



University of Hawai'i

Windward Community College



Hale Ākoakoa--"The place to come together, to assemble"

2020 Annual Security Report

Includes crime statistics for the period January 1 to December 31, 2019
in accordance with federal Clery Act statistical reporting requirements

December 11, 2020

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INTRODUCTION

Commitment to Safety and Security

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

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

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

Specific Federal Laws Requiring Safety and Security Related Disclosures

In 1990, Congress enacted the Crime Awareness and Campus Security Act of 1990 (Title II of Public Law 101-542) that was later amended and renamed the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (also known as the Clery Act).

The Clery Act requires all postsecondary institutions that participate in the Higher Education Act (HEA) Title IV student financial assistance programs, to meet annual performance measures related to safety, security, and emergency management. One such measure is to publicly disclose specific crime statistics and safety- and security-related information by way of an Annual Security Report (ASR) which must be published and disseminated (or provide notice of its availability) by October 1 of each year (NOTE: For the 2020 ASR, the U.S. Department of Education granted a dissemination date extension to the end of December 2020 due to the late release of updated compliance requirements in addition to the institutional burdens caused by the COVID pandemic).

In 2008, the Higher Education Opportunity Act (HEOA; Public Law 110-315) was reauthorized and expanded the elements of the HEOA. The HEOA further amended the Clery Act, and created additional safety and security performance and disclosure requirements for postsecondary institutions.

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

Scope of ASR Statistics

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

Preparation for the Annual Disclosure of Crime Statistics

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

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

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

Campus Description and Clery Act Geographical Boundaries

Windward Community College is a 2-year, public institution that offers both liberal arts and vocational education programs. The campus is located at 45-720 Kea'ahala Road in the town of Kāne'ohe on the island of O'ahu. There are no residential facilities at this campus.

Buildings plus parking lots in addition to open space and lawn areas occupy Windward Community College's estimated sixty-four acres of on-campus property which is delineated by a single, two-way roadway that surrounds the entire campus. The building inventory includes: Hale Kuhina, Hale Alaka'i, Hale Kako'o, the Hale A'o Complex ('Ōpio Kākela, 'Ōpio Kelakela and the "White House"), Hale Mana'opono, Hale Uluwehi, Hale 'Imiloa, Hale La'akea, Hale Hōkūlani, Hale Pālanakila, the campus' maintenance warehouse, Lanihuli Observatory, Hale 'Iolani, Hale Manaleo, Hale Na'auao, Hale 'Ākoakoa, and Hale Awa with corresponding cottages which are currently occupied by a charter school under a facilities use agreement. This campus does not have buildings or properties classified as non-campus (see campus map in Appendix B).

A public bus stop is located at the upper portion of Kea‘ahala Road just below the campus administration building (Hale Alaka‘i). Note that the approximate 150-foot upper section of Kea‘ahala Road from the public bus stop is designated as public property.

The federal Clery Act requires institutions of higher education to define its “geographical boundary” which must include campus-owned and controlled property plus certain public property (such as bus stops and applicable sidewalks and streets from which to access those bus stops). Windward Community College includes the public bus stop below Hale Alaka‘i and the applicable sidewalks and portion of Kea‘ahala Road in its “geographical boundary” for the purposes of gathering and reporting crime statistics. A campus map depicting our geographical boundary is included in the Appendix section of this report.

THE CAMPUS SECURITY DEPARTMENT

Authority to Implement Safety and Security Programs

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

Campus Security Administration

The Office of the Vice Chancellor for Administrative Services is responsible for the executive administration of the Office of Safety and Security for Windward Community College. A full-time Safety and Security Manager oversees the day-to-day security operations in addition to compliance activities related to safety, security, and emergency management. This manager is also the designated “Clery Compliance Officer” for Windward Community College.

The Campus Security Department Workforce

The Campus Security Department consists of uniformed, state-employed University Security Officers (USOs) who are non-sworn/unarmed personnel. USOs are authorized to enforce safety-, security-, and emergency management-related policies and procedures of Windward Community College, the Community Colleges System, and the University of Hawai‘i System. USOs are also authorized to take appropriate actions in support of law enforcement personnel from federal, state, and county jurisdictions.

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

Campus Security Workforce Training

University Security Officers (USOs) are designated by the campus administration as “Campus Security Authorities” (CSAs) as required under the federal Clery Act; and, receive specific training on their role, responsibilities, and duties as CSAs.

Additionally, they are licensed professionals under State of Hawai‘i law (Hawai‘i Revised Statute Chapter 463-10), which require a specific training regimen as prescribed by the Board of Private Detectives and Guards, State Department of Commerce and Consumer Affairs-Professional Licensing Division (also referred to as DCCA-PVL).

In addition to the licensure requirements, security personnel also receive training on the following: Cardiopulmonary resuscitation, first aid, automated external defibrillator, non-violent crisis intervention, defensive training, safe operation of motorized vehicles, safety measures to mitigate against blood-borne pathogen exposure, and safety measures in response to hazardous materials exposure. Campus Security Department personnel are also briefed on administrative notification protocols when responding to a call involving a sexual assault, domestic violence, dating violence, or stalking.

Lastly, Windward CC is part of the University of Hawai'i System (UH System), which is considered part of a recognized branch of State of Hawai'i government. Therefore, all campuses under the UH System must meet the same U.S. Department of Homeland Security first responder protocols as any other state and local government first responder agency which require the operational application of the National Incident Management System and the Incident Command System. The Office of the Vice President for Community Colleges determines the level of training that is required for various campus personnel who are directly engaged in campus emergency response and management functions. University Security Officers must complete courses in multi-jurisdictional emergency response and communication protocols, incident command structure and leadership, and operational planning.



Contracted Security Workforce

Windward Community College utilizes contracted security personnel (also non-sworn/unarmed) to supplement the State-employed workforce. Contracted security personnel have the same professional licensure requirements as well as the same Campus Security Authority training and campus emergency notification protocols training as the State-employed workforce. Contract personnel are also trained on our campus' special protocols when responding to a call involving a sexual assault, domestic violence, dating violence, or stalking. Contracted security personnel are authorized to summon police, fire, and emergency medical services as deemed necessary.

Law Enforcement Jurisdiction

Law enforcement jurisdiction in the State of Hawai‘i (State) is unique compared to other mainland states. Under Hawai‘i State law (Hawai‘i Revised Statute Chapter 52D-5), the police department for each county has primary law enforcement authority to enforce both State law and county ordinances within their respective county jurisdiction (in Hawai‘i, a county is generally comprised of an island or group of islands).

On the island of O‘ahu, upon which Windward Community College resides, the Honolulu Police Department has the jurisdictional authority to respond to all calls for law enforcement services on State property as well as on City and County of Honolulu property. Therefore, our campus calls upon the Honolulu Police Department (911 Police) for all matters requiring law enforcement presence.

The State of Hawai‘i Sheriff Division (Sheriff) is under the State’s Public Safety Department. The Sheriff has law enforcement authority similar to each county’s authority; however, the Sheriff generally defers all primary enforcement duties to their respective county police department. When needed, the Sheriff provides the secondary support to county law enforcement personnel.

On a day-to-day basis, the Sheriff provides law enforcement services for the corrections and judiciary systems in addition to court document service. Upon request, the Sheriff will provide programmatic support to State agencies/offices (examples: crime reduction visits, joint outreach and education programs).

Campus Security Department Jurisdiction

The Campus Security Department response jurisdiction is limited to campus-owned and controlled property. Because Windward Community College’s security workforce is non-sworn, the Honolulu Police Department is called upon for all law enforcement functions and all citable traffic violations (e.g., parking in a handicap stall without a permit and fire lane violations, as examples).

Buildings/property which are owned by Windward Community College, but, leased and wholly controlled by the lessor, fall under the first responder jurisdiction of the Honolulu Police Department. However, as an established best practice, Campus Security Department personnel will communicate with the responding police officers in addition to the lessee’s security workforce or emergency points of contact as a preparedness measure should the situation escalate and migrate into the Campus Security Department’s jurisdiction.

Relationships with Law Enforcement Agencies

Windward Community College’s Campus Security Department has no formal memorandum of understanding or agreement among law enforcement agencies. However, the University of Hawai‘i’s President (on behalf of the six O‘ahu island campuses) entered into a memorandum of understanding with the Honolulu Police Department (City and County of Honolulu) related to communications protocols and procedures regarding reports of sexual assault on campuses. The MOU is intended to promote mutual cooperation in communicating about, and responding to,

reports of sexual assaults occurring on campuses in order to enhance the aid rendered to victims, the effectiveness in their respective investigations, and the overall safety of the campus population.

The University of Hawai‘i, is considered an executive branch of State government; and, is identified in State- and federal-level disaster management plans along with other State and local offices and departments. The disaster management plans also include the various State and local law enforcement entities (e.g., local police departments, the State Sheriff, the State Attorney General enforcement branch, the State Department of Land and Natural Resources enforcement branches, and the State Harbors enforcement branch, as examples).

These law enforcement agencies are also members of the State Law Enforcement Coalition (SLEC). Various members of the SLEC have offered their services to support Windward Community College’s past, annual “Ho‘olaule‘a” events, our campus’ annual Palikū Arts Festivals, and other special events such as the 2019 Apollo 11 Family Space Fest. Honolulu Police Department personnel continue to conduct campus drive-through patrols as a part of their show-of-support program to the various government agencies in our area.

These cooperative and collaborative opportunities between SLEC members and campus security personnel have strengthened relationships with our law enforcement partners upon whom this campus depends for both on- and off-campus criminal intelligence, crime trends, and information on other adverse activities that may affect the campus community and campus operations. Additionally, this relationship ensures their cooperation in keeping Windward Community College informed of those specific crimes for which the campus has an obligation to issue a timely warning to the campus community. Our professional relationships are further strengthened through continuous joint exercises, training, and statewide disaster planning.

Campus Security Services

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

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

**Security can be reached at (808) 235-7355
or by dialing “355” from an internal phone unit.**

CRIME STATISTICS AND CRIME LOG

Crime Statistics Disclosure Requirements

The Clery Act requires an institution of higher education to publicly disclose its annual crime statistics. The crime statistics in this Annual Security Report (Report; ASR) reflect data for the years 2019, 2018, and 2017 (from January 1 to December 31 of each year). The five sources of crime statistics for this Report come from the Campus Security Department and Campus Security Authorities in addition to the Honolulu Police Department, the State Sheriff, and the State Land and Natural Resources. All statistical documentation are archived by the Safety and Security Manager who is located at Hale Alaka'i, room 125.

Crime Reports and Statistics from Campus Security Authorities

In addition to security or police personnel, the Clery Act requires an institution to identify individuals or offices with significant responsibility for student and campus activities. These people/offices are referred to as Campus Security Authorities (CSAs). Twice a year (ideally before each semester), the campus administration reviews the list of CSAs—adding new designees and/or removing those whose functions no longer falls under the CSAs criteria.

All CSAs receive initial training on their roles and responsibilities; and, as a part of their training, they are provided with a crime reporting form. The Safety and Security Manager is responsible for collecting crime reports from CSAs—whether in person, delivered via Campus Security Officers, delivered directly to the Manager, or whether transmitted via a phone call.

A list of Windward Community College's CSAs is included in this report's appendix section. A printed list is available at the Campus Security-Department office located in Hale Alaka'i, Room 113 or at the Safety and Security Manager's office (Hale Alaka'i, Room 125). We ask that you call the Campus Security Department in advance at (808) 235-7355, as security personnel may be temporarily called out of office (the Manager can be reached at (808) 235-7343). For access convenience, an electronic list can be downloaded from the Campus Security Department website at: <https://windward.hawaii.edu/campus-life/safety-security/>

Crime Statistics from Law Enforcement Agencies

The Safety and Security Manager is responsible for coordinating activities related to the collection of annual crime statistics. Although the primary source of statistical data comes from the Campus Security Department, some crimes are reported directly to law enforcement and not to Campus Security personnel. To ensure accurate crime statistics, good-faith effort is made to obtain data from the:

- Honolulu Police Department-City and County of Honolulu (designated first responder for all state and local jurisdictions)

- Department of Public Safety-Sheriffs Division- State of Hawai‘i (designated support responder to police; lead agency for corrections and judicial enforcement in addition to judicial document service)
- Department of Land and Natural Resources, Division of Conservation and Resource Enforcement- State of Hawai‘i (designated support responder to police on matters involving conservation lands; lead agency for outreach programs for certain protected lands jurisdictions which is adjacent to Windward Community College property)

PLEASE NOTE that only the statistics are collected. No identifiable information on the victim or subject/suspect is disclosed.

Daily Crime Log

All crimes that are reported to the Campus Security Department are entered into a Daily Crime Log. The Windward Community College Safety and Security Manager is responsible for the update and maintenance of the Crime Log (Log).

The Log (in hardcopy format) is available for public viewing at the Campus Security Department at Hale Alaka‘i, Room 113. We ask that you call the Campus Security Department in advance at (808) 235-7355, as all personnel may be temporarily out of office on a service call. The Log is also available for view at Safety and Security Manager’s office (Hale Alaka‘i, Room 125). As with the Campus Security Department, we ask that you call the manager in advance as the manager may be temporarily out of office.

The Log contains information such as the crime classification, a case report reference number, the date/time the offense was reported, the date/time the offense occurred, the general location of the incident, and the disposition of the case. This Log does not depict any personal, identifying information.

There is an exception that would cause an entry not to appear in the Log. The following are the conditions of that exception:

- If the entry were to jeopardize an ongoing investigation;
- If the entry were to jeopardize the safety of an individual;
- If the entry were to cause a suspect to flee or evade detection; or,
- If the entry would result in the destruction of evidence.

Once the Vice Chancellor for Administrative Services receives information that confirms there no longer exists any harmful effect by the act of entering information into the Daily Crime Log, the entry shall be made. This procedure is consistent with *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, 2016 Edition as amended).

Review and Analysis of Crime Statistics and Monitoring Non-Campus Criminal Activity

Crime statistics, from all available sources are regularly reviewed by the Safety and Security Manager for indicators of crime patterns and crime trends. These statistics are useful in considering enhancements to existing safety and security programs and security systems (or useful in the development of new crime prevention programs or security systems).

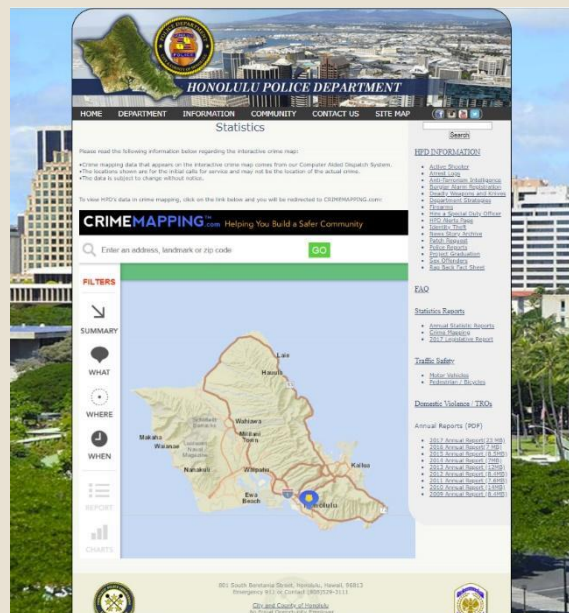
Windward Community College has no recognized, non-campus student organization locations, therefore the campus has no formal agreement with the Honolulu Police Department related to monitoring and evaluating criminal activity of students (at such locations). However, our Campus Security Department has maintained a professional relationship with police personnel who provides information on crime trends and criminal activity in the district, which potentially could migrate onto campus property.

Publicly Available Police Crime Mapping Tool

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

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

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



THE ANNUAL SECURITY REPORT (ASR)

Annual Security Report Publishing and Dissemination

The Campus Safety and Security Manager coordinates the data collection, publishing, and dissemination of the Windward Community College 2020 Annual Security Report (ASR). Email notification is sent to all current students, faculty, and staff on the availability of the ASR in either in electronic form or hardcopy version; and, where to obtain them. Additionally, a PDF document is attached to the staff notification email for immediate download.

New students and new employees are informed about the availability of the ASR during orientation sessions. Information on the current ASR is also included in general correspondence for external inquiries about Windward Community College programs. Prospective students, prospective employees, and the general public may request either an electronic version or a hard copy of the ASR from the Safety and Security Manager by writing to or contacting:

Windward Community College
Safety and Security Manager
Hale Alaka'i, Room 125
45-720 Kea'ahala Road
Kāne'ohe, Hawai'i 96744
Phone: (808) 235-7343
Email: fchamb@hawaii.edu

The following are other methods of distribution:

- Posting on the Campus Security Department website; a public link to download the entire document: <https://windward.hawaii.edu/campus-life/safety-security/>
- Hardcopy from the Campus Security Department office or Safety and Security Manager's office (located in Hale Alaka'i rooms 113 or 125 respectively) from 8:00 am to 4:00 pm, Monday through Friday

Annual Security Report Point of Contact Information

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

Windward Community College
Attention: Safety and Security Manager
Hale Alaka'i, Room 125
45-720 45-720 Kea'ahala Road
Kāne'ohe, Hawai'i 96744

NOTE: Should there be any amendment to this ASR, an email notification will be sent to the campus community with the amended PDF document attached. The bottom of the covert page will reflect the text: "Revised as of [Date]." The revised version will also be posted on the campus website for public download.

EMERGENCY RESPONSE AND EVACUATION PROCEDURES

The Campus Crisis Management Team

The Windward Community College’s Campus Crisis Management Team (CCMT; Team) consists of members of the campus administration plus support personnel. This Team is responsible for the management of an emergency to include the coordination of actions and management of campus response resources during incidents that have (or have the potential) to cause significant disruption to campus operations. All CCMT members and support personnel receive training on the development and dissemination of emergency notifications and timely warnings to the campus community.

Upon verification of an immediate threat, a significant emergency, or dangerous situation, the Safety and Security Manager (or designee) notifies the first available member of the CCMT. This member may call upon other Team members based on the anticipated actions that will need to be initiated. Such actions include an emergency notification, a timely warning, or a safety advisory to the campus community. Note that names of victims or other identifying information will not be disclosed in emergency notifications, timely warnings, or advisories.

WINDWARD COMMUNITY COLLEGE’S CAMPUS CRISIS MANAGEMENT TEAM MEMBERS

TITLE	OFFICE LOCATION	PHONE
Chancellor	Hale Alaka’i, Room 119A	(808) 235-7401
Vice Chancellor for Academic Affairs	Hale Alaka’i, Room 121D	(808) 235-7443
Vice Chancellor for Student Affairs	Hale ‘Ākoakoa, Room 202	(808) 235-7370
Vice Chancellor for Administrative Services	Hale Alaka’i, Room 120	(808) 235-7403
Dean for Academic Affairs, Division I	Hale Alaka’i, Room 121B	(808) 235-7339
Dean for Academic Affairs, Division II	Hale Alaka’i, Room 121C	(808) 235-7416
Director of Marketing Communications and Emergency Communicator	Hale La’akea, Room 242	(808) 235-7374
Facilities Manager (support)	Hale Alaka’i, Room 125A	(808) 235-7369
Safety and Security Manager (support)	Hale Alaka’i, Room 125	(808) 235-7343

Campus Response to Crimes and Emergency Incidents

Primary Point of Contact

The Campus Security Department is the primary point of contact to report emergency incidents and crimes. Call (808) 235-7355 or extension 355 from an internal phone unit. Campus Security Department personnel will generally do either of the following based on the information received.

- Respond to the scene and assess the area for life safety issues; assess and confirm if there is a significant emergency or dangerous situation involving an ongoing or immediate threat to the health or safety of the campus community; determine if first responders are required and place an immediate call to 911 police-fire-ambulance; and, notify the Safety and Security Manager (or designee) who will notify the first available campus administrator who may initiate additional campus actions such as issuing an emergency notification or timely warning to the campus community
- Based on the information provided, initiate an immediate call to the appropriate first responder agency while on the way to respond to the scene; upon arrival, assess the area for life safety issues; assess and confirm if there is a significant emergency or dangerous situation involving an ongoing or immediate threat to the health or safety of the campus community; and, notify the Safety and Security Manager (or designee) who will notify the first available campus administrator who may initiate additional campus actions such as issuing an emergency notification or timely warning to the campus community

Secondary Response Personnel

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

- Immediately call 911 police-fire-ambulance if there appears to be a life safety issue or a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community, then, place a call to Campus Security Department personnel so that they can meet the first responders and guide them to the victim/reporting party's location quickly. Campus Security Department personnel will notify the Safety and Security Manager (or designee) who will notify the first available campus administrator who may initiate additional campus actions such as issuing an emergency notification or timely warning to the campus community
- Call Campus Security Department personnel who will make an assessment to determine if there are life safety issues and/or significant emergency or dangerous situation involving an ongoing or immediate threat to the health or safety of the campus community and place an immediate call to 911 police-fire-

ambulance if required; and, notify the Safety and Security Manager (or designee) who will notify the first available campus administrator who may initiate additional campus actions such as issuing an emergency notification or timely warning to the campus community

In the event a situation arises in areas/properties adjacent to, or close to, the campus' Clery Act geographical boundary, Campus Security Department personnel will conduct an assessment to determine if there are life safety issues and/or a significant emergency or dangerous situation involving an ongoing or immediate threat that has the potential to affect to the health and safety of the campus community. Security personnel will place an immediate call to 911 police-fire-ambulance as required; and, notify the Safety and Security Manager (or designee) who will notify the first available campus administrator who may initiate additional campus actions such as issuing an emergency notification or timely warning if deemed necessary. If the other jurisdiction's personnel (or their security) have not yet arrived, our Campus Security personnel will stand by until their arrival; or, until the arrival of the first responder personnel.

The Clery Act requires an institution to identify its Campus Security Authorities (CSAs) who are people and offices designated as those whom crimes and emergencies should be reported. Windward Community College CSAs are listed in Appendix A.

If any incident (that occurs in the above described jurisdictions) involves a suspect or subject who is a student, faculty, or staff member, the Safety and Security Manager (or designee) will notify the Vice Chancellor for Student Affairs (for students), the Vice Chancellor for Academic Affairs (for faculty), or the Human Resources office and the Vice Chancellor for Administrative Services (for staff).

Emergency Notifications

Campus Security Department personnel are authorized to verify a reported incident and to confirm that there exists an immediate threat to the health and safety of the campus community. Examples of incidents that pose an immediate threat can include, but are not limited to, an active shooter, a large hazardous material release, a fast-spreading fire, or a sexual assault in which the suspect not in custody.

Upon receiving notification from Campus Security personnel of a confirmed threat, the Safety and Security Manager (or designee) will immediately notify the first available Campus Crisis Management Team (CCMT) member. This member may convene other available team members to include those with skills in developing emergency notification messages.

The Campus Crisis Management Team member(s) will determine:

- The content of the emergency notification;

(Continued on next page)

- The appropriate segment(s) of the campus community to receive the emergency notification;
- By what means the emergency notification is to be disseminated.

An emergency notification for Windward Community College can be issued through any or all of the available means as follows:

- University of Hawai‘i System “UH Alert System” (with SMS/text and emergency email capabilities in addition to Twitter and FaceBook); students, faculty, and staff (who have an active UH Account) are encouraged to sign up for the UH Alert System (at no charge) to receive text or email notification of security issues. To sign up, go to: <https://www.hawaii.edu/alert/>
- Communication by Campus Security Department personnel; in person and/or by phone
- Phone-tree calls to designated Campus Security Authorities who will notify other programs or offices in person or by phone
- Windward Community College broadcast email
- Announcement through the outdoor loudspeakers

If the circumstance of the incident appears to have the potential to affect areas outside the campus geographical boundary, the Campus Crisis Management Team will also ensure that information is provided to any other appropriate first responder agency and the neighboring agencies and organizations.

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

For emergency notifications, you can expect at least one follow-on message regarding the status of the incident. As an example, a follow-on message may state that the person who caused the threat has been taken into custody by the police.

Timely Warning

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

Campus Security Department personnel are authorized to verify and assess a reported incident and to confirm that there exists a significant emergency or dangerous situation to the health and safety of the campus community. The intent of a timely warning is to provide you with information that can assist you in making sound decisions about your own personal safety. Examples of situations that constitute a significant emergency or dangerous situation about which you should be informed can include, but are not limited to a sexual assault (with the assailant already taken into custody), a discovery of a classroom which was broken into the night before, or a motor vehicle theft which was reported one week after it had actually been stolen from campus property.

Note that information about a sexual assault victim's identity is kept confidential and will not appear in any timely warning. Timely warnings are intended to provide sufficient information to aid in the prevention of similar occurrences. If a report of a sexual assault is reported by a pastoral or professional counselor, Windward Community College is not required under the federal Clery Act to issue a timely warning. However, depending on the incident, the Campus Crisis Management Team may deem a timely warning necessary to prevent a similar occurrence.

Upon receiving notification from Campus Security personnel of a confirmed significant emergency or dangerous situation, the Safety and Security Manager (or designee) will immediately notify the first available Campus Crisis Management Team (CCMT) member who may convene other available team members to include those with skills in developing timely warning messages. The Campus Crisis Management Team member(s) will determine:

- The content of the timely warning; and,
- By what means the timely warning is to be disseminated.

Note that victim information is not disclosed in warnings. Warnings are intended to aid in the prevention of similar occurrences. Timely warnings for Windward Community College can be issued through any or all of the available means as follows:

- University of Hawai'i System's "UH Alert System" (with SMS/text and emergency email capabilities in addition to Twitter and FaceBook); students, faculty, and staff are encouraged to sign up for the UH Alert System (at no charge) to receive text or email notification of security issues. To sign up, go to: <https://www.hawaii.edu/alert/>
- Communication by Campus Security Department personnel; in-person and/or by phone
- CCMT initiated phone calls to designated Campus Security Authorities who will notify other programs or offices in person or by phone
- CCMT initiated broadcast email
- CCMT initiated posting on social media such as Facebook and Twitter
- Announcement through the outdoor loudspeakers

The CCMT may consider a courtesy notification to the neighboring agencies and organizations, and/or the greater community by way of established call lists.

Should a timely warning be issued, the campus community will be notified in a reasonable timeframe. The victim's name will be confidential; and, the timely warning message will include information on recommendations to prevent similar crimes from occurring. Note that timely warnings are not required with respect to crimes that are reported to a pastoral or professional counselor.

Safety Advisories

A safety advisory will usually be issued when a reported incident is determined not to have any threat to the campus community; but, the elements of the incident could provide the campus community with valuable information that would help in their personal preparedness planning. Safety advisories are generally disseminated through the campus' broadcast email system.

An example would be a car fire near a propane tank. The car fire is quickly extinguished and the potential threat of a propane explosion is abated. A safety advisory would not only warn that there will be delays in exiting the parking lot; it would also provide recommended courses of action should a person find themselves near a similar incident.

Evacuation and Sheltering Procedures

Evacuation

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

Evacuation locations are dependent on many factors. The location choice will be determined based on the information received such as the incident area and the type/severity of the emergency. Therefore, we recommend that you be especially alert to instructions provided to you by campus officials and act quickly upon their guidance and direction. If there is no location provided to you, exit the area away from the threat (example: for a fire, move away from the direction of the smoke).

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

Sheltering and What You Can Do for Your Own Personal Safety

Should there be an incident that requires seeking immediate shelter or sheltering-in-place (e.g., an incident involving a person with a knife or gun), the Campus Crisis Management Team will, based on the assessment of Campus Security Department personnel or other Campus Security Authorities, initiate an emergency notification.

If you are confronted with such an immediate, threatening situation, Windward Community College recommends that you utilize the “Avoid, Deny, Defend” (ADD) concept which has been adopted by the Honolulu Police Department. To learn more about your personal safety options during such a confrontation, go to the internet to view the “Avoid, Deny, Defend” video: [www: http://www.avoiddenydefend.org/](http://www.avoiddenydefend.org/)

Although the video scenario is for an active shooter incident, the “ADD” concept can be applied to other situations involving an immediate threat to your health and safety.

REPORTING AN EMERGENCY OR CRIME

Reporting Options

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

Reporting By Phone

To reach Campus Security by phone, **call (808) 235-7355**. If you are calling from an internal campus phone unit, you can dial 355. You will be connected directly to a University Campus Security Officer or contract security personnel; or, on occasion, another campus official. Should the circumstances require the immediate need for police, firefighters, or emergency medical services, please **call 911** first; then, take an extra 10 seconds to call security. Our officers will prepare to meet and guide the responders to your location as quickly as possible.

Reporting In Person

Security personnel can also be reached in person. The Campus Security Department office is located in Hale Alaka'i, Room 113. However, it is recommended that you call (808) 235-7355, first. At any given time, the on-duty officer may be located elsewhere on campus.

Reporting Emergencies and Crimes to Campus Security Authorities

Emergencies and crimes can also be brought to the attention of Campus Security Authorities (CSAs). A hardcopy list of CSAs can be obtained from the Campus Security Department located in Hale Alaka'i, Room 113. There is also a list of CSAs included in the appendix section of this Annual Security Report. The list of CSAs can also be downloaded from the Campus Security website: <https://windward.hawaii.edu/campus-life/safety-security/>

We Encourage Prompt Reporting of Crimes

If you are a victim or a witness to a crime, please call Campus Security immediately at (808) 235-7355 from an external phone; or, 355 from a campus phone unit. If there is an urgent need for a first responder, call 911 first; then, call Campus Security so they can guide the first responders quickly to the proper location. Your prompt action could save a life as well as assist us in issuing an emergency notification or timely warning if the situation merits such a notification or warning.

We encourage accurate and prompt reporting of all crimes to the campus security department (or 911 police, fire, ambulance) when the victim of a crime elects to, or is unable to, make such a report.

CONFIDENTIAL REPORTING

Respecting the Victim's Rights

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

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

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

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

Pastors and Professional Counselors are Encouraged to Inform Victims of Confidential Reporting Options

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

Windward Community College has designated, trained personnel who fully understands the victim's right for confidential reporting. Our Campus Security Authorities are provided with contact information for those who should be immediately notified should confidentiality requirements arise.

By-Stander Reporting is Encouraged

If you see something, please say something. By-standers, who witness or know of an emergency situation or crime, are encouraged to report it to the Campus Security Department. The safety and security of Windward Community College's campus community begins with YOU.

We encourage you to say something:

- If someone is injured or ill;
- If you see or smell smoke or fire;

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

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

Most importantly, consider your own safety and security. Windward Community College has personnel who are trained and experienced in handling crisis situations. We do not recommend that a by-stander undertake any physical confrontation. If you see or know of something, please call Campus Security immediately at (808) 235-7355 from an external phone; or, 355 from a campus phone unit. If there is an urgent need for a first responder, call 911 first; then, take an extra 10 seconds to call Campus Security so they can guide the first responders quickly to the proper location.

Your prompt action could save a life as well as assist us in issuing an emergency notification or timely warning if the situation merits such a notification or warning.

IMPORTANT CONTACT INFORMATION FOR WINDWARD COMMUNITY COLLEGE

Campus Security Department
Security Services
Hale Alaka'i 113
Phone: (808) 235-7355

Karla Silva-Park
Title IX Coordinator
Hale Alaka'i 106A
Phone: (808) 235-7468, Email: karlas@hawaii.edu

Karen Cho
Deputy Title IX Coordinator for Employees
Hale Alaka'i 120
Phone (808) 235-7404, Email: kcho@hawaii.edu

Desrae Kahale
Mental Health & Wellness Counselor
Hale Kako'o 101
Phone (808) 235-7393, Email: dkahale3@hawaii.edu

Ka'ahu Alo
Title IX Confidential Advocate and Student Life Counselor
Hale 'Ākoakoa 232
Phone: (808) 235-7354, Email: kaahualo@hawaii.edu

Office of Institutional Equity
UH Campus Advocate
Bachman Hall 109J
2444 Dole Street / Honolulu, HI 96822
Phone (808) 956-6084, Email: kumagaim@hawaii.edu

Office for Civil Rights (OCR)-Seattle Office
U.S. Department of Education
915 Second Avenue Room 3310 / Seattle, Washington 98174-1099
Phone: (206) 607-1600; FAX: (206) 607-1601; TDD: (800) 877-8339
Email: OCR.Seattle@ed.gov

U.S. Department of Justice Civil Rights Division
950 Pennsylvania Avenue, N.W.
Educational Opportunities Section, PHB
Washington, D.C. 20530
Phone: (202) 514-4092 or (877) 292-3804 (toll-free); Fax: (202) 514-8337
Email: education@usdoj.gov

Where to Find Information on Registered Sex Offenders

The walk-in location to obtain information on registered sex offenders is: Hawai'i Criminal Justice Data Center, Kekuanaoa Building Room 102, 465 S. King Street, Honolulu, Hawai'i 96813. Office hours are 7:45 am to 4:30 pm HST; Monday through Friday, except State Holidays. Phone: (808) 587-3100 for directions or other information.

For on-line access to the search site, go to:

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

Community Assistance Programs and Resources

(As of December 11, 2020)

AGENCY OR ORGANIZATION	CONTACT NUMBERS
Police, Fire, or Emergency Medical Services	911
Ala Kuola (victim assistance in obtaining a TRO) https://www.alakuolahawaii.com/	(808) 545-1880
Alcoholics Anonymous http://oahucentraloffice.com/	(808) 946-1438
ASK Aloha United Way (statewide referral service) https://www.auw.org/	211 or (877) 275-6569
Child Welfare Services and Child Abuse or Neglect https://humanservices.hawaii.gov/ssd/home/child-welfare-services/	(808) 832-5300
Domestic Violence Action Center (victim legal representation) https://domesticviolenceactioncenter.org/	(808) 531-3771
Domestic Violence Support & Shelter Access Line 24/7	(808) 526-2200
Family Court Protective Order (Hawai'i State Judiciary self-help) https://www.courts.state.hi.us/self-help/help (select "Protective Orders" from the list)	(808) 538-5959
Hawai'i Immigrant Justice Center (by Legal Aid Society of Hawai'i) https://www.legalaidhawaii.org/immigrant-justice-center.html	(808) 536-4302
National Domestic Violence Hotline	1-800-799-7233 TTY: 1-800-787-3224 Hearing impaired video: 1-855-812-1001
O'ahu Family Peace Center https://pacthawaii.org/ (go to the bottom of the page; select "O'ahu")	(808) 832-0855
Sex Abuse Treatment Center Hotline http://satchawaii.com/	(808) 524-7273
Volunteer Legal Services Hawai'i https://www.vlsh.org	(808) 528-7046
Windward Community College Mental Health & Wellness Counselor Windward Community College on-campus services	(808) 235-7393

CAMPUS EMERGENCY RESPONSE AND EVACUATION PLANNING AND EXERCISING

Emergency Planning

Windward Community College operates on the sound emergency planning philosophy of the Federal Emergency Management Agency which advocates a cyclical approach (respond, recover, mitigate, plan and improve for the next response). The Campus Crisis Management Team's Emergency Response and Evacuation Plan (Plan) undergoes annual review and testing to validate the Plan's protocols and procedures.

Testing the validity of our Plan takes the form of annual exercises and drills to not only determine the readiness of the Campus Crisis Management Team; but, to determine the readiness of the campus emergency response workforce, as well as the campus community. Exercises and drills help to identify any process gaps that need to be improved. At Windward Community College, the campus community can expect exercises and drills to be announced or unannounced. And, measures are taken by the administration to ensure that educational disruption is minimized.

On March 3, 2020, members and support staff of the Windward Community College Campus Crisis Management Team (CCMT) convened for a formal tabletop discussion to: 1) Provide an orientation of roles and responsibilities for new CCMT members; 2) Review the U.S. Department of Homeland Security's National Incident Management System with a focus on incident typing; 3) Review and validate the CCMT response checklist for a Type 1-Active Threat incident; 4) Review how the CCMT will handle the media during a fast-moving incident; and 5) Review the new features of the UH Alert System.

Discussion included the need to provide the campus community with an immediate emergency notification to minimize the campus community's exposure to the threat. CCMT members reviewed and validated the section of the campus' emergency response plan procedures regarding the authority to develop and disseminate an emergency warning message. CCMT members also reviewed the CCMT emergency call list and discussed the role of the primary emergency communicator (and alternate) who would coordinate with the UH System Director of Communications on matters involving the media. Members reviewed and validated actionable elements in each of the Type 1 incident checklist areas (Report, Respond, Remove, Resolve, and Recover). The practicum after discussion included actual login to the UH Alert System to examine the newly added features to develop social media messages on the same platform as the SMS/text and email messages.

The outcomes of the tabletop discussion included:

- Trained new CCMT members
- Experience with the new UH Alert features for developing social media messages
- Validation of the campus' Type 1-Active Threat Checklist (which coincidentally identified a pandemic as an example of a fast-moving threat)

Note that the tabletop activity was held shortly before the State of Hawai‘i entered into the COVID-19 pandemic state-of-emergency. As a result of the tabletop discussion and validation of the Type 1-Active Threat Checklist, the CCMT was able to seamlessly migrate from normal campus operation to a Type 1-Active Threat campus operation.

Because emergency planning/preparedness has proven its value to the campus, our administration encourages all students, faculty, and staff to consider developing their own personal emergency plans and preparedness actions that can be utilized anywhere (at home, while shopping or attending an event, or traveling). We recommended viewing or downloading a guide from the Hawai‘i Emergency Management Agency (HEMA) website at: <http://dod.hawaii.gov/hiema/> . Click on the tab entitled “Get Ready” where you will find preparedness information in addition to information about tsunami evacuation zones and how to receive direct alerts/notifications from the City and County of Honolulu’s Department of Emergency Management.

Testing of Emergency Notification and Safety Systems

Throughout the year, Windward Community College tests its various emergency notification systems such as the fire alarm system, the UH Alert System, and safety systems such as fire hydrants, emergency power and lighting units.

The majority of the testing is scheduled such that it minimizes disruption to the campus community. However, there may be occasions where an audible alarm must be activated in order to test and/or conduct maintenance. The campus community will receive advance notice either through the faculty/staff mass email or through the campus’ non-emergency, email broadcast. The email may originate from the campus administration, the Office of Safety and Security, or the Facilities/Maintenance department. The notification will provide information on what will be tested, the testing duration, what to expect, and point of contact information.

CRIME AND CRISIS PREVENTION PROGRAMS

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

Campus Crime Prevention and Security Services Programs

- **Campus Relations** – The campus community is a good source for gathering information about crime and other activities that are of concern or inconsistent with campus policy and codes of conduct for students, faculty, and staff.

As a part of their regular patrol regimen, our University Security Officers (USOs) conduct walk-throughs of various departments and offices to maintain rapport with the campus community. In addition to promoting open-communication, the USOs are also conducting preventive patrols to curb criminal activity. The officers also receive information about any unreported safety issues, hazards, or new reports of suspicious circumstances or persons. These issues and concerns are promptly reported to the appropriate campus official for action or monitoring.

- **Security Escort Services** – Campus Security Department personnel provides a physical escort to or from one campus location to another when circumstances pose a safety and security risk. Our most common escorts are at night when our security personnel either walk alongside a person or persons; or, provide a motorized escort on a security cart. We also provide a courtesy, motorized escort under temporary circumstances involving restricted personal mobility; or, when access to an alternate entry has been compromised (walkway construction as an example). While we strive to meet these escort requests in an efficient manner, we ask for understanding that there may be a slight delay from time to time due to an emergency or need to complete a prioritized task. This service is available year-round, 24 hours a day, 7 days a week. Security can be reached at (808) 235-7355 (or extension 355 from an internal phone unit) to arrange an escort.
- **Safety and Security Awareness** – Campus Security personnel participate in biennial events and activities to promote safety and security concepts (e.g., Administrative Services Day and Convocation). At the beginning of the fall semester of each year, a “Frosh Camp” (or similar event) is held for new students. Safety and security are one of the topics covered on the agendas. The Campus Security Department website offers downloadable files with safety, security, and crime prevention information—one of which is a campus emergency preparedness guide that provides information on who to call and what to do (based on various threats). The website is: <https://windward.hawaii.edu/campus-life/safety-security/>

Windward Community College's Safety and Security Systems

- **Intrusion Alarm System** (also called Burglar Alarm)–Certain departments and offices are equipped to detect unauthorized access. An alarm will sound to alert on-duty security personnel. Campus security personnel will respond to the site, conduct an assessment, and call for the police if required.
- **Fire Detection System**–Required by law, our campus buildings have fire detection and suppression systems installed. Upon activation of the system, campus security personnel will respond to the site, conduct an assessment, and call the fire department if required.
- **UH Alert System**–The UH Alert System (UH Alert) is utilized by Windward Community College's Campus Crisis Management Team (CCMT) as a means to disseminate emergency notifications or timely warnings to the campus community. Once notified of a confirmed incident that merits notification, authorized CCMT members will confer, discuss/prepare the message content, and disseminate the message.

The UH Alert System is managed by the University of Hawai'i System's Information Technology Services Department; and, has the capability to send information in the form of a text message and/or email directly to subscribers who possess a University of Hawai'i user account. In 2018 the UH Alert System upgrades were initiated. Today, authorized senders of emergency notifications and timely warnings can compose SMS/text and email and social media messages (Twitter and FaceBook) from one platform.

Students, faculty, and staff are encouraged to sign up for the UH Alert System to receive text, email, and social media notification of security issues. The subscription is free to UH Account holders. Depending on your smartphone carrier plan, you may incur a charge to receive messages. We recommend that you check with your phone service provider.

Please note that your UH Alert subscription will be terminated upon departure of your relationship with the University.

ACCESS TO CAMPUS FACILITIES

Opening and Closing of Campus Facilities

Most Windward Community College facilities are open to students, faculty, and staff during the day and during the evening hours when classes are in session. The general public is welcome to attend cultural and recreational events and other functions on campus; however, their access into certain facilities and onto certain common/open areas will be limited to the events' designated areas which are defined in the event organizers' facilities use agreement with Windward Community College.

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

“Facilities are secured according to schedules developed by the department which is responsible for the buildings’ programs and activities.”

Facilities are secured according to schedules developed by the department which is responsible for the buildings’ programs and activities. Security regularly patrols the campus grounds and conducts internal checks of each building to monitor activity. Based on building activity/occupancy the hours for locking the external doors may vary at different times of the year.

The electronic and hard-key access control systems for the campus are a shared responsibility between the campus’ Business Office and the Facilities/Maintenance Department. The Business Office is responsible for the sign-out/sign-in of all the key cards, fobs, hard keys, and accessory locking devices (examples are padlocks and combination locks). To obtain a key card, fob, or hard key, a Key Request Form must be submitted through the requestor’s respective Vice Chancellor or Dean. The Key Request Form can be obtained from the Business Office (Alaka’i room 114C) or call (808) 294-7411 to make arrangements to pick up the form.

All locking accessory devices/mechanisms (e.g., padlocks, combination locks, hasps, gate locks) to be utilized on campus must meet pre-approved standards. It is recommended that the Business Office be consulted before installing a non-campus-issued hasp, padlock, or other privately supplied locking device. Non-standard devices will be removed without notice; and, the department or responsible individual will be charged for any costs incurred for the removal and/or restoration.

The Facilities/Maintenance Department generally conducts routine maintenance of both systems (checking door locks/closers as well as programming electronic locks). Security Department personnel are responsible for conducting periodic checks to ensure that doors are secured after normal campus hours or after scheduled events/activities.

Campus Facilities and Safety Measures

Windward Community College's security personnel also serve as safety officers who take note of hazards that are an issue to health and safety; and, refer the issues to the proper campus department for remediation. Security works closely with Facilities/Maintenance personnel to place warning signage, barricades, or caution tape where needed to ensure adequate warning to the campus community.

The campus community is urged to abide by the warning systems and direction provided by security personnel. Although sometimes inconvenient, the detours that you are asked to take are in the best interest of your health and safety, so that you can achieve your educational goals.

IMPORTANT POLICY STATEMENTS

Important Note Regarding Student Conduct Code

In order to preserve a positive learning environment for all, Windward Community College's Campus Security personnel may request identification of students. Also, if deemed necessary, students may be required to cooperate when they are provided with guidance and direction from Campus Security personnel.

Students at Windward Community College are expected to adhere to University of Hawai'i (UH) Executive Policy 7.208 "Systemwide Student Conduct Code."

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

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

Students are encouraged to review the extent of the UH Student Conduct Code to avoid any possibility of compromising their and others' educational opportunities. To access UH Executive Policy 7.208 "Systemwide Student Conduct Code," go to <http://go.hawaii.edu/6qj>.

Tobacco-Free Campuses and Facilities

As a result of Hawai'i state legislation (SB 134, Act 160, SLH 2018), use of tobacco products are prohibited at all University of Hawai'i campuses and facilities. Effective July 10, 2018, the University of Hawai'i joined more than 2,000 universities and colleges throughout the United States in an effort to provide a healthy environment for all students, faculty, and staff.

Note that "Tobacco Products" include, but are not limited to, cigarettes, cigars, pipes, smoking tobacco, chewing tobacco, and electronic cigarettes and vapes. For more information, go to: <https://www.hawaii.edu/offices/communications/tobaccofree/>

Windward Community College is a proud participant of the Hawai'i Blue Zones Project; and, fully supports this tobacco-free initiative. For information about quitting smoking, the Hawai'i Tobacco Quitline can be reached at 1-800-QUIT-NOW (1-800-784-8669) or go to: <https://hawaiiquitline.org/>.

Alcoholic Beverages Policy

Under Hawai'i law (Hawai'i Revised Statute 281-101.5) and University of Hawai'i Executive Policy EP 11.201, no one under the age of 21 may consume, purchase, or possess liquor/alcohol. Under Hawai'i Revised Statute 712-1250.5 and University of Hawai'i Executive Policy EP 11.202, no one may sell, serve, deliver, or offer liquor/alcohol to a minor.

Consumption and service of alcoholic beverages are generally forbidden on Windward Community College (Windward CC) property. This campus policy includes all buildings/facilities and all common areas. An exception to this restriction is an approval for the use of alcoholic beverages on campus property.

This exception requires the completion of a formal request form (WCC Form 3-7) which can be obtained from the Office of the Chancellor for review and approval. Note that any disapprovals by the Chancellor are final.

Campus Security Department personnel have the authority to detain violators of alcohol laws and policies until the arrival of Honolulu Police Department personnel. The police will make the determination for an arrest or remand back to campus officials for any institutional disciplinary action. Note that a conviction may result in probation, fines, and imprisonment.

Illegal Drug and Controlled Substances Policy

As prohibited under Hawai'i Revised Statute 712 and Executive Policy EP 11.201, Windward CC students, employees, and others are not permitted to be under the influence of, possess, manufacture, distribute, or sell illicit drugs at on-campus properties, at campus-sponsored or approved events, at any building or area contracted for use, or at any campus-sanctioned, off-campus properties.

Windward Community College prohibits illegal use, purchase, sale, or distribution of any illegal drug or substance. Students, faculty, and staff to seek assistance in overcoming any drug, substance, or alcohol abuse. Early recognition and treatment are important for successful rehabilitation. Students may contact the Vice Chancellor for Student Affairs (808) 235-7370 for assistance regarding counseling and treatment referral services. Faculty and staff may contact their supervisors for assistance and referral services.

Campus Security Department personnel have the authority to detain violators of drug/substance laws and policies until the arrival of Honolulu Police Department personnel. The police will make the determination for an arrest or remand back to campus officials for any institutional disciplinary action. Note that a conviction may result in probation, fines, and imprisonment.

Drug-Free Schools and Communities Act Information

The University of Hawai'i System's Office of Human Resources, in consultation with the Associate Vice President for Student Affairs, is responsible for updating and distributing the annual notification to all employees. The Office of the Executive Vice President for Academic Affairs, through the Associate Vice President for Student Affairs, is responsible for distributing

the annual notification to all students. Such notification shall be in compliance with the provisions of the Drug-Free Schools and Communities Act Amendments of 1989, and any subsequent amendments. Chancellors and vice presidents shall assist with notification to employees and students when needed. The annual notice shall include:

1. Standards of conduct that clearly prohibit at a minimum the unlawful possession, use, or distribution of illicit drugs and alcohol by students and employees on its property or as part of any of its activities;
2. A description of the applicable legal sanctions under local, state, or federal law for the unlawful possession or distribution of illicit drugs and alcohol;
3. A description of the health risks associated with the use of illicit drugs and the abuse of alcohol;
4. A description of any drug or alcohol counseling, treatment, or rehabilitation or re-entry programs that are available to employees or students; and
5. A statement concerning disciplinary sanctions which will be imposed for violations of the standard of conduct required in paragraph 1 in accordance with the applicable collective bargaining agreement or Student Conduct Code.

Weapons Policy

Under Hawai‘i State law (Hawai‘i Revised Statutes Chapter 134), no person shall possess, use, or threaten to use a firearm or deadly weapon unless authorized by law. Additionally, this chapter of law strictly prohibits the manufacturing, selling, transferring, possession, or transporting of any switchblade knife.

Windward Community College prohibits all firearms, deadly weapons, and switchblades from entering campus property. Prohibitions apply even if the firearm or deadly weapon is authorized by permit or immunity under Hawai‘i State law. Exceptions, if any, shall be made by the Chancellor (or designee). An example of an exception request is to hold a medieval cultural event that includes period costume and weaponry.

For the purposes of Windward Community College’s weapons policy, prohibited items include, but are not limited to, firearms, firearm parts, replica or antique firearms, ammunition, electric guns (taser as an example), pellet/air guns, paint guns, water guns, training weapons with or without the distinct training color or markings, toy guns/weapons, explosives, explosive substances or compounds, spear guns, arrows, dirks, daggers, blackjacks, slug shots, billies, metal knuckles, or any other common item that—if carried or displayed in a particular, deliberate manner—would convey potential use in a deadly manner.

As with alcohol laws, Campus Security Department personnel have the authority to detain violators of the weapons policy until the arrival of Honolulu Police Department personnel. The police will make the determination for an arrest or citation and/or confiscation; or, a determination to remand back to campus officials for any institutional disciplinary action. Note that a conviction may result in probation, fines, and imprisonment.

Policy on Violence Against Women Act and Title IX

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

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

Sexual Assault and Domestic Violence Policy

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

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

The full policy can be found here:

[Executive Policy 1.204 – Interim Policy on Title IX Sexual Harassment](#)

The full procedure can be found here:

[AP 1.204 Interim Title IX Sexual Harassment Grievance Process](#)

Comprehensive System-Wide Policy

The University of Hawai‘i Executive Policy EP 1.204 “Interim Policy and Procedure on Sex Discrimination and Gender-Based Violence” is an over-arching, system-wide policy that identifies roles and responsibilities in addition to administrative processes related to crimes and violations such as sex discrimination, sexual harassment, gender-based harassment (which includes harassment based on actual or perceived sex, gender, sexual orientation, gender identity, or gender expression), sexual exploitation, sexual assault, domestic violence, dating violence, and stalking.

Policy Definitions from Interim EP 1.204 (from A. Prohibited Behavior)

1. Title IX Sexual Harassment

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

- a. An employee of the University of Hawai‘i conditions the provision of an aid, benefit, or service of the University on an individual’s participation in unwelcome sexual conduct;
- b. Unwelcome conduct, determined by a reasonable person, to be so severe, and

pervasive, and objectively offensive, that it effectively denies a person equal access to the University's education program or activity;

c. Sexual Assault, including:

- (1) Sex Offenses, Forcible: Any sexual act directed against another person, without the consent of the Complainant, including instances in which the Complainant is incapable of giving consent.
- (2) Forcible Rape: Penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the Complainant.
- (3) Forcible Sodomy: Oral or anal sexual intercourse with another person, forcibly, and/or against that person's will (non-consensually); or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- (4) Sexual Assault with an Object: The use of an object or instrument to penetrate, however slightly, the 5 genital or anal opening of the body of another person, forcibly, and/or against that person's will (nonconsensual), or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- (5) Forcible Fondling: The touching of the private body parts of another person (buttocks, groin, breasts), for the purpose of sexual gratification, forcibly, and/or against that person's will (non-consensually); or not forcibly or against the person's will in instances in which the Complainant is incapable of giving consent because of age or because of temporary or permanent mental or physical incapacity.
- (6) Sex Offenses, Non-forcible:
 - (a) Incest: Non-forcible sexual intercourse, between persons who are related to each other, within the degrees wherein marriage is prohibited by Hawai'i law.
 - (b) Statutory Rape: Non-forcible sexual intercourse, with a person who is under the statutory age of consent of 16¹.

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

d. Dating Violence

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

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

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

e. Domestic Violence

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

f. Stalking

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

- i) Course of conduct means two or more acts, including, but not limited to, acts in which the Respondent directly, indirectly, or through third parties, by any action, method, device, or means, follows, monitors, observes, surveils, threatens, or communicates to or about a person, or interferes with a person's property.
- ii) Reasonable person means a reasonable person under similar circumstances and with similar identities to the Complainant.
- iii) Substantial emotional distress means significant mental suffering or anguish that may but does not necessarily require medical or other professional treatment or counseling.

Grievance Process

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

Related Definitions

1. Consent

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

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

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

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

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

2. Incapacitation

Incapacitation occurs when someone cannot make rational, reasonable decisions because they lack the capacity to give knowing/informed consent (e.g., to understand the “who, what, when, where, why, or how” of their sexual interaction).

Incapacitation is determined through consideration of all relevant indicators of an individual's state and is not synonymous with intoxication, impairment, blackout, and/or being drunk.

Incapacitation also covers a person whose incapacity results from a temporary or permanent physical or mental health condition, involuntary physical restraint, and/or the consumption of incapacitating drugs.

A person cannot consent if they are unable to understand what is happening or is disoriented, helpless, asleep, or unconscious, for any reason, including by alcohol or other drugs.

A Respondent violates Interim Executive Policy 1.204 if they engage in sexual activity with someone who is incapable of giving consent.

Hawai'i Definitions of VAWA Crimes and Consent

The following are the definitions, in the applicable jurisdiction, State of Hawai'i, of the following terms: dating violence, domestic violence, sexual assault, stalking, and consent in reference to sexual activity.

DATING VIOLENCE AND DOMESTIC VIOLENCE

Hawai'i Criminal Law:

Hawai'i Revised Statutes § 709-906

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

For the purposes of this section:

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

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

Hawai'i Civil Law:

Hawai'i Revised Statutes § 586-1

“Dating relationship” means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

“Domestic abuse” means: (1) Physical harm, bodily injury, assault, or the threat of imminent physical harm, bodily injury, or assault, extreme psychological abuse or malicious property damage between family or household members; or (2) Any act which would constitute an offense under section 709-906, or under part V or VI of chapter 707 committed against a minor family or household member by an adult family or household member.

“Extreme psychological abuse” means an intentional or knowing course of conduct directed at an individual that seriously alarms or disturbs consistently or continually bothers the individual, and that serves no legitimate purpose; provided that such course of conduct would cause a reasonable person to suffer extreme emotional distress.

“Family or household member”: (1) Means spouses or reciprocal beneficiaries, former spouses or former reciprocal beneficiaries, persons who have a child in common, parents, children,

persons related by consanguinity, persons jointly residing or formerly residing in the same dwelling unit, and persons who have or have had a dating relationship; and (2) Does not include those who are, or were, adult roommates or cohabitants only by virtue of an economic or contractual affiliation.

“Malicious property damage” means an intentional or knowing damage to the property of another, without his consent, with an intent to thereby cause emotional distress.

SEXUAL ASSAULT

Hawai‘i Revised Statutes § 707-730
Sexual assault in the first degree.

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

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

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

Hawai‘i Revised Statutes § 707-731
Sexual assault in the second degree.

- (1) A person commits the offense of sexual assault in the second degree if:
 - (a) The person knowingly subjects another person to an act of sexual penetration by compulsion;

- (b) The person knowingly subjects to sexual penetration another person who is mentally incapacitated or physically helpless;
- (c) The person, while employed:
 - (i) In a state correctional facility;
 - (ii) By a private company providing services at a correctional facility;
 - (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
 - (iv) By a private correctional facility operating in the State of Hawai‘i; or
 - (v) As a law enforcement officer as defined in section 710-1000, knowingly subjects to sexual penetration an imprisoned person, a person confined to a detention facility, a person committed to the director of public safety, a person residing in a private correctional facility operating in the State of Hawai‘i, or a person in custody; provided that paragraph (b) and this paragraph shall not be construed to prohibit practitioners licensed under chapter 453 or 455 from performing any act within their respective practices; and further provided that this paragraph shall not be construed to prohibit a law enforcement officer from performing a lawful search pursuant to a warrant or exception to the warrant clause; or
- (d) The person knowingly subjects to sexual penetration a minor who is at least sixteen years old and the person is contemporaneously acting in a professional capacity to instruct, advise, or supervise the minor; provided that:
 - (i) The person is not less than five years older than the minor; and
 - (ii) The person is not legally married to the minor.

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

Hawai‘i Revised Statutes § 707-732

Sexual assault in the third degree.

- (1) A person commits the offense of sexual assault in the third degree if:
 - (a) The person recklessly subjects another person to an act of sexual penetration by compulsion;
 - (b) The person knowingly subjects to sexual contact another person who is less than fourteen years old or causes such a person to have sexual contact with the person;
 - (c) The person knowingly engages in sexual contact with a person who is at least fourteen years old but less than sixteen years old or causes the minor to have

sexual contact with the person; provided that:

- (i) The person is not less than five years older than the minor; and
- (ii) The person is not legally married to the minor;
- (d) The person knowingly subjects to sexual contact another person who is mentally defective, mentally incapacitated, or physically helpless, or causes such a person to have sexual contact with the actor;
- (e) The person, while employed:
 - (i) In a state correctional facility;
 - (ii) By a private company providing services at a correctional facility;
 - (iii) By a private company providing community-based residential services to persons committed to the director of public safety and having received notice of this statute;
 - (iv) By a private correctional facility operating in the State of Hawai‘i; 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 Hawai‘i, or a person in custody, or causes the person to have sexual contact with the actor; or
- (f) The person knowingly, by strong compulsion, has sexual contact with another person or causes another person to have sexual contact with the actor.

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

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

Hawai‘i Revised Statutes § 707-733

Sexual assault in the fourth degree.

- (1) A person commits the offense of sexual assault in the fourth degree if:
 - (a) The person knowingly subjects another person, not married to the actor, to sexual contact by compulsion or causes another person, not married to the actor, to have sexual contact with the actor by compulsion;

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

Hawai'i Revised Statutes § 707-733.6

Continuous sexual assault of a minor under the age of fourteen years.

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

Hawai‘i Revised Statutes § 707-741

Incest.

- (1) A person commits the offense of incest if the person commits an act of sexual penetration with another who is within the degrees of consanguinity or affinity within which marriage is prohibited.

STALKING

Hawai‘i Revised Statutes § 711-1106.5

Harassment by stalking.

- (1) A person commits the offense of harassment by stalking if, with intent to harass, annoy, or alarm another person, or in reckless disregard of the risk thereof, that person engages in a course of conduct involving pursuit, surveillance, or nonconsensual contact upon the other person on more than one occasion without legitimate purpose.
- (2) For purposes of this section, "nonconsensual contact" means any contact that occurs without that individual's consent or in disregard of that person's express desire that the contact be avoided or discontinued. Nonconsensual contact includes direct personal visual or oral contact and contact via telephone, facsimile, or any form of electronic communication, as defined in section 711-1111(2), including electronic mail transmission.

Hawai‘i Revised Statutes § 711-1106.4

Aggravated harassment by stalking.

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

CONSENT

The Hawai‘i Penal Code does not define “consent” in reference to sexual activity.

Windward Community College Response Procedures for Victims

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

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

Preservation of Evidence

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

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

Reporting the Alleged Offense

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

Law Enforcement Involvement and Reporting to Law Enforcement

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

Victims of sexual assault, domestic violence, stalking, and dating violence have the option of notifying law enforcement directly of the alleged offense, or to be assisted in doing so by campus officials. Victims may also choose to decline to notify law enforcement.

Please be aware that the University's duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Windward Community College's Commitment

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

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

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

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

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

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

Title IX Coordinator:
Karla Silva-Park
Hale Alaka'i 106A
Phone: (808) 235-7468
karlas@hawaii.edu

Title IX and VAWA Resolution Process

Title IX Brochure

[Title IX Resource Guide '18](#)

(updated version forthcoming)

Campus Response Procedures

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

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

INCIDENT BEING REPORTED	PROCEDURE THAT THE COLLEGE WILL FOLLOW
Sexual Assault	<ol style="list-style-type: none"> 1. Depending on when reported (immediate vs delayed report), College will provide reporting party with access to medical care 2. College will assess immediate safety needs of reporting party and the rest of the campus 3. College will assist reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for local police department 4. College will provide reporting party with referrals to on and off campus mental health providers 5. College will assess need to implement interim or long-term protective measures, if appropriate. 6. College will provide the victim with a written explanation of the victim's rights and options 7. College will provide a "No trespass" directive to responding party if deemed appropriate 8. College will provide written instructions on how to apply for a Protective Order 9. College will provide a copy of the policy applicable to Sexual Assault to the reporting party and inform the reporting party

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INCIDENT BEING REPORTED	PROCEDURE THAT THE COLLEGE WILL FOLLOW
Sexual Assault (continued)	<p>regarding timeframes for inquiry, investigation and resolution</p> <p>10. College will inform the reporting party of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is</p> <p>11. College will enforce the anti-retaliation policy and take immediate and separate action against parties that retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation</p>
Stalking	<ol style="list-style-type: none"> 1. College will assess immediate safety needs of reporting party and the rest of the campus 2. College will assist reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for local police department 3. College will provide written instructions on how to apply for Protective Order 4. College will provide written information to reporting party on how to preserve evidence 5. College will assess need to implement interim or long-term protective measures to protect the reporting party, if appropriate 6. College will provide the victim with a written explanation of the victim's rights and options 7. College will provide a "No trespass" directive to accused party if deemed appropriate
Dating Violence	<ol style="list-style-type: none"> 1. College will assess immediate safety needs of reporting party and the rest of the campus 2. College will assist reporting party with contacting local police if reporting party requests AND provide the reporting party with contact information for local police department 3. College will provide written instructions on how to apply for Protective Order 4. College will provide written information to reporting party on how to preserve evidence 5. College will assess need to implement interim or long-term protective measures to protect the reporting party, if appropriate

INCIDENT BEING REPORTED	PROCEDURE THAT THE COLLEGE WILL FOLLOW
Dating Violence (Continued)	<p>6. College will provide the victim with a written explanation of the victim's rights and options</p> <p>7. College will provide a "No trespass" directive to accused party if deemed appropriate</p>
Domestic Violence	<p>1. College will assess immediate safety needs of reporting party and the rest of the campus</p> <p>2. College will assist reporting party with contacting local police if reporting party requests AND reporting party provided with contact information for local police department</p> <p>3. College will provide written instructions on how to apply for Protective Order</p> <p>4. College will provide written information to reporting party on how to preserve evidence</p> <p>5. College will assess need to implement interim or long-term protective measures to protect the reporting party, if appropriate</p> <p>6. College will provide the victim with a written explanation of the victim's rights and options</p> <p>7. College will provide a "No trespass" directive to accused party if deemed appropriate</p>

Assistance for Victims: Rights and Options

When a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, regardless of whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options. This written explanation includes notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. This written explanation also includes notification to students and employees about existing resources available for victims within the institution and within the larger community.

An electronic copy of this written explanation is available at: <https://windward.hawaii.edu/about-wcc/title-ix/>

Temporary Restraining Orders and Protective Orders

You have a right to live in a safe environment, free from the threat of harm from a family member or acquaintance. If someone you know is engaging in a pattern of harassment (including physical or sexual violence, verbal threats, property damage or stalking), you can seek protection by obtaining a temporary restraining order (TRO) against the perpetrator. If you need to extend your

protection for up to three years, you can obtain a Protective Order, which sets guidelines aimed at protecting you. This can include prohibiting the defendant from calling or visiting you.

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

- File through Family Court if the defendant, is or was married to you, had a child with you, lives or lived with you, has or had a dating relationship with you, or is related to you by blood.

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

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

Kauikeaouli Hale
1111 Alakea Street
Honolulu, HI 96813

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

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

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

Supportive Measures

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

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

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

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

Emergency Removal

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

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

Victim Assistance

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

On-Campus Resources

- Mental Health Counseling Center-If there is an emergency please call 911, otherwise call the mental health counselor for more information
- For a listing of additional resources visit
Title IX Help Directory: Windward Community College

Community Resources

- State of Hawai'i 24-hour ACCESS Line –(808) 832-3100 (O'ahu) or (800) 753-6879 (Neighbor Islands)

- YWCA Hawai‘i 24-hour Crisis Hotline – (808) 935-0677
- Ala Kuola (For domestic violence related issues including TROs)
<https://www.alakuolahawaii.com/>
- For a listing of additional resources visit:
<http://www.hawaii.edu/titleix/community>

Other Resources

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

Confidentiality

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

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

Complaint Resolution Process

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

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

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

Advisors

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

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

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

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

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

Informal Resolution

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

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

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

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

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

Notice of Allegations and Investigation

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

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

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

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

Appointment of Investigators

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

Steps in the Investigation Process

The Investigator(s) will:

- a. Interview the Complainant, Respondent, relevant witnesses, and individuals with unique

knowledge pertinent to the allegations in the notice of allegations and investigation, in order to gather and ascertain case facts and circumstances; and

- b. Collect all relevant evidence including documents, notes, electronic records, photographs, and any other materials relevant to the investigation offered by any party or witness and will seek to collect relevant evidence from other sources; and
- c. Prior to the conclusion of the investigation, provide the parties an opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations, including the evidence upon which the recipient does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to the conclusion of the investigation; and
- d. Prior to the completion of the investigative report, send to the parties and their advisors, if any, the evidence directly related to the allegations that is subject to inspection and review, in an electronic format or a hard copy¹ and provide them with ten (10) business days to submit a written response;
- e. Consider the parties' written comments on the evidence prior to completion of the investigative report; and
- f. Create an investigative report that fairly summarizes relevant evidence.

Investigation Timeline

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

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

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

Live Hearings Under Interim AP 1.204

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

shown as to why the evidence was not previously provided. The Title IX Coordinator may serve as an administrative facilitator of the live hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

Appointment of Decision Maker

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

Determination Regarding Responsibility

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

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

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

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

Sanctions

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

Employees

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

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

Students

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

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

University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.

- h. Organizational Sanctions: Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.
- i. Other Actions: In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

Remedial Actions and Educational Refresher Programs

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

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

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

Appeals

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

appeal and the basis. The other party may submit a response to the appeal within five (5) business days from the date they received the appeal.

6. Within five (5) business days of the deadline for a response, the Title IX Coordinator shall forward the appeal, any response, and the record to an appropriate appeals officer, who is not the same person as the Decision Maker(s) that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator.
7. The appeals officer will examine the information presented. Within twenty (20) business days from the date the appeals officer received the information, the appeals officer will:
 - a. Deny the appeal and uphold the original decision;
 - b. Grant the appeal and remand the case because of procedural irregularities that affected the outcome of the matter;
 - c. Grant the appeal and remand the case because new evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made could affect the outcome of the matter;
 - d. Grant the appeal and remand the case because the Title IX Coordinator, investigator(s), or decision maker(s) had a conflict of interest or bias for or against complainants or respondents generally or the specific complainant or respondent that affected the outcome of the matter; or
8. The appeals officer shall draft a determination of appeal explaining the rationale for the determination. The determination of appeal shall be promptly sent to the parties simultaneously.

Standard of Review – Preponderance of the Evidence

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

Recordkeeping

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

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

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

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

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

Victim's Bill of Rights

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

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

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

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

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

- Ensure that a victim of sexual assault receives the necessary medical treatment and test;
- Provide the opportunity for collection of evidence helpful in prosecution, which cannot

be obtained later (ideally a victim of sexual assault should not wash, douche, use the toilet, or change clothing prior to a medical/legal exam);

- Assure the victim is provided information regarding free confidential counseling from community or campus counselors specifically trained in the area of sexual assault crisis intervention.

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

The victim of a sexual assault has the right to determine which type of investigation they wish to pursue (criminal or administrative or both). An advocate/representative can be provided or chose by the victim to guide them through the available options and the support the victim in his or her decision.

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

Survivors Shall Be Notified of Their Options to Notify Law Enforcement

- Accuser and accused must have the same opportunity to have others present.
- Both parties shall be informed of the outcome of any disciplinary proceeding.
- Survivors shall be notified of counseling services.
- Survivors shall be notified of options for change in academic and living situations.

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

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

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

their studies at Windward CC. Windward CC will take all steps to ensure confidentiality of any sexual offense victim.

The Importance of Preserving Evidence

When possible, attempts should be made to preserve any physical evidence of a sexual assault. The preservation of evidence may assist in the apprehension and prosecution of the assailant; and, could prevent others from becoming victims of similar crimes. However, under no circumstance should you, the victim, be forced or coerced to elect preservation of physical evidence. But, if you do choose to preserve evidence, the following steps are recommended.

Because evidence of a sexual assault can deteriorate quickly, you may choose to seek a medical exam as soon as possible. Evidence collection by trained, medical practitioners should be completed within 120 hours of an assault. Even if you have washed, evidence can still be obtained. Please note that Kapi‘olani Medical Center for Women and Children is highly recommended for their expertise with the “Hawai‘i State Sexual Assault Evidence Collection Kit” (go to: <http://satchawaii.org/get-help/medical-forensic-examination/> for information on what you can expect when you arrive and what your rights are). If you have go to a different hospital—and, depending on your condition—personnel from Kapi‘olani Medical Center for Women and Children may be called upon for evidence collection. Typically, police will be called to the hospital to take custody of the sexual assault evidence kit (only if you agree to have the evidence released to the police); and, it is up to you whether you wish to speak with the police or file a criminal complaint.

If you are still wearing any clothes worn during the assault, wear them to the hospital, but bring a change of clothes, as the hospital will keep the clothes you are wearing as evidence. If you have changed clothes, bring the ones you were wearing during the assault to the hospital in a clean paper (not plastic) bag or wrapped in a clean sheet. Leave sheets/towels at the scene of the assault (police will collect them).

Note that even if it has been over 120 hours since the assault, some evidence can still remain viable as evidence. Lastly, even if you are not trying to obtain evidence of an assault, it may still be helpful for you to seek medical attention.

Campus Programming

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

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

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

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

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

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

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

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

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

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

Risk Reduction

No victim is **EVER** to be blamed for being assaulted, abused, or victimized in any way. Because risk reduction includes safety planning and recognizing situations of potential harm, the following are some tips from the Rape Abuse and Incest National Network (<https://www.rainn.org/safety-prevention>) that may be helpful.

Safety Planning When Someone Is Hurting You

- **Become familiar with safe places.** Learn more about safe places near you such as a local domestic violence shelter or a family member’s house. Learn the routes and commit them to memory. Find out more about [sexual assault service providers](#) in your area that can offer support.
- **Create a code word.** It might be a code between you and your children that means “get out,” or with your support network that means “I need help.”
- **Keep computer safety in mind.** If you think someone might be monitoring your computer use, consider regularly clearing your cache, history, and cookies. You could also use a different computer at a friend’s house or a public library.

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

Safety Planning When Someone Is Stalking You

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

Safety Planning When Leaving the Person Hurting You

- Make an escape bag. Pack a bag that includes all important papers and documents, such as your birth certificate, license, passport, social security card, bills, prescription drugs, and medical records. Include cash, keys, and credit cards. Hide the bag well. If it's discovered, call it a "hurricane bag" or "fire bag." If you are escaping with children, include their identifying information as well.
- Plan a destination. If you're not going to stay with someone you know, locate the nearest domestic violence shelter or homeless shelter.
- Plan a route. Then plan a backup route. If you are driving, have a tank of gas filled at all times. If you rely on public transportation, know the routes departure times. Many public transportation systems have mobile apps that update their schedules and arrival times.
- Prepare your support network. Keep your support network in the loop. Let them know how to respond if the perpetrator contacts them.
- Important Safety Note: If the dangerous situation involves a partner, go to the police or a shelter first.

Safety Planning When You Are Out In Public

- Be aware of your surroundings. Knowing where you are and who is around you may help you to find a way to get out of a bad situation.

- Try to avoid isolated areas. It is more difficult to get help if no one is around.
- Walk with purpose. Even if you don't know where you are going, act like you do.
- Trust your instincts. If a situation or location feels unsafe or uncomfortable, it probably isn't the best place to be.
- Try not to load yourself down with packages or bags as this can make you appear more vulnerable.
- Make sure your cell phone is with you and charged and that you have cash money.
- Don't allow yourself to be isolated with someone you don't trust or someone you don't know.
- Avoid putting music headphones in both ears so that you can be more aware of your surroundings, especially if you are walking alone.
- When you go to a social gathering, go with a group of friends. Arrive together, check in with each other throughout the evening, and leave together. Knowing where you are and who is around you may help you to find a way out of a bad situation.
- Trust your instincts. If you feel unsafe in any situation, go with your gut. If you see something suspicious, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).
- Don't leave your drink unattended while talking, dancing, using the restroom, or making a phone call. If you've left your drink alone, just get a new one.
- Don't accept drinks from people you don't know or trust. If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.
- Watch out for your friends, and vice versa. If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.
- If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.). Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).
- If you need to get out of an uncomfortable or scary situation here are some things that you can try:
 - Remember that being in this situation is not your fault.
 - You did not do anything wrong, it is the person who is making you uncomfortable that is to blame.
- Be true to yourself. Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.
- Have a code word with your friends or family so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.
- Lie. If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

- Try to think of an escape route. How would you try to get out of the room? Where are the doors? Windows? Are there people around who might be able to help you? Is there an emergency phone nearby?

Bystander Intervention

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

Overcoming Barriers To Intervening

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

Barrier: In/Out Groups

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

Barrier: Role Morality

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

Barrier: Diffusion Of Responsibility

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

Taking Action: Safe and Effective Intervention Options

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

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

Taking Action: Offer Assistance

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

Taking Action: Buddy System

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

Taking Action: Safety Plans

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

CRIME LOG, CRIME TRENDS, AND CRIME STATISTICS

Entries into the Daily Crime Log

All crimes reported to the Campus Security Department and other Clery Act reportable incidents are entered into a hardcopy Daily Crime Log (Log) that is located in the Campus Security Department office at Hale Alaka'i 113. Please call the Campus Security Department at (808) 235-7355 before arriving because, at any given time, the officers may be out of office conducting patrols or responding to other calls for service.

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

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

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

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

Evaluation of Crime/Violation Trends

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

Crime Statistics

Definitions and Guidelines for Reporting Statistics

On Campus

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

- Faculty-only residence facilities controlled by the institution falls under the on-campus category

Non-Campus

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

Public Property

- All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus (the Clery Act geographical boundaries of the campus).
- The sidewalk across the street from Windward Community College is included; but, not the property beyond the sidewalk.
- NOT included is an adjacent area that is separated by a fence or other man-made barrier because it is not accessible to/from our campus.

Clery-Reportable Crimes and Definitions

Primary Crimes

- **MURDER AND NON-NEGLIGENT MANSLAUGHTER:** The willful (non-negligent) killing of one human being by another.
- **NEGLIGENT MANSLAUGHTER:** The killing of another person through gross negligence.
- **AGGRAVATED ASSAULT:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.
- **ARSON:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, personal property of another, etc. (Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.)
- **BURGLARY:** The unlawful entry of a structure to commit a felony or a theft. Attempted forcible entry is included.
- **ROBBERY:** The taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.

- **MOTOR VEHICLE THEFT:** The theft or attempted theft of a motor vehicle. A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.

Sexual Assault | Sex Offenses

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

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

Alcohol, Drug and Weapon Violations

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

- **LIQUOR LAW VIOLATIONS:** The violation of laws or ordinances prohibiting: the manufacture, sale, transporting, furnishing, possessing of intoxicating liquor; maintaining unlawful drinking places; bootlegging; operating a still; furnishing liquor to a minor or intemperate person; using a vehicle for illegal transportation of liquor; drinking on a train or public conveyance; and all attempts to commit any of the aforementioned. (Drunkenness and driving under the influence are not included in this definition.)
- **WEAPONS POSSESSION VIOLATIONS:** The violation of laws or ordinances dealing with weapon offenses, regulatory in nature, such as: manufacture, sale, or possession of deadly weapons; carrying deadly weapons, concealed or openly; furnishing deadly weapons to minors; aliens possessing deadly weapons; and all attempts to commit any of the aforementioned.
- **DRUG ABUSE VIOLATIONS:** Violations of State and local laws relating to the unlawful possession, sale, use, growing, manufacturing, and making of narcotic drugs. The relevant substances include: Opium or Cocaine and their derivatives (Morphine, Heroin, Codeine); Marijuana; synthetic narcotics (Demerol, Methadone); and dangerous non-narcotic drugs (Barbiturates, Benzedrine).

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

Hate Crimes

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

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

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

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

Violence Against Women Act (2013) Crimes

- **DOMESTIC VIOLENCE:** A felony or misdemeanor crime of violence committed by a current or former spouse or intimate partner of the victim; by a person with whom the victim shares a child in common; by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner; by a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or by any other person against an adult or youth victim who is protected from that person's acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.
- **DATING VIOLENCE:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim. The existence of such a relationship shall be determined based on the reporting party's statement with

consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.

For the purposes of this definition:

- (1) Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
 - (2) Dating Violence does not include acts covered under the definition of Domestic Violence.
- STALKING: Engaging in a course of conduct directed at a specific person that would cause a reasonable person to (1) fear for the person's safety or the safety of others; or (2) suffer substantial emotional distress.

For the purposes of this definition:

- (1) 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.
- (2) Substantial emotional distress means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.
- (3) Reasonable person means a reasonable person under similar circumstances and with similar identities to the victim.

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

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

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

Violence committed by a person:

- Who is or has been in a social relationship of a romantic or intimate nature with the victim; AND,
- Where the existence of such a relationship shall be determined based on a consideration of the following factors:
 - The length of the relationship;
 - The type of relationship;

- The frequency of interaction between the persons involved in the relationship.

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

Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:

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

2020 Clery Act Crime Statistics Explained

On the following pages, you will see three different tables that depict the crime statistics for Windward Community College. One is for Primary Crimes, the second table reports statistics for VAWA, and the third is for arrests and disciplinary referrals.

You will also note that statistics are reported for 2019, 2018, and 2017. These statistics are again required to be reported for the previous three years (2020 statistics cannot be reported yet, as the 2020 year is not complete).

One of the Clery requirements is that a campus must report any statistics that occurred in student housing as a subset of the campus statistics. Because Windward Community College has no student housing, therefore the column indicates “N/A.” The Clery Act also requires statistics for incidents occurring on non-campus property. Because Windward Community College has no non-campus property (as defined in “The Handbook for Campus Safety and Security Reporting”; 2016 Edition as amended), the column indicates “N/A” as well.

Another requirement for our Clery report is that we are to list any unfounded crimes in our Clery statistics. Unfounded crimes can only be identified and labeled by authorized Law Enforcement personnel. During the years of 2019, 2018, and 2017 Windward Community College had no unfounded crimes to report.

The third disclosure required by Clery Act is regarding hate crimes that fit the definitions above. During the years of 2019, 2018, and 2017, no hate crimes were reported.

Windward Community College Annual Security Report Crime Statistics

PRIMARY CRIMES

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS HOUSING	NON- CAMPUS PROPERTY	PUBLIC PROPERTY	UN- FOUNDED INCIDENT
	2019	0	N/A	N/A	0	0
Murder and Non-Negligent	2018	0	N/A	N/A	0	0
Manslaughter	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Manslaughter by Negligence	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	1	0
Sexual Assault-Rape	2018	0	N/A	N/A	1	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Sexual Assault-Fondling	2018	0	N/A	N/A	0	0
	2017	1	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Sexual Assault-Incest	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Statutory Rape	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Robbery	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Aggravated Assault	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	1	N/A	N/A	0	0
Burglary	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Motor Vehicle Theft	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Arson	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0

VIOLENCE AGAINST WOMEN ACT OFFENSES (VAWA OFFENSES)

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS HOUSING	NON- CAMPUS PROPERTY	PUBLIC PROPERTY	UN- FOUNDED INCIDENT
	2019	2	N/A	N/A	0	0
Domestic Violence	2018	3	N/A	N/A	1	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Dating Violence	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
	2019	0	N/A	N/A	0	0
Stalking	2018	1	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0

Comments: This campus has no residential housing facilities.

ARRESTS AND DISCIPLINARY REFERRALS

OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS HOUSING	NON- CAMPUS PROPERTY	PUBLIC PROPERTY	UN- FOUNDED INCIDENT
ARRESTS:	2019	0	N/A	N/A	0	0
Liquor Law Violations	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
ARRESTS:	2019	0	N/A	N/A	0	0
Drug Law Violations	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
ARRESTS:	2019	0	N/A	N/A	0	0
Weapons Law Violations	2018	1	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0
DISCIPLINARY:	2019	0	N/A	N/A	0	0
Liquor Law Violations	2018	0	N/A	N/A	0	0
	2017	1	N/A	N/A	0	0
DISCIPLINARY:	2019	0	N/A	N/A	0	0
Drug Law Violations	2018	0	N/A	N/A	0	0
	2017	1	N/A	N/A	0	0
DISCIPLINARY:	2019	0	N/A	N/A	0	0
Weapons Law Violations	2018	0	N/A	N/A	0	0
	2017	0	N/A	N/A	0	0

Comments: This campus has no residential housing facilities.

HATE CRIMES

No hate crimes were reported during the years 2019, 2018, and 2017.

REFERENCES

Federal Register; “Violence Against Women Act,” U.S. National Archives and Records Administration, on-line: <https://www.federalregister.gov/articles/2014/06/20/2014-14384/violence-against-women-act>, September 28, 2019.

Public Law 110-315; “Higher Education Opportunity Act,” U.S. Government Printing Office, on-line: <https://www.gpo.gov/fdsys/pkg/PLAW-110publ315/html/PLAW-110publ315.htm>, September 28, 2019.

State of Hawai‘i Criminal Justice Data Center; “Online Covered Offender Search,” State of Hawai‘i, on-line: <http://sexoffenders.ehawaii.gov/sexoffender/search.html>, September 28, 2019.

University of Hawai‘i, Office of the Vice President for Community Colleges; “Campus Security Standard Operating Procedures for the University of Hawai‘i Community Colleges,” Honolulu, HI, as amended August 12, 2019.

University of Hawai‘i System; “UH Systemwide Executive Policies,” The University of Hawai‘i, on-line: <http://www.hawaii.edu/policy/>, September 28, 2019.

U.S. Code; “Security Policy and Campus Crime Statistics Act (20 USC § 1092(f),” Cornell University Law School, on-line: <http://www.law.cornell.edu/uscode/text/20/1092>, September 28, 2019.

U.S. Department of Education, Office of Postsecondary Education; “The Handbook for Campus Safety and Security Reporting,” Washington, D.C., 2016 Edition.

Advanced Law Enforcement Rapid Response Training, ALERRT Center at Texas State University, “Avoid/Deny/Defend It Matters” (a public awareness and preparedness method for active shooter incidents), on-line: <http://www.avoiddenydefend.org/>, September 28, 2019.

APPENDIX A

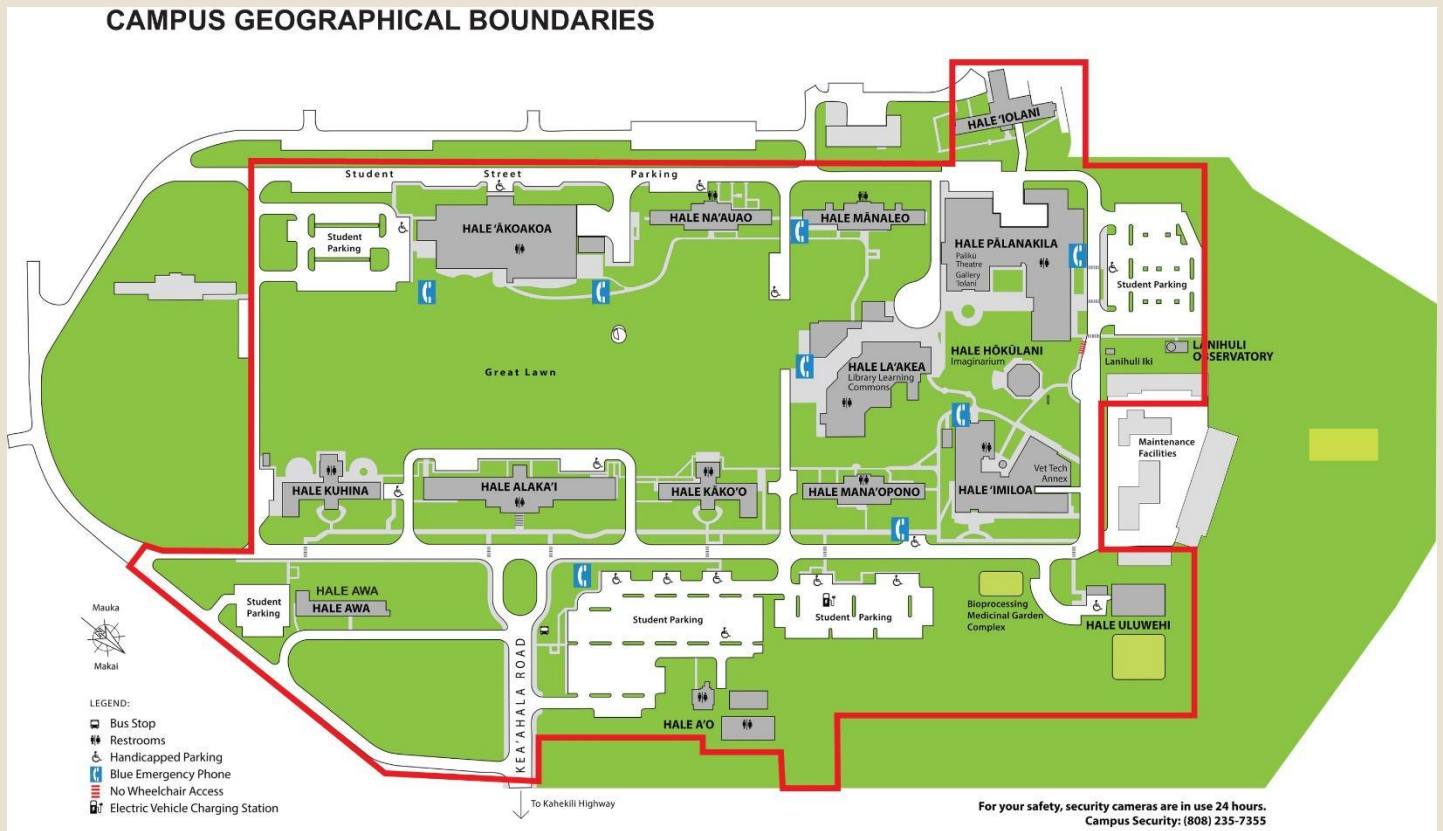
2020 Campus Security Authorities for Windward Community College

LAST NAME	FIRST	TITLE / POSITION	LOCATION	PHONE
AKINA	Sarah	Paipai Project Director	Hale Kāko'o 109	235-7326
ALO	Kaahu	Student Life Counselor	Hale 'Ākoakoa 232	235-7354
BASSFORD	Kimberly	Journalism Instructor and Ka'Ohana Faculty Advisor	Hale 'Ākoakoa 239	235-7396 236-9185
BEATSON	Bonnie	Director-Marketing and Public Relations	Hale La'akea 242	235-7374
BOYD	Jamie	Professor-Health Programs Coordinator	Hale Kuhina 111	235-7384
BRANDVOLD	Kelli	Interim Vice Chancellor for Administrative Services	Hale Alaka'i 120	235-7403
BRIGGS	Paul	Professor-Economics and Social Science Chair	Hale Na'auao 126	236-9218
BRUBAKER	Patricia	Manager-Media Distribution	Hale La'akea 242E	235-7301
CHAMBERS	Faye	Safety and Security Manager	Hale Alaka'i 125	235-7343
CHING	Sherry	Campus Maintenance Officer	Maintenance Baseyd.	235-7444
CHO	Karen	Personnel Officer	Hale Alaka'i 120B	235-7404
CHONG	Patti	Counselor	Hale 'Ākoakoa 208	235-7425
CIOTTI	Joe	Professor-Physics, Astronomy and Mathematics	Hale 'Imiloa 134	236-9111
COLMENARES	Leticia	Professor-Chemistry	Hale 'Imiloa 116	236-9120
DOAN	Andrew	Lecturer-Theatre	Hale Pālanakila 246	235-7330
ESCHENBERG	Ardis	Chancellor	Hale Alaka'i 119A	235-7402
FIEFIA	Koren	Director, TRIO, Educational Talent Search	Hale Alaka'i 130	462-4710
FRENCH	Kathleen	Sociology Professor	Hale Na'auao 110	236-9223
FRY	David	Media Specialist	Hale La'akea 116C	235-7304
GILMAN-SUR	Sarah	Head Librarian	Hale La'akea 207	235-7435
HANSON	Deacon	Assistant Professor-Accounting and Math/Business Chair	Hale Pālanakila 132	236-9237
HIGGINS	Colette	Dean of Academic Affairs, Div. I; Academic Support	Hale Alaka'i 121B	235-7339
HUNT	Jeff	Director of Institutional Research	Hale Alaka'i 106C	235-7442
IMAI	Geri	Registrar	Hale Alaka'i 112B	235-7432
KAHIKINA	Elise	'Ōlelo Hawai'i Counselor	Hale Alaka'i 130	462-4713
KA'ŌPUA	Heipua	Counselor	Hale 'Ākoakoa 205	235-7483
KELLY	Jenny	Associate Professor-Animal Science Director-Veterinary Technician Program	Hale Kako'o 129	236-9166
KINOSHITA	Taurie	Lecturer-Theatre	Hale Pālanakila 138	236-9138
KOO	Ryan	History Instructor and Phi Theta Kappa Faculty Advisor	Hale Pālanakila 134	236-9134
KRUPP	David	Interim Dean of Academic Affairs, Div. II	Hale Alaka'i 121C	235-7416
LANGSTON	Ross	Professor-Biology	Hale 'Imiloa 104	236-9119
LAU KONG	Malia	History Associate Professor; Humanities Department Chair	Hale Pālanakila 136	236-9132
LAWES	Christy	Access Services Manager	Hale La'akea 203	235-7441

Windward Community College – 2020 Annual Security Report

LI	Andy	Manager-Facilities	Hale Alaka'i 125A	235-7369
LOGUE	Nicolas	Theatre Assistant Professor and Theatre Coordinator	Hale Pālanakila 138	236-9138
MARTIN	Toni	Professor-Art and Iolani Gallery Coordinator	Hale Pālanakila 150	236-9150
MASATSUGU	Cyndy	Counselor/Early Alert	Hale 'Ākoakoa 210	235-7458
McCOY	Floyd	Professor-Geology, Geophysics, and Oceanography	Hale 'Imiloa 115	236-9115
MIRANDA	Kuulei	Native Hawaiian Counselor	Hale 'Ākoakoa 206	235-7474
MOORE	Kalawaia	Associate Professor-Hawaiian Studies	Hale A'o 201	235-7388
MYERS	Bryce	Instructor-Art; Department of Humanities	Hale Pālanakila 148	236-9148
NAKAGAWA	Sharon	Fiscal Administrator	Hale Alaka'i 114	235-7412
NASH	Paul	Professor-Ceramics	Hale Pālanakila 216B	235-7323
O'CONNOR	Dineene	Imaginarium Manager	Hale 'Imiloa 135A	235-7350
OLIVEIRA	Judy	Interim Vice Chancellor for Student Affairs	Hale 'Ākoakoa 202A	235-7370
PAGAN	Justin	Career and Transfer Counselor	Hale 'Ākoakoa 207	235-7460
PALACAT	Frank	Professor and Social Science Dept. Chair	Hale Na'auao 123	236-9209
PANG	Christine	Secretary to the Chancellor	Hale Alaka'i 119	235-7402
POTEET	Desi	Assistant Professor-English and Language Arts Chair	Hale 'Ākoakoa 236	236-9236
RATLIFF	Elizabeth	Associate Professor and Media Specialist	Hale La'akea 242	235-7302
ROGERS	Carla	Student Parent Counselor	Hale 'Ākoakoa 204	235-7387
SANBORN	Tuti	Lecturer-Hawaiian Language	Hale A'o 117	235-9246
SANTIAGO	Tatiana	Early College Counselor	Hale Alaka'i 130	462-4709
SASAKI	Charles	Interim Vice Chancellor for Academic Affairs	Hale Alaka'i 121D	235-7443
SECURITY		Campus Security Department	Hale Alaka'i 113	235-7355
SEVERNS	Tara	Professor and Public Services Librarian	Hale La'akea 206C	235-7440
SILVA-PARK	Karla	Title IX Coordinator	Hale Alaka'i 106A	235-7468
SNIFFEN	Makamae	Evening and Online Coordinator	Hale La'akea 232	235-7325
SUTHERLAND	Scott	Instructor and Ka Piko Coordinator	Hale La'akea 230	235-7467
TANI	Kahea	Secretary to the Vice Chancellor for Administrative Services	Hale Alaka'i 120	235-7405
TOM	Michael	Professor and Computing Services Coordinator	Hale La'akea 113D	235-7371
ZANE	Kate	Counselor	Hale 'Ākoakoa 212A	235-7447

APPENDIX B



Solid red line indicates the geographical boundaries which were determined by campus administration in accordance with guidelines set forth in *The Handbook for Campus Safety and Security Reporting* (U.S. Department of Education, 2016 Edition, as amended).

APPENDIX C

Title IX Resource Guide



This guide (February 2020 version) is available on-line at:

<https://windward.hawaii.edu/about-wcc/title-ix/>

(updated version forthcoming)