



# **LEEWARD COMMUNITY COLLEGE 2020 ANNUAL SECURITY REPORT**

REVISED as of February 16, 2023. The 2020 Annual Security Report is based on crime statistical data and related information for the period of January 1, 2019 through December 31, 2019.

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### Disclosure Statements

The 2020 Annual Security Report (ASR) is prepared and published in compliance with the Higher Education Opportunity Act and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The ASR is made available electronically on the Leeward Community College Campus Security website to all current and potential students and employees and to the general public.

<http://www.leeward.hawaii.edu/files/asr2020.pdf>

Leeward Community College main campus is located in Pearl City and an education center is located in Mā‘ili. Policy information contained in the ASR is applicable to both locations unless specifically noted in the text of this document.

# INTRODUCTION

The 2020 Annual Security Report (ASR) is a collection of specific policies, crime data, resources, and other information related to the safety and security of Leeward Community College (Leeward CC). The ASR is made available to all current and potential Leeward CC students, employees, and the general public and is organized into the following sections:

## **SECTION 1 – QUICK REFERENCE GUIDE**

Lists frequently used telephone numbers for emergencies and resources that are available to the Leeward CC campus community.

## **SECTION 2 – ABOUT LEEWARD COMMUNITY COLLEGE**

Includes basic information about the University of Hawai'i (UH), Leeward CC, and the Annual Security Report.

## **SECTION 3 – CAMPUS SECURITY**

An overview of the Campus Security department and the role and services the department provides to the College.

## **SECTION 4 – EMERGENCY RESPONSE AND TIMELY WARNINGS**

Provides information regarding emergency and timely warning notifications, response, and evacuation procedures.

## **SECTION 5 – POLICY STATEMENTS**

Provides information on specific policies and laws related to safety, security, emergency response, crime reporting, alcohol, drugs, among others.

## **SECTION 6 – SEXUAL ASSAULT POLICY**

Provides UH policies and procedures, to include available resources, for victims of sexual assault, domestic violence, dating violence, and stalking.

## **SECTION 7 – CRIME STATISTICS**

Lists statistics of specific crimes reported on and near campus facilities over the past three years.

## **SECTION 8 – CAMPUS MAPS**

Includes maps of the Pearl City and Wai'anae Moku campuses as well as maps of Call Box locations on the Pearl City campus.

## **The Clery Act**

The Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (*Clery Act*) is a federal mandate requiring all institutions of higher education that participate in federal student financial aid programs to collect, report, and disseminate specific information related to safety, security, and emergency management for their campuses. The *Clery Act* affects virtually all public and private colleges and universities and is enforced by the U.S. Department of Education. Higher education institutions that fail to comply with the *Clery Act* can be penalized with large fines and may be suspended from participating in federal financial aid programs. The *Clery Act*, formerly known as the Crime Awareness and Campus Security Act, was signed into law in 1990 and is named after 19-year old Jeanne Clery, who was raped and murdered in her Lehigh University residence hall in 1986.

The Higher Education Opportunity Act (HEOA) reauthorization in 2008 and the Violence Against Women Reauthorization Act of 2013 (VAWA) amended the *Clery Act* by adding a number of safety and security mandates and disclosure requirements for higher education institutions.

Leeward Community College's 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.

# SECTION 1 – QUICK REFERENCE GUIDE

## Emergency Contacts

Campus Security – Pearl City	455-0611 or x611 (on-campus)
Campus Security – Wai‘anae Moku	454-4711 or x711 (on-campus)
Police – Fire – EMS	911
Civil Defense (State)	733-4300
Emergency Management (City & County)	723-8960
Poison Center	800- 222-1222

## Call Box Locations (Pearl City Campus Only)

### 1<sup>st</sup> Floor (Ground) Call Box Locations

- Administration (AD) Building (south-west corner facing Lion Courtyard)
- Arts & Music (AM) Building (south-east corner facing Theater Courtyard)
- Automotive Building (main entrance)
- Biological Science (BS) Building (south-east corner facing stairwell)
- Drafting Arts (DA) Basement (south side)
- Language Arts (LA) Building (south-west corner facing BE Building)
- Math and Sciences (MS) Building (south-east corner facing DA Building)

### 2<sup>nd</sup> Floor (Street-Level) Call Box Locations: by Bus Stop

## Leeward Community College Resources

Student Health Center	455-0515
Mental Health Counseling Services	455-0211
Veterans Resource Center	455-0274
Domestic Violence Action Center (DVAC) Advocate	260-7839
Counseling and Advising Office	455-0233
Students with Disabilities - Kāko‘o ‘Ike Program	455-0421
LGBTQ Commissioners	455-0248
Title IX Coordinators:	
Title IX Coordinator	455-0213
Deputy Title IX Coordinator for Students	455-0236
Deputy Title IX Coordinator for Students at Wai‘anae Moku	454-4704
Deputy Title IX Coordinator for Employees	455-0657
Campus Administrators:	
Chancellor	455-0215
Vice Chancellor/Chief Academic Officer	455-0453
Vice Chancellor of Administrative Services	455-0213
Dean of Academic Services	455-0228
Dean of Arts and Sciences	455-0664
Dean of Career and Technical Education	455-0228
Dean of Student Services	455-0260
Wai‘anae Moku Coordinator	454-4701

## Community Resources

Alcoholics Anonymous Helpline	946-1438
Aloha United Way (Statewide Referral Service)	211
Child Welfare Services (Reporting Line)	832-5300
Domestic Violence Shelters Hotline	841-0822
Domestic Violence Action Center (DVAC)	531-3771
Hawai'i Centers for Independent Living	522-5400
Hawai'i Immigrant Justice Center	536-8826
Hawaiian Humane Society	946-2187
Legal Aid Society of Hawai'i	536-4302
Love is Respect	866-331-9474
Narcotics Anonymous Helpline	734-4357
National Sexual Assault Hotline	800-656-HOPE (4673)
Sex Abuse Treatment Center Hotline	524-7273
Suicide/Crisis Hotline	832-3100
Volunteer Legal Services Hawai'i	528-7046

## SECTION 2 – ABOUT LEEWARD COMMUNITY COLLEGE

### History and Background

Leeward Community College (Leeward CC) has a proven commitment to affordable and quality education that is a foundation of its mission. As part of the ten-campus University of Hawai'i (UH) system, the College is dedicated and responsive to the community, providing an open door to the world of educational opportunities.

Opening its doors in the fall of 1968, Leeward CC was the first college in the UH system to be developed without a connection to a pre-existing technical school. The College's guiding principle was "innovation" – a readiness to depart from tradition in order to bring the best of current educational practices to its students.

In 1968, Leonard T. Tuthill, the first Provost, welcomed over 1,600 students into humble old buildings that once housed Pearl City Kai Elementary School. That first semester witnessed more than twice the anticipated number of students ready to explore the "Community College" experience.

In the spring of 1969, the College moved to its current location, on 49 acres near the geographic center of Oahu between the cities of Pearl City and Waipahu. Since those beginnings in inauspicious temporary facilities, enrollment in credit and non-credit classes has grown to place the College as among the largest higher education institutions in the State with more than 11,000 students.

Leeward CC at Wai'anae opened in 1971 as the Wai'anae-Nanakuli Education Center situated in a leased facility in the Wai'anae community. With an expansion of services and the assignment of permanent faculty and staff, the Center was reorganized to become Leeward CC – Wai'anae in November of 2010. A new education center facility, Wai'anae Moku, opened in Fall 2017 in the community of Mā'ili to replace the previous leased facility and to better accommodate the growth of the Wai'anae Coast region.

Leeward CC is accredited by the Accrediting Commission for Community and Junior Colleges (ACCJC) of the Western Association of Schools and Colleges (WASC). ACCJC is a regional accrediting body recognized by the Council for Higher Education and the U.S. Department of Education.

Leeward CC is firmly committed to providing a safe and secure learning and working environment. The campus community is encouraged to practice good judgment in personal safety matters and to utilize this publication to assist in making informed decisions when determining appropriate precautions to take to minimize exposure to crime or danger.

### Specific Federal Laws

#### Requiring Safety and Security Related Disclosures

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

The *Clery Act* requires all postsecondary institutions that participate in the Higher Education Act (HEA) Title IV student financial assistance programs, to meet annual performance measures related to safety, security, and emergency management. One such measure is to publicly disclose specific crime statistics and safety- and security-related information by way of an Annual Security Report (ASR) which must be published and disseminated (or provide notice of its availability) by October 1 of each year.

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

The Violence Against Women Reauthorization Act of 2013 (Public Law 113-4) amended the Violence Against Women Act of 1994 (VAWA) which also added safety- and security-related performance and sexual assault requirements.

This Leeward 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.

## Compliance with the *Clery Act*

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

The *2020 Annual Security Report (ASR)* is prepared and published in compliance with the Higher Education Opportunity Act (HEOA) and the Jeanne Clery Disclosure of Campus Security Policy and Crime Statistics Act (*Clery Act*). These federal laws require colleges and universities to:

- Publish an annual security report by October 1<sup>st</sup> of each year that includes three years of specific crime statistics and that contains certain security policy statements and have this report made available to all current and prospective students and employees;
- Provide “timely warning” notices of those crimes that have occurred and that pose an on-going threat to the campus community;
- Issue emergency notifications, upon the confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of the campus community;
- Maintain a log of all crimes reported to the Campus Security Office and ensure public access to the crime log is available during normal business hours.

## Geographical Location and Boundaries

The *Clery Act* requires each campus to identify specific geographical boundaries that, in certain instances, may extend past conventional property ownership boundaries and may include certain areas of public ownership. The statistical data presented in the *2020 Annual Security Report* reflects the number of crimes/incidents that occurred within each of the campus’ geographical boundaries. Campus maps reflecting each of these respective geographical boundaries can be found in Appendix D of this document.

From January 2017 to May 2017, Leeward CC’s Wai‘anae campus was located at 86-088 Farrington Highway, Suite 201. The campus included classrooms, offices, and academic, student, and administrative support space on the 1<sup>st</sup> and 2<sup>nd</sup> floors of a leased two-story office building totaling 9,640 square feet. Approximately 500 students attend classes each semester and the full- and part-time workforce numbers 25 faculty and staff.

There was a transition period in which neither Wai‘anae campus was in operation. The old Wai‘anae campus (86-088 Farrington Highway) was permanently closed in May 2017. The new Wai‘anae Moku campus opened in August 2017.

Currently, Leeward CC is comprised of the main campus located in Pearl City and a satellite education center, Wai‘anae Moku, located in Mā‘ili.

### Leeward CC – Pearl City (main campus)



Address: 96-045 Ala 'Ike, Pearl City, Hawaii 96782

Description: Situated on 49.5 acres of land with 25 academic and support-related facilities located between the communities of Pearl City and Waipahu in central Oahu. The campus population includes more than 10,000 credit and non-credit students each semester and includes nearly 600 full- and part-time employees.

**Leeward CC – Wai‘anae Moku (satellite education center)**

Address: 87-380 Kulaaupuni Street, Mā‘ili, HI 96792

Description: A 2.52 acre parcel that includes a one-story building of approximately 38,600 square feet. Approximately 500 students attend classes each semester and the center employs over 20 full- and part-time employees.

## **Preparation, Notification, and Dissemination of Annual Security Report**

The Title IX Coordinator, who operates under the Chancellor’s Office, coordinates the collection, publication, and dissemination of the Annual Security Report for Leeward CC. Upon completion of the Annual Security Report, the Chancellor’s Office will notify the College’s current students, faculty, and staff via a broadcast email of the report’s availability on the College’s website. Upon request, current and prospective students and employees may obtain a hardcopy of the report directly from the Chancellor’s Office (contact 455-0215 or DH-B104).

The *2020 Annual Security Report* is available online to current and prospective students, faculty, staff, and the general public at the following website: <http://www.leeward.hawaii.edu/files/asr2020.pdf>

Should it be necessary to issue an amendment to the Annual Security Report, a broadcast email notification will be sent to the College community. The Report’s cover page will reflect, “REVISED as of [Date].” The amended version of the Annual Security Report will also be posted on the College’s website for public access and download with appropriate annotations.

## **Annual Security Report – Point of Contact**

All communication related to the *2020 Annual Security Report* should be addressed, in writing, to the following office:

Leeward Community College  
Attention: Title IX Coordinator  
Chancellor’s Office  
AD-102  
96-045 Ala 'Ike  
Pearl City, Hawai'i 96782



## SECTION 3 – CAMPUS SECURITY

### Administration

Campus Security departments at each of the institutions in the University of Hawai`i system are independently administered. At Leeward CC, security services provided to the Pearl City and the Wai`anae Moku center are under the executive oversight of the Vice Chancellor of Administrative Services.

### Authority

Campus Security's enforcement authority is outlined in the Board of Regents Policy, Chapter 11, Section 205 (RP 11.205), Public Health, Safety and Security. Campus security has the jurisdiction over both the Pearl City and Wai`anae Moku campuses.

### Security Services

The main campus at Pearl City offers comprehensive security services on a 24-hour, 7-days-a-week, year-round basis. The Campus Security Office is located in the center of campus in the Language Arts (LA) Building, Room 238. On duty Campus Security personnel are available at (808) 455-0611 or by campus telephone extension x611 or by any of the Emergency "Code Blue" Call Boxes.

At the Wai`anae Moku center, security services are provided during the facility's operational hours. The Wai`anae Moku Security Office is located at the main entrance to the facility in Room 102. Campus Security personnel may be reached by telephone at (808) 454-4711 or by campus telephone extension x711.

Primary functions and responsibilities encompass a wide range of public safety and security services for the campus community and include, but are not limited to, the following:

- enforcement of safety, security, and emergency management-related policies and procedures of Leeward CC, the UH Community College System and the UH System;
- take appropriate actions in support of federal, state, and local laws, ordinances, and executive orders and directives;
- initial campus response to emergencies and reports of medical and fire incidents;
- first aid and cardio-pulmonary resuscitation;
- response to campus disruptions and crises; conduct field interviews, investigations, and write reports;
- maintain custodial integrity of property that could be classified as evidence;
- detain persons involved in the violation of laws or suspected of criminal acts that the USOs have personally observed or whom have been positively identified by victims or witnesses of the incident until arrival of law enforcement;
- traffic control and parking management;
- preventive patrols (by foot or motorized vehicle);
- safety escorts;
- general campus information and guidance;
- and lost and found services.

Any campus incident requiring arrest is referred to the Honolulu Police Department (HPD).

## Security Workforce

Services and functions related to security are provided by the College's Campus Security personnel – a uniformed, state-employed workforce that are not sworn law enforcement officers, and as such, are not authorized to carry firearms or exercise law enforcement powers. The workforce consists of a Security Supervisor, an Assistant Security Supervisor, and six (6) University Security Officers (USOs).

### Security Workforce Training:

USOs are civil service State employees and as such must satisfy their classification specifications. USOs are also licensed professionals who must comply with the State's Hawai'i Revised Statute (HRS) Chapter 463-10. This law requires that all security guards and those who act in a security guard capacity meet specific training requirements and register with the Board of Private Detectives and Guards with the State Department of Commerce and Consumer Affairs. All of the College's USOs are licensed professionals registered with the mandated State Board. The private contract guards must meet the same HRS guidelines, to include the training and registration requirements.

In addition to completing the training requirements for licensure, USOs must also complete initial certification and, thereafter, regular recertification and/or refresher training in several areas, such as; cardiopulmonary resuscitation, first aid, automated external defibrillator, management of aggressive behavior, defensive tactics training, report writing, investigative skills, crowd control techniques, safe operation of motorized vehicles, safety measures to mitigate against blood borne pathogen exposure, and safety measures in response to fire and chemical hazards.

Act 208 of the Session Laws of Hawai'i 2016 addresses campus safety and accountability by mandating that all UH students and employees, including USOs, be trained regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking. On July 18, 2016, the UH President mandated that all UH employees undertake and complete an online training program to comply with Act 208 by July 1, 2017. Employees must complete this training every two years.

In addition, USOs also are trained on their responsibilities related to the *Clery Act* and they are required to complete courses in the National Incident Management System (NIMS) and the Incident Command System (ICS), which are the operational and command/control protocols utilized by all first responder agencies throughout the nation. Security supervisors, key administrators, and key staff officials also participate in regularly scheduled Clery-related training programs.

## Relationship with Law Enforcement Agencies

The Campus Security Office maintains a close and collaborative working relationship with the Honolulu Police Department (HPD) and will occasionally work with other law enforcement agencies including the State of Hawai'i's Department of Public Safety (DPS), the Federal Bureau of Investigation (FBI), and the Department of Homeland Security (DHS), among others. Campus Security maintains an open and reciprocal relationship with these agencies utilizing their resources and expertise to gather crime-related information, reports, and statistics. Although there is no formal written agreement between Leeward CC and the HPD at this time for the investigation of criminal incidents, the HPD by virtue of their law enforcement authority and jurisdiction, is responsible for investigating all criminal activity that occurs on either the Pearl City campus or at the Wai'anae Moku center.

Act 208, Session Laws of Hawai'i, was enacted by Governor Ige to take effect on July 1, 2016. The Act mandated several Title IX and Violence Against Women Act of 1994 as amended (VAWA), Section 304, measures that were to be implemented by the UH and all of its ten (10) campuses, including Leeward CC. A provision of the Act is that by December 2016, the University shall enter into memoranda of an understanding with the State's county police force regarding communications and procedures for sexual assault occurring on a campus of the University. A memorandum of understanding (MOU) between the UHOahu campuses, the HPD, and the City and County of Honolulu was signed and implemented in October 2017.

In addition, Leeward CC, as a state-level agency, is recognized in local-, state-, and federal-level emergency management plans. The law enforcement agencies are also identified in those plans as members of the State Law

Enforcement Coalition (SLEC). Certain federal- and state-sponsored training for SLEC personnel are often opened to include Leeward CC personnel. The opportunities for combined training further strengthen the institution's relationship with its law enforcement partners upon whom the College depends for both on- and off-campus intelligence, crime/criminal trends, and other adverse activities that may affect the campus community or operations.

Other College emergencies such as medical or fire emergencies will be referred to the responding external professionals. As such, the College Campus Security Office maintains a close working relationship with all first-responder and emergency management agencies on the island of Oahu, utilizing their services, expertise, and resources as needed.

## **Relationship with Student Conduct Code**

The Leeward CC Student Conduct Code Policy addresses student interaction with campus officials and law enforcement. Under the Proscribed Conduct, Section B – Conduct Rules and Regulations, Item (8) describes the following violation that may result in student disciplinary proceedings: “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.”

Additionally, under Proscribed Conduct, Section A – Jurisdiction of the UH Student Conduct Code “shall apply to conduct that occurs on UH premises, at UH sponsored activities, distance/on-line courses and events, and to off-campus conduct that affects the UH Community and/or the pursuit of its objectives.” Further, that “Each student shall be responsible for his/her conduct from the time of application for admission through the actual awarding of a degree. Conduct that occurs before classes begin or after classes end, as well as during the academic year and during periods between terms of actual enrollment...is subject to the Student Conduct Code.”

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

The Leeward CC Student Conduct Code policy is available at:

[http://www.leeward.hawaii.edu/files/StuPol\\_StConductCode\\_May2010.pdf](http://www.leeward.hawaii.edu/files/StuPol_StConductCode_May2010.pdf)

## **Relationship with Employee Conduct Policies**

Leeward CC is obligated to provide its employees, whether full-/part-time, permanent/temporary/casual with a working environment that is safe and secure. As the College's first-responders, the USOs are instrumental in the prevention of possible prohibited conduct involving College employees. In those rare instances where employee misconduct may touch upon or cross into criminal activity, the USOs will work, collaboratively and in conjunction with, HPD to immediately address the situation. However, in most instances employee misconduct falls under the purview of the College's Administration and/or the Human Resources Office for case assessment, investigation, and decision-making. Possible employee-related sanctions may range up to and include suspension or termination, and will be adjudicated in accordance with appropriate UH policies and/or applicable collective bargaining agreements.

## SECTION 4 – EMERGENCY RESPONSE AND TIMELY WARNINGS

### Emergency Response and Evacuation Procedures

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

The CEMP is designed to provide an organized management system for the campus to follow during times of emergencies. The system is flexible whereby part of, or the entire plan, may be activated as appropriate to the situation. During times of an emergency declaration, the Campus Crisis Management Team (CCMT) will provide leadership during the crisis. The CCMT is composed of members of the College's senior administration, academic leaders, and other key personnel.

The CCMT Executive or Incident Commander is the College's Chancellor. If the Chancellor is not available, then the Vice-Chancellor for Academic Affairs or the Vice-Chancellor of Administrative Services will assume this role. The College conducts emergency response exercises throughout each year, including table top exercises, field exercises, and tests of the various emergency notification systems, which follow the procedures outlined in the CEMP.

Key campus personnel have been trained in the National Incident Management System (NIMS) concepts and principles that include the Incident Command System (ICS) protocols. Additional campus personnel have received training in the Community Emergency Response Team (CERT) program. The CERT program is sponsored by the Federal Emergency Management Agency (FEMA) and provides additional support resources that may be mobilized in the event of emergencies.

General information about the emergency response and evacuation procedures are publicized each year as part of the institution's 2020 Annual Security Report. Detailed information about and updates to the College's CEMP are available on the Leeward CC website: <http://www.leeward.hawaii.edu/adminservices-emergency-plan>

In addition to the CEMP, all campus classrooms and faculty and staff offices are required to post and have available the institution's Emergency Guide. The Emergency Guide is a quick reference flipchart that provides step-by-step procedures on various emergency scenarios as well as providing a telephone directory of campus and community resources. Copies of the Emergency Guide are available in the Vice Chancellor of Administrative Services office.

All members of the campus community are notified on an annual basis that they are required to notify the Campus Security Office of any situation or incident on campus that involves a significant emergency or dangerous situation that may involve an immediate or ongoing threat to the health and/or safety of students and employees. The Campus Security Office has the responsibility of responding to, and summoning the necessary resources, to mitigate, investigate, and document any situation that may cause a significant emergency or dangerous situation. In addition, the Campus Security Office has a responsibility to respond to such incidents and make an initial assessment of the situation and possible threats to the community. The CCMT, in consultation with Campus Security and other key personnel from the College, will verify the nature of the threat and if appropriate, will immediately notify the campus community of this situation.

## Campus Notification about an Immediate Threat

Upon confirmation that an emergency or dangerous situation poses an immediate threat to the health and/or safety of some or all members of the campus community, the institution will activate all or a portion of the CEMP. Members of the CCMT will collaborate to determine the nature of the emergency, appropriate response plans, and the content of the message that will be delivered to the campus community. Authorized members of the CCMT, to include the Chancellor, Vice Chancellor for Academic Affairs, Vice Chancellor of Administrative Services, Emergency Management Coordinator, and the Campus Security Office, will initiate the notification systems, unless issuing a notification will, in the professional judgment of responsible authorities (e.g., Honolulu Police Department, Honolulu Fire Department, Emergency Medical Technicians), compromise the efforts to assist a victim or to contain, respond to, or otherwise mitigate the emergency.

In order to alert students, faculty, and staff of emergencies or dangerous situations, various modes of communication are used. Some or all of these methods of communication may be activated in the event of an immediate or ongoing threat to the campus community: emergency text message alerts, prominent postings on the College's website, broadcast email and voicemail, various social media platforms (i.e., Facebook, Twitter), "Code Blue" emergency telephone public address system (Pearl City campus only), and emergency broadcast enunciator system (Pearl City campus only). Fliers and other informational materials may also be posted in campus buildings, bulletin boards, and digital signage display screens to inform students, faculty, and staff of ongoing safety concerns.

The institution will post frequent and regular emergency updates during a critical incident on the College's website: <http://www.leeward.hawaii.edu/> and on the emergency information page: <http://www.leeward.hawaii.edu/emergency-info>

Members of the campus community to include all students, faculty, and staff, are encouraged to voluntarily enroll in the University of Hawai'i's UH Alert Emergency Notification System. UH Alert includes broadcast email and text message delivery options that may be used to alert the campus community of natural, health, or civil emergencies. The website for UH Alert enrollment is as follows: <https://www.hawaii.edu/alert/>

## Timely Warnings

In the event that a significant emergency or dangerous situation arises on campus that poses an immediate threat to the health or safety of employees or students a timely warning message will immediately be sent. These messages will continue to be sent as long as there is an ongoing threat.

Depending upon the situation's circumstances, a timely warning notification will be issued by one of the following offices: the Chancellor's Office, the Vice Chancellor of Administrative Services Office, Vice Chancellor for Academic Affairs Office, Emergency Management Office, or the Campus Security Office.

Any of the following communication methods may be used to issue the timely warning messages: emergency cellular telephone text alert messages, prominent postings on the Leeward CC website, broadcast email and voicemail, various social media platforms (i.e., Facebook, Twitter), "Code Blue" emergency telephone public address system (Pearl City campus only), and emergency broadcast enunciator system (Pearl City campus only). In the majority of circumstances, timely warning messages will be communicated via the UH Alert System. Fliers and other informational materials may also be posted in campus buildings, bulletin boards, and digital signage display screens to inform students, faculty, and staff of ongoing safety concerns.

Anyone with information on a threat situation that may warrant a timely warning notification should report the circumstances to:

**Pearl City Campus:** Campus Security Office at x611 (on-campus telephone) or 455-0611 (off-campus telephone or cell phone); or in-person at the Campus Security Office, LA Building, Room 238.

**Wai‘anae Moku Center:** Campus Security Office at x711 (on-campus telephone) or 454-4711 (off-campus telephone or cell phone); or in-person at the Campus Security Office, Room 102.

Upon receipt of information from a reliable source and/or upon visual observation of an incident or situation that represents a significant emergency or dangerous situation, Campus Security will immediately contact the Vice Chancellor of Administrative Services (VCAS), or designee acting in his/her capacity, to provide information on the incident/situation. The VCAS will decide or, as necessary, convene the Campus Crisis Management Team to discuss and determine the immediate actions steps. If the information is deemed a significant emergency or dangerous situation that poses an immediate threat to the health or safety of students or employees, a warning shall be provided to students and employees in a manner that is timely, that withholds the names of victims as confidential, and that will aid in the prevention of similar occurrences. A timely warning will be immediately sent out via UH Alert, if available, or any other method(s) to ensure the campus is informed. Messages will continue as new information presents itself or the situation is closed. Leeward CC is not required to issue a Timely Warning with respect to crimes reported to a pastoral or professional counselor.

## SECTION 5 – POLICY STATEMENTS

### Reporting of Criminal Offenses and Other Emergencies

Students, faculty, and staff are encouraged to immediately report any on-campus emergency, criminal offense, or suspected criminal activity. Prompt reporting improves law enforcement's ability to investigate the situation and to apprehend suspects and/or prevent potential crimes. Incidents should be report to one of the following:

**Pearl City Campus:** Campus Security Office at x611 (on-campus telephone) or 455-0611 (off-campus telephone or cell phone); or in-person at the Campus Security Office, LA Building, Room 238.

**Wai'anae Moku Center:** Campus Security Office at x711 (on-campus telephone) or 454-4711 (off-campus telephone or cell phone); or in-person at the Campus Security Office, Room 102.

**Honolulu Police Department (HPD):** Members of the campus community may contact HPD separately or in conjunction with the Campus Security Officer to report criminal offenses by calling 911.

**Campus Security Authorities (CSAs):** Criminal offenses may also be reported by members of the campus community to officials who are designated as Campus Security Authorities (CSAs). CSAs will assist with the notification procedures to proper security or law enforcement authorities as necessary. Incidents reported to CSAs will be included in the annual security report crime statistics.

The following is a partial list of the College's CSAs who are required to immediately notify the Campus Security Office of any crimes or emergencies reported to them or any crime or emergency that they may have knowledge of:

- Chancellor
- Vice Chancellor for Academic Affairs
- Vice Chancellor of Administrative Services
- Dean of Academic Services
- Dean of Arts and Sciences
- Dean of Career & Technical Education
- Dean of Student Services
- Division Chairs
- Student Services Program Officer
- Wai'anae Moku Coordinator
- International Program Coordinator
- Native Hawaiian Student Support Coordinator
- Student Government and Activities Coordinator
- Student Club Advisors
- Student Honor Society Club Advisors



Although exempt from the reporting requirements of the *Clery Act*, licensed professionals whom are legally designated as confidential resources by the College, are encouraged to refer persons they are counseling to report crimes on a voluntary, confidential basis, especially if the incident poses an immediate or ongoing threat to the campus community. Crimes reported will be included in the annual security report crime statistics. Only four (4) individuals have been designated as confidential resources by the College and include the following:

- Student Health Center doctor and nurse; 455-0515
- Mental Health Office counselor; 455-0211
- Veterans Resource Center psychologist; 455-0274
- Domestic Violence Action Center advocate; 260-7839

Leeward CC Campus Security will record all campus incident reports in the Campus Security Office and disseminated to the Chancellor's office and to the VCAS office. Incident reports involving students are distributed to the Dean of Student Services for review and potential action via the student judiciary process. Incident reports involving employees of the College are distributed to the Human Resources Office for review and appropriate action. The Campus Security Office will conduct investigations to determine case circumstance when deemed appropriate. Additional information discovered through the investigation process is forwarded to the appropriate administrative offices or College Administration as warranted.

## **Voluntary – Anonymous/Confidential Reporting**

An alleged victim or witness of a crime who elects not to pursue action within the College's administrative system or through the criminal justice system, may choose to make an anonymous report. With the involved party's permission, the Campus Security Office can report on the details of the incident without revealing the individual's identity. The purpose of an anonymous report is to abide by the reporting party's wish for privacy while taking steps to ensure the future safety of the reporting party and others. With the disclosure of this information, the College can keep an accurate record of the number of incidents, determine where there is a pattern of crime with regard to a particular location, method, or assailant, and alert the campus community to potential danger. Reports filed in this manner are counted and disclosed in the annual crime statistics for the institution and in the Daily Crime Log. However, an anonymous report may not be enough for the College to pursue further action against an individual or correct a dangerous situation.

Individuals should be aware that for certain types of gender-based misconduct, the Campus Security Office CANNOT accept confidential reports. Specifically, if the Campus Security Offices receives any crimes involving sexual discrimination, sexual harassment, gender-based harassment, sexual exploitation, sexual assault; domestic violence; dating violence; and/or stalking, it must report that to the College's Title IX Coordinator. If one wishes to make a confidential report regarding gender-based misconduct, Leeward CC has confidential on-campus resource available at <http://www.leeward.hawaii.edu/TitleIX>. Please be aware that the College's duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

In June 2016, the University of Hawai'i implemented a Whistleblower Hotline that enables students, faculty, and staff a means of confidentially reporting violations of laws, rules, regulations, and University policies. Using EthicsPoint, an outside reporting service that is available 24-hours/day, 7-days/week, anonymous good faith reports of misconduct to include criminal acts may be reported by telephone (1-888-874-2849) or on-line at: <https://secure.ethicspoint.com/domain/media/en/gui/40480/index.html>.

Complaints that may be *Clery Act*-related will be referred by the UH Community Colleges System's Office of Compliance and Title IX to the campus Clery Compliance Officer for appropriate investigation and response.

## Disclosures to Alleged Victims

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

## Daily Crime Log

The Campus Security Office maintains a Daily Crime Log that records all crimes and incidents that occur within the *Clery Act* defined geographical boundaries. The Daily Crime Log includes the nature, date, time, and general location of each crime reported as well as the disposition of the incident if that is known at the time of recording. The Daily Crime Log is available for public inspection at the Pearl City Campus Security Office (LA Building, Room 238) or at the Wai'anae Moku Campus Security Office (Room 102).

## Access and Security of Campus Facilities

Leeward CC encourages the use of campus facilities by students, faculty, staff, affiliated organizations, and non-affiliated groups that follow appropriate facility use guidelines. The Pearl City campus enforces a curfew of 11:00 p.m. After 11:00 p.m., the College asks that the campus be vacated unless specific arrangements have been made for the campus community and/or the general public to attend educational, cultural, or recreational performances or events. During these times, access for students, faculty, staff, and guests is limited to the facilities in which these performances or events are held. The Wai'anae Moku facilities are open to students, faculty, staff, and affiliated organizations during class and operational hours only.

Parking at Leeward CC Pearl City and Wai'anae Moku is free of charge; however, the designated parking lots are for students, employees, vendors, and members of the general public with legitimate reason to be on campus. Parking lot access is controlled by gates (swinging or chain) and monitored and managed by the Campus Security Office. Regular security patrols are conducted with the intent of reducing unauthorized individuals on campus and thereby minimizing risk associated with unwanted or criminal activities.

A security fence runs the length of the Pearl Harbor side (south) of the Pearl City campus, the length of the western border separating the College from the Honolulu Authority for Rapid Transportation (HART) rail operations center, and the eastern border of the campus that is adjacent to a neighboring housing complex. The front of campus that is adjacent to Ala 'Ike is controlled by the aforementioned parking lot gates and a low rock wall and hedge/landscaping. The Wai'anae Moku campus is completely enclosed by a fence.

Access to College facilities are controlled by either electronic access cards or manual keys that are issued to employees through the Facilities Use office. The electronic access cards are assigned to individuals with unique access codes. The classrooms/offices are then programmed with the access codes of those individuals authorized access. The date/time and identity of the individual accessing a room/office by electronic means is recorded for security purposes. Campus Security has the capability of opening and locking all rooms/offices.

Guidelines and reservation procedures for the use of campus facilities (excluding the Theater) should be directed to the Facilities Use Office at 455-0558 or via the Facilities Use website at:

<http://www.leeward.hawaii.edu/facilitiesuse>.

Use of the Theater must be coordinated with the Theater Manager's Office at 455-0381 or via Theater website at:

<http://lcctheatre.hawaii.edu/#rental>

The Campus Security Office is notified of all performances and events to address safety and security concerns and to assist in security officer scheduling, as necessary.

## Crime Prevention Awareness Programs

The College's crime prevention awareness programs are based upon the dual concept of eliminating/deterring/minimizing opportunities for crime or prohibited conduct while encouraging students and employees to assume responsibility for their own safety and the safety of others by taking common sense precautionary measures. The following is a listing of the crime prevention programs offered by Leeward CC:

### Security Patrol

Visible presence of the security officers is conducted via routine cart and foot patrols. The patrols make the officers readily available in times of need, serve as a deterrent to unwanted individuals and prohibited activities, and provide campus survey for threats and unsafe conditions.

### Surveillance Cameras System

Electronic surveillance cameras are located at critical locations (e.g., the campus cashier window, the cafeteria entrance) or at strategic vantage points to provide a panoramic view of campus facilities/grounds. This system increases the awareness and capability of Campus Security. A similar system with remote monitoring is being installed at the Wai'anāe Moku center.

### Escort Service

Campus Security Officers provide walking escort services for anyone when requested. An escort may be requested by calling: Pearl City campus call x611 (on-campus telephone) or 455-0611 (off-campus telephone or cell phone); Wai'anāe Moku center call x711 (on-campus telephone) or 454-4711 (off-campus telephone or cell phone). The security escort will walk the requestor to a facility or vehicle parked on campus.

### Emergency "Code Blue" Call Boxes

There are emergency "Code Blue" call boxes located throughout the Pearl City campus. When activated, the caller will be automatically connected to a campus security officer for service or assistance. "Code Blue" call boxes are tested regularly and are located in the following areas:

#### 1st Floor (Ground) Call Box Locations

- Administration (AD) Building (south-west corner facing Lion Courtyard)
- Arts & Music (AM) Building (south-east corner facing Theater Courtyard)
- Automotive Building (main entrance)
- Biological Science (BS) Building (south-east corner facing stairwell)
- Drafting Arts (DA) Basement (south side)
- Language Arts (LA) Building (south-west corner facing BE Building)
- Math and Sciences (MS) Building (south-east corner facing DA Building)

#### 2nd Floor (Street-Level) Call Box Locations: Bus Stop

### Facilities and Grounds Surveys

All potential safety and security hazards observed by security officers are promptly reported to the appropriate individual/unit for corrective action. The security office supervisors participate in the review of safety issues and related concerns. All members of the campus community are encouraged to report to the campus Administration any unsafe conditions as well as potentially suspicious activities and individuals.

### Crime Prevention and Safety Outreach Programs

Various crime prevention and safety educational and informational programs are delivered to students and employees through various outlets including, but not limited to, the following; the Annual Security Report, the College website, special workshops, seminars, and presentations, email notification, the campus bulletin, crime prevention and awareness posters and packets, bulletin boards, and digital signage display screens. These programs focus on developing sound personal safety and property protection habits and to actively practice crime prevention. Periodically, in cooperation with other College units and departments, seminars are presented on sexual assault, harassment, workplace violence, and other crime awareness and prevention topics.

### **Safety Tips**

Leeward CC is firmly committed to providing a safe and secure learning and working environment. Policies and procedures are designed to ensure that every possible precautionary measure is taken to protect persons and property. Please be aware, however, that preventive efforts on your part can effectively reduce your chances of becoming a victim of a crime-related event. Criminals often act when opportunities to commit crimes present themselves. By taking proactive precautions, such opportunities may be minimized.

A successful campus safety awareness program needs the cooperation, involvement, and support of all students, faculty, and staff. Please exercise these simple, common sense precautions while on campus:

- Park and walk in lighted areas; use the “buddy system” by walking with others; use the campus escort service.
- Report any suspicious persons or activities; report all incidents no matter how minor; report injuries or damages immediately.
- Be careful when using elevators; exit the elevator if a suspicious person enters the elevator.
- Be sure to lock and secure windows and doors in your office and room; lock your vehicles; secure bicycles; store valuables out of sight of others.
- Never loan keys to anyone; they may be lost, stolen, or duplicated.
- Mark or engrave your belongings; do not leave your belongings/valuables unattended.
- Register your bicycle/moped with the City and County License Registration Department.
- Let someone know that you are working odd hours or will be in the building after normal business hours.
- Familiarize yourself with the locations of telephones, emergency “Code Blue” call boxes, and the Security Office.
- Keep alert; be aware of your surroundings.
- Walk briskly; be aware of anyone walking behind you.
- Have keys ready when approaching your vehicle so that you can minimize the time to get into your vehicle.

### **Alcohol and Drug Policy**

The College expects its employees and students to carry out their responsibilities free of intoxication by any illegal drugs or alcohol. Employees and students are not permitted to manufacture, distribute, possess, use, dispense or be under the influence of illegal drugs as prohibited by state and federal law, at College-sponsored or approved events or on school property or in buildings used by the College for education, research and recreational programs. The College expects lawful behavior by employees and students, during their presence on College premises and at College events. Within the constraints of its mission, the College encourages cooperation with law enforcement agencies in enforcing statutes regarding the use of illegal drugs.

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

### **Additional Requirements for Employees Engaged in Federal Contracts and Grants:**

The Drug-Free Workplace Act of 1988 (Public Law 100-690, Title V, Subtitle D) requires that College employees directly engaged in the performance of work on a federal contract or grant shall abide by this policy as a condition of employment. In addition, such employees shall notify the University within five (5) days of any conviction for a criminal drug statute offense occurring in the workplace. The College is required to notify the federal agency within 10 days of receiving notice of such conviction. In accordance with EP 11.201, the College shall take appropriate corrective action or require the employees to satisfactorily participate in a drug abuse or rehabilitation program.

### **The UH Systemwide Student Conduct Code**

Sanctions which may be imposed on violators of the alcohol and drug-related sections of the UH Student Conduct Code include disciplinary warning, probation, suspension, expulsion or rescission of grades or degree. The UH Student Conduct Code may be found in the UH Executive Policy, EP 7.208. available at <http://go.hawaii.edu/apf>

The code includes the following prohibitions:

“Use, possession, manufacturing, or distribution of marijuana, heroin, narcotics, or other controlled substances except as expressly permitted by law.” UH Executive Policy EP 7.208, Part III(C)(2)(l)

“Public intoxication is expressly prohibited. Use, possession, manufacturing or distribution of alcoholic beverages by any person under 21 years of age is expressly prohibited.” UH Executive Policy EP 7.208, Part III(C)(2)(m)

For information on how Leeward CC enforces the Student Code of Conduct, please visit <http://www.leeward.hawaii.edu/policies>

### **Employee Disciplinary Action**

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

### **Legal Sanctions**

There are numerous federal, state, and local statutes and ordinances relating to the manufacture, distribution, dispensation, possession or use of a controlled substance or alcohol. These statutes impose legal sanctions for both felony and misdemeanor convictions related to violations of applicable laws and ordinances. For federal trafficking penalties relating to marijuana and other drugs, refer to the Drugs of Abuse Resource Guide on the United States Drug Enforcement Administration website available at:

<https://www.dea.gov/press-releases/2020/04/14/dea-releases-2020-drugs-abuse-resource-guide>

## Highlights of Hawai'i Laws

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

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

In addition, promoting (possessing, distributing and manufacturing) drugs (including marijuana) and intoxicating compounds can result in a Class A, B or C felony, misdemeanor or petty misdemeanor. §712-1241-1250, H.R.S.

Consuming or possessing intoxicating liquor while operating a motor vehicle or moped is fined not more than \$2,000 or imprisonment of not more than 30 days, or both. §291-3.1, H.R.S.

Consuming or possessing intoxicating liquor while a passenger in a motor vehicle is a petty misdemeanor. §291-3.2, H.R.S.

A person commits the offense of promoting intoxicating compounds if the person knowingly breathes, inhales or drinks any intoxicating compound or any other substance for the purpose of inducing a condition of intoxication, stupefaction, depression, giddiness, paralysis or irrational behavior, or in any manner changing, distorting or disturbing the auditory, visual or mental processes; or sells, offers, delivers or gives to any person under 18 years of age, unless upon written order of such person's parent or guardian, any intoxicating compound or any substance which will induce an intoxicated condition when the seller, offeror or deliveror knows or has reason to know that such compound is intended for use to induce such condition. This offense is a misdemeanor. §712-1250, H.R.S.

A person commits the offense of promoting intoxicating liquor to a person under the age of 21 if the person recklessly sells, offers, influences the sale, serves, delivers or gives a person under the age of 21 intoxicating liquor; or permits a person under the age of 21 to possess intoxicating liquor while on property under his control. This offense is a misdemeanor. §712-1250.5, H.R.S.

## Health Risks Associated With Substance Abuse

Leeward Community College encourages employees and students to be aware of the health risks associated with substance abuse. In general, the health risks related to the abuse of alcohol and other drugs are both direct and indirect. The direct pharmacological effects of substances on the body influence every organ, particularly the brain, liver and cardiovascular system. Death and injury from drug-related accidents, suicide and homicide are some of the indirect health effects. It is estimated by the National Institute of Alcohol Abuse and Alcoholism that annually 88,000 people in the U.S. die from alcohol related problems alone. Physical effects may be immediate and acute, as in drug overdose, or long-term and chronic, as in alcohol-related liver disease or neurological impairment. For possible effects associated with controlled substances, refer to the Drug Facts at the United States Drug Enforcement Administration website available at <https://www.dea.gov/factsheets>.



## **Drug And Alcohol Counseling, Treatment And Rehabilitation Programs**

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

## **Substance Abuse Resources**

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

### **Organization, Phone, Address Website**

Al-Anon  
546-5647  
<http://al-anonhawaii.org>

Alcoholics Anonymous (AA)  
946-1438  
O'ahu-Central Office  
1188 Bishop St., Suite 3406;  
Honolulu, HI 96813  
<http://www.oahucentraloffice.com>

Aloha United Way  
211, 536-1951  
200 N. Vineyard Blvd, Suite 700,  
Honolulu, HI 96817;  
<http://www.auw211.org>

Hina Mauka O'ahu Main Facility  
236-2600  
45-845 Po'okela Street;  
Kāne'ohe, HI 96744  
<http://www.hinamauka.org>

Hina Mauka Waipahū Outreach Office  
671-6900  
Waipahū Outpatient Office;  
94-830 Hikomoe Street  
Waipahū, HI 96797  
<http://www.hinamauka.org>

Kline-Welsh Behavioral Health  
841-2319, 841-3915, 842-7529  
Sand Island Treatment Center;  
1240 Sand Island Pkwy  
Honolulu, HI 96819  
<http://www.sandisland.com>

Kū Aloha Ola Mau  
538-0704  
1130 N Nimitz Hwy, Suite C-302  
Honolulu, HI 96817  
<http://www.kualoha.com>



Mental Health Kōkua  
737-2523  
1221 Kapi'olani Blvd,  
Suite 345  
Honolulu, HI 96814  
<http://www.mentalhealthkokua.org>

NA Hawai'i - Narcotics Anonymous  
734-4357  
P.O. Box 89636  
Honolulu, HI 96830  
<http://www.na-hawaii.org>

Po'ailani, Inc.  
263-3500  
45-567 Pahia Road  
Kaneohe, HI 96744  
<http://www.poailani.org>

The Salvation Army Addiction Treatment Services  
595-6371  
3624 Waokanaka Street  
Honolulu, HI 96817  
<http://www.salvationarmyhawaii.org>

The Salvation Army Family Treatment Services  
732-2802  
845 22nd Ave,  
Honolulu, HI 96816  
<http://www.salvationarmyhawaii.org>

University Health Services Health Promotion Program Mānoa  
956-3574  
Queen Lili'uokalani Center for Student Services  
Rm. 313D, 2600 Campus Road  
Honolulu, HI 96822  
[http://www.hawaii.edu/shs/health\\_promotion/adepp.php](http://www.hawaii.edu/shs/health_promotion/adepp.php)

Wai'anae Coast Comprehensive Health Center  
697-3300  
86-260 Farrington Hwy  
Wai'anae, HI 96792  
<http://www.wcchc.com>

Wai'anae Coast Community Mental Health Center, Inc.  
696-4211  
Hale Na'au Pono  
86-226 Farrington Hwy  
Wai'anae, HI 96792  
<http://www.wccmhc.org>

## **WEAPONS POLICY**

The possession or use of illegal, lethal, or dangerous weapons on College premises is strictly prohibited. Illegal, lethal, or dangerous weapons include, but are not limited to; firearms, ammunition, spear guns, explosives, dangerous substances, or replica firearms (such as pellet guns, airsoft guns, water guns, and toy guns). Any person found in violation of this policy may be subject to all applicable state and federal laws, University/College policy, and the Student Conduct Code. Should you suspect or discover someone on campus in possession of a weapon, contact the Campus Security Offices located at either the Pearl City campus or Wai'anae Moku center immediately.

# SECTION 6 – SEXUAL ASSAULT POLICY

## Clery Act Definitions

Leeward CC prohibits crimes involving dating violence, domestic violence, sexual assault, and stalking as those terms are defined in the *Clery Act*.

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

### Dating Violence

Dating Violence is defined as violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim:

- The existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
- For purposes of this definition:
  - Dating violence includes, but not limited to, sexual or physical abuse or the threat of such abuse.
  - Dating violence does not include acts covered under the definition of domestic violence.
- For the purpose of complying with the requirement of this section and §668.41, any incident meeting this definition is considered a crime for the purpose of *Clery Act* reporting.

### Domestic Violence

Domestic violence is defined as a felony or misdemeanor crime of violence committed:

- By a current or former spouse or intimate partner of the victim.
- By a person with whom the victim shares a child in common.
- By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner.
- By a person similarly situated to a spouse of the victim under the domestic of family violence laws of the jurisdiction in which the crime of violence occurred.
- By any other person against an adult or youth victim who is protected from that person’s acts under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred.

### Stalking

Stalking is defined as 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 purposes of this definition:
  - Course of conduct means two or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any action, method devise, or means follows, monitors, observes, surveils, threatens, or communication to or about, a person, or interferes with a person’s property.

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

### **Sexual Assault**

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

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

## **Hawai'i Revised Statutes' Definitions**

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

### **HRS § 709-906 Abuse of Family or Household Members**

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 to a hospital or safe shelter.

For purposes of this section:

"Family of household member":

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

### **HRS § 568-1 defines the following terms:**

**Dating relationship** means "a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not include a casual acquaintanceship nor ordinary fraternization between persons in a business or social context.

**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.

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

**§ 707-730 Sexual assault in the first degree.**

1. A person commits the offense of sexual assault in the first degree if:
  - a. The person knowingly subjects another 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.

**§ 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.

**§ 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.

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

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

**§ 707-733.6 Continuous sexual assault of a minor under the age of fourteen years.**

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

the person:

- a. (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. (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.

#### **§ 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.

According to HRS § 710-1000, as used in the preceding sections, “Law enforcement officer” means “any public servant, whether employed by the State or subdivisions thereof or by the United States, vested by law with a duty to maintain public order or, to make arrests for offenses or to enforce the criminal laws, whether that duty extends to all offenses or is limited to a specific class of offenses.”

#### **Harassment by stalking**

The HRS defines “stalking” as a form of harassment. According to the HRS:

#### **§ 711-1106.5 Harassment by stalking.**

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



## § 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.

According to HRS 711-1111(d), “Electronic communication” means “any transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system.”

## Consent

Hawai’i’s Penal Code does not define “consent” with regard to sexual activity. With regard to sexual assault crimes, Hawai’i law has defined what constitutes “ineffective consent” in HRS § 702-235:

Unless otherwise provided by this Code or by the law defining the offense, consent does not constitute a defense if:

1. It is given by a person who is legally incompetent to authorize the conduct alleged; or
2. It is given by a person who by reason of youth, mental disease, disorder, or defect, or intoxication is manifestly unable or known by the defendant to be unable to make a reasonable judgment as to the nature or harmfulness of the conduct alleged; or
3. It is given by a person whose improvident consent is sought to be prevented by the law defining the offense; or
4. It is induced by force, duress or deception

Leeward CC uses the definition of Consent provided in EP 1.204 – Interim Policy on Title IX Sexual Harassment for purposes of determining whether there was a policy violation for the prohibited conduct of sexual exploitation or sexual assault. EP 1.204 § II(C)(2) provides:

- Consent means knowing, and voluntary, and clear permission by word or action to engage in sexual activity.
- A person cannot give Consent if the person is under the age of consent, for sexual contact, the person is developmentally or intellectually disabled to the extent they are incapable of providing consent, 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 any sexual contact 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.

## Procedures Victims Should Follow in The Case of Alleged Dating Violence, Domestic Violence, Sexual Assault or Stalking

### If you have experienced sexual assault:

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 to the Campus Security or the campus's Title IX Coordinator. They can be reached at:

#### **Campus Security:**

Pearl City Campus: Campus Security Office at x611 (on-campus telephone) or 455-0611 (off-campus telephone or cell phone); or in-person at the Campus Security Office, LA Building, Room 238.

Wai‘anae Moku Center: Campus Security Office at x711 (on-campus telephone) or 454-4711 (off-campus telephone or cell phone); or in-person at the Campus Security Office, Room 102.

**Title IX Coordinator**

AD-112  
96-045 Ala ‘Ike  
Pearl City, HI 96782  
(808) 455-0213

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

Victims of sexual assault, domestic violence, stalking, and dating violence have the option of notifying law enforcement directly of the alleged offense, or to be assisted in doing so by campus officials. Victims may also choose to decline to notify law enforcement. Please be aware that Leeward Community College’s duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

**Protective Orders**

Leeward CC does not issue protective orders, restraining orders, or similar lawful orders issued by a criminal, civil, or tribal court. However, the Hawai‘i State Judiciary provides protective order information at [https://www.courts.state.hi.us/self-help/protective\\_orders/protective\\_orders](https://www.courts.state.hi.us/self-help/protective_orders/protective_orders)

**Sex Discrimination And Gender-Based Violence Education Programs**

In an effort to reduce the risk of gender-based violence, as well as crimes of rape, sexual assault, sexual harassment, stalking, dating violence, and domestic violence occurring among its students, Leeward CC utilizes a range of campaigns, strategies, and initiatives.

It is the policy of Leeward CC to offer programming to identify and prevent domestic violence, dating violence, sexual assault, and stalking each year. Programs to prevent dating violence, domestic violence, sexual assault, and stalking means comprehensive, intentional, and integrated programming, initiatives, strategies, and campaigns intended to end dating violence, domestic violence, sexual assault, and stalking that –

- Are culturally relevant, inclusive of diverse communities and identities sustainable, responsive to community needs, and informed by research or assessed for value, effectiveness, or outcome; and
- Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

Programs to prevent dating violence, domestic violence, sexual assault, and stalking include both primary prevention and awareness programs directed at incoming students and new employees and ongoing prevention and awareness campaigns directed at students and employees. Leeward CC’s programming efforts include both primary prevention and awareness programs.

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

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

Ongoing prevention and awareness campaigns means programing initiatives and strategies that are sustained over time.

Leeward CC's primary prevention and awareness programs and ongoing prevention and awareness campaigns, include but are not limited to:

### **Training for Incoming Students and Employees.**

All incoming students and new employees at Leeward CC are provided access to online training. Students and employees are also afforded the opportunity to take these trainings on an annual basis.

### **Students**

Students are offered the opportunity to take UH *CampusClarity Online Student Training Program on Sex-Discrimination and Gender-Based Violence* ("*CampusClarity*"). *CampusClarity* is an educational tool for students to learn about sex-discrimination, gender-based violence, and the rights and resources available to them on the campus and in the community. The curriculum covers Title IX, VAWA and relevant Hawai'i State law. The training establishes standards for what constitutes sexual violence and how to respond to problematic situations. Because these problems occur on both an intimate and institutional level, the training takes a look at these issues from a personal and academic lens. There are four parts to the training:

Part I – Foundations: Looks at the big picture and pinpoints the roots of the problem.

Part II – Academic Life: Teaches skills to create and maintain a supportive environment.

Part III – Personal Life: Teaches how to identify abusive relationships and sexual violence.

Part IV – Taking Action: Explore practical strategies to do something about sexual misconduct.

For more information on *CampusClarity* please visit: <https://www.hawaii.edu/titleix/documents/7619/>.

### **Employees**

Employees are strongly encouraged to participate in the online training *Intersections: Anti-Harassment – Title VII – Title IX – VAWA Section 304* ("*Intersections*"). *Intersections* will train employees to recognize, prevent, and respond to workplace harassment and discrimination based on "protected characteristics." The course also helps employees address inappropriate behavior before it creates a "hostile work environment" by giving employees the skills necessary to reduce potential legal risks by recognizing and addressing abusive behavior and other misconduct, including micro-aggressions and unconscious bias that may lead to workplace bullying or hostility, reducing productivity and creativity.

*Intersections* invites employees to consider the nature of harassment and discrimination, and provides practical tips on creating a safe, inclusive environment for work, including safe and positive options for bystander intervention.

**Part I** provides employees with a learning experience that is driven by narratives and immersive interactions. These interactive exercises engage employees with realistic situations and tasks, and cover all aspects of an employee's role in promoting a harassment and discrimination free workplace.

**In Part II:** Protecting Students, employees are trained in how to identify and report sexual and interpersonal misconduct against students, covering awareness and prevention subjects required by

Section 304(a)(5) of the Violence Against Women Reauthorization Act of 2013 (known as the “Campus SaVE Act”), as well as Title IX of the Education Amendments Act of 1972. In addition, as required by the Campus SaVE Act, the course includes summaries of the legal definitions of consent, sexual assault, domestic violence, dating violence, and stalking, and provides copies of the relevant statutes for Hawaii.

For information on Intersections, please visit: <https://www.hawaii.edu/titleix/training/>.

**Both *CampusClarity* and *Intersections* include:**

- A statement that Leeward CC prohibits the crimes of dating violence, domestic violence, sexual assault and stalking as those terms are defined for purposes of the *Clery Act*.
- The definitions (from VAWA) of “domestic violence,” sexual assault” and “stalking.”
- The definitions of “domestic violence,” sexual assault” and “stalking” as those terms are defined by the *Hawai`i Revised Statutes*. “Dating violence” and “consent” are not terms that are defined by the *Hawai`i Revised Statutes*.
- The definition of “consent” used by Leeward CC in applying EP 1.204.
- A Description of the procedures Leeward CC will follow when dating violence, domestic violence, sexual assault, and/or stalking is reported.
- A description of safe and positive options for bystander intervention. Bystander intervention is defined as safe and positive options that may be carried out by an individual or individuals to prevent harm or intervene when there is a risk of dating violence, domestic violence, sexual assault or stalking. Bystander intervention includes:
  - Recognizing situations of potential harm;
  - Understanding institutional structures and cultural conditions that facilitate violence;
  - Overcoming barriers to intervening;
  - Identify safe and effective intervention options; and
  - Taking actions to intervene.
- Information on risk reductions. Risk reduction is defined as options designed to:
  - Decrease perpetration and bystander inaction;
  - Increase empowerment for victims in order to promote safety; and
  - Help individuals and communities address conditions that facilitate violence.

## **Risk Reduction – Awareness and Prevention**

Sexual misconduct and other forms of gender violence can affect anyone and is never the fault of the victim. Those who commit sexual misconduct are responsible for their actions. The University provides the following suggestions to increase awareness and reduce instances of sexual misconduct.

**Awareness & Prevention** for Dating Violence, Domestic Violence, Stalking, and Sexual Violence include:

- Look out for your friends, and ask them to look out for you. Respect them and ask them to respect you, but be willing to challenge each other about high-risk choices.
- Alcohol and drugs can be used as a tool to gain control over an intoxicated person. Don’t accept drinks from strangers and don’t leave your drinks unattended.

- Don't take advantage of someone who may be under the influence of drugs or alcohol. Others' loss of control does not put you in control.
- Individuals have a right to set boundaries and limitations in their intimate experiences and relationships. Consent is required each and every time. If a potential partner says "no," accept it and don't push.
- If you want a "yes," ask for it, and don't proceed without clear permission.
- Know the signs of isolating and controlling behavior. Healthy relationships consist of honesty, respect, trust, equality, and shared responsibility. Violence in a relationship is never deserved.
- Show your potential partner respect if you are in a position of initiating sexual behavior.
- Clearly communicate your intentions to your potential sexual partners. Make sure you understand their intentions and/or boundaries before you proceed. If you are unsure what's OK in any interaction, ask.
- Understand that consent to one type of sexual behavior does not automatically grant consent to other types of sexual behaviors. If you are unsure, stop and ask.
- Avoid ambiguity. Don't assume you have consent, regardless of whether someone is attracted to you, of how far you can go with that person, or if the individual is physically and mentally able to consent. If you have questions or are unclear, you don't have consent.
- Someone's silence or passivity is not consent. Pay attention to verbal and non-verbal signals to avoid misreading intentions.
- Be on the lookout for mixed messages. That should be a clear indication to stop and talk about what your potential partner wants or doesn't want to happen. That person may be undecided about how far to go with you, or you may have misread a previous signal.
- Respect the timeline for sexual behaviors with which others are comfortable, and understand that they are entitled to change their minds.
- Even if you don't think you are intimidating in any way, your potential partner may be intimidated by or fearful of you, perhaps because of your sex, physical size, or a position of power or authority you may hold.
- Understand that exerting power and control over another through sex is unacceptable conduct.

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

## **RISK REDUCTION – BYSTANDER INTERVENTION**

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

### **What is Bystander Intervention?**

Bystander Intervention is a strategy based on the likelihood of individuals or groups willing to address a situation they believe is problematic. It is often used to address various types of violence, such as bullying, sexual harassment, sexual assault, intimate partner violence, stalking and other forms of gender-based violence. You are a bystander if you observe a situation. Bystander intervention includes recognizing situations of potential harm, understanding institutional structures and cultural conditions that facilitate violence, overcoming barriers to intervening, identifying safe and effective intervention options, and taking action to intervene.

## What Can You Do to be an Engaged Bystander?

Specific interventions can be divided into four main types (“The Four D’s”)

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

### Things to Consider Before You Act:

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

## Procedures in Case of Dating Violence, Domestic Violence, Sexual Assault or Stalking

Leeward CC is committed to preventing dating violence, domestic violence, sexual assault and stalking. Leeward CC offers the following crime prevention programs: (i) Escort Services; (ii) Emergency “Code Blue” Call Boxes; (iii) Facilities and Grounds Surveys; and (iv) Crime Prevention and Safety Outreach Programs. For additional information on these programs please refer to the Crime Prevention Awareness section of this report. Furthermore, Leeward CC also offers ongoing primary prevention and awareness programs. For additional information on these programs please refer to Sex Discrimination and Gender-Based Violence Education Programs section of this report.

**Confidentiality Statement.** Leeward CC will protect the confidentiality of victims and other necessary parties. Identifying information provided to Leeward CC’s Confidential Resources are not disclosed without the written consent of the individual. Campus Security is responsible for ensuring there is no personally identifying information about the victim in the Daily Crime Log and other publicly available *Clery* records.

The University of Hawai’i Legal Affairs and University Office of General Counsel may be consulted in situations where the release of information under open records requests may include the names of the parties or information that could easily lead to their identification, to ensure appropriate redactions are made, if any.

Interim Measures are services, accommodations, or other assistance that the University puts in place on a temporary basis after receiving notice of a Complaint and before any outcomes - investigatory, disciplinary, or remedial - have been determined. Leeward CC will maintain as confidential any Interim Measures implemented, to the extent that maintaining such confidentiality would not impair the ability of the institution to provide the specific Interim Measure.

### Complaint Resolution Process.

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

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

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

### Advisors.

Advisor means an individual chosen by a party or appointed by the UH, 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 UH generally expects an advisor to be available to attend 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 UH 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 UH may restrict the role of any advisor who fails to abide by the UH'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 UH 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 UH.

The UH 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:

1. Information about and a copy of this procedure, including the informal resolution process;
2. The identity of the involved parties (if known);
3. 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;
4. 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;



5. Statement that the parties may have an advisor of their choice;
6. Information that the parties may inspect and review all directly related evidence during the review and comment period;
7. A statement regarding the code of conduct and consequences for making false statements;
8. Any other policies and/or procedures implicated, with a copy of those policies and procedures;
9. A statement about the UH's policy on non-retaliation;
10. 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:

1. 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
2. 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
3. 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
4. Prior to the completion of the investigative report, send to the parties and their advisors, if any, the evidence directly related to the allegations that is subject to inspection and review, in an electronic format or a hard copy and provide them with ten (10) business days to submit a written response;
5. Consider the parties' written comments on the evidence prior to completion of the investigative report; and
6. Create an investigative report that fairly summarizes relevant evidence.

#### **Investigation Timeline.**

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

The UH 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 UH 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:

1. Identification of the allegations potentially constituting sexual harassment under EP 1.204;
2. 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;
3. Findings of fact supporting the determination;
4. Conclusions regarding the application of the EP 1.204 to the facts;
5. 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;
6. The procedure and permissible bases for both parties to appeal the determination.

#### **Sanctions.**

The UH 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:

1. Reprimand – Verbal or Written
2. Loss of Oversight or Supervisory Responsibility
3. Demotion
4. Suspension
5. Termination
6. 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:

1. **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any UH policy, procedure, or directive will result in more severe sanctions/responsive actions.
2. **Required Counseling:** A mandate to meet with and engage in either UH-sponsored or external counseling to better comprehend the misconduct and its effects.
3. **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.
4. **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 UH.
5. **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend UH-sponsored events. It will be noted permanently, subject to any applicable expungement policies, as a Conduct Expulsion on the student's official transcript.
6. **Withholding Diploma:** The UH 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.
7. **Revocation of Degree:** The UH reserves the right to revoke a degree previously awarded from the UH for fraud, misrepresentation, and/or other violation of UH policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
8. **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including UH registration) for a specified period of time.
9. **Other Actions:** In addition to or in place of the above sanctions, the UH 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 UH'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 UH'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 UH 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 UH 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 UH'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 UH'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 UH'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 UH will also maintain any and all records in accordance with state and federal laws.

EP 1.204 provides that proceedings will include a prompt, fair, and impartial process from the initial investigation to the final result.

**Availability of Written Explanation Rights and Options.**

When a student or employee reports to the institution that they have been a victim of dating violence, domestic violence, sexual assault, or stalking, regardless of whether the offense occurred on or off campus, the institution will provide the student or employee with a written explanation of the student or employee's rights and options. This written explanation includes notification of victims about options for, available assistance in, and how to request changes to academic, living, transportation, and working situations or protective measures. This written explanation also includes notification to students and employees about existing resources available for victims within the institution and within the larger community. An electronic copy of this written explanation is available at <http://uhcc.hawaii.edu/titleIX/docs/TitleXBrochure.pdf>

**SEX OFFENDER REGISTRY**

In accordance with the Campus Sex Crimes Prevention Act (CSCPA) of 2000, which amends the Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Act, the Jeanne Clery Act, the Family Educational Rights and Privacy Act of 1974 (FERPA), and Chapter 846E of the Hawai'i Revised Statutes, the Hawai'i Criminal Justice Data Center maintains a central repository of registered sex offenders for the State of Hawai'i. These laws require institutions of higher education to issue a statement advising the campus community where information concerning registered sex offenders may be obtained. It also requires sex offenders to provide notice of each institution of higher education at which the person is either employed, carries a vocation, or is a student.

A listing of all registered sex offenders in Hawai'i is available to the general public via an online database at the following website: <http://sexoffenders.ehawaii.gov/sexoffender/welcome.html>

# SECTION 7 – CRIME STATISTICS

## DEFINITIONS OF CLERY ACT CRIMES

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

1. **Murder and Non-Negligent Manslaughter** is the willful (non-negligent) killing of one human being by another. Note: Deaths caused by negligence, attempts to kill, assaults to kill, suicides, accidental deaths, and justifiable homicides are excluded.
2. **Manslaughter by Negligence** is defined as the killing of another person through gross negligence.
3. **Sexual Assault (Sex Offenses):** Any sexual act directed against another person, without consent of the victim, including instances where the victim is incapable of giving consent.
  - **Rape:** The penetration, no matter how slight, of the vagina or anus, with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim. This offense includes the rape of both males and females.
  - **Fondling:** The touching of the private body parts of another person for the purpose of sexual gratification, without the consent of the victim, including instances where the victim is incapable of giving consent because of his/her age or because of his/her temporary or permanent mental incapacity.
  - **Incest:** Sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - **Statutory Rape:** Sexual intercourse with a person who is under the statutory age of consent.
4. **Robbery** is the taking or attempting to take anything of value from the care, custody, or control of a person or persons by force or threat of force or violence and/or by putting the victim in fear.
5. **Aggravated Assault** is an unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is accompanied by the use of a weapon or by means likely to produce death or great bodily harm.
6. **Burglary** is the unlawful entry of a structure to commit a felony or a theft.
7. **Motor Vehicle Theft** is the theft or attempted theft of a motor vehicle.
8. **Arson** is the willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind.
9. **Liquor Law Violations** are defined as the violation of state or local laws or ordinances prohibiting the manufacture, sale, purchase, transportation, possession or use of alcoholic beverages, not including driving under the influence and drunkenness.
10. **Drug Abuse Violations** are defined as the violation of laws prohibiting the production, distribution and/or use of certain controlled substances and the equipment or devices utilized in their preparation and/or use. The unlawful cultivation, manufacture, distribution, sale, purchase, use, possession, transportation or importation of any controlled drug or narcotic substance. Arrests for violations of state and local laws, specifically those relating to the unlawful possession, sale, use, use, growing, manufacturing and making

of narcotic drugs.

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

## DEFINITIONS OF HATE CRIMES

Crime Definitions from the *Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection*.

**Hate Crimes:** are defined as crimes that manifest evidence that the victim was intentionally selected because of the victim's race, gender, religion, sexual orientation, ethnicity/national origin, or disability.

Although there are many possible categories of bias, under the *Clery Act*, only the following eight categories are reported:

- **Race:** A preformed negative attitude toward a group of persons who possess common physical characteristics, e.g., color of skin, eyes, and/or hair; facial features, etc., genetically transmitted by descent and heredity which distinguish them as a distinct division of humankind, e.g., Asians, blacks or African Americans, whites.
- **Religion:** A preformed negative opinion or attitude toward a group of persons who share the same religious beliefs regarding the origin and purpose of the universe and the existence or nonexistence of a supreme being, e.g., Catholics, Jews, Protestants, atheists.
- **Sexual Orientation:** A preformed negative opinion or attitude toward a group of persons based on their actual or perceived sexual orientation.
- **Gender:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender, e.g., male or female.
- **Gender Identity:** A preformed negative opinion or attitude toward a person or group of persons based on their actual or perceived gender identity, e.g., bias against transgender or gender non-conforming individuals.
- **Ethnicity:** A preformed negative opinion or attitude toward a group of people whose members identify with each other, through a common heritage, often consisting of a common language, common culture (often including a shared religion) and/or ideology that stresses common ancestry.
- **National Origin:** A preformed negative opinion or attitude toward a group of people based on their actual or perceived country of birth.
- **Disability:** A preformed negative opinion or attitude toward a group of persons based on their physical or mental impairments, whether such disability is temporary or permanent, congenital or acquired by heredity, accident, injury, advanced age or illness.

For *Clery Act* purposes, Hate Crimes include any of the following:

- Murder and Non-negligent Manslaughter
- Sexual Assault (Sex Offenses) Offenses
- Robbery
- Aggravated Assault
- Burglary
- Motor Vehicle Theft
- Simple Assault

- Intimidation
- Destruction/Damage/Vandalism of Property

The first seven offenses are defined previously. In addition to those offenses, Larceny/Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in *Clery Act* statistics only if they are Hate Crimes.

- **Larceny-Theft** is the unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another. Constructive possession is the condition in which a person does not have physical custody or possession but is in a position to exercise dominion or control over a thing.
- **Destruction/Damage/Vandalism of Property** is to willfully or maliciously destroy, injure, disfigure, or deface any public or private property, real or personal, without the consent of the owner or person having custody or control by cutting, tearing, breaking, marking, painting, drawing, covering with filth, or any other such means as may be specified by local law.
- **Intimidation** is to unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or other conduct, but without displaying a weapon or subjecting the victim to actual physical attack.
- **Simple Assault** is an unlawful physical attack by one person upon another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration or loss of consciousness.

If a hate crime occurs where there is an incident involving intimidation, vandalism, larceny, simple assault, or other bodily injury, the law requires that the statistic be reported as a hate crime even though there is no requirement to report the crime classification in any other area of the compliance document.



## DEFINITIONS OF CLERY ACT GEOGRAPHY

Crime statistical data compiled for this report is provided for the campus physical, or geographical, parameters as defined as follows:

### **On-Campus Property**

Any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls;

...and...

Any building or property that is within or reasonably contiguous to the area identified in paragraph (1) of the definition, that is owned by an institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

### **Non-Campus Property**

Any building or property owned or controlled by a student organization that is officially recognized by the institution;

...or...

Any building or property owned or controlled by an institution that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

### **Public Property**

All public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

## 2020 CLERY CRIME STATISTICS

Crime statistical data compiled for this report is provided for both the Pearl City and Wai'anae campuses. As noted previously, until May 2017, the Wai'anae campus was located at 86-088 Farrington Highway. The Wai'anae Moku campus opened in August 2017. During this transition period during the summer of 2017, neither campus was operational. However, the data provided below from 2017 to 2019 combines reports from both Wai'anae campuses, depending on which was operational at the time.

Leeward CC had ZERO unfounded crimes for 2017, 2018, and 2019.

Leeward CC does not own or operate any non-campus property.

Note: This Annual Security Report was edited on February 16, 2023, to address omissions in the document. Information was added about no unfounded crimes and no non-campus property.

## CRIMINAL OFFENSES – PEARL CITY CAMPUS

Offense	Year	Location: On-Campus Property	Location: Non-Campus Property	Location Public Property
Murder/Non-Negligent Manslaughter	2017	0	0	0
Murder/Non-Negligent Manslaughter	2018	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0
Manslaughter by Negligence	2017	0	0	0
Manslaughter by Negligence	2018	0	0	0
Manslaughter by Negligence	2019	0	0	0
Rape	2017	0	0	0
Rape	2018	0	0	0
Rape	2019	0	0	0
Fondling	2017	0	0	0
Fondling	2018	1	0	0
Fondling	2019	1	0	0
Incest	2017	0	0	0
Incest	2018	0	0	0
Incest	2019	0	0	0
Statutory Rape	2017	0	0	0
Statutory Rape	2018	0	0	0
Statutory Rape	2019	0	0	0
Robbery	2017	0	0	0
Robbery	2018	0	0	0
Robbery	2019	0	0	0
Aggravated Assault	2017	0	0	0
Aggravated Assault	2018	0	0	0
Aggravated Assault	2019	0	0	0
Burglary	2017	2	0	0
Burglary	2018	1	0	0
Burglary	2019	0	0	0
Motor Vehicle Theft	2017	3	0	0
Motor Vehicle Theft	2018	3	0	0
Motor Vehicle Theft	2019	0	0	0
Arson	2017	0	0	0
Arson	2018	0	0	0
Arson	2019	0	0	0
Domestic Violence	2017	0	0	0
Domestic Violence	2018	0	0	0
Domestic Violence	2019	0	0	0
Dating Violence	2017	1	0	0
Dating Violence	2018	0	0	0
Dating Violence	2019	0	0	0
Stalking	2017	0	0	0
Stalking	2018	3	0	0
Stalking	2019	1	0	0
Liquor Violations - Arrest	2017	0	0	0
Liquor Violations - Arrest	2018	0	0	0
Liquor Violations - Arrest	2019	0	0	0
Liquor Violations - Discipline	2017	0	0	0
Liquor Violations - Discipline	2018	0	0	0
Liquor Violations - Discipline	2019	0	0	0
Drug Violations - Arrest	2017	0	0	0
Drug Violations - Arrest	2018	0	0	0
Drug Violations - Arrest	2019	0	0	0
Drug Violations - Discipline	2017	0	0	0
Drug Violations - Discipline	2018	0	0	0
Drug Violations - Discipline	2019	0	0	0
Weapons Violations - Arrest	2017	0	0	0
Weapons Violations - Arrest	2018	0	0	0
Weapons Violations - Arrest	2019	0	0	0
Weapons Violations - Discipline	2017	0	0	0
Weapons Violations - Discipline	2018	0	0	0
Weapons Violations - Discipline	2019	0	0	0

## CRIMINAL OFFENSES – WAI‘ANAE

Offense	Year	Location: On-Campus Property	Location Non-Campus Property	Location Public Property
Murder/Non-Negligent Manslaughter	2017	0	0	0
Murder/Non-Negligent Manslaughter	2018	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0
Manslaughter by Negligence	2017	0	0	0
Manslaughter by Negligence	2018	0	0	0
Manslaughter by Negligence	2019	0	0	0
Rape	2017	0	0	0
Rape	2018	0	0	0
Rape	2019	0	0	0
Fondling	2017	0	0	0
Fondling	2018	0	0	0
Fondling	2019	0	0	0
Incest	2017	0	0	0
Incest	2018	0	0	0
Incest	2019	0	0	0
Statutory Rape	2017	0	0	0
Statutory Rape	2018	0	0	0
Statutory Rape	2019	0	0	0
Robbery	2017	0	0	0
Robbery	2018	0	0	0
Robbery	2019	0	0	0
Aggravated Assault	2017	0	0	0
Aggravated Assault	2018	0	0	0
Aggravated Assault	2019	0	0	0
Burglary	2017	0	0	0
Burglary	2018	0	0	0
Burglary	2019	0	0	0
Motor Vehicle Theft	2017	0	0	0
Motor Vehicle Theft	2018	0	0	0
Motor Vehicle Theft	2019	0	0	0
Arson	2017	0	0	0
Arson	2018	0	0	0
Arson	2019	0	0	0
Domestic Violence	2017	0	0	0
Domestic Violence	2018	0	0	0
Domestic Violence	2019	0	0	0
Dating Violence	2017	0	0	0
Dating Violence	2018	0	0	0
Dating Violence	2019	1	0	0
Stalking	2017	0	0	0
Stalking	2018	0	0	0
Stalking	2019	0	0	0
Liquor Violations - Arrest	2017	0	0	0
Liquor Violations - Arrest	2018	0	0	0
Liquor Violations - Arrest	2019	0	0	0
Liquor Violations - Discipline	2017	0	0	0
Liquor Violations - Discipline	2018	0	0	0
Liquor Violations - Discipline	2019	0	0	0
Drug Violations - Arrest	2017	0	0	0
Drug Violations - Arrest	2018	0	0	0
Drug Violations - Arrest	2019	0	0	0
Drug Violations - Discipline	2017	0	0	0
Drug Violations - Discipline	2018	0	0	0
Drug Violations - Discipline	2019	0	0	0
Weapons Violations - Arrest	2017	0	0	0
Weapons Violations - Arrest	2018	0	0	0
Weapons Violations - Arrest	2019	0	0	0
Weapons Violations - Discipline	2017	0	0	0
Weapons Violations - Discipline	2018	0	0	0
Weapons Violations - Discipline	2019	0	0	0

# HATE CRIMES – PEARL CITY CAMPUS

Offense	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Ethnicity	National Origin	Disability
Murder/Non-Negligent Manslaughter	2017	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2018	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0	0	0	0
Rape	2017	0	0	0	0	0	0	0	0
Rape	2018	0	0	0	0	0	0	0	0
Rape	2019	0	0	0	0	0	0	0	0
Fondling	2017	0	0	0	0	0	0	0	0
Fondling	2018	0	0	0	0	0	0	0	0
Fondling	2019	0	0	0	0	0	0	0	0
Incest	2017	0	0	0	0	0	0	0	0
Incest	2018	0	0	0	0	0	0	0	0
Incest	2019	0	0	0	0	0	0	0	0
Statutory Rape	2017	0	0	0	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0	0	0	0
Robbery	2017	0	0	0	0	0	0	0	0
Robbery	2018	0	0	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0	0	0
Aggravated Assault	2017	0	0	0	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0	0	0	0
Burglary	2017	0	0	0	0	0	0	0	0
Burglary	2018	0	0	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0	0	0
Arson	2017	0	0	0	0	0	0	0	0
Arson	2018	0	0	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0	0	0
Larceny-Theft	2017	0	0	0	0	0	0	0	0
Larceny-Theft	2018	0	0	0	0	0	0	0	0
Larceny-Theft	2019	0	0	0	0	0	0	0	0
Simple Assault	2017	0	0	0	0	0	0	0	0
Simple Assault	2018	0	0	0	0	0	0	0	0
Simple Assault	2019	0	0	0	0	0	0	0	0
Intimidation	2017	0	0	0	0	0	0	0	0
Intimidation	2018	0	0	1	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2017	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2018	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2019	0	0	0	0	0	0	0	0

# HATE CRIMES – WAI‘ANAE

Offense	Year	Race	Religion	Sexual Orientation	Gender	Gender Identity	Ethnicity	National Origin	Disability
Murder/Non-Negligent Manslaughter	2017	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2018	0	0	0	0	0	0	0	0
Murder/Non-Negligent Manslaughter	2019	0	0	0	0	0	0	0	0
Rape	2017	0	0	0	0	0	0	0	0
Rape	2018	0	0	0	0	0	0	0	0
Rape	2019	0	0	0	0	0	0	0	0
Fondling	2017	0	0	0	0	0	0	0	0
Fondling	2018	0	0	0	0	0	0	0	0
Fondling	2019	0	0	0	0	0	0	0	0
Incest	2017	0	0	0	0	0	0	0	0
Incest	2018	0	0	0	0	0	0	0	0
Incest	2019	0	0	0	0	0	0	0	0
Statutory Rape	2017	0	0	0	0	0	0	0	0
Statutory Rape	2018	0	0	0	0	0	0	0	0
Statutory Rape	2019	0	0	0	0	0	0	0	0
Robbery	2017	0	0	0	0	0	0	0	0
Robbery	2018	0	0	0	0	0	0	0	0
Robbery	2019	0	0	0	0	0	0	0	0
Aggravated Assault	2017	0	0	0	0	0	0	0	0
Aggravated Assault	2018	0	0	0	0	0	0	0	0
Aggravated Assault	2019	0	0	0	0	0	0	0	0
Burglary	2017	0	0	0	0	0	0	0	0
Burglary	2018	0	0	0	0	0	0	0	0
Burglary	2019	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2017	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2018	0	0	0	0	0	0	0	0
Motor Vehicle Theft	2019	0	0	0	0	0	0	0	0
Arson	2017	0	0	0	0	0	0	0	0
Arson	2018	0	0	0	0	0	0	0	0
Arson	2019	0	0	0	0	0	0	0	0
Larceny-Theft	2017	0	0	0	0	0	0	0	0
Larceny-Theft	2018	0	0	0	0	0	0	0	0
Larceny-Theft	2019	0	0	0	0	0	0	0	0
Simple Assault	2017	0	0	0	0	0	0	0	0
Simple Assault	2018	0	0	0	0	0	0	0	0
Simple Assault	2019	0	0	0	0	0	0	0	0
Intimidation	2017	0	0	0	0	0	0	0	0
Intimidation	2018	0	0	0	0	0	0	0	0
Intimidation	2019	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2017	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2018	0	0	0	0	0	0	0	0
Destruction/Damage/Vandalism of Property	2019	0	0	0	0	0	0	0	0



# SECTION 8 – CAMPUS MAPS

## Pearl City Campus Geographical Boundaries for Statistical Reporting Purposes





Address: 96-045 Ala 'Ike, Pearl City, HI. 96782

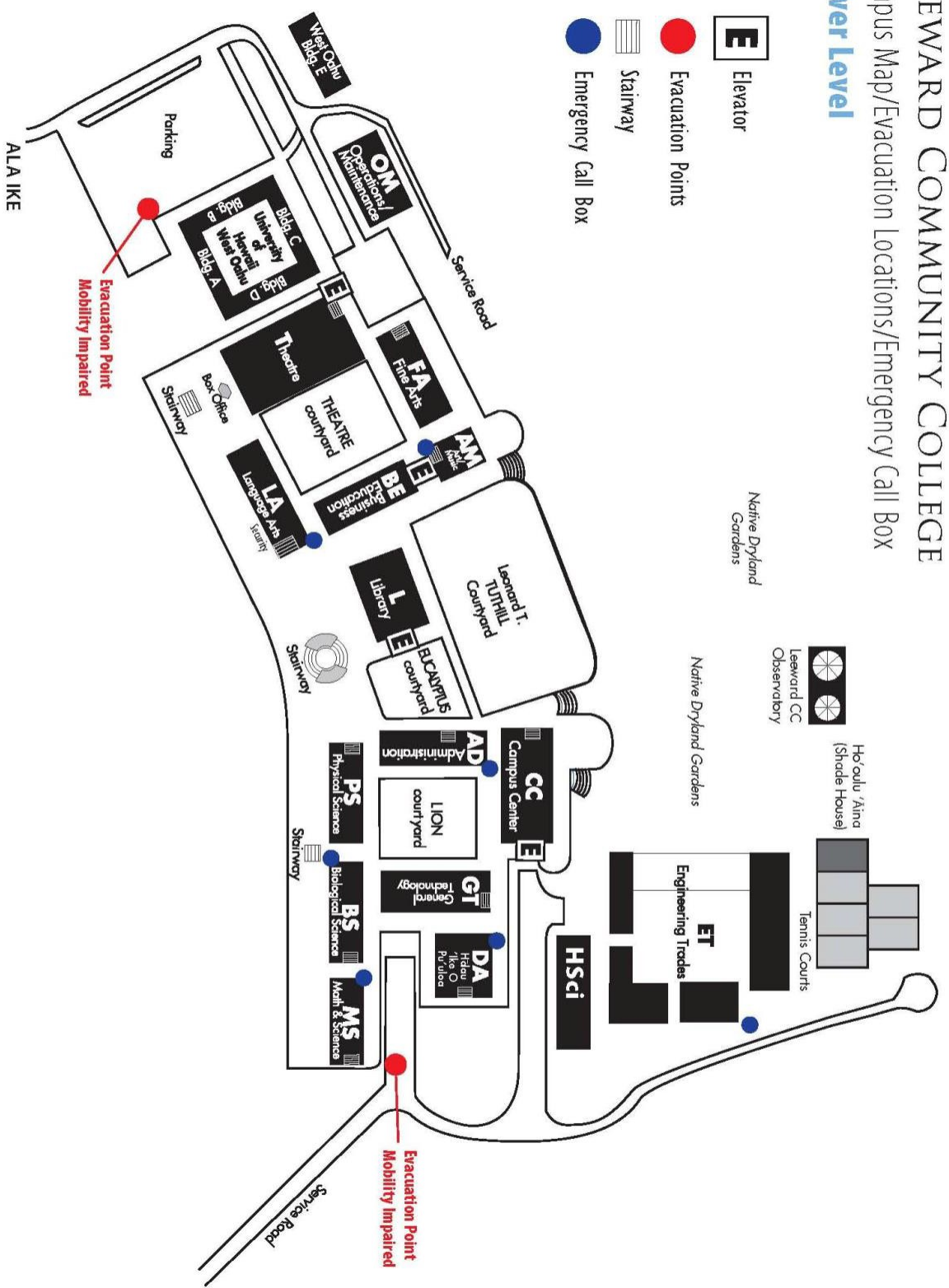


# LEEWARD COMMUNITY COLLEGE

## Campus Map/Evacuation Locations/Emergency Call Box

### Lower Level

-  Elevator
-  Evacuation Points
-  Stairway
-  Emergency Call Box







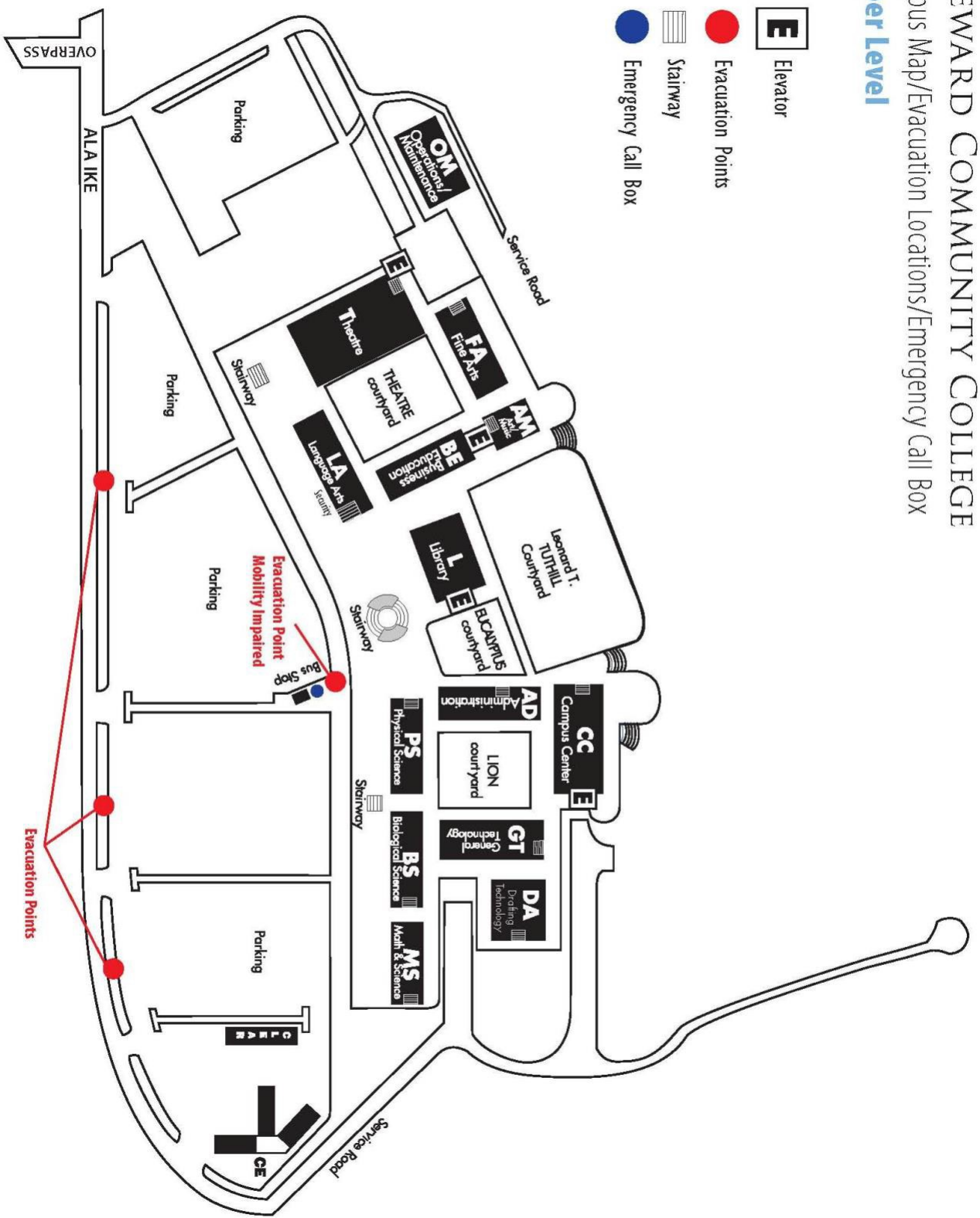


# LEEWARD COMMUNITY COLLEGE

Campus Map/Evacuation Locations/Emergency Call Box

## Upper Level

-  Elevator
-  Evacuation Points
-  Stairway
-  Emergency Call Box





## Wai'anae Moku Geographical Boundaries for Statistical Reporting Purposes

Address: 87-380 Kulaaupuni Street, Mā'ili, HI 96792

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## Wai'anae Campus Geographical Boundaries for Statistical Reporting Purposes

Address: 86-088 Farrington Highway, Wai'anae, HI. 96792







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COMMUNITY COLLEGE

96-045 Ala 'Ike  
Pearl City, HI 96782