



UNIVERSITY of HAWAII®  
**MAUI COLLEGE**

## **CAMPUS ANNUAL SECURITY REPORT 2023**



**Prepared in compliance with the “Jeanne Clery Disclosure of  
Campus Security Policy and Campus Crime Statistics Act”**

**Based on 2022 Statistics, Published October 1, 2023 *updated September 30, 2023***

(This Page Intentionally Left Blank)

## Table of Contents

1. Overview of Security Department	4
A. Introduction	4
B. Mission Statement	5
C. Enforcement	5
D. Working Relationships with State & Local Police	5
E. Memorandum of Understanding (MOU) with Local Police	5
F. No Arrest Authority	5
2. Reporting Procedures	6
A. Reporting of Crimes and Emergencies at the Main Campus in Kahului, Maui	6
B. Emergency Contact Telephone Numbers	6
C. Reporting of Crimes and Emergencies at the Outreach Centers	6
D. Crime Reporting Policy	7
E. Disclosure to the Alleged Victim	8
F. Confidential Reporting Procedures	8
3. Timely Warnings	8
A. Emergency Notifications Policy	10
5. Cooperation with Local Police Department	11
6. Access to UHMC Campus Facilities	11
7. Maintenance of Campus Facilities/Security Considerations	12
8. Education Programs	12
A. Crime Prevention and Security Awareness Programs	12
B. Daily Crime Log	12
C. Crime in Progress	13
D. Campus Security Services	14
A. Sanctions	16
B. Drug and Alcohol Testing	17
C. Campus Drug and Alcohol Awareness Campaigns	18
10. Weapons and Gambling Policies	18
11. Crime Statistics	19
A. Federal Law	19
B. What Is the Jeanne Clery Act and How Did It Come About?	19
C. Campus Security Authorities (CSA)	20

D. Annual Security Report	21
E. Definitions of UCR Part I Crimes Reportable Under the Clery Act	21
F. Definition of Hate Crime	23
G. Violence Against Women Act (VAWA)	24
H. Liquor Law, Weapon Possession, and Drug Abuse Violations	26
I. Preparing the Annual Disclosure of Crime Statistics	27
K. Unfounded Crimes	28
L. Crime Statistics	28
M. Hate Crimes Statistics	43
12. Sexual Assault	43
A. Sexual Assault Policy	43
B. Education and Prevention Programs	44
C. Date Rape Drug	44
D. Law Enforcement Reporting and Involvement	44
E. Response Procedures for Victims	45
F. Reporting the Alleged Offense and Preservation of Evidence	46
G. Assistance for Victims: Rights and Options	50
H. Temporary Restraining and Protective Orders	52
I. Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking	54
J. Complaint Resolution Process	56
K. Confidentiality	67
13. Sex Offender Registry	70
14. Violence Against Women Act (VAWA)	70
A. Legal Definitions of Consent	71
B. Clery Definitions of Consent	71
C. VAWA Crimes Definitions	72
A. Jurisdictional Definitions of Dating Violence and Domestic Violence, Sexual Assault and Stalking	74
B. Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault & Stalking	82
C. Online Title IX Resources	83
D. How to Be an Active Bystander	83
E. Risk Reduction Strategies	86
15. Appendix A – Health Risks	90

# 2023 University of Hawai'i Maui College Annual Security Report

*Prepared in compliance with the "Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act"*

## 1. Overview of Security Department

### A. Introduction

The University of Hawai'i Maui College (UHMC) is firmly committed to providing a safe and secure campus environment. Policies and procedures are designed to provide precautionary measures to protect people and property. However, each member of the UHMC community should use good judgment and take appropriate precautions to reduce the possibility of becoming the victim of a crime on campus. The following report is provided in an effort to notify the community about certain crimes that have been committed on the Maui College campus, as well as to promote awareness of current programs available for your safety and well-being.

The UHMC campus consists of 40 academic, administrative and recreational buildings situated throughout 78 acres. In addition, the Maui College campus directly supports Outreach Educational Centers at Moloka'i, Lana'i, and Hana. UHMC's Lahaina Education Center officially closed on February 2, 2022 and presently, the College does not intend to reopen this location. The Hana Education Center is closed as of the Fall 2023 semester. The campus population consists of approximately 4,400 day and night students, and approximately 255 faculty and staff.

The Campus Security Department consists of one (1) Security Chief and nine (9) security officers. The Campus Security Department is in the process of transitioning to a staff composed solely of State employees. The unit currently consists of seven (7) University Security Officers (USO) and two (2) contract security officers. The Campus Security Department, under the administration of the Vice Chancellor for Administrative Services, is responsible for providing security services for the campus. The Campus Security Office

is at the southwest corner of the Noi'i parking lot. Campus Security Officers are on duty 24 hours a day, 365 days per year.

## **B. Mission Statement**

The UHMC Campus Security Department is firmly committed to providing a safe and secure environment for our students, faculty, staff and guests. Our policies and procedures are designed to ensure that every possible precautionary measure is taken to protect persons and property.

## **C. Enforcement**

The UHMC Campus Security Department enforces federal, state, and local laws, as well as university rules, regulations, and policies that occur on campus property.

## **D. Working Relationships with State & Local Police**

The Maui Police Department (MPD) is the primary law enforcement agency for the County of Maui. The County of Maui includes the islands of Maui, Moloka'i and Lana'i. UHMC Campus Security maintains an open and reciprocal relationship with MPD and other law enforcement agencies in the state, utilizing their resources and expertise to gather crime-related information, reports, and statistics.

## **E. Memorandum of Understanding (MOU) with Local Police**

There is a written Memorandum of Understanding between UHMC and MPD concerning the investigation of criminal incidents on our campus. Officers from MPD and Campus Security cooperate regularly at incident scenes in and around the campus area. The prompt reporting of crimes will ensure the timely issuance of campus alerts and disclosure of crime statistics.

## **F. No Arrest Authority**

Any campus incident requiring police action will be referred to MPD. USOs are unsworn and are not authorized to carry firearms. As unsworn personnel, USOs possess neither the power nor authority to affect a formal arrest of a person or persons, nor to conduct criminal

investigations. USOs have been trained in defense tactics and are authorized to carry batons and handcuffs, which may be used to detain individuals who have committed a crime in their presence, or who have been positively identified as having committed such an act by victims or witnesses. These individuals shall be detained until the arrival of sworn law enforcement personnel who shall make the final determination for an arrest.

## **2. Reporting Procedures**

### **A. Reporting of Crimes and Emergencies at the Main Campus in Kahului, Maui**

Crimes and other emergencies can be reported directly to Campus Security by texting or calling **(808) 269-3960** or calling **(808) 984-3255**. You may also dial extension **255** from any UHMC phone extension on campus. Another option is to report crimes directly to the MPD by dialing **(808) 244-6400**, or in an emergency dial **911**.

### **B. Emergency Contact Telephone Numbers**

The UHMC Campus Security office is located at 310 W. Ka'ahumanu Avenue, Kahului, HI 96732, at the southwest corner of the Noi'i parking lot. Security officers are on duty seven (7) days a week, 24 hours a day.

If you are on campus and need assistance, please call any of the following numbers:

- UHMC Campus Security: **(808) 984-3255** or cell **(808) 269-3960**
- Maui Police Department: **911** (For non-emergencies, call **(808) 244-6400**)

### **C. Reporting of Crimes and Emergencies at the Outreach Centers**

At the Moloka'i, Lana'i, and Hana Outreach Centers, crimes and other emergencies should be reported directly to the coordinator of each facility, who in turn will immediately contact the police. If there is imminent danger, or an incident of dire emergency, call MPD by dialing **911**.

The following are the phone numbers of the respective coordinators:

- Moloka'i Center Coordinator, Kelley Dudoit (808) 553-4490
- Lana'i Center Coordinator, Pam Alconcel (808) 565-7266
- Hana Center Coordinator, Vacant

## **D. Crime Reporting Policy<sup>1</sup>**

In response to a call for service, Campus Security Officers may respond to the scene of the incident and take any summary action necessary, or may request the complainant to come to the Campus Security Office to file a complaint. In emergency situations, the Campus Security Officer will notify MPD and request their response. If an incident involves a student, the report will be forwarded to the Vice Chancellor of Student Affairs for review. Off-campus behavior by any student that represents a danger to the health and safety of other members of the UHMC community, may be subject to University disciplinary procedures. The guidelines and disciplinary procedures are described in the [UHMC Student Conduct Code](#).

Criminal offenses shall be reported to the Campus Security Department or a Campus Security Authority (CSA) for the purpose of making timely warnings & emergency notifications, for inclusion in the Campus' Daily Crime Log, for annual crime statistics disclosure to the Department of Education (DOE), and the publication of the Annual Security Report. UHMC encourages the accurate and prompt reporting of all crimes to the Campus Security Department or MPD, when the victim of a crime elects to, or is unable to, make such a report.

In addition, UHMC is experiencing an increase in dually enrolled high school/college students and minors on campus. According to Chapter 350 of the Hawai'i Revised Statutes (HRS), child abuse or neglect is defined as "the acts or omissions of any person who, or legal entity which, is in any manner or degree related to the child, is residing with the child, or is otherwise responsible for the child's care, that have resulted in the physical or psychological health or welfare of the child who is under the age of eighteen, to be harmed, or to be subject to any reasonably foreseeable, substantial risk of being harmed." Any mandated reporter who has reason to believe that child abuse or neglect has occurred or that there exists a substantial risk that child abuse or neglect may occur in the reasonably foreseeable future, shall immediately report the matter orally to the Department of Human Services,

---

<sup>1</sup> For more specific information concerning the reporting of sexual related offenses under the purview of the Violence Against Women Act (VAWA), refer to the section titled "Violence Against Women Act Policy."



Social Services Division, Child Welfare Services (CWS) or to Maui Police Department. For additional guidance on mandated reporting, refer to CWS's [Guide for Mandated Reporters](#).

### **E. Disclosure to the Alleged Victim**

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

### **F. Confidential Reporting Procedures**

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

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

## **3. Timely Warnings**

Timely warnings are issued to alert the campus community of Clery Act crimes that have been reported to Campus Security authorities or the police department which are deemed to pose a serious or continuing threat to students and employees. Timely warning notices are not required with regard to crimes reported to clergy or professional counselors. There are

situations when competent authority may direct that a timely warning not be sent. For instance, timely warnings may not be issued if it will compromise an ongoing investigation or efforts to alleviate the emergency. UHMC will use discretion when sending timely warnings to ensure victims' confidentiality is protected and yet aid in the prevention of similar occurrences.

Timely warnings may be distributed to the campus community using some or all of the following methods of communication: UH Alert, broadcast voicemail, campus hotline, UHMC Cable Channel, website, social media and media release. If a Timely Warning Notice is deemed to be appropriate, the Security Chief and the Vice Chancellor for Administrative Services or designee are authorized and trained to write a warning notice and distribute it to appropriate recipients within the University system.

The UH Alert emergency notification system will be tested twice annually during the Fall and Spring semesters. For additional information or to sign up, visit the [UH Alert](#) emergency notification system.

#### **4. Emergency Evacuation Procedures and Policies**

UHMC's Campus Emergency Response Plan (CERP) includes information about the Campus Crisis Management Team (CCMT); UHMC's operating status parameters; incident priorities and performance expectations; shelter-in-place and evacuation guidelines; and local contingency and continuity planning requirements. UHMC conducts announced and unannounced emergency response exercises at least once a year. These exercises include tabletop exercises and functional exercises in the field and usually involve the participation of first response agencies, such as, law enforcement, firefighting, and Emergency Medical Services (EMS). UHMC also conducts tests of the emergency notification systems twice a year. These tests are designed to assess and evaluate the emergency plans and capabilities of the institution. UHMC staff and security officers have received training in Incident Command and Responding to Critical Incidents on campus. When a serious incident occurs that causes an immediate threat to the campus, the first responders to the scene are usually the Campus Security Department and MPD. If the services of the Maui Fire Department and

EMS are needed, they will also be requested to respond. Depending on the nature of the incident, other local/federal agencies may also be involved.

## **A. Emergency Notifications Policy**

In accordance with the Higher Education Opportunity Act (HEOA) (Public Law 110-315), UHMC will immediately notify the campus community upon confirmation of a significant emergency or dangerous situation on campus. In the event of an actual emergency, the campus community may be notified by various methods, including UH Alert<sup>2</sup>, phone voicemail alert, campus hotline, broadcast voicemail, media release, university website notices, UHMC Cable Channel notices, local radio and television notices, or social media notices. If an emergency notification is deemed to be appropriate, the Security Chief and the Vice Chancellor for Administrative Services or designee are authorized and trained to write an emergency notification and distribute it to appropriate recipients within the University system. These alerts can be used to notify the campus community of emergencies or dangerous situations that have occurred, and may necessitate caution, evacuation or other action on the part of the recipient. Per DOE regulations, a timely warning is not required to be issued when an institution is following emergency notifications procedures based on the same circumstances; however, the institution must provide adequate follow-up information to the community as needed. Follow-up information will be issued using the same communications media used for the initial notification.

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees, the CCMT leader on-duty will immediately assume the position of Incident Commander and determine whether an emergency notification needs to be sent to the campus community. UHMC's CERP contains procedures that are used to confirm the emergency, and to immediately notify the campus community upon such confirmation. Notifications will be disseminated to the faculty, staff, or student segments of the campus community, as deemed appropriate. The CCMT will,

---

<sup>2</sup> UH Alert emergency notifications include text messages and emails. Email notifications are automatically sent to everyone who is affiliated with UHMC. However, you must "opt-in" in order to receive UH Alert text messages. Sign up for [UH Alert](#) notifications.

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

The UHMC Public Information Officer (PIO) is responsible for disseminating emergency information to individuals and/or organizations outside of the campus community. The communication media used to send the information depends on who the recipients are and the nature of the communication. The communications resources used may include, but are not limited to, social media, local radio stations, County Emergency Management Agency, etc. The PIO is trained and authorized to compose emergency notifications for distribution to members of the larger community.

## **5. Cooperation with Local Police Department**

UHMC has communicated with MPD requesting their cooperation in informing the institution about situations reported to them that may warrant an emergency response. They will notify UHMC of any criminal activity involving our students at off-campus locations that they become aware of.

## **6. Access to UHMC Campus Facilities**

UHMC has neither on-campus housing facilities nor does it refer students to purveyors that offer housing rentals off-campus.

The exterior grounds of the Kahului Campus are open to students, employees and visitors during regular operating hours. The hours of operation are Monday to Saturday, 6 AM to 10 PM. On occasion, there are cultural or recreational events that are open to the public, but visitor access is limited only to the facilities wherein the events are occurring. The campus is closed on Sundays and holidays, except when special campus and community events have been scheduled. Security Officers regularly patrol campus grounds, including the interior areas of UHMC facilities.

Employees coming on campus outside of regular operating hours need to notify Campus Security at (808) 984-3255. Security personnel will document your presence in the command log.

## **7. Maintenance of Campus Facilities/Security Considerations**

UHMC is well lighted and improvements in campus lighting have been made in parking lots, areas with heavy landscaping, and along sidewalks and pathways frequently traveled by students. On-duty Campus Security Officers regularly file reports if they observe the overgrowth of shrubbery, any obstruction of lighting or pathways, and any kind of hazards along or on the sidewalks. These reports are submitted to the Operations and Maintenance (O&M) Department for review and rectification.

Security officials attend design and preconstruction meetings to ensure that the latest security technology is incorporated into all new construction and renovation projects.

## **8. Education Programs**

### **A. Crime Prevention and Security Awareness Programs**

Precautions are taken throughout the school year to provide a safe campus environment for students and employees. Campus Security offers security awareness programs, a safety escort service, special services, daily crime log, and information on obtaining a temporary restraining order (TRO). “Timely warnings” are provided in the event of a crime occurring on campus that poses a serious ongoing threat to the community.

Campus Security notices and updates, as well as a listing of incidents that took place on campus are sent out to the UHMC campus community via Maui Announcements or the Chancellor’s Weekly Communique on an as needed basis.

### **B. Daily Crime Log**

The Daily Crime Log contains records of all alleged criminal incidents, including non-Clery Act crimes that have been reported to the Security Department within the last 60 days. Crimes are recorded by the date they are reported and include the following information:

nature of the crime, date, time, general location of occurrence, and disposition of complaint, if known. This log is prepared and maintained by the Security Chief or his designee, and is kept at the Campus Security Office. The public can request to view the log in person at the Campus Security Office or view the [Daily Crime Log](#) online.

### **C. Crime in Progress**

- 1) Do not attempt to apprehend or interfere with a suspected criminal except in cases of self-defense.
- 2) If not in immediate danger and opportunity affords, obtain a good description of the perpetrator. Take note of the height, weight, sex, approximate age, skin color, hair, facial hair, eyes and clothing. Also identify any distinguishing characteristics or marks, modus operandi and direction of flight. If there is a vehicle involved, note the license plate number, make and model, color, and any distinguishing characteristics of the vehicle.
- 3) Call **(808) 269-3960** or **(808) 984-3255** for Campus Security. Advise them of your situation and provide your name and location.
- 4) If you are the victim of a robbery and the perpetrator demands your money or other valuables, you should:
  - Do not resist, comply with the request of the perpetrator.
  - Surrender your property immediately.
  - Wait until the perpetrator has departed before sounding the alarm.
  - Attempt to get a good description of the perpetrator and the direction of flight. Write down whatever you can remember.
  - If you are inside a building, shut down your operation and secure the crime scene.
  - Ask any witnesses to remain, pending the arrival of Campus Security and MPD.
- 5) In the event of a civil disturbance, continue with your normal routine as much as feasible. If the disturbance is outside, stay away from windows and doors and remain there until instructed otherwise by a security officer.

## **D. Campus Security Services**

- 1) During Campus operating hours (Monday – Saturday, 6 AM to 10 PM), or at other times when a class or an official campus event may be scheduled; Campus Security will either provide transportation or foot escort for anyone walking at night that is in fear of their own safety. This service is only available in the confines of the campus grounds. Please call **(808) 269-3960** or **(808) 984-3255**, or dial extension **255** on a campus phone so that an escort can be dispatched to your location.
- 2) Radio motor patrol (electric cart) and foot patrol to deter potential crime.
- 3) Response to medical emergencies. Officers are trained in emergency first aid, Cardiopulmonary Resuscitation (CPR), and in the use of an Automated External Defibrillator (AED).
- 4) Conduct safety and security hazard inspections of the campus. Initiates work requests to the O&M Department for needed repairs. Prepares deficiency reports that are forwarded to heads of appropriate departments.
- 5) Provide transportation to the UHMC Health Center for students who have minor injuries or illnesses.

A successful campus safety program needs the cooperation, involvement, and support of students and faculty. Exercise these simple, common-sense precautions:

- Travel/park in lighted areas. Travel in pairs if possible and be aware of your surroundings. Use the escort service for assistance after dark, if you feel the need for an escort.
- Be careful when using elevators. Exit the elevator if a suspicious person enters.
- Store an “in case of emergency” number in your cell phone.
- Keep your hands free, not burdened with a lot of items.
- If you are being followed: cross the street, scream, run to an occupied building or store, or flag down a passing motorist.

- Be sure to lock/secure windows and doors in your room or office. Lock cars and bikes and take your keys with you. Lock valuables in desk drawers, file cabinets, lockers, or the trunk of your car.
- Never loan keys to anyone (they may be easily lost, stolen, or duplicated).
- Mark or engrave your belongings. Don't leave belongings/valuables unattended.

Let the Campus Security Department know if you are working odd hours or on Sundays when the campus is normally closed, or will be in the building after normal business hours.

## **9. Alcohol and Drug Abuse Policies**

UHMC is committed to providing and maintaining a safe, healthy and productive environment for students, employees, and visitors, free from hazards associated with drug and alcohol abuse in accordance with the Drug-Free Workplace Act of 1988, the Drug-Free Schools and Communities Act of 1989, and 34 CFR 86 – Drug and Alcohol Abuse Prevention. This program is also intended to ensure compliance with University of Hawai'i Executive Policy EP 11.201, Illegal Drugs, Alcohol and Substance Abuse. For more information, see [UHMC's Drug and Alcohol Abuse Prevention Program](#) (DAAPP).

In accordance with the Drug-Free Schools and Communities Act of 1989 and the UHMC DAAPP, UHMC conducts biennial reviews to determine the effectiveness of the DAAPP and to implement changes to the program, if needed. Biennial reviews are also conducted to ensure that UHMC is consistently enforcing disciplinary sanctions for violations of the standards of conduct. Copies of the [UHMC Biennial Review Reports](#) are available online.

UHMC enforces all state and local laws regarding the possession, use, and sale of alcoholic beverages, including those prohibiting the consumption of alcoholic beverages by persons under the age of 21 on campus and at University-sponsored activities.

UHMC expects its employees and students to carry out their responsibilities free of intoxication from 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 University-sponsored or approved events or on University property or in buildings used by the University for education, research and recreational programs. UHMC expects lawful behavior by employees, students, and visitors during their presence on University premises and at University events. Within the constraints of its mission, the University encourages cooperation with law enforcement agencies in enforcing statutes regarding the use of illegal drugs.

## **A. Sanctions**

Employees and students who violate the policy will be subject to disciplinary sanctions, including, but not limited to, expulsion or termination.

### **1) Sanctions for Students**

[UH Executive Policy EP 7.208](#), Systemwide Student Conduct Code, includes proscriptions against the use, possession, manufacturing, or distribution, or other unauthorized use of controlled substances or paraphernalia except as expressly permitted by law. Executive Policy EP 7.208 also prohibits the use, possession, manufacturing, distribution, or being under the influence of alcoholic beverages (except as expressly permitted by UH System Policies, or state or federal law). The UHMC Student Conduct Code includes similar proscriptions and imposes sanctions where a student has been found “more likely than not” to have engaged in prohibited conduct. Sanctions that may be imposed are listed in the [UHMC DAAPP](#).

### **2) Sanctions for Employees**

The sanctions for employees in Bargaining Units 01 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.

### 3) Federal Sanctions

Tables summarizing federal trafficking penalties are set forth on pages 38 and 39 of Drugs of Abuse: A DEA Resource Guide / 2022 Edition. See Appendix “C” of the [UHMC DAAPP](#).

### 4) State of Hawai‘i Sanctions

Under the Hawai‘i Penal Code, crimes are of three (3) grades according to their seriousness: felonies, misdemeanors and petty misdemeanors. A summary of State of Hawai‘i sanctions relating to drugs and intoxicating liquor is set forth on pages 4-5 of the [UHMC DAAPP](#).

## B. Drug and Alcohol Testing

- 1) **Employee Random Testing** - United Public Workers (UPW), Bargaining Unit 01 employees are subject to random alcohol and controlled substances testing. The tests are intended to keep the workplace free from the hazards resulting from the use of alcohol and controlled substances.
  - a. Employees are notified of the test, time, and location. Tests are conducted during work time.
  - b. The employee presents a picture identification card to the test site. If the employee does not have identification, the supervisor or management will escort the employee to the test site.
- 2) **Employee Reasonable Suspicion Testing** – UPW, Bargaining Unit 01 and Hawai‘i Government Employees Association (HGEA), Bargaining Unit 03 & 04 employees are subject to reasonable suspicion alcohol and controlled substance testing. This alcohol and controlled substance testing is intended to keep the workplace free from the hazards resulting from the use of alcohol and controlled substances.
  - a. Employees shall be subject to alcohol and controlled substance testing when a supervisor determines that reasonable suspicion exists. The supervisor shall have

another witness observe the employee before directing the employee to submit to an alcohol and/or controlled substance test.

## **C. Campus Drug and Alcohol Awareness Campaigns**

**1) Health Risks:** The health risks of alcohol are discussed in Appendix A, “Alcohol’s Effects on the Body”, and Appendix B, “College Drinking”, of the [UHMC DAAPP](#). These documents are also available on the website of the [National Institute on Alcohol Abuse and Alcoholism](#) (NIAAA). The health risks of controlled substances are discussed in Appendix C, “Drugs of Abuse – A DEA Resource Guide / 2022 Edition”, of the [UHMC DAAPP](#). The [DEA Resource Guide](#) is also available on the website of the Drug Enforcement Administration.

### **2) Drug and Alcohol Awareness Training**

At least twice a year, preferably during the Fall and Spring semesters, UHMC will hold a drug and/or alcohol prevention presentation open to all staff, faculty and students. The UHMC Faculty & Staff Development Coordinator, the Student Life Coordinator, and the Office of the Vice Chancellor of Student Affairs will collaborate in the development and offering of drug and alcohol training opportunities. Such efforts may include Student Government and nonprofit agencies. Documentation, including training materials and sign up lists, will be archived for biennial review purposes and as evidence of the training.

### **3) Campus Resources**

A list of UHMC campus resources relating to drug and alcohol abuse prevention and treatment is set forth on pages 6-7 of the [UHMC DAAPP](#).

### **4) Community Resources**

A list of community resources relating to drug and alcohol abuse prevention and treatment is set forth in Appendix D, “Community Resources”, of the [UHMC DAAPP](#).

## **10. Weapons and Gambling Policies**

### **A. Weapons Policy**

The possession of illegal and dangerous weapons on University premises is strictly prohibited. Illegal and dangerous weapons include, but are not limited to, firearms, ammunition, spear guns, explosives, and dangerous substances. Any person found in violation may be subject to all applicable state and federal laws, University policy, and the Student Conduct Code.

**Should you suspect or discover someone on campus in possession of a weapon, contact UHMC Campus Security immediately.** Since 2003, public displays of any type of “replica” firearms are illegal; this includes pellet, air, water, and toy guns.

### **B. Gambling Policies**

In accordance with the laws of the State of Hawai‘i, gambling is **not permitted** on any UHMC campus or outreach educational center.

## **11. Crime Statistics**

### **A. Federal Law**

The United States Code 1092(f), Higher Education Act of 1965 (as amended), is also known as the Crime Awareness and Campus Security Act of 1990, or the Jean Clery Act.

***"All public and private institutions of post-secondary education receiving federal financial aid must provide timely warnings of campus crime and publish an annual campus crime report."***

Incidents reported to UHMC Campus Security that fall into one of the required reporting classifications will be disclosed as a statistic in this annual report published by UHMC.

### **B. What Is the Jeanne Clery Act and How Did It Come About?**

Jeanne Clery was sexually assaulted and murdered in her dorm room at Lehigh University in 1986. The law enacted in her memory is intended to ensure that students and other interested parties are well informed about serious campus crimes before making an educated decision. The Clery Act mandates that universities report crime statistics to current and prospective students and employees.

### **C. Campus Security Authorities (CSA)**

The Clery Act requires all institutions to collect crime reports from a variety of individuals and organizations that Clery considers to be “campus security authorities” (CSAs).” UHMC recognizes the following individuals or groups as CSAs:

- Campus Security Personnel
- Vice Chancellor for Student Affairs
- Faculty
- Faculty Advisors to Student Groups
- Any UHMC official who has significant responsibility for student and campus activities

There are two (2) types of individuals who, although they have significant responsibility for student and campus activities, are not CSAs under Clery:

- Pastoral counselor: A person who is associated with a religious order or denomination, is recognized by that religious order or denomination as someone who provides confidential counseling, and is functioning within the scope of that recognition as a pastoral counselor on campus.
- Professional counselor: A person whose official responsibilities include providing mental health counseling to members of the institution’s community and who is functioning within the scope of his or her license or certification. This definition applies even to professional counselors who are not employees of the institution, but are under contract to provide counseling at the institution.

The Clery Act is very specific about which campus offices or persons are responsible to report crimes. These campus offices or persons are considered CSAs under the Clery Act. CSA is defined by function, not title. You may be a CSA if you or your office:

- Have significant responsibility for student and campus activities.
- Have routine contact with students.

The Campus Security Chief will gather information from CSAs on a regular basis to ensure that all pertinent statistics are compiled and reported to the DOE and included in the Campus' Annual Security Report.

#### **D. Annual Security Report<sup>3</sup>**

The Jeanne Clery Act requires that an annual security report containing crime figures of specific crimes be forwarded to the U.S. DOE and be made available to the community.

The crimes that are required to be reported under the Clery Act include:

- *Criminal Offenses (Primary Crimes): Murder/Non-Negligent Manslaughter, Manslaughter by Negligence, Aggravated Assault, Arson, Burglary, Robbery, Motor Vehicle Theft*
- *Sexual Assault (Sex Offenses): Rape, Fondling, Incest, & Statutory Rape*
- *Hate Crimes: All primary crimes (except Manslaughter by Negligence), Sexual Assault, Larceny-Theft, Simple Assault, Intimidation, Destruction/Vandalism/Damage of Property.*
- *VAWA Offenses: Domestic Violence, Dating Violence and Stalking. <sup>4</sup>*
- *Arrests and Referrals for Disciplinary Action for Liquor Law Violations, Drug Abuse Violations, Weapons-carrying, possessing, etc. Law Violations.*

#### **E. Definitions of UCR Part I Crimes Reportable Under the Clery Act**

- 1) Murder and Non-Negligent Manslaughter:** The willful (non-negligent) killing of one human being by another. This includes deaths caused by injuries received in a fight, argument, quarrel, assault or commission of a crime.
- 2) Manslaughter by Negligence:** The killing of another person through gross negligence.
- 3) Aggravated Assault:** An unlawful attack by one person upon another for the purpose of inflicting severe or aggravated bodily injury. This type of assault usually is

---

<sup>3</sup> The UHMC Annual Security Report is published primarily on the [UHMC Campus Security](#) webpage. You may print a copy of this report yourself or request that a printed copy be provided to you by contacting the UHMC Campus Security Office at 310 W. Ka'ahumanu Avenue, Kahului, Hawai'i 96732, or by calling (808) 984-3576.

<sup>4</sup> For definitions of domestic violence, dating violence, sexual assault and stalking, refer to the Violence Against Women Act (VAWA) section of this report.

accompanied by the use of a weapon or by means likely to produce death or great bodily harm. Simple assaults are excluded.

- 4) **Arson:** Any willful or malicious burning or attempt to burn, with or without intent to defraud, a dwelling house, public building, motor vehicle or aircraft, or personal property of another kind. (Note that only fires determined through investigation to have been willfully or maliciously set are classified as arsons. Arson is therefore the only Clery Act offense that must be investigated before it can be disclosed. If other Clery Act offenses were committed during the arson incident, the most serious is counted in addition to the arson.)
- 5) **Burglary:** The unlawful entry of a structure to commit a felony or a theft. This includes unlawful entry with intent to commit a larceny or a felony; breaking and entering with intent to commit a larceny; housebreaking; safecracking; and all attempts to commit any of the aforementioned.
- 6) **Robbery:** The taking or attempting to take anything of value of 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.
- 7) **Motor Vehicle Theft:** The theft or attempted theft of a motor vehicle, including vehicles taken without the owner's permission for the purpose of "joyriding." A motor vehicle is self-propelled and runs on the surface and not on rails. Motorboats, construction equipment, airplanes, and farming equipment are specifically excluded from this category.
- 8) **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.
  - a. **Rape** is 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. Count one offense per victim. Include the crime as Rape, regardless of the age of the victim, if the victim did not consent or if the victim was incapable of giving

consent. If the victim consented, the offender did not force or threaten the victim, and the victim was under the statutory age of consent, include the crime as Statutory Rape.

- b. Fondling** is 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. Count one offense per victim. Fondling is recognized as an element of the other sex offenses. Therefore, count Fondling only if it is the only sex offense.
- c. Incest** is sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law. Count one offense per victim.
- d. Statutory Rape** is sexual intercourse with a person who is under the statutory age of consent. Count one offense per victim.

## **F. Definition of Hate Crime**

For Clery purposes, a hate crime is a criminal offense that manifests evidence that the victim was intentionally selected because of the perpetrator's bias against the victim. Hate crimes include any of the following offenses that are motivated by bias. Bias is a preformed negative opinion or attitude toward a group of persons based on the actual or perception of their *race, gender, religion, sexual orientation, ethnicity, disability, national origin or gender identity*. The following offenses are: Murder and Non-Negligent Manslaughter, Sexual Assault, Robbery, Aggravated Assault, Burglary, Motor Vehicle Theft, Arson, Larceny-Theft, Simple Assault, Intimidation, Destruction/Damage/Vandalism of Property. Larceny-Theft, Simple Assault, Intimidation, and Destruction/Damage/Vandalism of Property are included in the Clery Act statistics only if they are Hate Crimes:

- 1) Larceny-Theft:** The unlawful taking, carrying, leading, or riding away of property from the possession or constructive possession of another.
- 2) Simple Assault:** An unlawful physical attack by one person on another where neither the offender displays a weapon, nor the victim suffers obvious severe or aggravated



bodily injury involving apparent broken bones, loss of teeth, possible internal injury, severe laceration, or loss of consciousness.

- 3) **Intimidation:** To unlawfully place another person in reasonable fear of bodily harm through the use of threatening words and/or conduct, but without displaying a weapon or subjecting the victim to actual attack. Includes cyber-intimidation if the victim is threatened on Clery geography.
- 4) **Destruction, Damage, or Vandalism of Property:** To willfully or maliciously destroy, damage, deface, or otherwise injure real or personal property without the consent of the owner or the person having custody or control of the property.

## **G. Violence Against Women Act (VAWA)**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- 1) **Domestic Violence:** A felony or misdemeanor crime of violence committed—
  - a. By a current or former spouse or intimate partner of the victim;
  - b. By a person with whom the victim shares a child in common;
  - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e. 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.
- 2) **Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - a. 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.

- b. For the purposes of this definition -
    - i. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - ii. Dating violence does not include acts covered under the definition of domestic violence.
- 3) **Sexual Assault:** 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.”
- a. Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - b. Fondling is defined as the touching of the private parts of another person for the purposes 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.
  - c. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- 4) **Stalking:**
- a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - i. Fear for the person’s safety or the safety of others; or
    - ii. Suffer substantial emotional distress.
  - b. For the purposes of this definition:
    - i. Course of conduct means two (2) or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any

action, method, device or means; follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

## **H. Liquor Law, Weapon Possession, and Drug Abuse Violations**

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

**NOTE:** Drug, alcohol, and weapon violations statistics are broken down into two (2) categories: Arrests, which are made by authorized law enforcement officers and lead to the

criminal justice system; and violations, which are referred to the Dean of Student Services for discipline according to the Student Code of Conduct.

Crimes under the purview of the Clery Act must be reported by location of occurrence in one of the following four (4) categories: on-campus property, on-campus student housing facilities, non-campus property and public property (streets, sidewalks, municipal parking lots and areas immediately adjacent to the campus).

## **I. Preparing the Annual Disclosure of Crime Statistics**

The crime statistics disclosed in this annual report were obtained from the following sources: the UHMC Campus Security Department, the Maui Police Department, and Campus Security Authorities. For statistical purposes, crime statistics reported to any of these sources are recorded in the calendar year that the crime was reported. The statistics are gathered, compiled, and reported to the University community via the Annual Security Report published by this institution. The annual crime statistics are also submitted to the DOE and made available to the public via their website.

The University will send an email to every enrolled student and current employee on or prior to October 1<sup>st</sup> of each year to announce the availability of the report. The notice includes a brief summary of the contents of the Annual Campus Security Report. The notice also includes the web address to the Annual Campus Report and information on how to request a hard copy of the report.

## **J. Specific Information about Classifying Crime Statistics**

**UCR Reportable Crimes:** The Uniform Crime Reporting (UCR) Program was conceived in 1929 by the International Association of Chiefs of Police to meet a need for reliable, uniform crime statistics for the nation. In 1930, the FBI was tasked with collecting, publishing, and archiving those statistics. Today, several annual statistical publications, such as the comprehensive [Crime in the United States](#), are produced from data provided by nearly 17,000 law enforcement agencies across the United States. **Source:** [FBI Uniform Crime Reports](#)

The statistics listed in this report were published in accordance with the standards and guidelines used by the FBI Uniform Crime Reporting Handbook and relevant federal law (the Clery Act). The number of victims involved in a particular incident is indicated in the statistics column for the following crime classifications: Murder/Non-Negligent Manslaughter, Negligent Manslaughter, Forcible and Non-Forcible Sex Offenses, and Aggravated Assault. For example, if an aggravated assault occurs and there are three (3) victims, this would be counted as three (3) aggravated assaults in the crime statistics chart.

The number reflected in the statistics for the following crime categories includes one (1) offense per distinct operation: Robbery, Burglary, Larceny, Vandalism, and Arson. For example, if five (5) students are walking across campus together and they are robbed, this would count as one (1) instance of robbery in the crime statistics chart. In cases of Motor Vehicle Theft, each vehicle stolen is counted as a statistic.

## K. Unfounded Crimes

A crime is considered unfounded for Clery Act purposes only if sworn or commissioned law enforcement personnel make a formal determination that the report is false or baseless. There were no crimes reported in 2020, 2021 and 2022 that were deemed to be unfounded.

## L. Crime Statistics

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>UH MAUI COLLEGE – KAHULUI MAIN CAMPUS</b>					
<b>CRIMINAL OFFENSES</b>					
MURDER/NON-NEGLIGENT MANSLAUGHTER	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
MANSLAUGHTER BY NEGLIGENT	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
ROBBERY	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
AGGRAVATED ASSAULT	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
BURGLARY	2020	1	N/A	0	0
	2021	0	N/A	0	0
	2022	3	N/A	0	0
MOTOR VEHICLE THEFT	2020	1	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
<b>ARRESTS &amp; REFERRALS FOR DISCIPLINARY ACTIONS</b>					
ARRESTS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
DISCIPLINARY REFERRALS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
<b>SEX ASSAULTS (SEX OFFENSES)</b>					
RAPE	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
INCEST	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
FONDLING	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
STATUTORY RAPE	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
<b>VAWA OFFENSES</b>					
DOMESTIC VIOLENCE OFFENSES	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	0	N/A	0	0
DATING VIOLENCE OFFENSES	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	1	N/A	0	0
STALKING OFFENSES	2020	0	N/A	0	0
	2021	0	N/A	0	0
	2022	2	N/A	0	0
<b><u>MOLOKA'I EDUCATION CENTER/MOLOKA'I FARM</u></b>					
<b>CRIMINAL OFFENSES</b>					
MURDER/NON-NEGLIGENT MANSLAUGHTER	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MANSLAUGHTER BY NEGLIGENT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ROBBERY	2020	0	N/A	N/A	0



TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
AGGRAVATED ASSAULT ROBBERY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
BURGLARY	2020	1	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	2	N/A	N/A	0
MOTOR VEHICLE THEFT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARSON	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>ARRESTS &amp; REFERRALS FOR DISCIPLINARY ACTIONS</b>					
ARRESTS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS:	2020	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DRUG ABUSE VIOLATIONS	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>SEX ASSAULTS (SEX OFFENSES)</b>					
RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
INCEST	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
FONDLING	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STATUTORY RAPE	2020	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>VAWA OFFENSES</b>					
DOMESTIC VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DATING VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STALKING OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b><u>LAHAINA EDUCATION CENTER</u></b> <i>(all incidents at 60 Kenui Street occurred at the Front Street Apartments)</i>					
<b>CRIMINAL OFFENSES</b>					
MURDER/NON-NEGLIGENT MANSLAUGHTER	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MANSLAUGHTER BY NEGLIGENT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ROBBERY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
	2022	0	N/A	N/A	0
AGGRAVATED ASSAULT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
BURGLARY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MOTOR VEHICLE THEFT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARSON	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>ARRESTS &amp; REFERRALS FOR DISCIPLINARY ACTIONS</b>					
ARRESTS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>SEX ASSAULTS (SEX OFFENSES)</b>					
RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
INCEST	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
FONDLING	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STATUTORY RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
	2022	0	N/A	N/A	0
<b>VAWA OFFENSES</b>					
DOMESTIC VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DATING VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STALKING OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b><u>LANA'I EDUCATION CENTER</u></b>					
<b>CRIMINAL OFFENSES</b>					
MURDER/NON-NEGLIGENT MANSLAUGHTER	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MANSLAUGHTER BY NEGLIGENT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ROBBERY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
AGGRAVATED ASSAULT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
BURGLARY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MOTOR VEHICLE THEFT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARSON	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>ARRESTS &amp; REFERRALS FOR DISCIPLINARY ACTIONS</b>					
ARRESTS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DISCIPLINARY REFERRALS: DRUG ABUSE VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>SEX ASSAULTS (SEX OFFENSES)</b>					
RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
INCEST	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
FONDLING	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STATUTORY RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0



TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
<b>VAWA OFFENSES</b>					
DOMESTIC VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DATING VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STALKING OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>HANA EDUCATION CENTER</b>					
<b>CRIMINAL OFFENSES</b>					
MURDER/NON-NEGLIGENT MANSLAUGHTER	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MANSLAUGHTER BY NEGLIGENT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ROBBERY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
AGGRAVATED ASSAULT	2020	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
BURGLARY	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
MOTOR VEHICLE THEFT	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARSON	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>ARRESTS &amp; REFERRALS FOR DISCIPLINARY ACTIONS</b>					
ARRESTS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: WEAPONS - CARRYING, POSSESSING, ETC.	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: DRUG ABUSE VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS:	2020	0	N/A	N/A	0

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DRUG ABUSE VIOLATIONS	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
ARRESTS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DISCIPLINARY REFERRALS: LIQUOR LAW VIOLATIONS	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>SEX ASSAULTS (SEX OFFENSES)</b>					
RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
INCEST	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
FONDLING	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STATUTORY RAPE	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
<b>VAWA OFFENSES</b>					

TYPE OF OFFENSE	YEAR	ON-CAMPUS PROPERTY	ON-CAMPUS STUDENT HOUSING FACILITIES	NON-CAMPUS PROPERTY	PUBLIC PROPERTY
DOMESTIC VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
DATING VIOLENCE OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0
STALKING OFFENSES	2020	0	N/A	N/A	0
	2021	0	N/A	N/A	0
	2022	0	N/A	N/A	0

## M. Hate Crimes Statistics

There were no reported hate crimes for 2020, 2021 or 2022 at any of UHMC's campuses.

## 12. Sexual Assault

### A. Sexual Assault Policy

If you have been the victim of sexual harassment, gender-based harassment, sexual exploitation, sexual assault, domestic violence, dating violence or stalking, you should report the incident promptly to the Title IX Coordinator. For additional information or inquiries, contact the UHMC Title IX Coordinator, Shawna Pabingwit, at (808) 984-3601 or [martinsh@hawaii.edu](mailto:martinsh@hawaii.edu). Her office is located in Pilina Building Room 121. Individuals may also report the incident to the Campus Security Department.<sup>5</sup> In addition, the University has support staff that may provide resources and take appropriate disciplinary action against

<sup>5</sup> The Title IX Coordinator is regarded as a "Responsible Employee" under Title IX and also a "Campus Security Authority" under the Clery Act. Statistical information less the victims identifying information will be provided to campus public safety or whoever at the institution compiles the annual crime statistics even if the victim chooses not to alert campus public safety personally.

those who violate this policy. The procedures set forth below are intended to afford a prompt response to charges of sexual assault, domestic violence, dating violence and stalking, to maintain confidentiality and fairness consistent with applicable legal requirements, and to impose appropriate sanctions on violators of this policy.

## **B. Education and Prevention Programs**

UHMC engages in comprehensive educational programming to prevent domestic violence, dating violence, sexual assault and stalking. For more information, please refer to the Violence Against Women Act section of this report, under caption “Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault & Stalking.”

## **C. Date Rape Drug**

These drugs can be placed in any drink, not just alcohol. The drug may act as an aphrodisiac or intoxicant. The effects may include a feeling of well-being and short-term memory loss. Some other common side effects of these drugs include a drunken appearance, drowsiness, light-headedness, staggering, confusion, muscle relaxation, and amnesia, that can last as long as 24 hours. Serious adverse effects can occur, such as seizures, insomnia, anxiety, nausea, dizziness, hallucinations, coma and even death.

If you or someone you know has been drugged and/or assaulted, go to a safe place and contact Campus Security or MPD. Request to be taken to the University’s Health Center or the Maui Memorial Medical Center emergency room for immediate treatment of any injuries. Urine, blood, pregnancy, and sexually transmitted diseases (STD) testing may also be done.

## **D. Law Enforcement Reporting and Involvement**

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

Please be aware that the University’s duties with respect to minors (those under the age of 18) may require reporting sexual misconduct incidents to state agencies and/or local law

enforcement. As a result, confidentiality cannot be guaranteed in sexual misconduct incidents involving minors.

Maui College strongly encourages all members of the campus community to report sexual assault crimes to law enforcement. The victim, however, still must make the final decision whether or not to file a formal police complaint. The Campus Security Department will assist the victim with notifying MPD, if they so desire.

MPD may also be reached at:

Maui Police Department  
55 Mahalani Street  
Wailuku, HI 96793  
Emergency: 911  
Non-Emergency: 808-244-6400

Maui College has procedures in place that are sensitive to victims of sexual assault, domestic violence, dating violence, and stalking. These procedures include:

- Informing the victims of their right to file criminal charges
- Availability of medical, counseling and support services
- Remedies to prevent contact between a complainant and the accused (such as academic, transportation and working accommodations, if reasonably available.)

Students and employees requiring any of the above accommodations may contact Title IX Coordinator, Shawna Pabingwit, at (808) 984-3601 or [martinsh@hawaii.edu](mailto:martinsh@hawaii.edu). Her office is in Pilina Building Room 121.

## **E. Response Procedures for Victims**

- 1) Go to a safe location as soon as you are able.
- 2) If you have been assaulted or raped, preserve physical evidence, such as tissue and fluid samples, towels, sheets, and clothing. Avoid showering, bathing, and urinating, 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) Contact any of the following if you wish to make a formal report:
  - a. Title IX Coordinator
  - b. Campus Security
  - c. Local Police

## **F. Reporting the Alleged Offense and Preservation of Evidence**

### **1) Reporting the Alleged Offense**

Victims of sexual assault, domestic violence, stalking, and dating violence are encouraged to report to MPD, 911; Campus Security at (808) 984-3255; or the Campus' Title IX Coordinator, Shawna Pabingwit, at (808) 984-3601 or [martinsh@hawaii.edu](mailto:martinsh@hawaii.edu). Her office is in Pilina Building Room 121.

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

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

### **2) 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.

When a report of domestic violence, dating violence, sexual assault or stalking is reported to Maui College, the below are the procedures that the institution will follow, as well as a statement of the standard of evidence that will be used during any judicial hearing on campus arising from such a report:

Incident Being Reported	Procedure Institution Will Follow	Evidentiary Standard
<b>Sexual Assault</b>	<ol style="list-style-type: none"><li>1. Institution will provide complainant with access to medical care, if needed.</li><li>2. Institution will assess immediate safety needs of complainant.</li><li>3. Institution will assist complainant with contacting local police if complainant requests AND the complainant will be provided with contact information for local police.</li><li>4. Institution will provide complainant with referrals to on and off campus mental health providers.</li><li>5. Institution will assess need to implement interim or long-term protective measures, such as change in class schedule, “No Contact” directive between both parties.</li><li>6. Institution will provide a “No Trespass” directive to accused party, if deemed appropriate.</li><li>7. Institution will provide written instructions on how to apply for protective order.</li></ol>	Incidents involving sexual assault are referred to the Title IX Coordinator. The Title IX Coordinator is responsible to ensure that all sexual assault cases are investigated thoroughly and adjudicated promptly using the <b><i>preponderance of the evidence</i></b> standard.



Incident Being Reported	Procedure Institution Will Follow	Evidentiary Standard
	<ol style="list-style-type: none"> <li>8. Institution will provide a copy of the sexual misconduct policy to complainant and inform the complainant regarding timeframes for inquiry, investigation and resolution.</li> <li>9. Institution will inform the complainant of the outcome of the investigation, whether or not the accused will be administratively charged and what the outcome of the hearing is.</li> <li>10. Institution will enforce the anti-retaliation policy and take immediate and separate action against parties who retaliate against a person for complaining of sex-based discrimination or for assisting in the investigation.</li> </ol>	
<b>Stalking</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police.</li> <li>3. Institution will provide written instructions on how to apply for protective order.</li> <li>4. Institution will provide written information to complainant on how to preserve evidence.</li> <li>5. Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>6. Institution will provide a “No trespass” directive to accused party, if deemed appropriate.</li> </ol>	<p>Stalking cases are referred to the Title IX Coordinator. The Title IX Coordinator is responsible to ensure that all stalking cases are investigated thoroughly and adjudicated promptly using the <b>preponderance of the evidence</b> standard. If the stalking is sexually based, it may fall under the institution’s sexual misconduct policy and if so, would be adjudicated using the <b>preponderance of the evidence</b> standard.</p>
<b>Dating Violence</b>	<ol style="list-style-type: none"> <li>1. Institution will assess immediate safety needs of complainant.</li> <li>2. Institution will assist complainant with contacting local police if</li> </ol>	<p>Dating Violence cases are referred to the Title IX Coordinator. The Title IX Coordinator is responsible to ensure that all stalking cases</p>

Incident Being Reported	Procedure Institution Will Follow	Evidentiary Standard
	<p>complainant requests AND complainant provided with contact information for local police department.</p> <ol style="list-style-type: none"> <li>Institution will provide written instructions on how to apply for protective order.</li> <li>Institution will provide written information to complainant on how to preserve evidence.</li> <li>Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>Institution will provide a “No trespass” directive to accused party, if deemed appropriate.</li> </ol>	<p>are investigated thoroughly and adjudicated promptly using the <b><i>preponderance of the evidence</i></b> standard. If the dating violence is sexually based, it may fall under the institution’s sexual misconduct policy and if so, would be adjudicated using the <b><i>preponderance of the evidence</i></b> standard.</p>
Domestic Violence	<ol style="list-style-type: none"> <li>Institution will assess immediate safety needs of complainant.</li> <li>Institution will assist complainant with contacting local police if complainant requests AND complainant provided with contact information for local police department.</li> <li>Institution will provide written instructions on how to apply for protective order.</li> <li>Institution will provide written information to complainant on how to preserve evidence.</li> <li>Institution will assess need to implement interim or long-term protective measures to protect the complainant, if appropriate.</li> <li>Institution will provide a “No trespass” directive to accused party, if deemed appropriate.</li> </ol>	<p>Domestic Violence Cases are referred to the Title IX Coordinator. The Title IX Coordinator is responsible to ensure that all domestic violence cases are investigated thoroughly and adjudicated promptly using the <b><i>preponderance of the evidence</i></b> standard. If the domestic violence is sexually based, it may fall under the institution’s sexual misconduct policy and if so, would be adjudicated using the <b><i>preponderance of the evidence</i></b> standard.</p>

## **G. Assistance for Victims: Rights and Options**

Regardless of whether a victim elects to pursue a criminal complaint, the university will assist victims of sexual assault, domestic violence, dating violence, and stalking and will provide each victim with a written explanation of their rights.

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. Review the [University of Hawai'i Title IX Resource Guide](#) for more information.

In Hawai'i, a victim of domestic violence, dating violence, sexual assault or stalking has the following rights:

### **§801D-4, Hawai'i Revised Statutes – Basic Bill of Rights for Victims and Witnesses**

- (a)** Upon written request, victims and surviving immediate family members of crime shall have the following rights:
  - (1)** To be informed by the police and the prosecuting attorney of the final disposition of the case. If the crime charged is a felony, the victim or a surviving immediate family member shall be notified of major developments in the case and whenever the defendant or perpetrator is released from custody. The victim or a surviving immediate family member shall also be consulted and advised about plea bargaining by the prosecuting attorney;
  - (2)** To be notified by the prosecuting attorney if a court proceeding to which they have been subpoenaed will not proceed as scheduled;
  - (3)** To receive protection from threats or harm;

- (4) To be informed by the police, victim/witness counselor, or other criminal justice personnel, of financial assistance and other social services available as a result of being a witness to or a victim of crime, including information on how to apply for the assistance and services;
  - (5) To be provided by the court, whenever possible, with a secure waiting area during court proceedings that does not require them to be in close proximity to defendants and families and friends of defendants;
  - (6) To have any stolen or other personal property expeditiously returned by law enforcement agencies when the property is no longer needed as evidence. If feasible, all the property, except weapons, currency, contraband, property subject to evidentiary analysis, and property, the ownership of which is disputed, shall be returned to the person within ten days of being taken; and
  - (7) To be informed by the Department of Public Safety of changes planned by the department in the custodial status of the offender that allows or results in the release of the offender into the community, including escape, furlough, work release, placement on supervised release, release on parole, release on bail bond, release on appeal bond, and final discharge at the end of the prison term.
- (b) Upon written request, the victim or the parent or guardian of a minor or incapacitated victim of [Sexual Assault in the First or Second Degree] and [Sexual Assault in the Third Degree that involves sexual penetration by compulsion], shall have the right to be informed of the human immunodeficiency virus (HIV) status of the person who has been convicted or a juvenile who has been adjudicated under that section and to receive counseling regarding HIV. The testing shall be performed according to the protocols set forth in section 325-17 [Quality assurance standards for HIV antibody testing]. Upon request of the victim, or the parent or guardian of a minor or incapacitated victim, the Department of Health shall provide counseling.
- (c) Notwithstanding any law to the contrary, the department of public safety, the Hawai'i paroling authority, the judiciary probation divisions and branches, and the department of the attorney general shall make good faith efforts to notify the victim of a crime, or

- surviving immediate family members of a victim, of income received by a person imprisoned for that crime when the imprisoned person has received a civil judgment that exceeds \$10,000, a civil settlement that exceeds \$10,000, or any income that exceeds \$10,000 in one fiscal year, whenever the income is known to the agency, and, in addition, the department of public safety shall make good faith efforts to notify the victim of a crime or surviving immediate family members of a victim, whenever it is known to the agency that a person imprisoned for that crime has a financial account, of which the department of public safety is aware, of a value exceeding \$10,000.
- (d) Notwithstanding any law to the contrary, payment of restitution and judgments to victims, or surviving immediate family members of a victim, shall be a precondition for release on parole for any imprisoned person whom the Hawai'i paroling authority determines has the financial ability to make complete or partial restitution payments or complete or partial judgment payments to the victim of the person's crime, or to the surviving immediate family members of a victim.
- (e) Notwithstanding any law to the contrary, the State of Hawai'i, any political subdivision of the State of Hawai'i, any department or agency of the State, any officer of the State, and any employee of the State shall be immune from damages in any lawsuit based on noncompliance with subsection (c) or (d). Nothing in this subsection shall be construed to prevent disciplinary action against any employee of the State who intentionally fails to comply with subsection (c) or (d) after being warned that compliance is required.

## **H. Temporary Restraining and Protective Orders**

There are two (2) different types of restraining orders. The Family Court Order is for families and people that have lived in the same household. The District Court Restraining Order is for neighbors or strangers. The [Hawai'i State Judiciary's Self-Help Online Resource](#) provides protective order information. Victims of spousal/partner abuse are advised to obtain a Family Court restraining order. A restraining order places restrictions on the abuser's behavior, i.e. to have no contact with the victim. Having a restraining order assists the police to better

respond to violations committed by the offender. Persons who have lived with an abuser and have recently been the victim of abuse and/or threat of abuse by the abuser are eligible for a restraining order.

The Maui College Campus Security Department complies with Hawai'i law in recognizing Temporary Restraining Orders (TRO). In order for Campus Security to provide assistance in regards to a TRO, you will need to present a clear copy of the document to the security office. This will allow them to develop a better understanding of the situation and provide appropriate assistance, if needed. In addition to a copy of the TRO, please provide a current picture of the respondent, along with a description of any vehicle the subject may own or operate. For further information regarding TRO, contact the Campus Security Office at (808) 984-3255.

The following can also be contacted for information on obtaining a TRO:

- Office of the Vice Chancellor for Student Affairs
- UHMC Confidential Advocate
- Family Court

Campus Security will then meet with the complainant to develop a Safety Action Plan to ensure the complainant is safe while on, or when going to and from campus. This plan may include, but is not limited to: escorts, special parking arrangements, changing classroom location, or allowing a student to complete assignments from home.

To the extent of the victim's cooperation and consent, Maui College will work to ensure that the complainant's health, physical safety, work and academic status are protected, pending the outcome of a formal investigation of the complaint. For example, if reasonably available, a complainant may be offered changes to academic or working situations, counseling, health services and assistance in notifying appropriate local law enforcement. Additionally, personal identifiable information about the victim will be treated as confidential and only shared with persons with the need to know, i.e. those investigating/adjudicating the complaint or delivering resources or support services to the complainant. Maui College does not publish

the names of crime victims, or any information able to be used to infer a victim's identity in the college's Daily Crime Log. Victims may request that student/employee directory information on file be removed from public access by submitting a written request to UHMC Chief of Security Frank Abreu. He may be contacted at (808) 984-3576 or [fabreu2@hawaii.edu](mailto:fabreu2@hawaii.edu).

For more information on obtaining a TRO/Protective Order, please refer to the Maui County's [Domestic Violence Unit](#), [Women Helping Women](#), or the [Family Peace Center](#) for assistance.

Crime Victim Assistance: [Crime Victim Compensation Commission](#)  
State of Hawai'i, Department of Public Safety  
1136 Union Mall, Suite 600  
Honolulu, HI 96813  
Phone: (808) 587-1143  
Fax: (808) 581-1156

## **I. Resources for Victims of Domestic Violence, Dating Violence, Sexual Assault & Stalking**

UHMC provides the following notification to students and employees about existing counseling, health, mental health, victim advocacy, legal assistance, visa and immigration assistance, student financial aid and other services available for victims, both within the institution and in the community.

### **1) On-Campus Resources**

Name & Title of Campus Resource	Location on Campus	Telephone
Shawna Pabingwit, Title IX Coordinator	Pilina, Room 121	(808) 984-3601
Laura Nagle, Deputy Title IX Coordinator (for students)	Pilina, Room 137	(808) 984-3475
Barbara Ornellas, Deputy Title IX Coordinator (for employees)	Ho'okipa, Room 119	(808) 984-3381
Frank Abreu, Chief of Security	Campus Security Office	(808) 984-3576

Name & Title of Campus Resource	Location on Campus	Telephone
Christopher Yanuaria, Personal Support Counselor	Pilina, Room 121	(808) 984-3463
Hannah Litt, Nurse Practitioner	UHMC Health Center	(808) 984-3493
Nicole “Cole” Sasaoka, Child & Family Service Confidential Advocate	Pilina, Room 121	(808) 357-8260

## 2) Outside Resources

Agency/Resource	Address	Telephone
Alcoholics Anonymous (Maui Central Office)	70 Central Avenue, Ste. 1 Wailuku, HI 96793	(808) 244-9673
Aloha United Way 2-1-1	200 N. Vineyard Blvd, Ste. 700 Honolulu, HI 96817	(808) 275-2000
Child & Family Service (Domestic Violence, Sexual Assault)	392 N. Market Street Wailuku, HI 96793	(808) 877-6888
Child Welfare Services (State-wide Abuse or Neglect)	N/A	1 (888) 380-3088
Crisis Text Line (Text “ALOHA”)	N/A	741-741
Domestic Violence Action Center	P.O. Box 3198 Honolulu, HI 96801	1 (800) 690-6200
Hawai'i CARES (24 Hour - Suicide and Crisis Lifeline)	N/A	988
Legal Aid Society of Hawai'i	924 Bethel Street Honolulu, HI 96813	1 (800) 499-4302
Maui County Family Court	150 S. High Street Wailuku, HI 96793	(808) 270-7690
Maui County Victim Witness Assistance Division	2103 Wells Street, 2nd Floor Wailuku, HI 96793	(808) 270-7695
Maui Family Peace Center	270 Ho'okahi Street, Ste. 201 Wailuku, HI 96793	(808) 243-7001
Maui Police Department	55 Mahalani Street Wailuku, HI 96793	911 or (808) 244-6400
Maui Memorial Medical Center	221 Mahalani Street Wailuku, HI 96793	(808) 244-9056
Maui Sexual Assault Center (24 Hour)	392 N. Market Street Wailuku, HI 96793	(808) 873-8624



Agency/Resource	Address	Telephone
Mental Health Kokua	1221 Kapiolani Blvd., Ste. 345 Honolulu, HI 96814	(808) 737-2523
Narcotics Anonymous (Maui Area Service Committee)	P.O. Box 836 Pu'unene, HI 96784	(808) 214-1239
National Human Trafficking Hotline (24 Hour)	N/A	1 (888) 373-7888
TrevorLifeline (24 Hour LGBTQ+ Crisis Line)	N/A	1 (866) 488-7386
Women Helping Women (24 Hour)	1935 Main Street, Ste. 202 Wailuku, HI 96793	(808) 579-9581

## J. Complaint Resolution Process

UHMC'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.

UH Executive Policy (EP) 1.204 and Interim UH Administrative Procedure (AP) 1.204 are policies and procedures that establish a prompt, fair, and impartial investigation and resolution process, from the initial investigation to the final result. Interim AP 1.204 includes reasonably prompt timeframes and allows for the extension of time frames for good cause with written notice to the accuser and the accused of the delay and the reason for the delay. Review the [EP 1.204 – Policy on Title IX Sexual Harassment](#) and Interim [AP 1.204 – Title IX Sexual Harassment Grievance Process](#) for additional information.

### 1) Advisors

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

The parties may have an advisor of their choice during the grievance process, including during initial meetings or interviews and investigative meetings or interviews. The University generally expects an advisor to be available to attend University meetings when

planned but may change scheduled meetings to accommodate an advisor's schedule, if doing so does not cause an unreasonable delay.

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

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

## **2) Informal Resolution**

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

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

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

resolution process, including the records that will be maintained or could be shared by the University.

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

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

### **3) Notice of Allegations and Investigation**

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

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

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

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

#### **4) 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.

#### **5) Steps in the Investigation Process**

The Investigator(s) will:

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

- e. Consider the parties' written comments on the evidence prior to completion of the investigative report; and
- f. Create an investigative report that fairly summarizes relevant evidence.

## **6) Investigation Timeline**

The Investigator(s) shall seek to complete the first two (2) steps of the investigation process, outlined above, within ninety (90) business days of their assignment. Some investigations may take longer, depending on the nature, extent, and complexity of the allegations, availability of witnesses, etc.

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

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

## **7) 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 15 business days prior to a hearing, the Title IX Coordinator will send to each party and the party's advisors, if any, the final investigative report for their review and written response. If a party chooses to provide a written response, it must be provided to the Title IX coordinator at least five (5) business days before the hearing. Any evidence obtained in the investigation that is directly related to the allegations, including the evidence upon which the University does not intend to rely, will be available at the hearing for the parties to inspect and review. Evidence that was not gathered and presented during the investigation cannot be introduced at the hearing, unless good cause can be shown as to why the evidence was not previously provided. The Title IX Coordinator may serve as an

administrative facilitator of the live hearing if their previous role(s) in the matter do not create a conflict of interest. Otherwise, a designee may fulfill this role.

#### **8) Appointment of Decision Maker**

The Title IX Coordinator has the discretion to designate a single Decision Maker or a three (3) member panel. If a panel is used, the Title IX Coordinator will appoint one (1) of the three (3) members as the Chair of the hearing. The Decision Maker or panel members will not have had any previous involvement with the investigation.

#### **9) Determination Regarding Responsibility**

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

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

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

- a.** Identification of the allegations potentially constituting sexual harassment under EP 1.204;
- b.** A description of the procedural steps taken from receipt of the formal complaint through the determination, including any notification to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
- c.** Findings of fact supporting the determination;
- d.** Conclusions regarding the application of the EP 1.204 to the facts;
- e.** A statement of and rationale for the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions imposed on the

Respondent, and whether remedies designed to restore or preserve equal access to the University's education program or activity will be provided to the Complainant;

- f. The procedure and permissible bases for both parties to appeal the determination.

## **10) Sanctions**

The University reserves the right to impose any level of sanction, ranging from a reprimand up to and including suspension or expulsion/termination, for any offense under EP 1.204. Factors to be considered when determining a sanction/responsive action may include, but are not limited to: the nature, severity of, and circumstances surrounding the violation(s); the Respondent's disciplinary history; previous allegations or allegations involving similar conduct; the need for sanctions/responsive actions to bring an end to the harassment, and/or retaliation; the need for sanctions/responsive actions to prevent the future recurrence of discrimination, harassment, and/or retaliation; the need to remedy the effects of the discrimination, harassment, and/or retaliation on the Complainant and the community; the impact on the parties; and any other information deemed relevant by the Decision Maker(s).

### **a. Students Sanctions**

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

- i. **Warning:** A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- ii. **Required Counseling:** A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.
- iii. **Probation:** A written reprimand for violation on 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.

- iv. **Suspension:** Termination of student status for a definite period of time not to exceed two (2) years and/or until specific criteria are met. Students who return from suspension are automatically placed on probation through the remainder of their tenure as a student at the University.
- v. **Expulsion:** Permanent termination of student status and revocation of rights to be on campus for any reason or to attend University-sponsored events. It will be noted permanently, subject to any applicable expungement policies, as a Conduct Expulsion on the student's official transcript.
- vi. **Withholding Diploma:** The University may withhold a student's diploma for a specified period of time and/or deny a student's participation in commencement activities if the student has an allegation pending or as a sanction if the student is found responsible for an alleged violation.
- vii. **Revocation of Degree:** The University reserves the right to revoke a degree previously awarded from the University for fraud, misrepresentation, and/or other violation of University policies, procedures, or directives in obtaining the degree, or for other serious violations committed by a student prior to graduation.
- viii. **Organizational Sanctions:** Deactivation, loss of recognition, loss of some or all privileges (including University registration) for a specified period of time.
- ix. **Other Actions:** In addition to or in place of the above sanctions, the University may assign any other sanctions as deemed appropriate.

**b. Employee Sanctions**

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

- i. Reprimand – verbal or written
- ii. Loss of oversight or supervisory responsibility
- iii. Demotion



- iv. Suspension
- v. Termination
- vi. Other actions in addition to or in place of the above sanctions as deemed appropriate.

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

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

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

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

#### **12) Appeals**

- a. Both parties have equal rights to an impartial appeal from the University's dismissal of a formal complaint or any allegation therein or from a determination of responsibility under Interim EP 1.204 and AP 1.204.
- b. 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.
- c. 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.
- d. Appeals are limited to the following bases:
  - i. Procedural irregularity that affected the outcome of the matter;

- ii. 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
  - iii. 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.
- e. 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.
- f. 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.
- g. 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:
  - i. Deny the appeal and uphold the original decision;
  - ii. Grant the appeal and remand the case because of procedural irregularities that affected the outcome of the matter;
  - iii. 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;
  - iv. 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

- h.** 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.

### 13) Standard of Review – Preponderance of the Evidence

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

## 14) Recordkeeping

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

- a. Each sexual harassment investigation including any determination regarding responsibility and any audio or audiovisual recording or transcript required under federal regulation, any disciplinary sanctions imposed on the Respondent, any remedies provided to the Complainant designed to restore or preserve equal access to the University's education program or activity, and any appeal and the result therefrom;
- b. Any Informal Resolution and the result therefrom;
- c. All materials used to train Title IX Coordinators, Investigators, Decision-makers, and any person who facilitates an Informal Resolution process. The most current training materials will be made publicly available on the University's website; and
- d. Any actions, including any supportive measures, taken in response to a report or formal complaint of sexual harassment, including the basis for all conclusions that the response was not deliberately indifferent; any measures designed to restore or preserve equal access to the University's education program or activity; and if no supportive measures were provided to the Complainant, document the reasons why such a response was not clearly unreasonable in light of the known circumstances.

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

## **K. Confidentiality**

While the University recognizes the importance of confidentiality in these matters, only Confidential Resources can maintain confidentiality. The University will make every effort to preserve the privacy of all parties to the extent practicable, however, once the University has notice of alleged Prohibited Behavior, the University must balance requests for confidentiality against its obligations to take timely and appropriate action.

## **L. Supportive Measures**

In all cases, investigations that result in a finding more likely than not that a violation of the institution's policies had occurred will lead to the initiation of disciplinary sanctions against the accused individual.

### **1) Employee Sanctions**

Sanctions or appropriate administrative actions may be imposed in accordance with the applicable collective bargaining agreements. Possible sanctions may include disciplinary action up to and including termination.

### **2) Possible Sanctions for Students**

If the Decision Maker determines, based on the Preponderance of the Evidence Standard, that a student violated this Policy, then Sanctions shall be imposed based on the severity of the prohibited behavior, as well as the Respondent's past record.

For violations of UH EP 1.204, the following sanctions may be imposed upon students singly or in combination:

- a. Warning** – A formal statement that the conduct was unacceptable and a warning that further violation of any University policy, procedure, or directive will result in more severe sanctions/responsive actions.
- b. Required Counseling** – A mandate to meet with and engage in either University-sponsored or external counseling to better comprehend the misconduct and its effects.

- c. **Disciplinary 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.
- d. **Suspension** - Suspension is removal from membership in, or employment by, the University for a specified period of time. Relevant information remains on a student's permanent record at the University and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.
- e. **Suspension with Conditions** - Suspension with Conditions is removal from membership in, or employment by, the University for at least the period of time specified by the suspension, with the suspension to continue until certain conditions, stipulated by the appropriate body applying this sanction, have been fulfilled. These conditions may include, but are not limited to, restitution of damages, formal apology, or counseling. Relevant information remains on a student's permanent record at the University and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.
- f. **Withholding of Degree** - In cases involving seniors or graduate students, the University may withhold a student's degree for a specified period of time. This penalty is imposed instead of suspension at the end of senior year where all other degree requirements have been met. Relevant information remains on a student's permanent record at the University and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.
- g. **Expulsion/Discharge** - Expulsion/Discharge is permanent removal from membership in, or employment by, the University. Relevant information remains on a student's permanent record at the University and may be disclosed in response to requests for which the student has given permission or as otherwise legally required.

### 3) Supportive Measures

The University may offer and implement appropriate and reasonable supportive measures, if available, to the Parties upon receiving a report of alleged Prohibited Behavior. Supportive Measures are non-disciplinary, non-punitive, individualized services offered as appropriate, as reasonably available, and without fee or charge to the Complainant or the Respondent before or after the filing of a Complaint or where no Complaint has been filed.

Supportive measures are designed to restore or preserve equal access to University-sponsored education programs or activities without unreasonably burdening the other Party, including measures designed to protect the safety of all Parties or the University's educational environment.

The determination of appropriate Supportive Measures in a given situation must be based on the facts and circumstances of that situation. They are not intended to be permanent resolutions and may be amended or withdrawn as additional information is gathered.

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

The above measures may be applied to one (1), both, or multiple parties involved.<sup>6</sup> Non-compliance of the Title IX Coordinator's directives and/or supportive measures is a violation that may lead to additional disciplinary action. Supportive measures imposed may be temporary pending the results of an investigation or may become permanent as determined by Maui College.

---

<sup>6</sup> Applicable law requires that, when taking such steps to separate the complainant and the accused, the University must minimize the burden on the complainant and thus should not, as a matter of course, remove the complainant from his or her job, classes or housing while allowing the accused to remain.

### 13. Sex Offender Registry

The Hawai'i Criminal Justice Data Center maintains a central registry of sex offenders and other covered offenders for the State of Hawai'i. Persons who have been convicted of certain sex offenses are required to register. Information regarding sex offenders in the State of Hawai'i under the Adam Walsh Child Protection Act of 2006 (42 U.S.C. 16921) may be obtained by using the State of Hawai'i Department of the Attorney General's [Covered Offender Search](#).

### 14. Violence Against Women Act (VAWA)

On March 7, 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill were amendments to the Clery Act that afforded additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. VAWA amended the Clery Act to require institutions to compile statistics for incidents of domestic violence, dating violence, sexual assault, and stalking, and to include certain policies, procedures, and programs pertaining to these incidents in their annual security reports (ASRs). The statute requires institutions to include this new information in the ASR beginning with the ASR that must be provided to students, employees, and prospective students and employees by October 1, 2014.

UHMC prohibits the crimes of domestic violence, dating violence, sexual assault, and stalking. UHMC reaffirms its commitment to maintaining a campus environment that emphasizes the dignity and worth of all members of the campus community. Toward that end, UHMC issues this statement of policy to inform the campus community of our programs to address domestic violence, dating violence, sexual assault and stalking, as well as the procedures for institutional disciplinary action in cases of alleged dating violence, domestic violence, sexual assault, or stalking, which will be followed regardless of whether the incident occurs on or off campus when it is reported to a campus official.<sup>7</sup>

---

<sup>7</sup> A "University or College Official" is defined as either a "Campus Security Authority" under the auspices of the Clery Act or a "Responsible Employee" under Title IX and further identified by your institution's sexual misconduct policy. Because different federal laws (Title IX, Title VII, and the Clery Act), as well as numerous states' laws have different reporting requirements, it is recommended that all employees be required to notify

UHMC has established a response team comprised of members from Student Affairs, Human Resources, Campus Security, the Title IX Coordinator, and select faculty & staff.<sup>8</sup> The team meets monthly and is responsible for developing, reviewing, and revising protocols, policies and procedures for addressing violence against women on campus.

## **A. Legal Definitions of Consent <sup>9</sup>**

**Consent:** Permission to engage in sexual contact given by a person age sixteen or older, who is not otherwise disqualified to give consent due to one of the following conditions:

- Mentally defective
- Mentally incapacitated
- Physically helpless

Hawai'i has a close in age exception that allows those who are 14 years or older to have sex with someone who is less than five (5) years older.

## **B. Clery Definitions of Consent**

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

**Consent Definition in UH EP 1.204:** The University of Hawai'i defines consent as knowing, voluntary, and clear permission by word or action to engage in sexual activity.

---

Campus Security or Campus Police within 24 hours whenever a crime has been reported to them (These reports will be assessed to determine if a Timely Warning notification is required. Those reports that meet the definition of a reportable crime, as defined by the Clery Act, will be included in the crime statistics of the Annual Security Report.) For sexual harassment and sexual violence, "responsible employees" as defined by the institution under the auspices of Title IX, will have to disclose identifying information about the victim to the Title IX Coordinator. There are exemptions to reporting for campus professional and pastoral counselors and medical doctors and nurses acting in those capacities from disclosing crime statistics or identifying information about the victim of sexual assault, unless the victim is a minor. Seek guidance from your general counsel about how your institution identifies responsible employees (Title IX) and Campus Security Authorities (Clery Act).

<sup>8</sup> The Department of Justice, Office of Violence Against Women FY 2013 Grants to Reduce Sexual Assault, Domestic Violence, Dating Violence and Stalking on Campus Program requires grantees to establish a "coordinated community response to violence against women on campus." This includes the establishment of a community response team; whose role is to ensure that the campus develops and implements effective policies and practices to prevent and respond to VAW on campus. The team is directed to meet on a regular basis to develop, review, and revise protocols, policies and procedures for addressing VAWA.

<sup>9</sup> For definitions of sexual assault, domestic violence, dating violence, and stalking, institutions must use definitions provided by the Violence Against Women Act (VAWA) in addition to the language contained in their respective state statutes.



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

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

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

### **C. VAWA Crimes Definitions**

The Clery Act defines the crimes of domestic violence, dating violence, sexual assault and stalking as follows:

- 1) Domestic Violence:** A felony or misdemeanor crime of violence committed—
  - a. By a current or former spouse or intimate partner of the victim;
  - b. By a person with whom the victim shares a child in common;
  - c. By a person who is cohabitating with, or has cohabitated with, the victim as a spouse or intimate partner;
  - d. By a person similarly situated to a spouse of the victim under the domestic or family violence laws of the jurisdiction in which the crime of violence occurred; or
  - e. 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.
- 2) Dating Violence:** Violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim.
  - a. The existence of such a relationship shall be based on the reporting party's statement and with consideration of the length of the relationship, of the type of relationship, and the frequency of interaction between the persons involved in the relationship.

- b. For the purposes of this definition -
    - i. Dating Violence includes, but is not limited to, sexual or physical abuse or the threat of such abuse.
    - ii. Dating violence does not include acts covered under the definition of domestic violence.
- 3) **Sexual Assault:** 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.”
- a. Rape is defined as the penetration, no matter how slight, of the vagina or anus with any body part or object, or oral penetration by a sex organ of another person, without the consent of the victim.
  - b. Fondling is defined as the touching of the private parts of another person for the purposes 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.
  - c. Incest is defined as sexual intercourse between persons who are related to each other within the degrees wherein marriage is prohibited by law.
  - d. Statutory Rape is defined as sexual intercourse with a person who is under the statutory age of consent.
- 4) **Stalking:**
- a. Engaging in a course of conduct directed at a specific person that would cause a reasonable person to:
    - i. Fear for the person’s safety or the safety of others; or
    - ii. Suffer substantial emotional distress.
  - b. For the purposes of this definition:
    - i. Course of conduct means two (2) or more acts, including, but not limited to, acts which the stalker directly, indirectly, or through third parties, by any

action, method, device or means; follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person's property.

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

## **A. Jurisdictional Definitions of Dating Violence and Domestic Violence, Sexual Assault and Stalking**

### **1) §709-906 Abuse of family or household member/Domestic Violence**

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

For the purposes of this section:

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

**“Family or household member”:**

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

### **Hawai'i Civil Law - Hawai'i Revised Statutes § 586-1**

**“Dating relationship”** means a romantic, courtship, or engagement relationship, often but not necessarily characterized by actions of an intimate or sexual nature, but does not

include a casual acquaintanceship or ordinary fraternization between persons in a business or social context.

**“Domestic abuse”** means:

- a. 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
- b. 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”:**

- a. 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
- b. 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.

**2) Sexual Assault:** As per Hawai'i Revised Statutes §378-71: Definitions, **"Sexual Assault"** means any conduct proscribed by Chapter 707, Part V:

- Section 707-730 Sexual assault in the first degree.
- Section 707-731 Sexual assault in the second degree.
- Section 707-732 Sexual assault in the third degree.
- Section 707-733 Sexual assault in the fourth degree.
- Section 707-733.6 Continuous sexual assault of a minor under the age of

fourteen years.

- Section 707-734 Indecent exposure.
- Section 707-741 Incest.

**a. §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 (5) 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.

**b. §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 strong compulsion;
- (b) The person knowingly subjects to sexual penetration another person who is mentally defective, mentally incapacitated, or physically helpless; or

(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 (5) 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.

c. **§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 such a person to have sexual contact with the person; provided that:
  - (i) The person is not less than five (5) 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.

d. **§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 (5) 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.

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



- (1) A person commits the offense of continuous sexual assault of a minor under the age of fourteen years if the person:
  - (a) Either resides in the same home with a minor under the age of fourteen years or has recurring access to the minor; and
  - (b) Engages in three (3) 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.

**3) §707-734 Indecent Exposure**

- (1) A person commits the offense of indecent exposure if the person intentionally exposes the person's genitals to a person to whom the person is not married under circumstances in which the actor's conduct is likely to cause affront.
- (2) Indecent exposure is a petty misdemeanor.

**4) §707-741 Incest**

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

**5) Stalking:**

**a. §378-71 Hawai'i Revised Statutes: Definition for Stalking**

- (1) "Stalking" means engaging in a course of conduct directed at a specifically targeted person that would cause a reasonable person to suffer substantial emotional distress or to fear bodily injury, sexual assault, or death to the person or to the person's spouse, parent, child, or any other person who regularly resides in the person's household, and where the conduct does cause the targeted person to have such distress or fear.

**b. §711-1106.4 Hawai'i Revised Statutes: 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 (5) years of the instant offense.
- (2) Aggravated harassment by stalking is a class C felony.

**c. §711-1106.5 Hawai'i Revised Statutes: 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. Non Consensual 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.

## **B. Programs to Prevent Domestic Violence, Dating Violence, Sexual Assault & Stalking**

Maui College has a comprehensive educational campaign<sup>10</sup> to prevent domestic violence, dating violence, sexual assault and stalking. The goal of the campaign is to offer prevention and awareness programs to both new and existing students and employees. To this end, UHMC participates in and distributes educational information and materials to students and employees during new student/employee orientations; participates in the spring and fall Faculty Convocation Program; and offers web-based training programs to address the role of faculty in assisting students who disclose abuse or assault. The objectives of these educational programs are:

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

In preparing these training programs, UHMC makes a conscientious effort to ensure that the contents of the material:

---

<sup>10</sup> Under the 2013 Reauthorization of the Violence Against Women Act, institutions must implement “primary prevention and awareness programs for **all incoming students and new employees**” **AND** “ongoing prevention and awareness campaigns **for students and faculty**” that include 1-6 above. Review examples of “[primary prevention programs](#)” as they relate to incoming students.

- 1) 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
- 2) Consider environmental risk and protective factors as they occur on the individual, relationship, institutional, community, and societal levels.

### **C. Online Title IX Resources**

Some examples of Title IX resources and training materials which are available online are:

- [Vector Solutions Online Student Training](#)
- [Vector Solutions Online Employee Training](#) (Harassment and discrimination prevention)
- [UH Title IX Resource Guide](#) – Sexual Misconduct: What you need to know about Title IX - A Resource Guide for Students on Sexual Misconduct: Campus Policies, Procedures and Victim Services
- [Know Your IX Video](#) – Online video with the emphasis on “9 things to know about Title IX in 89 seconds.”
- [Tea Consent Video](#) – Online video using the proposition, “Would you like a cup of tea?” as a metaphor for, “Do you want to have sex?”
- Policies and procedures relating to Title IX:
  - [UH Executive Policy on Title IX Sexual Harassment \(EP 1.204\)](#)
  - [Interim UH Administrative Procedure on Title IX Sexual Harassment Grievance Process \(AP 1.204\)](#)
  - [UH Administrative Procedure on Discrimination Complaint Procedures for Students, Employees, and Applicants \(AP 1.202\)](#)
  - [UH Policy on Nondiscrimination and Affirmative Action \(RP 1.205\)](#)

### **D. How to Be an Active Bystander**

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

- For students, the online training offered to UH students contains helpful information regarding how to be an active bystander.
- For employees, the online training offered to UH employees helps to identify barriers to intervention, and provides safe and positive intervention options.

### **1) Bystander Intervention**

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

#### **1) Overcoming Barriers to Intervening**

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

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

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

#### **3) Barrier: Role Morality**

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

#### **4) Barrier: Diffusion of Responsibility**

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

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

UHMC provides descriptions of several safe and positive options for bystander intervention in this report. To ensure intervention is safe, UHMC encourages bystanders to evaluate the risk for intervening. **If intervening means putting yourself in danger, call 911 instead.**

#### **6) Taking Action: Offer Assistance**

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

#### **7) Taking Action: Buddy System**

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

#### **8) Taking Action: Safety Plans**

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

Bystanders play a critical role in the prevention of sexual and relationship violence. They are “individuals who observe violence or witness the conditions that perpetuate violence. They are not directly involved but have the choice to intervene, speak up, or do something about it.” We want to promote a culture of community accountability where bystanders are actively engaged in the prevention of violence without causing further harm. Below is a list of ways how someone can be an active bystander:<sup>11</sup>

- a. Watch out for your friends and fellow students/employees. If you see someone who looks like they could be in trouble or need help, ask if they are ok.
- b. Confront people who try to seclude, hit on, make out with, or have sex with people who are incapacitated.
- c. Speak up when someone discusses plans to take sexual advantage of another person.

---

<sup>11</sup> Bystander intervention strategies adapted from Stanford University’s Office of Sexual Assault & Relationship Abuse.

- d. Believe someone who discloses sexual assault, abusive behavior, or experience with stalking.
- e. Refer people to on or off campus resources listed in this document for support with health, counseling, or with legal assistance.

If you or someone else is in immediate danger, dial 911. This could be when a person is yelling at, or being physically abusive towards another, and it is not safe for you to intervene.

## **E. Risk Reduction Strategies**

No victim is **ever** to blame for being assaulted, abused, or victimized in any way. Because risk reduction includes safety planning and recognizing situations of potential harm, the following are some tips from [Rape, Abuse and Incest National Network \(RAINN\)](#) that may be helpful.

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

- 1) **Become familiar with safe places.** Learn more about safe places near you such as a local domestic violence shelter or a family member's house. Learn the routes and commit them to memory. Find out more about [sexual assault service providers](#) in your area that can offer support.
- 2) **Create a code word.** It might be a code between you and your children that means "get out," or with your support network that means "I need help."
- 3) **Keep computer safety in mind.** If you think someone might be monitoring your computer use, consider regularly clearing your cache, history, and cookies. You could also use a different computer at a friend's house or a public library.
- 4) **Lean on a support network.** Having someone you can reach out to for support can be an important part of staying safe and recovering. Find someone you trust who could respond to a crisis if you needed their help.
- 5) **Prepare an excuse.** Create several plausible reasons for leaving the house at different times or for existing situations that might become dangerous. Have these on hand in case you need to get away quickly.

- 6) **Stay safe at home.** If the person hurting you is in your home, you can take steps to feel safer. Try hanging bells or a noise maker on your door to scare the person hurting you away, or sleep in public spaces like the living room. If possible, keep the doors inside your house locked or put something heavy in front of them. If you're protecting yourself from someone who does not live with you, keep all the doors locked when you're not using them, and install an outside lighting system with motion detectors. Change the locks if possible.

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

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

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

- 1) **Make an escape bag.** Pack a bag that includes all important papers and documents, such as your birth certificate, license, passport, social security card, bills, prescription drugs, and medical records. Include cash, keys, and credit cards. Hide the bag well. If it's discovered, call it a "hurricane bag" or "fire bag." If you are escaping with children, include their identifying information as well.
- 2) **Plan a destination.** If you're not going to stay with someone you know, locate the nearest domestic violence shelter or homeless shelter.
- 3) **Plan a route.** Then plan a backup route. If you are driving, have a tank of gas filled at all times. If you rely on public transportation, know the route's departure times. Many



public transportation systems have mobile apps that update their schedule arrival times.

- 4) **Prepare your support network.** Keep your support network in the loop. Let them know how to respond if the perpetrator contacts them.
- 5) **Important Safety Note:** If the dangerous situation involves a partner, go to the police or a shelter first.

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

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

**12) Don't accept drinks from people you don't know or trust.** If you choose to accept a drink, go with the person to the bar to order it, watch it being poured, and carry it yourself. At parties, don't drink from the punch bowls or other large, common open containers.

**13) Watch out for your friends, and vice versa.** If a friend seems out of it, is way too intoxicated for the amount of alcohol they've had, or is acting out of character, get him or her to a safe place immediately.

**14) If you suspect you or a friend has been drugged, contact law enforcement immediately (local authorities can be reached by calling 911 in most areas of the U.S.).**

Be explicit with doctors so they can give you the correct tests (you will need a urine test and possibly others).

**If you need to get out of an uncomfortable or scary situation here are some things that you can try:**

**1) Remember that being in this situation is not your fault.** You did not do anything wrong; it is the person who is making you uncomfortable that is to blame.

**2) Be true to yourself.** Don't feel obligated to do anything you don't want to do. "I don't want to" is always a good enough reason. Do what feels right to you and what you are comfortable with.

**3) Have a code word with your friends or family** so that if you don't feel comfortable you can call them and communicate your discomfort without the person you are with knowing. Your friends or family can then come to get you or make up an excuse for you to leave.

**4) Lie.** If you don't want to hurt the person's feelings it is better to lie and make up a reason to leave than to stay and be uncomfortable, scared, or worse. Some excuses you could use are: needing to take care of a friend or family member, not feeling well, having somewhere else that you need to be, etc.

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

## 15. Appendix A – Health Risks

*(Excerpted from the National Institute on Alcohol Abuse and Alcoholism – [Alcohol's Effects on the Body](#))*

Drinking too much – on a single occasion or over time – can take a serious toll on your health.

Here's how alcohol can affect your body:

- A. Brain:** Alcohol interferes with the brain's communication pathways, and can affect the way the brain looks and works. These disruptions can change mood and behavior, and make it harder to think clearly and move with coordination.
- B. Heart:** Drinking a lot over a long time or too much on a single occasion can damage the heart, causing problems including: Cardiomyopathy – Stretching and drooping of heart muscle, Arrhythmias – Irregular heartbeat, Stroke, High blood pressure
- C.** Research also shows that drinking moderate amounts of alcohol may protect healthy adults from developing coronary heart disease.
- D. Liver:** Heavy drinking takes a toll on the liver, and can lead to a variety of problems and liver inflammations including: Steatosis, or fatty liver, Alcoholic hepatitis, Fibrosis, Cirrhosis
- E. Pancreas:** Alcohol causes the pancreas to produce toxic substances that can eventually lead to pancreatitis, a dangerous inflammation and swelling of the blood vessels in the pancreas that prevents proper digestion.
- F. Cancer:** Drinking too much alcohol can increase your risk of developing certain cancers, including cancers of the: Mouth, Esophagus, Throat, Liver, Breast
- G. Immune System:** Drinking too much can weaken your immune system, making your body a much easier target for disease. Chronic drinkers are more liable to contract diseases like pneumonia and tuberculosis than people who do not drink too much. Drinking a lot on a single occasion slows your body's ability to ward off infections – even up to 24 hours after getting drunk.

Here's how different classes of drugs can affect your body:

- A. Narcotics:** Narcotics/opioids are prescribed by doctors to treat pain and diarrhea, suppress cough, and put people to sleep. Effects depend heavily on the dose, how it is taken, and previous exposure to the drug. Negative effects include: slowed physical activity, constriction of the pupils, flushing of the face and neck, constipation, nausea, vomiting, and slowed breathing. As the dose is increased, both the pain relief and the harmful effects become more pronounced. Some of these preparations are so potent that a single dose can be lethal to an inexperienced user. However, except in cases of extreme intoxication, there is no loss of motor coordination or slurred speech.
- B. Stimulants:** Stimulants are sometimes referred to as uppers and reverse the effects of fatigue on both mental and physical tasks. Therapeutic levels of stimulants can produce exhilaration, extended wakefulness, and loss of appetite. These effects are greatly intensified when large doses of stimulants are taken. Taking too large a dose at one time or taking large doses over an extended period of time may cause such physical side effects as: dizziness, tremors, headache, flushed skin, chest pain with palpitations, excessive sweating, vomiting, and abdominal cramps.
- C. Depressants:** Some depressants can relax the muscles. Unwanted physical effects include: slurred speech, loss of motor coordination, weakness, headache, lightheadedness, blurred vision, dizziness, nausea, vomiting, low blood pressure, and slowed breathing. Prolonged use of depressants can lead to physical dependence even at doses recommended for medical treatment. Unlike barbiturates, large doses of benzodiazepines are rarely fatal unless combined with other drugs or alcohol. But unlike the withdrawal syndrome seen with most other drugs of abuse, withdrawal from depressants can be life threatening.
- D. Hallucinogens:** Physiological effects include elevated heart rate, increased blood pressure, dilated pupils, and often can induce nausea and vomiting.

- E. Steroids:** A wide range of adverse effects is associated with the use or abuse of anabolic steroids. These effects depend on several factors including: age, sex, the anabolic steroid used, amount used, and duration of use. In adolescents, anabolic steroid use can stunt the ultimate height that an individual might otherwise achieve. In boys, anabolic steroid use can cause early sexual development, acne, and stunted growth. In adolescent girls and women, anabolic steroid use can induce permanent physical changes, such as deepening of the voice, increased facial and body hair growth, menstrual irregularities, male pattern baldness, and lengthening of the clitoris. In men, anabolic steroid use can cause shrinkage of the testicles, reduced sperm count, enlargement of the male breast tissue, sterility, and an increased risk of prostate cancer. In both men and women, anabolic steroid use can cause high cholesterol levels, which may increase the risk of coronary artery disease, strokes, and heart attacks. Anabolic steroid use can also cause acne and fluid retention. Oral preparations of anabolic steroids, in particular, can damage the liver. Users who inject anabolic steroids run the risk of contracting various infections due to non-sterile injection techniques, sharing of contaminated needles, and the use of steroid preparations manufactured in non-sterile environments. All these factors put users at risk for contracting viral infections such as HIV/AIDS or hepatitis B or C, and bacterial infections at the sight of injection. Users may also develop endocarditis, a bacterial infection that causes a potentially fatal inflammation of the heart lining.
- F. Marijuana/Cannabis:** Short-term physical effects from marijuana use may include: sedation, bloodshot eyes, increased heart rate, coughing from lung irritation, increased appetite, and increased blood pressure (although prolonged use may cause a decrease in blood pressure). Marijuana smokers experience serious health problems such as bronchitis, emphysema, and bronchial asthma. Extended use may cause suppression of the immune system. Withdrawal from chronic use of high doses of marijuana causes physical signs including headache, shakiness, sweating, and stomach pains and nausea. Withdrawal symptoms also include behavioral signs such as: restlessness, irritability, sleep difficulties, and decreased appetite.

**G. Inhalants:** Inhaled chemicals are rapidly absorbed through the lungs into the bloodstream and quickly distributed to the brain and other organs. Nearly all inhalants produce effects similar to anesthetics, which slow down the body's function. Depending on the degree of abuse, the user can experience slight stimulation, feeling of less inhibition, or loss of consciousness. Within minutes of inhalation, the user experiences intoxication along with other effects similar to those produced by alcohol. These effects may include slurred speech, an inability to coordinate movements, euphoria, and dizziness. After heavy use of inhalants, users may feel drowsy for several hours and experience a lingering headache. Additional symptoms exhibited by long-term inhalant users include: weight loss, muscle weakness, disorientation, inattentiveness, lack of coordination, irritability, depression, and damage to the nervous system and other organs. Some of the damaging effects to the body may be at least partially reversible when inhalant abuse is stopped; however, many of the effects from prolonged abuse are irreversible. Prolonged sniffing of the highly concentrated chemicals in solvents or aerosol sprays can induce irregular and rapid heart rhythms and lead to heart failure and death within minutes. There is a common link between inhalant use and problems in school — failing grades, chronic absences, and general apathy. Other signs include: paint or stains on body or clothing; spots or sores around the mouth; red or runny eyes or nose; chemical breath odor; drunk, dazed, or dizzy appearance; nausea; loss of appetite; anxiety; excitability; and irritability.

**H. Designer Drugs:** Adverse or toxic effects associated with the abuse of cathinones, including synthetic cathinones, include rapid heartbeat; hypertension; hyperthermia; prolonged dilation of the pupil of the eye; breakdown of muscle fibers that leads to release of muscle fiber contents into bloodstream; teeth grinding; sweating; headaches; palpitations; seizures.

Published on 10/01/2023

By University of Hawai'i Maui College

Campus Security Department