming charts generally reflect the number of criminal incidents reported to the various Campus Security Authorities. The statistics reported for the subcategories on liquor laws, drug laws, and weapons offenses represent the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented.

Hawai'i 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.

## **Definitions of Reportable Crimes**

**Murder/Manslaughter** – defined as the willful (non-negligent) killing of one human being by another.

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

**Sexual Assault** – defined as any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent. Sexual assault means an offense that meets the definition of Rape, Fondling, Incest, or Statutory Rape.

**Rape** – defined as 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** – defined as the touching of the private body parts of another person for the purpose of sexual gratification, without consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or temporary or permanent mental incapacity.

**Incest** – defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.

**Statutory Rape** – defined as sexual intercourse with a person who is under the statutory age of consent.

**Robbery** – defined as 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. Robbery also includes crimes involving pretend weapons or those in which the weapon is not seen by the victim, but the robber claims to possess one.

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

**Burglary** – defined as unlawful entry of a structure to commit a felony or a theft, which includes the unlawful entry with intent to commit a larceny or felony, breaking and entering with the intent to

commit a larceny, housebreaking, safecracking, and all attempts to commit any of the aforementioned.

**Motor Vehicle Theft** – defined as the theft or attempted theft of a motor vehicle.

**Arson** – defined as 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.

**Dating Violence** – defined as violence committed by a person—(a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) the existence of such a relationship shall be based on the reporting party’s statement and based on a consideration of the following factors:

- (i) The length of the relationship.
- (ii) The type of relationship.
- (iii) The frequency of interaction between the persons involved in the relationship.

Dating violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse and does not include acts covered under the definition of domestic violence. Dating Violence is not defined by Hawaii state statute.

**Domestic Violence** – defined as a 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 or intimate partner, by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the State of Hawaii, 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 State of Hawaii. Domestic Violence is not defined by Hawaii state statute.

**Stalking** – defined as the engaging in a course of conduct directed at a specific person that would cause a reasonable person to—a) fear for the person’s safety or the safety of others; or b) suffer substantial emotional distress. In Hawaii, a person commits the crime of stalking when the person either:

Engages in a course of conduct or repeatedly commits acts toward another person, including following the person without proper authority, under circumstances which demonstrate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person; or

Engages in a course of conduct or repeatedly communicates to another person under circumstances which demonstrate or communicate either an intent to place such other person in reasonable fear of bodily injury or to cause substantial emotional distress to such other person.

**Hate Crimes** – includes all of the crimes listed above that manifest evidence that the victim was intentionally selected because of the perpetrator’s bias against the victim. It is not a separate, distinct crime, but is the commission of a criminal offense which was motivated by the perpetrator’s bias, based on one of the Categories of Prejudice listed below, plus the following crimes.

**Larceny/Theft** – defined as the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. It includes pocket picking, purse snatching, shoplifting, theft from building, theft from motor vehicle, theft of motor vehicle parts or accessories, and all other larceny.

**Simple Assault** – defined as an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

**Intimidation** – defined as unlawfully placing another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.

**Destruction/Damage/Vandalism to Property (except Arson)** – defined as willfully or maliciously destroying, damaging, defacing, or otherwise injuring real or personal property without the consent of the owner or the person having custody or control of it.

### *Categories of Prejudice*

**Race** – A preformed negative opinion or attitude toward a group of persons who possess common physical characteristics genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind.

**Disability** – A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident,



injury, advanced age, or illness.

**Sexual Orientation** – A preformed negative opinion or attitude toward a person or a group of persons based on their actual or perceived sexual orientation. Sexual orientation is the term for a person’s physical, romantic, and/or emotional attraction to members of the same and/or opposite sex, including lesbian, gay, bisexual, and heterosexual (straight) individuals.

**Religion** – A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being.

**Gender** – A preformed negative opinion or attitude toward a group of persons based on their actual or perceived gender, e.g. male or female.

**Gender Identity** – A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g. bias against transgender or gender non-conforming individuals.

**Ethnicity** – A preformed negative opinion or attitude toward a group of persons whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.

**National Origin** – A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth. This bias may be against people that have a name or accent associated with a national origin group, participate in certain customs associated with a national origin group, or because they are married to or associate with people of a certain national origin.

**The Hawaii Criminal Statutes classify sexual assault into four separate degrees with the following definitions:**

**§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.

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

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

- (a) The person knowingly subjects another person to an act of sexual penetration by compulsion;
- (b) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless;
- (c) The person, while employed:
  - (i) In a state correctional facility;
  - (ii) By a private company providing services at a correctional facility;
  - (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
  - (iv) By a private correctional facility operating in the State of Hawaii; or
  - (v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawaii, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective

practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause; or

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

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

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

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

**§707-732 Sexual assault in the third degree.** (1)

A person commits the offense of sexual assault in the third degree if:

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

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

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

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

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

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

(e) The person, while employed:

(i) In a state correctional facility;

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

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

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

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

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

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

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

**§707-733 Sexual assault in the fourth degree.** (1)

A person commits the offense of sexual assault in the fourth degree if:

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

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

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

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

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

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

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

### **Hawaii Criminal Statutes define Domestic Violence as**

**§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.

(2) Any police officer, with or without a warrant, may arrest a person if the officer has reasonable grounds to believe that the person is physically abusing, or has physically abused, a family or household member and that the person arrested is guilty thereof.

(3) A police officer who has reasonable grounds to believe that the person is physically abusing, or has physically abused, a family or household member shall prepare a written report.

(4) Any police officer, with or without a warrant, shall take the following course of action, regardless of whether the physical abuse or harm occurred in the officer's presence:

(a) The police officer shall make reasonable inquiry of the family or household member upon whom the officer believes physical abuse or harm has been inflicted and other witnesses as there may be;

(b) If the person who the police officer reasonably believes to have inflicted the abuse is eighteen years of age or older, the police officer

lawfully shall order the person to leave the premises for a period of separation, during which time the person shall not initiate any contact, either by telephone or in person, with the family or household member; provided that the person is allowed to enter the premises with police escort to collect any necessary personal effects. The period of separation shall commence when the order is issued and shall expire at 6:00 p.m. on the second business day following the day the order was issued; provided that the day the order is issued shall not be included in the computation of the two business days;

(c) If the person who the police officer reasonably believes to have inflicted the abuse is under the age of eighteen, the police officer may order the person to leave the premises for a period of separation, during which time the person shall not initiate any contact with the family or household member by telephone or in person; provided that the person is allowed to enter the premises with police escort to collect any necessary personal effects. The period of separation shall commence when the order is issued and shall expire at 6:00 p.m. on the second business day following the day the order was issued; provided that the day the order is issued shall not be included in the computation of the two business days. The order of separation may be amended at any time by a judge of the family court. In determining whether to order a person under the age of eighteen to leave the premises, the police officer may consider the following factors:

(i) Age of the person;

(ii) Relationship between the person and the family or household member upon whom the police officer reasonably believes the abuse has been inflicted; and

(iii) Ability and willingness of the parent, guardian, or other authorized adult to maintain custody and control over the person;

(d) All persons who are ordered to leave as stated above shall be given a written warning citation stating the date, time, and location of the warning and stating the penalties for violating the warning. A copy of the warning citation shall be retained by the police officer and attached to a written report which shall be submitted in all cases. A third copy of the warning citation shall be given to the abused person;

(e) If the person so ordered refuses to comply with the order to leave the premises or returns to

the premises before the expiration of the period of separation, or if the person so ordered initiates any contact with the abused person, the person shall be placed under arrest for the purpose of preventing further physical abuse or harm to the family or household member; and

(f) The police officer shall seize all firearms and ammunition that the police officer has reasonable grounds to believe were used or threatened to be used in the commission of an offense under this section.

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

(a) For the first offense the person shall serve a minimum jail sentence of forty-eight hours; and

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

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.

(6) Whenever a court sentences a person pursuant to subsection (5), it also shall require that the offender undergo any available domestic violence intervention programs ordered by the court. However, the court may suspend any portion of a jail sentence, except for the mandatory sentences under subsection (5)(a) and (b), upon the condition that the defendant remain arrest-free and conviction-free or complete court-ordered intervention.

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

(8) Where the physical abuse consists of intentionally or knowingly impeding the normal breathing or circulation of the blood of the family or household member by applying pressure on the throat or the neck, abuse of a family or household member is a class C felony.

(9) Where physical abuse occurs in the presence

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

(10) Any police officer who arrests a person pursuant to this section shall not be subject to any civil or criminal liability; provided that the police officer acts in good faith, upon reasonable belief, and does not exercise unreasonable force in effecting the arrest.

(11) The family or household member who has been physically abused or harmed by another person may petition the family court, with the assistance of the prosecuting attorney of the applicable county, for a penal summons or arrest warrant to issue forthwith or may file a criminal complaint through the prosecuting attorney of the applicable county.

(12) The respondent shall be taken into custody and brought before the family court at the first possible opportunity. The court may dismiss the petition or hold the respondent in custody, subject to bail. Where the petition is not dismissed, a hearing shall be set.

(13) This section shall not operate as a bar against prosecution under any other section of this Code in lieu of prosecution for abuse of a family or household member.

(14) It shall be the duty of the prosecuting attorney of the applicable county to assist any victim under this section in the preparation of the penal summons or arrest warrant.

(15) This section shall not preclude the physically abused or harmed family or household member from pursuing any other remedy under law or in equity.

(16) When a person is ordered by the court to undergo any domestic violence intervention, that person shall provide adequate proof of compliance with the court's order. The court shall order a subsequent hearing at which the person is required to make an appearance, on a date certain, to determine whether the person has completed the ordered domestic violence intervention. The court may waive the subsequent hearing and appearance where a court officer has established that the person has completed the intervention ordered by the court

#### **Hawaii Criminal Statutes define Stalking as:**

**§711-1106.5 Harassment by stalking.** (1) A person commits the offense of harassment by



stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.

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

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

(4) Harassment by stalking is a misdemeanor.

Hawaii Criminal Statutes do not have a definition of Dating Violence or Consent.

## CRIME STATISTICS: CLERY DATA

The following tables provide crime statistics for Criminal Offenses, VAWA Offenses, and arrests and referrals for disciplinary action for Weapons, Drug Abuse, and Liquor Law Violations that have been reported to local Security agencies or to Campus Security Authorities. Hate Crimes and Unfounded Crimes are reported in a narrative format.

The statistics reported here generally reflect the number of criminal incidents reported to the various authorities. The statistics reported for the sub-categories on liquor laws, drug laws, and weapons offenses represented the number of people arrested or referred to campus judicial authorities for respective violations, not the number of offenses documented. This report complies with 20 U.S. Code Section 1092 (f).

Hawaii Community College does not have student housing and residential facilities; thus, there are no existing reports related to student housing.

### CRIMINAL OFFENSES:

OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		MANONO	PĀLAMANUI	KŌ EDUCATION CENTER	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
Murder / Non-Negligent Manslaughter	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Manslaughter by Negligence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Fondling	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Incest	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Statutory Rape	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Robbery	2020	0	0	0	0	0
	2021	0	0	0	1	0
	2022	0	0	0	0	0
Aggravated Assault	2020	0	0	0	0	0
	2021	0	0	0	9	0
	2022	0	0	0	0	0
Burglary	2020	2	0	0	0	0
	2021	2	0	0	0	0
	2022	4	0	0	0	0
Motor Vehicle Theft	2020	1	0	0	0	0
	2021	2	0	0	2	0
	2022	1	0	0	0	0
Arson	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

## VAWA OFFENSES:

OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		MANONO	PĀLAMANUI	KŌ EDUCATION CENTER	NON- CAMPUS PROPERTY	PUBLIC PROPERTY
Domestic Violence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Dating Violence	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Sexual Assault	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Stalking	2020	0	0	0	0	0
	2021	2	0	0	0	0
	2022	1	0	0	0	0

## ARRESTS & REFERRALS FOR DISCIPLINARY ACTION:

OFFENSE	YEAR	GEOGRAPHIC LOCATION				
		MANONO	PĀLAMANUI	KŌ EDUCATION CENTER	NON- CAMPUS PROPERTY*	PUBLIC PROPERTY
Arrests: Weapons: Carrying, Possessing, Etc.	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Disciplinary Referrals: Weapons: Carrying, Possessing, Etc.	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Arrests: Drug Abuse Violations	2020	0	0	0	0	0
	2021	0	0	0	1	0
	2022	0	0	0	0	0
Disciplinary Referrals: Drug Abuse Violations	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Arrests: Liquor Law Violations	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0
Disciplinary Referrals: Liquor Law Violations	2020	0	0	0	0	0
	2021	0	0	0	0	0
	2022	0	0	0	0	0

## HATE CRIMES: CLERY DATA

Hate crimes have been defined above. There were no reported Hate Crimes for the years 2020, 2021, and 2022.

## UNFOUNDED CRIMES: CLERY DATA

Unfounded Crimes are defined as reported crimes which may be withheld or removed from an institution's crime

statistics, in the rare situation where: a) sworn or commissioned law enforcement personnel have fully investigated the reported crime, and b) based on the results of the full investigation and evidence, have made a formal determination that the crime report was false or baseless and therefore “unfounded”.

There were no Unfounded Crimes for the years 2020, 2021, and 2022.

## **ABOUT THE HAWAII COMMUNITY COLLEGE SAFETY & SECURITY OFFICE**

### ***Authority, Role, and Training***

The Hawai'i Community College Safety and Security Office protects and serves the HawCC community twenty-four (24) hours a day, 365 days a year. The department comprises of the Safety and Security Manager (Chief of Security) overseeing eight (8) full-time University Security Officers (USO). The daily operation is supplemented by contracted Security Officers.

The Safety and Security Office is responsible for public safety at the Manono Campus in Hilo, the Pālanui Campus in Kailua-Kona, and the Kō Education Center in Honoka'a. The office is responsible for a number of campus safety and security programs including emergency preparedness, emergency management, campus security, behavioral threat assessment and intervention, and special event management.

The Security staff at HawCC campuses are non-sworn officers who completed required training of all security officers in Hawaii. They also receive specialized training in crime prevention, property handling, patrol procedures, emergency first aid, CPR/AED, and are familiar with Hawai'i Community College emergency and non-emergency operations. University Security Officers receive advanced training regarding incident documentation, weapons and pressure point control tactics.

The Security Officers are authorized under Hawaii Revised Statutes 463-3 and 463-10.5 to detain persons for arrest by police officials. All reported criminal incidents within its own campus jurisdiction are investigated by the Hawai'i Community College Safety and Security Office. All crimes that occur on campus or Hawai'i Community College owned or controlled properties shall be reported to the Safety and Security Office for further investigation.

**Our Mission Statement:** *“Protecting our campus ‘Ohana by promoting safety and security with a spirit of Aloha, Akahai (kindness), Lōkahi (unity), ‘Olu‘olu (to be agreeable), Ha‘aha‘a (humility) and Ahonui (patience).”*

### ***Safety - Our #1 Priority***

The Big Island of Hawai'i takes great pride in Hawai'i Community College. Our island affords many advantages for students, faculty, and staff. Our community is a great place to live, learn, work, and study; however, this does not mean that the campus community is immune from problems that arise in other communities. With that in mind, the Hawai'i Community College Administration has taken meaningful measures to create and maintain a safe environment on campus.

Though Hawai'i Community College is progressive with its policies, programs, and education, it is up to each of us to live with a sense of awareness and use reasonable judgment when working, studying or visiting on campus.

### ***Working Relationship with Local, State, and Federal Law Enforcement Agencies***

Hawai'i Community College's Safety and Security Office maintains a cooperative relationship with Hawaii County Police Department, Hawai'i Sheriff's Office, and surrounding security agencies. This includes training programs, special events coordination, and, at times, joint investigation of serious incidents. A memorandum of understanding exists between Hawaii Community College and the Hawai'i County Police Department, which outlines the cooperation, and responsibilities shared by both agencies including joint investigations involving campus-based incidents, sexual assault response and reporting, and all other criminal complaint responses involving campus-based crimes or facilities.

## **Crimes Involving Student Organizations at Off-Campus Locations**

Hawai'i Community College relies on its close working relationships with local law enforcement agencies to receive information about incidents involving Hawaii students and recognized student organizations off campus. In coordination with local law enforcement agencies, the Hawaii CC Safety and Security Office will actively investigate crimes occurring off campus involving students and recognized student organizations.

Hawai'i Community College requires all recognized student organizations to abide by federal, state, and local laws, and HawCC regulations. The Community College may investigate the off-campus conduct of recognized student organizations when such conduct is suspected to be in violation of Title IX, VAWA and/or the Clery Act. Hawai'i Community College does not have student



organizations with non-campus housing.

## **Voluntary, Confidential Reporting**

If crimes are never reported, little can be done to help other members of the community from also being victims. We encourage HawCC community members to report crimes promptly and to participate in and support crime prevention efforts. The campus community is much safer when all community members participate in safety and security initiatives.

If you are the victim of a crime, or want to report a crime you are aware of but do not want to pursue action within the Hawai'i Community College or criminal justice system, we ask that you consider filing a voluntary, confidential report. Depending upon the circumstances of the crime you are reporting, you may be able file a report while maintaining confidentiality.

The purpose of a confidential report is to comply with your wish to keep your personally identifying information (PII) confidential, while taking steps to ensure your safety and the safety of others. Confidential reports allow Hawai'i Community College to compile accurate records on the number and types of incidents occurring on campus. Reports filed in this manner are counted and disclosed in the Annual Security Report. In the limited circumstances the department may not be able to assure your confidentiality, you will be informed of those cases.

Hawai'i Community College does not currently have a policy or procedure that encourage pastoral counselors and professional counselors, if and when they deem it appropriate, to inform the persons they are counseling of any procedures to report crimes on a voluntary, confidential basis for inclusion in the annual disclosure of crime statistics.

## **Anonymous Reporting**

When the victim of a crime elects to or is unable to make a report, they may utilize the following resources. Persons wishing to report a crime or incident with complete anonymity may call the Hawai'i Community College Safety and Security Office at 808-934-2760. Callers may remain anonymous if they choose to do so. Persons may also report crimes through the Hawai'i County Crime Stoppers at 808-961-8300.

Typically, the Safety and Security Manager and the Safety and Security Office staff will not attempt to trace the origin of the anonymous call unless it is deemed necessary for public safety.

## **Reporting to Campus Security**

We encourage all members of the Hawai'i Community College 'ohana to report all crimes and other emergencies in an accurate and prompt manner. Reports may be made to the Campus Security and appropriate police agencies (Manono: 808-854-1420 and Pālanui: 808-640-6515; Emergencies: dial 911). Security Officers are on campus twenty-four (24) hours a day, seven (7) days a week. Hawai'i Community College strongly encourages all crimes be reported, whether or not an investigation is deemed necessary, to assure the Safety and Security Office can assess any and all security concerns and inform the community if there is a significant threat to the campus community.

## **SECURITY OF AND ACCESS TO HAWAII COMMUNITY COLLEGE FACILITIES**

At Hawai'i Community College campuses, administrative buildings are open from 8:00 a.m. until 4:30 p.m., Monday through Friday, and academic buildings generally are open from 7:00 a.m. until 10:00 p.m. Academic buildings are open on weekends and holidays only as scheduled and as needed.

Access to individual classrooms and laboratories is limited to those students enrolled in the courses meeting there and faculty and staff who have been provided with authorized access. Likewise, access to most programs is limited to those enrolled in the program or otherwise approved for authorized access.

Many cultural and community events held at Hawai'i Community College facilities are open to the public. Other facilities, such as the cafeteria, Culinary Arts restaurants and Student Life Center are likewise open to the public. Only those individuals who have been approved are issued keys to a building.



You have the right to be told:

- About basic services available to you in Hawai'i county.
- About certain court events, including information on bail, escape of offender, or release of an offender.
- About the details of the final disposition of a case you have and the right to receive those details.
- Notice of the arrest of the offender.
- Information about restitution and assistance with compensation.
- Accompaniment to all criminal proceedings by a family member, a victim advocate, or a support person.
- You will be consulted regarding proposed penalties and/or sentences.

## ***Student Conduct***

### **The Office of the Vice Chancellor for Student Affairs**

The mission of the Office of Vice Chancellor for Student Affairs (VCSA) is to promote a safe, orderly, and civil College community and to encourage and inspire students to become good citizens by engaging in personal responsibility, ethical decision making, and demonstrating respect for the rights and safety of others.

### **The Student Code of Conduct**

The Office of the Vice Chancellor for Student Affairs is responsible for administering the Student Code of Conduct, which articulates the behavioral standards and the equitable procedures employed by the Community College to respond to allegations of student misconduct.

The Code of Conduct is administered at all Hawai'i Community College facilities and may also address off-campus student misconduct when a student's behavior affects a substantial Hawai'i Community College interest.

Students who are found responsible for violations may be subject to sanctions ranging from Conduct Conversation or Conduct Probation to Suspension or Expulsion from HawCC.

In most cases, the VCSA will also assign developmental and educational interventions designed to promote greater awareness and improved decision making for students and to further deter future misconduct.

In instances where a student's conduct, behavior, or other objective evidence provides a reasonable cause to believe a student is an immediate and significant threat to the health or safety of other persons, to property of the Community College or others, to disrupting essential campus operations, or to the student's own health or safety, the VCSA may assign an Interim Suspension and/or other interim actions that are designed to protect the health and safety of the community and members therein.

The Vice Chancellor for Student Affairs is also responsible for conducting pre-admission, re-enrollment, and continuing enrollment reviews for prospective, returning or current students with known behavioral problems. Any individual or entity may submit reports alleging student misconduct to the Vice Chancellor for Student Affairs or his/her/their designee at the campus where the incident occurred.

The Office of the Vice Chancellor for Student Affairs also provides outreach programming designed to inform and educate students and to promote learning, growth and the Spirit of Aloha. Please visit the Hawai'i Community College Services for Students website at <http://hawaii.hawaii.edu/services> where you can find the Student Code of Conduct, Student Records Policy, and links to all policy and procedural guidelines related to the Student Conduct process.

### **Additional Information Regarding the Student Code of Conduct**

The Hawai'i Community College is obligated to provide all students with the regulations, policies, and procedures governing student conduct. Hawai'i policies and procedures, including the Student Code of Conduct, are published on the Student Conduct website at <http://hawaii.hawaii.edu/student-conduct-code>.

If you have additional questions, special needs, or wish to request a hard copy of this information, please contact the Office of the Vice Chancellor for Student Affairs at 808-934-2510.

This publication, as well as HawCC regulations and policies and procedures governing student conduct, is available on the Hawai'i Community College website at <http://hawaii.hawaii.edu>.

## ***Notification of Final Results***

Hawai'i 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 HawCC 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 the paragraph.

## **HAWAI'I COMMUNITY COLLEGE POLICIES GOVERNING ALCOHOL AND OTHER DRUGS**

### ***HawCC's Alcohol and Drug Policy***

Federal law requires Hawai'i Community College to notify all faculty, staff, and students of certain information pertaining to the unlawful possession, use, manufacture, distribution, dispensation or sale of illicit drugs, controlled substances and alcohol on its property or as part of its activities. The information included in this report complies with the notification requirements of the Drug-Free Schools and Communities Act and its implementing regulations.

The Community College prohibits the unlawful possession, use, manufacture, distribution, dispensation or sale of illicit drugs, controlled substances or alcohol by students, faculty, staff, and guests in buildings, facilities, grounds, or property owned or controlled by Hawai'i Community College or used as part of College activities. Enforcement of these laws can be accomplished by campus security for administrative referral or criminally by the Hawai'i County Police Department.

### **Policies Specific to Faculty and Staff**

As a condition of employment at Hawai'i Community College, every employee shall abide by the terms of this policy. Any employee who violates this policy is subject to sanctions by HawCC, including and up to dismissal, as well as criminal sanctions provided by federal, state, or local law.

### **Policies Specific to HawCC Students**

Any student who violates this policy is subject to disciplinary action including sanctions as outlined in the Student Code of Conduct in addition to any penalties resulting from violating local, state, and/or federal law. Students who are found responsible for violations may be subject to sanctions ranging from Disciplinary Warning or Disciplinary Probation to Suspension or Expulsion from HawCC.

In most cases, the Vice Chancellor for Student Affairs will also assign developmental and educational interventions designed to promote greater awareness and improved decision making for students and to further deter future misconduct

### **Illegal Substances (Drugs)**

It is a violation of state law and Hawai'i Community College policy to illegally possess, use, distribute, dispense, manufacture, sell, or be under the influence of other drugs. Students who violate this policy will be referred to the Office of the Vice Chancellor for Student Affairs and/or the Safety and Security Office.

### ***Hawai'i Alcohol-Related Offense Laws***

#### **Underage Drinking**

It is illegal for anyone under 21 years of age to attempt to purchase, consume, possess, or knowingly and intentionally transport any liquor, malt, or brewed beverage. It is also illegal to lie about one's age to obtain alcohol and to carry a false identification card.

Hawai'i Community College does not tolerate students consuming alcoholic beverages while under the age of twenty-one (21). Not only is this against Hawai'i State law, it is also a violation of the Student Code of Conduct.



# Alcohol Poisoning is a Medical Emergency

*Call for help. You could save someone's life.*

## Know the signs:

- Passed out or difficult to wake
- Cold, clammy, pale, or blueish skin
- Slowed breathing
- Vomiting while asleep or awake

## Know how to help:

- Turn a vomiting person on his or her side to prevent choking
- Clear vomit from the mouth
- Keep the person awake
- NEVER leave the person unattended

## Carrying False I.D.

It is illegal for anyone under the age of 21 to possess an identification card falsely identifying that person by name, age, date of birth, or photograph as being 21 years or older to attempt to obtain liquor, malt, or brewed beverage, by using the identification card of another, or by using an identification card that has not been lawfully issued to or in the name of the person who possesses the card.

## Driving Under the Influence (DUI) Law

In Hawai'i, the illegal level for DUI is 0.08 percent Blood Alcohol Content (BAC) and 0.02 percent BAC for minors. Drivers with any amount of a Schedule I, II, or III controlled substance not medically prescribed (or their metabolites) may not drive, operate, or be in actual physical control of a vehicle. It is illegal for anyone under 21 years of age to drive a vehicle with a blood alcohol content of 0.02 percent or higher.

## Public Drunkenness

Public drunkenness is described as a crime when a person appears in any public place, manifestly under the influence of alcohol or a controlled substance to the degree that he may endanger himself or other persons or property, or annoy persons in his vicinity.

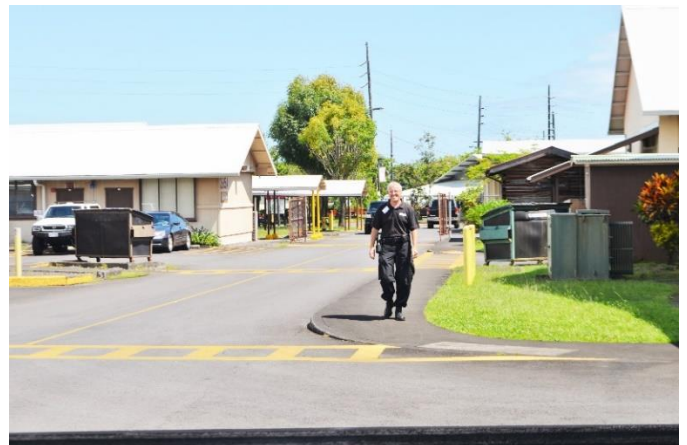
Public drunkenness also leads to other behaviors and important health concerns. Often, public drunkenness contributes to many criminal mischiefs and disorderly conducts on campus. People must be responsible for their own actions and know their limits and tolerance levels before consuming alcohol.

## Refusing a Chemical Test

Any person who drives a motor vehicle automatically gives consent to one or more chemical tests (e.g. breath, blood, or urine). This implied consent means that you do not have the right to an attorney before testing. If a person refuses to submit to a chemical test: (1) the test will not be done; (2) the person's license will be suspended for one year; (3) the person will most likely be charged with DUI.

## Open Container Law

In Hawai'i, there is no state law to prohibit open containers of alcohol in public. However, many local governments have enacted such ordinances. It is a violation of Hawai'i Community College policy to have an open container of alcohol on campus.



## Related Drug Offenses

### Possession of Marijuana

The State of Hawai'i has enacted a licensing procedure for the use of marijuana for medical purposes. Only persons in possession of a 329 Card issued by the State of Hawai'i Department of Health can legally possess marijuana in Hawai'i. Hawai'i does not recognize Medical Marijuana Cards/Letters from other states or countries.

A person who does not possess a valid 329 Card is unlawful when he/she/they knowingly, unknowingly, or intentionally possesses marijuana (hashish), a Schedule I substance, and is not authorized by law to possess such substance, as outlined under the Controlled Substances, Drugs, Device and Cosmetic Act of 1972.

Persons engaged in such activity will most likely face criminal charges and charged with a violation of the Student Code of Conduct. Hawai'i Community College policy does not permit use of medical marijuana on campus. Students who are legally authorized to consume marijuana for medical purposes should make arrangements to do so off campus.

### Possession of Other Drugs

In Hawai'i, the penalties for being convicted of possession of a controlled substance such as heroin, cocaine, methamphetamine, prescriptions, ecstasy, and LSD vary by type of substance and quantity of the substance possessed. Charges also vary by first, second and subsequent offenses. Charges may include jail time, fines, drug counseling, and suspension of driver's license.

### Possession of Drug Paraphernalia

A person is unlawful when he/she/they possesses, with the intent to use, drug paraphernalia that is used for packaging, manufacturing, injecting, ingesting, inhaling, or otherwise introducing into the human body a controlled substance in violation of State Law.

### Synthetic Marijuana

Effective March 1, 2011, the U.S. Drug Enforcement Agency classified synthetic marijuana as an illegal substance. It is also known as Spice, K2, Demon, Wicked, Black Magic, Voodoo Spice, and Ninja Aroma Plush. Individuals found responsible for manufacturing, possessing, importing/exporting, or distributing these substances will face criminal and civil penalties. Hawai'i Community College students engaging in these activities will also be held responsible under the Community College's illegal substances policy.

Controlled Substances Act (CSA) — The CSA places all substances that are regulated under existing federal law into one of five schedules. The placement is based on the substance's medical use, potential for abuse, and safety or dependence ability. Below is a description of the five schedules and examples of drugs in each schedule. The list is not comprehensive.

Schedule	Characteristics	Examples
Schedule I	<ul style="list-style-type: none"> <li>high potential for abuse</li> <li>no currently accepted medical use in US</li> <li>lack of accepted safety for use under medical supervision</li> </ul>	<ul style="list-style-type: none"> <li>Heroin</li> <li>Gamma Hydroxybutyric Acid (GHB)</li> <li>LSD</li> <li>Marijuana</li> <li>MDMA (Ecstasy)</li> <li>Mescaline (peyote)</li> <li>Psilocybin/Psilocin (mushrooms)</li> <li>Tetrahydrocannabinols (THC)</li> </ul>
Schedule II	<ul style="list-style-type: none"> <li>high potential for abuse</li> <li>currently accepted for medical use or with severe restrictions in US</li> <li>abuse may lead to severe psychological or physical dependence</li> </ul>	<ul style="list-style-type: none"> <li>Adderall®</li> <li>Amphetamine</li> <li>Cocaine</li> <li>Methadone</li> <li>Methamphetamine</li> <li>Morphine</li> <li>Oxycodone</li> <li>Phencyclidine (PCP)</li> <li>Ritalin®</li> </ul>
Schedule III	<ul style="list-style-type: none"> <li>less potential for abuse than drugs in Schedules I and II</li> <li>currently accepted for medical use in US</li> <li>abuse may lead to moderate or low physical dependence or high psychological</li> </ul>	<ul style="list-style-type: none"> <li>Anabolic Steroids</li> <li>Codeine compounds</li> <li>Some barbiturates</li> <li>Ketamine</li> </ul>

Schedule IV	<ul style="list-style-type: none"> <li>• low potential for abuse compared to drugs in Schedule III</li> <li>• currently accepted medical use in US</li> <li>• abuse may lead to limited physical dependence or psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>• Ativan®</li> <li>• Rohypnol®(not manufactured or legally marketed in the US)</li> <li>• Valium®</li> <li>• Xanax®</li> </ul>
Schedule V	<ul style="list-style-type: none"> <li>• low potential for abuse compared to drugs in Schedule IV</li> <li>• currently accepted medical use in US</li> <li>• abuse may lead to limited physical dependence or psychological dependence</li> </ul>	<ul style="list-style-type: none"> <li>• Cough medicines with codeine</li> </ul>

Source: U.S. Department of Justice. (2011). *Drugs of Abuse*. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

### Federal Tracking Penalties — Marijuana

Drug	Quantity	1st Offense	2nd Offense*
Marijuana (Schedule I)	1,000 kg or more mixture; or 1,000 or more plants	<ul style="list-style-type: none"> <li>• Not less than 10 yrs, not more than life</li> <li>• If death or serious injury, not less than 20 yrs, not more than life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 20 yrs, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$8 million if an individual, \$20 million if other than an individual</li> </ul>
Marijuana (Schedule I)	100 kg to 999 kg mixture; or 100 to 999 plants	<ul style="list-style-type: none"> <li>• Not less than 5 yrs, not more than 40 yrs</li> <li>• If death or serious injury, not less than 20 yrs, not more than life</li> <li>• Fine not more than \$2 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not less than 10 years, not more than life</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine not more than \$4 million if an individual, \$10 million if other than an individual</li> </ul>
Marijuana (Schedule I)	More than 10 kg hashish; 50 to 99 kg mixture More than 1 kg of hashish oil; 50 to 99 plants	<ul style="list-style-type: none"> <li>• Not more than 20 yrs</li> <li>• If death or serious injury, not less than 20 yrs, not more than life</li> <li>• Fine \$1 million if an individual, \$5 million if other than an individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 30 years</li> <li>• If death or serious injury, mandatory life</li> <li>• Fine \$2 million if an individual, \$10 million if other than individual</li> </ul>
Marijuana (Schedule I)	1 to 49 plants; less than 50 kg	<ul style="list-style-type: none"> <li>• Not more than 5 years</li> <li>• Fine not more than \$250,000, \$1 million other than individual</li> </ul>	<ul style="list-style-type: none"> <li>• Not more than 10 years</li> <li>• Fine \$500,000 if an individual, \$2 million if other than individual</li> </ul>
Hashish (Schedule I)	10 kg or less		
Hashish Oil (Schedule I)	1 kg or less		

\*The minimum sentence for a violation after two or more prior convictions for a felony drug offense have become final is a mandatory term of life imprisonment without release and a fine up to \$8 million if an individual and \$20 million if other than an individual.

Source: U.S. Department of Justice. (2011). *Drugs of Abuse*. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

### Federal Tracking Penalties - continued

Drug Schedule	Quantity	Penalties	Quantity	Penalties
Cocaine (Schedule II)	500–4999 gms mixture	First Offense: Not less than 5 yrs, and not more than 40 yrs. If death or serious injury, not less than 20 or more than life. Fine of not more than \$5 million if an individual, \$25 million if not an individual.  Second Offense: Not less than 10 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$8 million if an individual, \$50 million if not an individual.	5 kg or more mixture	First Offense: Not less than 10 yrs, and not more than life. If death or serious injury, not less than 20 or more than life. Fine of not more than \$10 million if an individual, \$50 million if not an individual.  Second Offense: Not less than 20 yrs, and not more than life. If death or serious injury, life imprisonment. Fine of not more than \$20 million if an individual, \$75 million if not an individual.  2 or More Prior Offenses: Life imprisonment.
Cocaine Base (Schedule II)	28–279 gms mixture		280 gms or more mixture	
Fentanyl (Schedule II)	40–399 gms mixture		400 gms or more mixture	
Fentanyl Analogue (Schedule I)	10–99 gms mixture		100 gms or more mixture	
Heroin (Schedule I)	100–999 gms mixture		1 kg or more mixture	
LSD (Schedule I)	1–9 gms mixture		10 gms or more mixture	
Methamphetamine (Schedule II)	5–49 gms pure or 50–499 gms mixture		50 gms or more pure or 500 gms or more mixture	

PCP (Schedule II)	10–99 gms pure or 100–999 gms mixture		100 gm or more pure or 1 kg or more mixture	
<b>Penalties</b>				
Other Schedule I & II drugs (and any drug product containing Gamma Hydroxybutyric Acid)	Any amount	First Offense: Not more than 20 yrs. If death or serious injury, not less than 20 years, or more than life. Fine \$1 million if an individual, \$5 million if not an individual. Second Offense: Not more than 30 yrs. If death or serious injury, life imprisonment. \$2 million if an individual, \$10 million if not an individual.		
Other Schedule III drugs	Any amount	First Offense: Not more than 10 yrs. If death or serious injury, not more than 15 yrs. Fine not more than \$500,000 if an individual, \$2.5 million if not an individual. Second Offense: Not more than 20 yrs. If death or serious injury, not more than 30 yrs. Fine not more than \$1.5 million if an individual, \$5 million if not an individual.		
All other Schedule IV drugs	Any amount	First Offense: Not more than 5 years. Fine not more than \$250,000 if an individual, \$1 million if not an individual. Second Offense: Not more than 10 yrs. Fine not more than \$500,000 if an individual, \$2 million if not an individual.		
Flunitrazepam (Schedule IV)	Less than 1 gm			
All Schedule V drugs	Any amount	First Offense: Not more than 1 yr. Fine not more than \$100,000 if an individual, \$250,000 if not an individual. Second Offense: Not more than 4 yrs. Fine not more than \$200,000 if an individual, \$500,000 if not an individual.		

Source: U.S. Department of Justice. (2011). *Drugs of Abuse*. Washington, DC: U.S. Government Printing Office. Retrieved from <http://www.justice.gov/>.

## Physical Effects

SUBSTANCE Other Names	Potential for Dependence		Risks and Effects		
	Physical	Psycho- -logical	Short-Term	Long-Term	Overdose
ALCOHOL Beer, Distilled liquor, Ethanol, Wine	High	High	<ul style="list-style-type: none"> <li>Impaired judgment and vision</li> <li>Lowered inhibitions</li> <li>Loss of motor skills and coordination</li> <li>Slurred speech</li> </ul>	<ul style="list-style-type: none"> <li>Cardiovascular disease</li> <li>Hypertension</li> <li>Liver damage</li> <li>Neurologic damage</li> <li>Toxic psychosis</li> </ul>	<ul style="list-style-type: none"> <li>Coma</li> <li>Possible death</li> </ul>
CANNABIS Hash oil, Hashish, Grass, Marijuana, Pot, Weed	Low	Moderate	<ul style="list-style-type: none"> <li>Confusion</li> <li>Euphoria</li> <li>Impaired balance and coordination</li> <li>Memory loss</li> <li>Slowed reaction time</li> <li>Slowed thinking</li> </ul>	<ul style="list-style-type: none"> <li>Cardiovascular damage</li> <li>Frequent respiratory infections</li> <li>Impaired learning</li> <li>Impaired memory</li> <li>Increased heart rate</li> <li>Tolerance and addiction</li> </ul>	<ul style="list-style-type: none"> <li>Insomnia</li> <li>Hyperactivity</li> <li>Panic attack</li> <li>Paranoia</li> <li>Possible toxic reaction if combined with other chemicals</li> </ul>
DEPRESSANTS Barbiturates, Benzodiazepine, Date rape drug, Liquid ecstasy, Flunitrazepam, GHB, Methaqualone, Special K, Xanax	High	High	<ul style="list-style-type: none"> <li>Confusion</li> <li>Fatigue</li> <li>Feeling of well-being, irritability</li> <li>Lowered blood pressure</li> <li>Lowered inhibitions</li> <li>Poor concentration</li> <li>Reduced anxiety</li> <li>Sedation</li> <li>Slowed pulse and breathing</li> <li>Slurred speech</li> </ul>	<ul style="list-style-type: none"> <li>Anxiety</li> <li>Dizziness</li> <li>Hallucinations</li> <li>Insomnia</li> <li>Loss of peripheral vision</li> <li>Nausea</li> <li>Seizures</li> <li>Weak, rapid pulse</li> <li>Toxic psychosis</li> <li>Tremors</li> </ul>	<ul style="list-style-type: none"> <li>Blackouts</li> <li>Cold, clammy skin</li> <li>Coma</li> <li>Life threatening withdrawal</li> <li>Possible death</li> <li>Respiratory depression and arrest</li> <li>Toxic reaction if combined with alcohol</li> </ul>
HALLUCINOGENICS Acid, Angel Dust, Crystal, LSD, MDA, Mescaline, Mushrooms, PCP Peyote, Phencyclidine, Psilocybin	Low / Unk nown	Unknown	<ul style="list-style-type: none"> <li>Altered stated of perception</li> <li>Increase body temperature, heart rate, blood pressure</li> <li>Loss of appetite</li> <li>Nausea</li> <li>Numbness</li> <li>Sleeplessness</li> </ul>	<ul style="list-style-type: none"> <li>Hallucinogen Persisting Perception Disorder (flashbacks)</li> <li>Intensify existing psychosis</li> <li>Violent behavior</li> </ul>	<ul style="list-style-type: none"> <li>Intense, prolonged hallucinations</li> <li>Possible sudden death</li> <li>Psychosis</li> </ul>

<b>INHALANTS</b> <b>Gases, Solvents</b>	High for chronic, long-term abuse	High for chronic, long-term abuse	<ul style="list-style-type: none"> <li>• Impaired judgment</li> <li>• Headache</li> <li>• Nausea, vomiting</li> <li>• Poor coordination</li> <li>• Slurred speech</li> </ul>	<ul style="list-style-type: none"> <li>• Cardiovascular and nervous system damage, leading to inability to walk, talk, or think</li> <li>• Cramps</li> <li>• Depression</li> <li>• Loss of muscle tone</li> <li>• Memory impairment</li> <li>• Mild withdrawal</li> </ul>	<ul style="list-style-type: none"> <li>• Coma</li> <li>• Possible sudden death</li> <li>• Possible toxic reaction</li> <li>• Unconsciousness</li> </ul>
<b>NARCOTICS</b> <b>Codeine, Demerol HCL, Heroin, Meperidine, Morphine, Opium, Oxycodone, Vicodin</b>	High	High	<ul style="list-style-type: none"> <li>• Confusion</li> <li>• Constipation</li> <li>• Drowsiness</li> <li>• Euphoria</li> <li>• Nausea</li> <li>• Pain relief</li> <li>• Sedation</li> <li>• Staggering gait</li> </ul>	<ul style="list-style-type: none"> <li>• AIDS and Hepatitis infection</li> <li>• Malnutrition</li> </ul>	<ul style="list-style-type: none"> <li>• Clammy skin</li> <li>• Coma</li> <li>• Convulsions</li> <li>• Death</li> <li>• Respiratory arrest</li> <li>• Shallow perspirations</li> <li>• Tolerance, addiction</li> <li>• Toxic reaction if combined with alcohol</li> </ul>
<b>STIMULANTS</b> <b>Amphetamine, Cocaine, Ecstasy, MDMA, Methylphenidate, Phenmetrazine, Ritalin</b>	Possible	High	<ul style="list-style-type: none"> <li>• Appetite loss</li> <li>• Excitement and euphoria</li> <li>• Feeling of well being</li> <li>• Increased Alertness</li> <li>• Increased blood pressure, pulse</li> <li>• Insomnia</li> </ul>	<ul style="list-style-type: none"> <li>• Insomnia</li> <li>• Nervous system damage</li> <li>• Organ/tissue damage</li> <li>• Paranoia</li> <li>• Psychosis</li> <li>• Weight loss</li> </ul>	<ul style="list-style-type: none"> <li>• Agitation</li> <li>• Convulsions</li> <li>• Hallucinations</li> <li>• Heart attack, stroke</li> <li>• High blood pressure</li> <li>• Loss of consciousness</li> <li>• Seizures</li> </ul>
<b>TOBACCO</b> <b>Chewing/Smoked Tobacco, Cigarettes, Cigars, Nicotine</b>	High	High	<ul style="list-style-type: none"> <li>• Bad breath</li> <li>• Bad taste in mouth</li> <li>• Decreased lung capacity</li> <li>• Increased blood pressure</li> <li>• Increased heart rate</li> </ul>	<ul style="list-style-type: none"> <li>• Adverse pregnancy outcomes</li> <li>• Cardiovascular disease</li> <li>• Cancer</li> </ul>	<ul style="list-style-type: none"> <li>• Possible death</li> </ul>

**Notes:**

- Alcohol and other drug use during pregnancy increases risk of physical harm to fetus.
- Additional risks of harm may occur from toxic impurities present in street drugs.
- Additional risks of harm may occur from the use of prescription drugs in ways other than prescribed.
- Drugs taken by injection can increase the risk of infection (e.g., HIV, hepatitis, etc.) through needle contamination.

For more information, visit:  
[www.drugabuse.gov](http://www.drugabuse.gov)  
[www.samhsa.gov](http://www.samhsa.gov)

## Drug and Alcohol Abuse Education Programs

### Resources for Faculty and Staff

The State of Hawai'i's Employee Assistance Program (EAP) is available for college employees if they have a problem with substance abuse or if someone, they know may have a problem. If you suspect that you or someone you know may have a problem with alcohol or other drugs . . . stop hurting and start healing.

Hawaii faculty and staff can reach the EAP by calling 800-994-3571.

Any employee or supervisor with additional questions related to alcohol and other drug problems may contact Human Resources at 808-934-2526.



Community Resources		
Alcoholics Anonymous (AA)		800-839-1686
Big Island Substance Abuse Council (BISAC)	234 Waianuenue Ave., Suite 101, Hilo, HI 96720	808-935-4927
Hawai'i State Department of Health Access Line	Entry point into adult mental health services provided by the State	800-753-6879
Kū Aloha Ola Mau	900 Leilani St., Hilo, HI 96720	808-961-6822
Narcotics Anonymous (NA)		808-769-6016
'Ohana Counseling Services	1221 Kilauea Ave., Ste. 70, Hilo, HI 96720	808-935-4412

### Resources for Students

Campus Resources		
Student Health and Wellness Programs- 'Imi Olakino a Olapono Haumāna	200 W. Kawili St., Room SSB-E230, Hilo, HI 96720	808-932-7462
Hawai'i Community College Kauhale and Ha'akūmalae Protocols Program	1175 Manono St. Hilo, HI 96720	808-934-2600
Nā Kia'i O Ke Ola Guardians of Life Suicide Prevention Program	200 W. Kawili St., Room SSB-E230, Hilo, HI 96720	808-932-7462
Office of the Vice Chancellor for Student Affairs	1175 Manono St. Hilo, HI 96720	808-934-2510
Disabilities Support Services, Hā'awi Kōkua Program	1175 Manono St. Hilo, HI 96720	808-934-2725



## HAWAII COMMUNITY COLLEGE'S RESPONSE TO DOMESTIC VIOLENCE, DATING VIOLENCE, SEXUAL ASSAULT, AND STALKING

Hawaii Community College does not discriminate on the basis of sex in its educational programs and sexual harassment, nor tolerate sexual violence, which is a type of sex discrimination. Other acts can also be forms of sex-based discrimination and are also prohibited whether gender based or not and include dating violence, domestic violence, and stalking.

As a result, Hawaii Community College issues this statement of policy to inform the community of our comprehensive plan addressing sexual misconduct, educational programs and procedures that address domestic violence, dating violence, sexual assault and stalking, whether the incident occurs on or off campus, and how these events are reported to a Community College official. In this context, Hawaii Community College strictly prohibits the offenses of domestic violence, dating violence, sexual assault and stalking and reaffirms its commitment to maintain a campus environment emphasizing the dignity and worth of all members of the HawCC 'ohana.



### *Our Commitment to Addressing Domestic Violence, Dating Violence, Sexual Assault/Rape, and Stalking.*

Hawaii Community College does not tolerate sexual misconduct or abuse, such as sexual assault, rape, or any other forms of nonconsensual sexual activity. Sexual misconduct in any form violates the Student Code of Conduct, Community College policies <https://www.hawaii.edu/policy/docs/temp/ep1.204.pdf> and may violate federal and state laws. Violations are subject to disciplinary sanctions through the Office of the Vice Chancellor for Student Affairs (VCSA).

Please visit <http://hawaii.hawaii.edu/security/nine> to review procedures, policies, and protocols for reporting and addressing allegations of student sexual misconduct. The State of Hawaii's Civil Rights Commission website is also intended to provide assistance in obtaining information and identifying resources for anyone who becomes aware of or has experienced sexual harassment and assault at <http://labor.Hawaii.gov/hcrc/files/2013/01/INFOsh-1.pdf>.

- On-campus, confidential counseling services are available to students through the HawCC Counseling, Advising & Support Services Center, <http://hawaii.hawaii.edu/counseling>.
- Hawaii Community College has partnered with the YWCA to provide sexual assault support services. The YWCA provides a broad range of services including Sexual Assault Support Services (SASS), Sexual Assault Response and Advocacy Services (SARAH) and Empowering Alternatives program (EAP).

### *What is Consent?*

Consent must be informed, freely given and mutual. If coercion, intimidation, threats or physical force are used, there is no consent. If a person is mentally or physically incapacitated or impaired so that such person cannot understand the fact, nature or extent of the sexual situation, there is no consent. This includes impairment or incapacitation due to alcohol or drug consumption, or being asleep or unconscious.

Inducement of incapacitation of another with the intent to affect the ability of an individual to consent or refuse to consent to sexual contact almost always, if not always, negates consent. Silence does not necessarily constitute consent. Whether a person has taken advantage of a position of influence over an alleged victim, may be a factor in determining consent. Hawaii Community College does not have its own definition of consent and relies upon the above definition for purposes of enforcement.

### *Defining Sexual Assault/Rape, Domestic Violence, Dating Violence, and Stalking*

According to the **Violence Against Women Act (VAWA)**, Sexual Assault is defined as: An offense that meets the definition of rape, fondling, incest, or statutory rape as used in the FBI's Uniform Crime Reporting (UCR) program.

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

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

**Domestic Violence:** 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 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. Abuse is defined as the occurrence of one or more of the following acts between family or household members, sexual or intimate partners or persons who share biological parenthood:

- 1) Attempting to cause or intentionally, knowingly or recklessly causing bodily injury, serious bodily injury, rape, involuntary deviate sexual intercourse, sexual assault, statutory sexual assault, aggravated indecent assault, indecent assault or incest with or without a deadly weapon.
- 2) Placing another in reasonable fear of imminent serious bodily injury.
- 3) The infliction of false imprisonment (kidnapping).
- 4) Physically or sexually abusing minor children, including such terms as defined in Hawaii State laws relating to child protective services.
- 5) Knowingly engaging in a course of conduct or repeatedly committing acts toward another person, including following the person, without proper authority, under circumstances which place the person in reasonable fear of bodily injury.

**Dating Violence:** Means violence committed by a person (a) who is or has been in a social relationship of a romantic or intimate nature with the victim; and (b) where the existence of such a relationship shall be based on the reporting party’s statement and with consideration of:

- 1) The length of the relationship.
- 2) The type of relationship.
- 3) The frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

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

**Stalking:** is defined by VAWA as engaging in a course of conduct directed at a specific person that would cause a reasonable person to (a) fear for his or her safety or the safety of others; or (b) 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.
- Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.
- Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

## ***What to do if you have been the victim of sexual assault, dating violence, domestic violence or stalking***

After an incident of sexual assault, it is important to seek medical attention as soon as possible. In Hawai'i, evidence may be collected even if a victim chooses not to make a report to law enforcement. It is important that victims of sexual assault not bathe, douche, smoke, change clothing or clean the bed/linen/area where they were assaulted if the offense occurred within the past ninety-six (96) hours so that evidence, as may be necessary to the proof of criminal activity, may be preserved. In circumstances of sexual assault, if victims do not opt for forensic evidence collection, health care providers can still treat injuries and take steps to address concerns of pregnancy and/or sexually transmitted disease.

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to also preserve evidence by saving text messages, instant messages, social networking pages, other forms of communications, and keeping pictures, logs or other copies of documents, if they have any, that would be useful to Community College hearing boards/ investigators or Security. Although HawCC 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, and the victim has the right to decline involvement with the Security Office. Whether a victim reports the crime to Security or not, if the alleged offender is a member of the campus community, the victim has a right to proceed to seek Community College discipline against the offender.

The following information provides steps to follow should a sexual assault occur:

- \* Get to a safe place as soon as possible!
- \* Try to preserve all physical evidence – the victim should not bathe, shower, brush teeth, douche, use the toilet, or change clothing until s(he) has a medical exam. Contact a close friend or relative, if available, who can provide support and accompany the victim to the medical exam, the police department and/or HawCC Security department. Advocates from the YWCA are available to the victim to provide support.
- \* Get medical attention as soon as possible – an exam may reveal the presence of physical injury that the victim is unaware of. Following a sexual assault, antibiotics are typically given at the time of the exam to help prevent the victim from acquiring certain sexually transmitted diseases. Emergency contraception is provided to all female victims at risk of pregnancy from the assault (if the victim presents within 120 hours). If the victim reports memory loss, loss of consciousness or other circumstances suspicious for a drug-facilitated assault, a urine test may be done if the victim presents within 96 hours. Some of the commonly used “date rape” drugs, however, are only detectable in the urine for six to eight hours after ingestion.

- \* Contact the Security – Sexual assault is a crime, it is vital to report it. It is important to remember that reporting a crime is not the same as prosecuting the crime. The decision to prosecute
  - \* Consider talking to a counselor – Seeing a counselor may be important in helping the victim understand her/his feelings and begin the process of recovery.
- may be made at another time. Final decision to prosecute is determined by the District Attorney.

***\*Source: Hawaii CC pamphlet “Sexual Misconduct, What You Need to Know About Title IX.”***

To criminally report an incident involving a sexual assault, domestic violence, stalking, and dating violence, contact the Hawai'i Community College Safety and Security Office at 808-854-1420, 808-934-2760 or simply dial 911. Campus Security will assist any victim with notifying the Hawai'i County Police Department if they so desire. A victim of domestic violence, dating violence, sexual assault or stalking who proceeds through the criminal process has the following rights:

- To receive information concerning available services for victims;
- To be notified of certain significant actions and proceedings pertaining to your case;
- To be accompanied at all public criminal proceeding by a victim advocate, family member or another person;
- To offer prior comment on the sentencing of a defendant to include the submission of a written and/or oral victim impact statement;
- To be restored, to the extent possible, to the pre-crime economic status through restitution, compensation, and the return of property.

If personal injury results from the incident, and the offender is sentenced to a state correctional facility, the victim has the opportunity to provide prior comment(s) on and to receive state post sentencing release decisions (work release, parole,

pardon, or community treatment center placement) and to be provided immediate notice of escape of the offender;

If personal injury occurs from the incident and the offender is sentenced to a local correctional facility, the victim has the right to receive notice of release of the offender (including work release, furlough, parole, community treatment center placement) and to be provided with immediate notice of the escape of the offender;

Where the offender is committed to a local correctional facility for a violation of the order or for a personal injury crime against a victim protected by the order, the victim has the right to receive immediate notice of the release of the offender on bail;

When an offender is committed to a mental health facility from a state correctional institution, the victim has the right to notice of the discharge, transfer, or escape of the offender from the mental health facility; and

The victim has the right to have assistance in the preparation of, submission of and follow-up on financial assistance claims at the Hawai'i County District Attorney's Office.

Moreover, to the extent of the victim's cooperation and consent, Hawai'i Community College will work cooperatively to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal Community College investigation of the complaint.

For example, if reasonably available, a complainant may be offered written notification regarding the available options for, changes to academic, living, or working situations in addition to counseling, health services and assistance in notifying appropriate local law enforcement. Additionally, in most cases and consistent with other federal law, personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know, who are investigating/adjudicating the complaint or delivering resources or support services to the complainant. Hawai'i Community College does not publish the name of Clery Act crime victims nor house identifiable information regarding victims in the Campus Security department's Daily Crime Log or online.

Hawai'i Community College will confidentially maintain any accommodations or protective measures provided to the victim, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the accommodations or protective measures.

### ***Risk Reduction, Warning Signs of Abusive Behavior and Future Attacks***

No victim is EVER to blame for being assaulted or abused. Unfortunately, studies show that a person who is the victim of sexual or dating violence is more likely to be re-victimized. Below are some tips to help reduce your risk, to recognize warnings signs of abusive behavior and how to reduce the risk of a potential attack.

#### **Warning Signs of Abusive Behavior**

Domestic and dating abuse often escalate 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.

Warning signs of dating and domestic violence include:

- 1) Being afraid of your partner.
- 2) Constantly watching what you say to avoid a "blow up".
- 3) Feelings of low self-worth and helplessness about your relationship.
- 4) Feeling isolated from family or friends because of your relationship.
- 5) Hiding bruises or other injuries from family or friends.
- 6) Being prevented from working, studying, going home, and/or using technology (including your cell phone).
- 7) Being monitored by your partner at home, work or school.
- 8) Being forced to do things you do not want to do.

#### **Help Reduce Your Risk and Avoid Potential Attacks**

If you are being abused or suspect that someone you know is being abused, speak up or intervene.

- 1) Get help by contacting the Counseling Center or Health Center for support services.

- 2) Learn how to look for “red flags” in relationships so you can learn to avoid some of those characteristics in future partners.
- 3) Consider making a report with Campus Security and/or the Title IX Coordinator and ask for a “no contact” directive from the Community College to prevent future contact.
- 4) Consider getting a protection from abuse order or no contact order from a local judge or magisterial justice.
- 5) Learn more about what behaviors constitute dating and domestic violence, understand it is not your fault, and talk with friends, family members and advocates about ways you can be supported.
- 6) Trust your instincts—if something does not feel right in a relationship, speak up or end it.

### **Sexual Assault Prevention**

- Be aware of rape drugs.
- Try not to leave your drink unattended.
- Only drink from un-opened containers or from drinks you have watched being made and poured.
- Avoid group drinks like punch bowls.
- Cover your drink. It is easy to slip in a small pill even while you are holding your drink. Hold a cup with your hand over the top, or choose drinks that are contained in a bottle and keep your thumb over the nozzle.
- If you feel extremely tired or drunk for no apparent reason, you may have been drugged. Find your friends and ask them to leave with you as soon as possible.
- If you suspect you have been drugged, go to a hospital and ask to be tested.
- Keep track of how many drinks you have had.
- Try to come and leave with a group of people you trust.
- Avoid giving out your personal information (phone number, where you live, etc.). If someone asks for your number, take his/her/their number instead of giving out yours.

### **Traveling Around Campus (Walking)**

- Make sure your cell phone is easily accessible and fully charged.
- Be familiar with where emergency phones are installed on the campus.
- Be aware of open buildings where you can use a phone.
- Keep some change accessible just in case you need to use a pay phone.
- Take major, public paths rather than less populated shortcuts.
- Avoid dimly lit places and talk to campus services if you believe that lights need to be installed in an area.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- Walking back from late classes at night is sometimes unavoidable, so try to walk with a friend.
- Carry a noisemaker (like a whistle) on your keychain.
- Carry a small flashlight on your keychain.
- If walking feels unsafe, call Campus Security (Manono 808-854-1420 and Pāalamanui 808-640-6515). The officers will be happy to accompany you to your vehicle.

## ***Community College Procedures for Responding to Reports of Sexual Assault, Domestic Violence, Dating Violence, and Stalking***

You have other options in addition to, or in alternative to, contacting Campus Security regarding sexual assault, domestic violence, dating violence, and stalking.

Concerns about conduct by a student or student group that may violate this Policy may also be reported to:

**Dr. Sara Vogel, EdD**  
Title IX Coordinator  
1175 Manono Street  
Hilo, HI 96720  
Email: [svogel@hawaii.edu](mailto:svogel@hawaii.edu)

**Mari Giel**

Deputy Title IX Coordinator for Students  
1175 Manono Street  
Hilo, HI 96720  
Email: marigiel@hawaii.edu

Concerns about conduct by an employee or third-party that may violate this Policy may also be reported to:

**Shana Kojiro**

Deputy Title IX Coordinator for Employees  
1175 Manono Street  
Hilo, HI 96720  
Email: shana.kojiro@hawaii.edu

If you or someone you know is the victim of a sexual assault, the victim has several rights, including:

- The right to report the incident to a Campus Security Authority (CSA) or local authorities. Filing a Security report does not mean the victim must pursue criminal charges. The victim maintains his or her rights throughout the process.
- In addition to the campus services listed below, several community service organizations can provide counseling, mental health, and other related services to sexual assault victims. Resources and contact information can be found on the Sexual Harassment and Assault Reporting and Education Sexual Assault, Domestic Violence, Dating Violence, and Stalking section of the following website: <http://www.hawaii.edu/offices/eo/policies> .
- If a victim of a sexual assault or relationship violence incident requests a change in his/her/their living arrangements or academic schedule, the Vice Chancellor for Student Affairs and other offices at HawCC will assist the individual with making these changes, as long as they are reasonably available.

**Resources:****County of Hawaii Victim Assistance Program**

- East Hawaii: 808-934-3306
- West Hawaii: 808-322-2552

**Affirmative Action**

Title IX Coordinator  
<http://www.hawaii.hawaii.edu/security/nine>

**Hilo Medical Center**

1190 Waianuenue Ave  
Hilo, HI 96720  
808-932-3000

**Legal Aid Society of Hawaii**

808-961-2851

**VISA and Immigration Assistance**

US Immigration Service  
1-800-375-5283

**YWCA, Sexual Assault Support Services**

24-hour crisis line: 808-935-0677

**Student Services Center**

UH Hilo, 2nd Floor, Room E225

**National Sexual Assault Hotline**

1-800-656-4673



**Employee Assistance Program (EAP)**  
Confidential counseling for faculty/staff  
1-800-994-3571

**Hawaii Access Line/Crisis and Help Hotline**  
1-800-753-6879

**HawCC Financial Aid Office**  
808-934-2712

**HawCC Student Counseling Services**

- Manono Campus: 808-934-2720
- Pālanuanui Campus: 808-969-8816
- UH Hilo Campus: 808-932-7089 or 808-932-7465

**Promoting Awareness, Victim Empowerment (PAVE)**  
<http://pavingtheway.net>

***Promoting Awareness, Victim Empowerment (PAVE)***

Hawai'i Community College maintains a link to the Promoting Awareness, Victim Empowerment (PAVE) website. PAVE is a multi-chapter national 501c3 nonprofit organization that uses education and action to shatter the silence of sexual violence through targeted social, educational and legislative tactics.

**PAVE's Core Principles**

- PAVE was created to shatter the silence of sexual violence using education and action.
- PAVE values survivor voices as one of the strongest tools to shatter the silence.
- PAVE works to prevent sexual violence by engaging both men and women.
- PAVE was built on inclusiveness to all communities regardless of biological sex, gender, age, race, ethnicity, national origin, sexual preference, ability, religion, creed, etc.
- PAVE is not a support group. It is a grassroots organization that raises awareness and takes action on issues of sexual and domestic violence.
- PAVE is not just for survivors. It is for everyone, though many survivors find healing by turning their trauma into action.
- PAVE aims to educate on the prevalent myths and misconceptions surrounding violence, including the fact that the majority of sexual assaults are committed by someone the victim knows and trusts.
- PAVE believes that all members in the community have a stake in ending sexual violence. Prevention transcends individual responsibility to include bystander intervention and perpetrator accountability.
- PAVE never blames victims for the crimes done to them.
- PAVE is working towards a societal shift and uses grassroots action to create change.

***Internal Disciplinary Procedures that will be followed once an incident of Domestic Violence, Dating Violence, Sexual Assault, or Stalking has been reported***

Sexual misconduct and relationship violence, in any form, violates the Student Code of Conduct, and may violate federal and state laws. Violations of this policy are subject to disciplinary sanctions through the Office of the Vice Chancellor for Student Affairs (VCSA) and/or the Human Resources Office.

Reports or complaints alleging sexual assault, domestic violence, dating violence, and stalking are processed on the basis of the status of the alleged perpetrator (respondent). Reports or complaints against any Community College employee (faculty, staff, administrator or executive) will be processed by the Human Resources Office.

Reports or complaints alleging discrimination or harassment of any member of the HawCC community by individuals who are

not members of the College community (e.g., third party vendors, contractors, and guests) will be processed by the Vice Chancellor for Administrative Services (VCAS). Reports or complaints alleging discrimination or harassment by a student will be processed by the Vice Chancellor for Student Affairs.

All incidents involving an alleged violation of Title IX involving students should be forwarded to the Title IX Coordinator for review. When received by the Title IX Coordinator, the information will be reviewed and the level of investigation, accommodation, and/or remedial measures already implemented as well as the potential need for a timely warning will be assessed. The Title IX Coordinator will also ensure that accommodations, resources, rights, and options are addressed with the complainant.

Hawai'i Community College procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking provides that the proceedings will include a prompt, fair and impartial process from the initial investigation to the final result.

A prompt, fair and impartial proceeding includes a proceeding that is:

- 1) Completed within reasonably prompt timeframes designated by HawCC policy, including a process that 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;
- 2) Conducted in a manner that:
  - a. Is consistent with HawCC policies and transparent to the accuser and accused;
  - b. Includes timely notice of meetings at which the accuser or accused, or both, may be present; and
  - c. Provides timely and equal access to the accuser, the accused, and appropriate officials to any information that will be used during informal and formal disciplinary meetings and hearings;
- 3) Conducted by officials who do not have a conflict of interest or bias for or against the accuser or the accused. The officials will at a minimum, receive annual training on the issues related to dating violence, domestic violence, sexual assault and stalking and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

At any time, when a complainant expresses an interest in exploring options with the Title IX Coordinator, the process will begin with communication with the Complainant. This conversation will occur in a prompt and timely fashion.

Possible outcomes of this initial discussion include the following:

- 1) The incident is documented, but no further action is determined to be necessary by the VCSA. Appropriate accommodation to the complainant and appropriate remedial measures will still be applied; or
- 2) Complainant wishes for the VCSA to proceed with an initial investigation to include contact with the respondent. The complainant will be eligible for appropriate accommodations, and appropriate remedial measures will be applied. The complainant will also be informed that if at any point in the future, the complainant wishes for formal action, the complainant can request it at that time. A timeline for next steps will be reviewed, and when appropriate, additional meetings scheduled; or
- 3) The complainant requests that the VCSA proceed with the formal Student Conduct Investigation. The complainant will be eligible for appropriate accommodations, and appropriate remedial measures will be considered. Additional information necessary to proceed with the formal process will be obtained. A timeline for next steps will be reviewed and when appropriate, additional meetings scheduled.

In any of the three outcomes listed above, appropriate documentation will be completed for submission to the Title IX Coordinator.

There may be cases in which the information provided requires that action be taken (including initiating informal or formal action), irrespective of the desires of the complainant, and in such cases the Community College will take that action. In those cases, every effort will be made to explain to the complainant the rationale for moving forward and the relevant procedures and timelines, and to keep them abreast of the process. At no time, however, will the complainant be compelled to participate in the process.

## Initial Investigation

When an initial investigation is pursued, the investigator, usually a Vice Chancellor or his/her/their delegate, will contact the respondent to schedule a meeting. In that meeting, the investigator will review the following:

- 1) Rights of the respondent,
- 2) The allegations,
- 3) The respondent's perspective on the allegations,
- 4) Actions requested by the complainant, if any, and
- 5) Actions recommended by Hawai'i Community College.

If, following the discussion, the respondent agrees to honor the complainant's and HawCC's requests, and the investigator believes that the complainant's requests are reasonable and appropriate, steps will be taken to complete those actions in a prompt and timely manner. Examples of such actions include, but are not limited to, counseling for the respondent, commitment to change/end the behavior, restricted activity, schedule modification, and educational intervention.

The complainant will be notified of the respondent's agreement and appropriate documentation will be completed for submission to the Title IX Coordinator. No reportable disciplinary record is created. However, the information will remain on file should future concerns be reported.

When the respondent is not willing to honor the requests of the complainant or the Community College, a follow-up meeting will be held with the complainant to determine next steps. Although selecting the initial investigation initially, the complainant may wish to modify the request to a formal process.

## *Internal Disciplinary Procedures for institutional disciplinary action in cases of alleged Domestic Violence, Dating Violence, Sexual Assault and Stalking*

### Student Process

When cases involving domestic violence, dating violence, sexual assault, or stalking are reported and a formal conduct process is initiated, the Community College will provide a prompt, fair, and impartial investigation and resolution.

Reports will be investigated (if applicable) and managed by professional staff or Student Conduct Committee members who have been trained on issues related to domestic violence, dating violence, sexual assault, stalking, and victimization, and on how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability.

If it is determined that it is appropriate and necessary, a formal investigation process prior to the determination of charges and sanctions will occur. When a formal investigation process is initiated, the assigned investigator will attempt to interview all parties who have substantive information to share about the allegations and will attempt to gather all available documentation. An investigative packet containing the information received and collected will be compiled.

If, after factual investigation, charges are assigned and the respondent accepts responsibility, both the respondent and complainant (hereafter "party") have the opportunity to request a sanction review.

If the respondent contests the charges (i.e., denies responsibility for one or more of the assigned charges), the matter will be forwarded to a Student Conduct Committee Hearing. The standard of evidence in a hearing is a more likely than not, a preponderance standard. In other words, the determination is whether it is more likely than not that a violation occurred.

In a hearing, both parties may question all witnesses. Questions may also be posed by each party to the other; however, questioning of the other party will be permitted only through the Committee Chair.

The respondent and complainant may each be assisted by an advisor. "Advisor" is defined as any person selected by the respondent or complainant to assist and accompany them through the Community College conduct process (including Disciplinary Conferences, Administrative/Student Conduct Committee Hearings, Chancellor Reviews, and formal Appeals).

Parties may choose a trained advisor, e.g. an attorney, or choose a non-trained advisor, or may choose to proceed without an advisor. A party shall not select an advisor with the actual or effective purpose of disrupting the proceedings, causing emotional distress to the other party, or otherwise attempting to disrupt the process.

The advisor, upon request of either party, may (1) accompany the party in any disciplinary proceeding, (2) advise the party in the preparation and presentation of sharing of information, and (3) advise the party in the preparation of any appeals or sanction reviews. The advisor shall not perform any function in the process other than advising the party and may not make a presentation or represent the party.

The parties are expected to ask and respond to questions on their own behalf, without representation by their advisor. The advisor may consult with their advisee quietly or in writing, or outside during breaks, but may not speak on behalf of the advisee. Delays in the conduct process will not normally be allowed due to scheduling conflicts with advisors.

Each party will be allowed to submit a statement of facts prior to the hearing that will be added to the hearing packet.

Each party will also be allowed to submit an impact statement that will be reviewed by the Chancellor should the respondent be found responsible for violating the Code.

Within ten (10) school days after the hearing, the Student Conduct Committee shall transmit its findings and decision as to cause and recommendation in writing to the Chancellor. Simultaneously, a certified copy of the Committee's findings, decision as to cause, and recommendations shall be delivered or posted by registered or certified mail with return receipt requested to both the accuser and accused last known address.

The Committee's decision as to cause shall be in writing and shall be accompanied by separate findings of fact. If the student has filed proposed findings of fact, the Committee shall rule on each proposed finding in its final decision as to cause.

No Committee determination adverse to a student shall be finalized by the Chancellor until the student has been afforded an opportunity to request that the Chancellor review the Committee's findings, decision as to cause, and recommendations. This review does not entitle the student to a full rehearing of his/her case. Such review shall be requested in writing.

The student shall have five (5) school days after the receipt of the Committee's findings, decision as to cause, and recommendations to request in writing a review by the Chancellor. The request should be sent by registered mail to the Office of the Chancellor.

Upon request, the Chancellor shall limit the review of the Committee's findings, decision as to cause, and recommendations to the following four (4) issues:

- 1) Did the Committee follow the procedures contained in Student Conduct Code?
- 2) Was the Committee hearing conducted in such a way as to provide the student an adequate opportunity to present his/her defense?
- 3) Did the evidence presented at the hearing satisfy the requisite burden of proof?
- 4) Is the sanction reasonable in relation to the gravity of the violation?

Within thirty (30) calendar days from the receipt of the Committee's findings, decision as to cause, and recommendations, the Chancellor shall simultaneously notify, by certified or registered mail with return receipt requested, both the accused or accuser or the accused or accuser's attorney of record of his/her decision regarding the sanction to be taken and any accompanying orders. A copy of this notification shall be included in the record of proceedings and retained by the Vice Chancellor for Student Affairs for a minimum of five (5) years after the date of last attendance by the student.

In cases of an alleged Clery Act/Title IX/VAWA offense or other "crime of violence", the victim and the accused shall be informed of the outcome of any institutional disciplinary proceeding simultaneously and any changes to the final result. The decision of the Chancellor shall be final within the College.

### **Staff/Faculty Process**

Allegations of misconduct by staff members will be investigated by the Vice Chancellor for Administrative Services. Allegations of misconduct by faculty members will be investigated by the Vice Chancellor for Academic Affairs (VCAA). The appropriate Vice Chancellor, or a designee, will be responsible for investigating reports of sexual assault, domestic violence, dating violence, and stalking, and making factual findings applying a preponderance of the evidence standard, with respect to whether a policy violation occurred.

Following the fact finding and investigative process, the respective Vice Chancellor will prepare a written report with findings and remedial recommendations to the Chancellor. Following the Chancellor's review of the case, both the accused and the

accuser will receive simultaneous notice of the final disciplinary sanctions, providing that such disclosure does not violate State Law and/or Contractual Agreements. Both the accused and the accuser may appeal the final disciplinary sanctions.

University of Hawai'i Policies and Bargaining Unit Agreements will be followed throughout the appeal process. At the conclusion of any appeal process, both the accused and the accuser will be notified simultaneously, in writing, of the outcome of the appeal and sanctions.

### ***Burden of Proof***

As noted, the standard of evidence for determining whether a violation most likely occurred, specifically when investigating alleged domestic violence, dating violence, sexual assault, and stalking, is "preponderance of evidence."

### ***Right to Alternative Procedures***

It is the right of any individual to pursue other avenues of recourse which may include initiating civil action or seeking redress under state criminal statutes (e.g., the Hawai'i Penal Code, Chapter 707, Part V. Sexual Offenses, §707- 730 to 707-733) and/or federal law. These avenues of complaint may be pursued concurrently without jeopardizing an individual's right to use on campus complaint procedures, including student disciplinary procedures.

Individuals may also pursue civil rights complaints through state and federal agencies, including OCR (students), EEOC (employment), and HCRC (employment). Complainants should contact these agencies directly regarding agency procedures and deadlines for filing complaints.

### ***Possible sanctions or protective measures Hawai'i Community College may impose following a final determination of an institutional procedure***

Following a final determination of an institutional procedure regarding domestic violence, dating violence, sexual assault or stalking, the Community College may impose the following sanctions or protective measures:

#### **Students**

- Sanctions up to and including expulsion from the Community College
- Administrative Directives for No Contact: (Students may request a Directive for No Contact through the Office of the Vice Chancellor for Student Affairs)
- Restriction from portions of campus
- Change in housing assignment
- Change in course assignment
- Mandated Psychological Evaluation and/or Counseling
- Mandated Education

#### **Faculty/Staff**

- Employee termination from the Hawai'i Community College
- Unpaid suspension
- Restrictions from all or portions of campus
- Change in working facility
- Mandated education
- Written reprimand in personnel file
- Removal from classroom teaching
- Removal from administrative position

### ***Protecting the Confidentiality of Victims***

All members of the Hawai'i Community College Student Conduct Committee, case managers, and investigators have been trained in confidentiality of student records and the provisions of the Family Educational Rights to Privacy Act (FERPA). Personal identifiable information about the victim will be treated as confidential and only shared with persons with a specific need to know who are investigating/adjudicating the complaint or delivering resources or support services to the complainant.

HawCC does not publish the name of crime victims nor house identifiable information regarding victims in the Campus Safety and Security Office Daily Crime Log or online. Victims may request that directory information on file be removed from public sources by submitting a written request to the Vice Chancellor for Administrative Services.

## **Education and Prevention Programs**

Hawai'i Community College engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. Educational programming consists of primary prevention and awareness programs for all incoming students and new employees and ongoing awareness and prevention campaigns for the campus community that:

- 1) Identifies domestic violence, dating violence, sexual assault and stalking as prohibited conduct;
- 2) Define what behavior constitutes domestic violence, dating violence, sexual assault, and stalking;
- 3) Defines what behavior and actions constitute consent to sexual activity in the State of Hawai'i;
- 4) Provides safe and positive options for bystander intervention that may be carried out by an individual to prevent harm or intervene when there is a risk of domestic violence, dating violence, sexual assault, or stalking against a person other than the bystander;
- 5) Provides information on risk reduction so that students and employees may recognize warning signs of abusive behavior and how to minimize the risk of potential attacks;
- 6) Provides an overview of information contained in the Annual Security Report in compliance with the Clery Act.

Hawai'i Community College has developed an annual educational campaign consisting of presentations that include distribution of educational materials to new students, participating in and presenting information and materials during new employee orientation, and presenting safety programs throughout the year.

## **Hawai'i Covered Offender Registration and Adult Criminal Conviction Information**

### **Hawai'i Criminal Justice Data Center**

The Hawai'i Criminal Justice Data Center (HCJDC) is an agency of the Department of the Attorney General in the State of Hawai'i and is responsible for the statewide criminal history record information system (CJIS-Hawai'i), the statewide Automated Fingerprint Identification System (AFIS), the statewide Sex Offender and Other Covered Offender Registry, and the Adult Criminal Conviction Information Web Site (eCrim).

### **Covered Offender Search**

Members of the general public may view sex offender registry information at <http://sexoffenders.ehawaii.gov/sexoffender> . Chapter 846E, Hawai'i Revised Statutes, mandates that the Hawai'i Criminal Justice Data Center maintains a central repository of covered offenders in the State of Hawai'i.

Information about these persons is available to the public: 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 vehicle(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.

Information regarding covered offenders is permitted pursuant to Chapter 846E. Public access to this information is based solely on the fact of each offender's criminal conviction and is not based on an estimate of the offender's level of dangerousness. By allowing the public access to this information, the State makes no representation as to whether the covered offenders listed are dangerous. Any person who uses the information in this registry to injure, harass, or commit a criminal act against any person included in the registry may be subject to criminal prosecution, civil liability, or both.

### **Adult Criminal Information (eCrim)**

This online service at <https://ecrim.ehawaii.gov/ahewa> allows members of the general public to view an individual's conviction information based on the search criteria they provide. The search criteria may include name, social security



number, date of birth, and/or gender.

The search is conducted on criminal history record files maintained by the Hawai'i Criminal Justice Data Center. The search results do not include Hawai'i Sex Offender and Other Covered Offender Registration information. Each unique search will be charged a \$5.00 fee. Parties may reuse searches in the same login session. The cost for an official eCrim report is \$10.00.

### ***Bystander Intervention***

Most people want to help in difficult situations, but many incorrectly assume that someone else will take action in a phenomenon known as "Diffusion of Responsibility." Each bystander's sense of responsibility to help, decreases as the number of witnesses increases. The end result is that nobody speaks up, comes forward or helps. This is not bystander apathy. People may be truly concerned about the welfare of the victim, sincerely believing that someone else will help or hoping that another person is either more likely to intervene and more qualified or more capable than they are to intercede.

Bystander Intervention means safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

Specific interventions can be divided into four main types:

- **Engage:** Say or do something that directly engages one or more of the parties involved
- **Distract:** Say or do something to interrupt the interaction
- **Enlist:** Ask for the help of someone else who may be better able to intervene
- **Delay:** Say or do something after the difficult moment or incident has passed

### **Response**

How do you decide what to do? Before you act, consider if the situation is an emergency or non-emergency and should intervention be direct, indirect or both? If appropriate, utilize the S.E.E. protocol for safe intervention.

S - Safe Responding:

- Choose a course of action, direct or indirect, that best ensures the safety of those involved, including yourself

E - Early Intervention:

- Take action before the problem becomes worse

E - Effective Helping:

- Implement specific helping skills depending on the situation

### **TIMELY WARNING**

In an effort to provide timely notice to the campus community in the event of a Clery Act crime that may pose a serious or ongoing threat to members of the community, the Hawai'i Community College Security Office issues Timely Warnings.

HawCC may issue a Timely Warning for the following crimes: arson; aggravated assault; criminal homicide; domestic violence, dating violence, robbery; burglary, sexual assault, hate crimes; and stalking. Hawai'i Community College may also issue a Timely Warning for alcohol, drug, and weapon arrests or referrals that may cause a continuing threat to the community. HawCC will distribute these warnings through a variety of ways, including but not limited to posters, emails, and social media. HawCC also has the ability to send text message alerts to those who register their cell phone numbers. The text messaging can be a very effective way to send important information to the campus community. Instructions on how to sign-up for the UH Alert service is included in the Emergency Notification section below.

The purpose of a Timely Warning is to notify the campus community of the incident and to provide information that will aid in the prevention of similar occurrences and allow students to take steps to protect themselves from similar incidents. Timely Warnings will withhold the names of victims for confidentiality.

Hawai'i Community College will issue Timely Warnings whenever the following criteria are met:

- 1) A crime is reported;
- 2) The perpetrator has not been apprehended; and
- 3) There is a substantial risk to the safety of other members of the campus community because of this crime.

HawCC may also issue a Timely Warning in other circumstances, as outlined above. HawCC is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

At Hawai'i Community College, the Safety and Security Manager will generally make the determination, in consultation with the Vice Chancellor of Administrative Services, the Vice Chancellor of Student Affairs, and the Chancellor, if a Timely Warning is required. The office that determines if a Timely Warning is required will authorize the timely warning and designate the appropriate person to send it. However, in emergency situations, any University Security Officer may authorize a Timely Warning. For incidents involving off-campus crimes, Hawai'i Community College may issue a Timely Warning if the crime occurred in a location used and frequented by the campus community.

Students are encouraged to make reports of criminal acts or Clery Act crimes to Campus Security if it is a non-emergency or dial 911 if it is an emergency (Manono: 808-854-1420 and Pālanui: 808-640-6515, Emergencies dial 911). Students may also report these incidents to the Vice Chancellor of Student Affairs, Title IX Coordinator, Vice Chancellor of Administrative Services or any other member of the faculty, who can then relay the information to the appropriate source, and ensure a timely warning is made and that the incident can be documented for statistical disclosure.

## **EMERGENCY RESPONSE AND EVACUATION PROCEDURES**

### ***Emergency Management at Hawai'i Community College***

The Safety and Security Office is responsible for campus security and emergency preparedness for the Manono Campus in Hilo, the Pālanui Campus in Kailua-Kona and the Kō Education Center in Honoka'a. The Vice Chancellor of Administrative Services and Safety and Security Manager work closely together to prepare for, prevent, respond to, recover from, and mitigate the effects of incidents that may occur at Hawai'i Community College.

The Emergency Operations Plan (EOP), to be renamed as the Comprehensive Emergency Management Plan (CEMP), provides the necessary guidance to organize and direct HawCC's operation in the event of an emergency and/or civil defense action that may require an evacuation. The full content of the Evacuation Plan and Procedure in Appendix 3 of the former Emergency Operation Plan is included below.

The Emergency Operation Plan is available at <https://hawaii.hawaii.edu/sites/default/files/assets/security/docs/eop.pdf>.

The Comprehensive Emergency Management Plan is currently being updated and documented by the Vice Chancellor of Administrative Services and the Safety and Security Manager.

### ***Hawai'i Community College Evacuation Procedures***

#### **A. PREPARING FOR AN EVACUATION**

- Know your building's floor plan. Know where the stairs and fire extinguishers are located.
- Determine in advance the nearest exit from your work location and the route you will follow to reach that exit in an emergency. Know the locations of alternate exits from your area.
- If you work in an office, know exactly how many doors you will pass along your evacuation route before you reach the nearest exit door. In heavy smoke, exit signs may not be visible. Even in heavy smoke, you can count the number of doors as you pass, so you will know when you reach the exit door.

#### **B. DURING AN EVACUATION**

- If time and conditions permit, secure your workplace and take with you important personal items such as car keys, purse, medication, glasses.
- Follow instructions from emergency personnel or the Building Safety Coordinator (BSC).
- Check doors for heat before opening (Do not open door if hot).

- WALK — do not run. Do not push or crowd.
- Keep noise to a minimum so you can hear emergency instructions.
- Use handrails in stairwells; stay to the right.
- Assist people with disabilities.
- Move to your Rally Point unless otherwise instructed.
- If relocating outside the building:
  - Move quickly away from the building.
  - Watch for falling glass and other debris.
  - Stay with your building safety coordinator.
  - Keep roadways and walkways clear for emergency vehicles.
  - If you have relocated away from the building, DO NOT RETURN until notified that it is safe to do so.
- Whenever the fire alarms/strobes are activated, occupants MUST evacuate the building and reassemble at your designated Rally Point. Occupants on floors above the ground floor must use emergency exit stairwells to leave the building. DO NOT USE ELEVATORS!!!!
- For certain emergencies such as a bomb threat or a natural gas leak, the fire alarms/strobes may not be activated. Instead, Building Coordinators will move through the building and order the occupants to evacuate.
- Emergency evacuation signage is posted in buildings so that occupants can become familiar with the evacuation routes and Rally Points for their area.

Faculty and instructors are responsible to identify any student(s) with disabilities, that would need consideration and assistance during an evacuation. At least two students should be assigned to each person identified with a disability to provide assistance, ensuring that the disabled person will be assisted during the evacuation. Should the disabled person not be able to use the fire exit stairwells, he, she or they must be escorted to the exit stairwell landing as a “Safe Point of Rescue.” The escort should remain with the disabled person at the landing to provide additional assistance. The faculty member or instructor will inform an authorized emergency responder that a disabled person is waiting for rescue on the specified floor within the exit stairwell.

### C. EVACUATION OF DISABLED PERSONS

Persons Using Crutches/Canes or Walkers. In emergency evacuations, these individuals should be treated as if they were injured. Have the individual sit on a sturdy chair, preferably a chair with arms, and follow the procedure for non-ambulatory persons below:

#### Non-ambulatory persons

Evacuation may not be necessary or advisable. Many stairwells are designed to provide temporary protection from fire or other danger. An able-bodied volunteer should stay with a wheelchair user in the platform area of the stairwell while a second person notifies emergency personnel or paramedics of the exact location of the wheelchair user.

If immediate evacuation is necessary, be aware of the following considerations:

- Wheelchairs have movable parts; some are not designed to withstand stress or lifting.
- You may need to remove the chair batteries; life-support equipment may be attached.
- In a life-threatening emergency, it may be necessary to remove an individual from their wheelchair. Lifting a person with minimal ability to move may be dangerous to their well-being.
- If at all possible, wheelchairs should not be used to descend stairwells. Instead, use an emergency evacuation chair.
- Non-ambulatory persons may have respiratory complications. Remove them from smoke or fumes immediately and determine their needs and preferences.
- Check the evacuation routes for obstructions before assisting the person to the exit.
- Delegate other volunteers to bring the wheelchair.
- Reunite the person with their wheelchair as soon as it is safe to retrieve it.

Always consult with the person in the chair regarding how best to assist him/her:

- The number of people necessary for assistance.
- Ways of being removed from the wheelchair.
- Whether to extend or move extremities when lifting because of pain, catheter leg bags, plasticity, braces, etc.
- Whether to carry forward or backward on a flight of stairs.
- Whether a seat cushion or pad should be brought along if the wheelchair is being left behind.
- In lieu of a wheelchair, does he/she prefer a stretcher, chair with cushion/pad, or car seat?

- Is paramedic assistance necessary?

### Visually Impaired Persons

Most visually impaired persons will be familiar with their immediate work area. In an emergency situation, describe the nature of the emergency and offer to act as a "sighted guide"; offer your elbow and escort him/her to a safe place. As you walk, describe where you are and advise of any obstacles. When you have reached safety, orient the person as to where you are and ask if any further assistance is needed.

### Hearing Impaired Persons

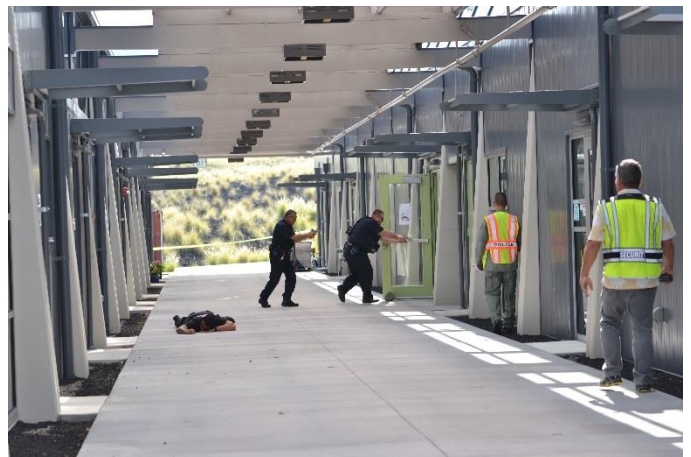
Because persons with impaired hearing may not perceive emergency alarms, an alternative warning technique is required. Two methods of warning:

- Write a note describing the emergency and nearest evacuation route. ("Fire. Go out rear door to the right and down, NOW!")
- Turn the light switch off and on to gain attention, and then indicate through gestures what is happening and what to do.

## TESTS – DRILLS, EXERCISES, FOLLOW-THROUGH ACTIVITIES & TRAINING

To ensure the campuses' emergency management plans remain current and actionable, the campuses conduct at least one exercise annually. These tests include, but are not limited to tabletop exercises and drills, both functional and full-scale. The campuses conduct after-action reviews of all emergency management exercises. The Safety and Security Manager and Vice Chancellor for Administrative Services work with each campus location to develop scenarios and schedules and coordinates these events with local, state, and federal response agencies as well as stakeholders.

In conjunction with at least one emergency management test each year, the campus will notify the appropriate campus community of the exercise and remind the stakeholders at Hawai'i Community College of emergency uses of the UH Alert system and incident response procedures.



### Emergency Notification

Hawai'i Community College is committed to ensuring our campus 'ohana receive timely, accurate, and useful information in the event of a significant emergency or dangerous situation on campus or in the local area involving an immediate threat to the health and safety of students or employees. If an immediate threat is present, Hawai'i Community College must follow its emergency notification procedures. HawCC is not required to issue a timely warning based on the same circumstances; however, HawCC must provide adequate follow-up information to the community as needed. Hawai'i Community College uses the UH Alert emergency notification system to send out timely warnings and emergency messages within minutes of an incident.

### UH ALERT

**UH Alert** is an opt-in emergency notification service available to students, faculty and staff. Messaging options include receiving UH Alerts on your "@hawaii.edu" email address as well as text alerts sent via SMS/text messaging to your mobile phone. Receiving UH Alerts on your mobile phone is the most effective way to receive a timely warning.

#### UH Alert Sign Up Instructions

- 1) Visit <https://www.hawaii.edu/alert> and click on "Sign in to UH Alert" link.
- 2) Enter your UH username and password on the login screen.
- 3) Select the region(s) you would like to receive emergency messages. For Hawaii CC, select Island of Hawaii.
- 4) Enter your cell (mobile) number in the field and select "send text messages to this cell".
- 5) Click on Save Changes.

Alerts sent via SMS may not be delivered to you if your phone is not in range of a transmission site or there are issues with your wireless carrier. You may return to this page at any time to update your information or unsubscribe. You will automatically be unsubscribed when you terminate your relationship with University of Hawai'i Community Colleges system.

**Confirming the Existence of an Emergency or Dangerous Situation and Initiating the Emergency Notification System:**

The Safety and Security Office and/or other campus institutional officials may become aware of a critical incident or other emergency situation that potentially affects the health and/or safety of the campus community. Generally, Institutional Officials become aware of these situations when they are reported to the Campus Security or directly to an Institutional Official.

Once an emergency or dangerous situation that poses an immediate threat to the health or safety of the campus community is confirmed, Campus Security will notify the Safety and Security Manager or other Institutional Official who will initiate the Emergency Notification System.

The College's authorized representatives including the Chancellor, Vice Chancellor for Administrative Services, Safety and Security Manager or other designees, will immediately initiate all or some portions of the Emergency Notification System. If, in the professional judgment of first responders, issuing a notification potentially compromises efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency, the campus may elect to delay issuing an emergency notification. As soon as the condition that may compromise efforts is no longer present, the campus will issue the emergency notification to the campus community without delay.

**Determining the Appropriate Segment or Segments of the Campus Community to Receive an Emergency Notification :**

The Vice Chancellor for Administrative Services, Safety and Security Manager, and/or External Affairs Coordinator will determine what segment or segments of the campus community should receive the emergency notification. Generally, campus community members in the immediate area of the dangerous situation (i.e., the building, adjacent buildings, or surrounding area) will receive the emergency notification first. The responsible campus authorities will continually evaluate the situation and assess the need to notify additional segments of the campus population.

**Determining the Contents of the Emergency Notification:**

Speed and accuracy of the information are of utmost importance in issuing emergency notifications. To expedite this process and ensure each message contains essential information, the mass notification system contains pre-scripted templates for the most probable or highest impact emergencies based on Threat Assessment and Planned Response section in the Emergency Operations Plan. These messages identify the potential threat, specify the location, and identify the immediate protective action that should be taken. The individual authorizing the message will select the most appropriate template. In those cases where there are no predetermined templates in the system, the individual may use the "custom" template to craft a specific message. The goal is to ensure people are aware of the situation and they know the steps to take to stay safe.

**Procedures Used to Notify the Campus Community:**

In the event of a situation that poses an immediate threat to members of the campus community, the campus has various systems in place for communicating information quickly. Some or all of these methods of communication may be activated in the event of an emergency. These methods of communications include the mass notification system UH Alert, which may include email and SMS/text alert, as well as posting messages to our Hawaii CC websites and social media platforms. We may also use verbal announcements within buildings to notify building occupants who may not have their phones. Once the incident is over, an "ALL CLEAR" message will be sent out by the same emergency communicator who originated the initial UH Alert message.

**Procedures for Disseminating Emergency Information to the Larger Community (i.e., individuals and organizations outside the campus community):**

If the campus activates its Emergency Notification System in response to a situation that poses an immediate threat to members of the campus community, the appropriate emergency communicators at the campus will notify the larger community about the situation and steps the campus has taken to address the emergency. Primarily, the External Affairs Coordinator is responsible for posting and updating emergency notices on Facebook, Twitter, and other social networking platforms and for maintaining communications with news outlets, distribution of press releases, and scheduling of press conferences. Members of the larger community are encouraged to follow us on Twitter, Facebook, or our websites and social media platforms.