CONTENTS

I. Introduction

II. Purpose

III. Responsibility

IV. Scope
   A. Sex Offenses
   B. Related Policies
      1. Sexual Harassment
      2. Workplace Nonviolence
      3. Use and Management of Information Technology Resources
   C. Clery Act Reporting

V. Procedural Guidelines
   A. Education and Prevention
      1. Education
      2. Prevention
   B. Campus Response Procedures
      1. Coordination of Campus Response
      2. Responding to a Sexual Assault Report
   C. Procedures
      1. Procedural Updates
      2. Initial Response
      3. Medical Treatment
      4. Report to Law Enforcement Officials
      5. KCC Initiatives
      6. Counseling Support
      7. Student Complaint Procedure
      8. Predecisional Relief
      9. On-Campus Disciplinary Proceeding
      10. Employee Complaint Procedure
   D. Confidentiality
VI. Right to Alternative Procedures

VII. Victim Assistance and Support

VIII. Sanctions

IX. Nonretaliation Policy

Appendix of Resources
I. Introduction

The University of Hawaii Executive Policy E1.204, Sexual Assault Policy and Procedural Guidelines, assures compliance with the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (part of the Higher Education Act of 1965), which is referred to as the "Clery Act." Sexual assault is considered a serious offense that violates the basic standards of behavior expected of members of the University of Hawai‘i System. As part of the system, Kapi‘olani Community College (KCC) will not tolerate violations and will take appropriate preventive and disciplinary measures.

II. Purpose

The purpose of this KCC policy is to establish a fair, prompt, reasonable, and E1.204-compliant process for addressing and resolving sexual assault cases.

III. Responsibility

The Chancellor of KCC is charged with the responsibility and authority to implement this policy at the KCC campus.

IV. Scope

A. Sex Offenses
   The scope of “sex offenses” covered by this policy is mandated by the Clery Act [34 CFR 668.46] and includes rape, acquaintance rape, and other sexual acts directed against another person, forcibly or against that person’s will or when the individual is incapable of giving consent because of his/her youth or because of her temporary or permanent mental or physical incapacity (including incapacity due to drugs or alcohol).

Examples of sex offenses include but are not limited to:
- sexual intercourse where such an act is accomplished against a person’s consent by means of force or threat of harm
- nonconsensual sexual intercourse by a friend or acquaintance
- fondling or other sexual act where the complaining party is prevented from resisting or giving consent as a result of intoxication or unconsciousness and this fact is known or should be known by the person committing the act
- sexual intercourse where the individual is incapable of giving consent because of his/her youth; or where the individual is incapable of giving legal consent because of mental, developmental, or physical disability, and this fact is known or should be known to the person committing the act.

B. Related Policies
   1. Sexual Harassment
      The University of Hawai‘i Executive Policy E1.203, Sexual Harassment and Related Conduct, is the systemwide policy prohibiting sexual harassment within the UH System. It prohibits conduct that may involve sexual assault. Accordingly, individuals who have been sexually assaulted who wish to file an administrative complaint with the university have the option to use campus procedures for dealing
with sexual assault or sexual harassment. Sexual harassment is also covered in the KCC Student Conduct Code.

2. Workplace Nonviolence
The University of Hawai‘i Executive Policy E9.210, Workplace Non-violence, is the systemwide policy prohibiting violence in the workplace. It affirms the university’s commitment to maintaining a safe and secure environment for students, employees, visitors, and other members of the UH community. Individuals who have been sexually assaulted who wish to file an administrative complaint with the university have the option to use campus procedures for dealing with sexual assault or workplace violence.

3. Use and Management of Information Technology Resources
The University of Hawai‘i Executive Policy E2.210, Use and Management of Information Technology Resources, is a systemwide policy. The same legal and policy standards that define intimidation, harassment, or invasion of privacy apply to the electronic environment. For example, persistence in sending unwanted email constitutes harassment and is unacceptable if not illegal. Display of sexually explicit images or sounds where others can see or hear them may create a hostile environment and could constitute sexual harassment. And obscene email is comparable to an obscene phone call or letter. Laws relating to child pornography, obscenity, and defamation apply in electronic environments and the university will willingly cooperate in the prosecution of individuals formally charged with such offenses. Harassment through electronic means is also covered in the KCC Student Conduct Code.

C. Clery Act Reporting
Cases of sexual assault will be reported by KCC Administrative Services in accordance with the Clery Act [34 CFR 668.46] and the Federal Bureau of Investigation’s Uniform Crime Reporting Program definitions and classifications of sex offenses.

V. Procedural Guidelines
A. Education and Prevention
1. Education
   The KCC Chancellor or his/her designee will support the implementation of education programs to promote the awareness of rape, acquaintance rape, and other forcible and nonforcible sex offenses. Education and information should be available through multiple sources.

2. Prevention
   KCC will explore programs to prevent or reduce sexual assaults on campus. Primary programs would target societal norms; secondary would emphasize risk reduction workshops; and tertiary would focus on the ongoing creation and implementation of timely, respectful, and sensitive responses to sexual assault.

B. Campus Response Procedures
1. Coordination of Campus Response
   The KCC chancellor is responsible for establishing a procedure for responding to sexual assaults on the KCC campus. The responsibility for implementing the procedure is delegated to the dean of Student Services (DOSS). Pursuant to federal law, the college is also legally responsible for documenting and reporting
the incidence of sexual assault on the KCC campus. This responsibility is
delegated to the DOSS and the vice chancellor for Administrative Services.

2. Responding to a Sexual Assault Report
The procedures mentioned in B1 cover incidents that occur on-campus, near
campus, at official KCC functions, or on KCC owned or controlled property.
KCC’s first responsibility in responding to reports of sexual assault is attending
to the needs of the person(s) affected by the offense. All reports of sexual assault
are taken with utmost seriousness, and the student or employee will be referred
to appropriate on-campus persons or community resources for assistance.

C. Procedures
1. Procedural Updates
The KCC chancellor’s office or designee will provide annual updates to
unit/department staff -- and others likely to be responding to students who have
reported assaults -- defined as campus officials by the Clery Act.

2. Initial Response
When an incident is reported to any campus official as defined by the Clery Act
(e.g., an official at KCC who has significant responsibility for students and
campus activities), that person shall inform the individual who was assaulted of
his/her option to notify the Honolulu Police Department (HPD). If the individual
requests assistance in notifying authorities, the campus official will inform her
of available institutional personnel who can provide help. Additionally, the
individual will be informed of the option to undergo a medical exam to preserve
evidence even if she does not wish to formally report the assault. Finally, the
individual shall also be informed of existing on- and off-campus counseling and
other services as outlined below.

3. Medical Treatment
Any person who reports being sexually assaulted is urged to seek medical
treatment for injuries, sexually transmitted diseases, and pregnancy from
University Health Services or at the emergency room of a local hospital.

A forensic medical exam to preserve evidence of a sexual assault can be
performed within 72 hours of the assault by the Kapi‘olani Medical Center for
Women and Children. Individuals who have been sexually assaulted should be
informed that they have the option of undergoing such an exam even if they do
not wish to formally report the assault. To preserve as much evidence as
possible, individuals should not perform any personal hygiene until the exam is
done.

If the individual is unwilling to report the matter to HPD or to be transported to
a hospital, he/she is urged to seek assistance immediately from her doctor or
other medical or counseling personnel to attend to her medical and
psychological needs.

4. Report to Law Enforcement Officials
Students who are sexually assaulted are encouraged, and have the option and
right, to report the incident to the Honolulu Police Department and/or to
Campus Security and the dean of Student Services (DOSS). If reporting to the
latter first, the DOSS’s office will inform individuals of their options and rights to
notify the HPD or Campus Security and the option and right to be assisted by
campus personnel in notifying such authorities. The office can also provide referrals to on- and off-campus resources (see the Appendix of Resources).

5. KCC Initiatives
Incidents reported to KCC under this policy will be addressed promptly. The college has the right to proceed with an investigation of the complaint at any time.

6. Counseling Support
a) KCC will utilize available mental health resources to provide confidential assistance to students. Counseling and instructional faculty will continue to receive professional development to provide increased support and community referrals to students reporting sexual assault incidents.

b) UH Manoa provides confidential and trained assistance to students reporting a sexual assault. Counseling is provided through the Counseling and Student Development Center (CSDC). CSDC provides crisis counseling and assistance, and ongoing therapy. Referrals to CSDC will be made by the dean of Student Services and/or designee.

c) Sex Abuse Treatment Center (SATC) is Oahu's leading provider of services for individuals who have been sexually assaulted. SATC provides crisis counseling, assistance, and advocacy with the initial medical evaluation and criminal and civil procedures.

7. Student Complaint Procedure
Students may file formal complaints of sexual assault with the dean of Student Services (DOSS) or designee under the provisions of the student conduct code. Counseling support may be assigned by the DOSS to provide information, advocacy, and support throughout the process following the filing of the complaint.

8. Predecisional Relief
If requested by the complainant and if such changes can be reasonably accommodated, appropriate predecisional relief may be granted by the DOSS in changing academic or student employment situations after a reported sexual assault.

9. On-Campus Disciplinary Proceedings are covered under the provisions of the student conduct code.

10. Employee Complaint Procedure
a) Employees may file formal sexual assault complaints with the campus EEO/AA officer. The officer or designee is responsible for investigating the complaint.

b) If requested by the complainant and if such changes can be reasonably accommodated, appropriate predecisional relief may be granted the complainant in changing the employment situation.

c) Both the complainant and the individual charged with sexual assault are entitled to representation throughout the process.

d) The individual charged with sexual assault is entitled to due process and will be given an opportunity to respond to the allegations.

e) Both the complainant and the individual charged will be informed of the decision maker's determination. Information regarding the outcome will be handled according to applicable policies and collective bargaining agreements.
D. Confidentiality

Confidentiality will be maintained to the greatest extent possible; however, appropriate members of the campus community will be informed that an incident of sexual assault has been reported. Certain information may need to be disclosed to designated administrators, the respondent, and witnesses in order to conduct the investigation. Information may also be disclosed if required by law, rule, or regulation, or by order of the court or arbitrator pursuant to the appropriate collective bargaining agreement.

VI. Right to Alternative Procedures

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

VII. Victim Assistance and Support

See Appendix of Resources.

VIII. Sanctions

KCC will impose disciplinary sanctions against students and excluded employees (excluded from collective bargaining unit) who have violated this policy.

Student: Sanctions include, but are not limited to, suspension or dismissal from campus.

Excluded Employee: Sanctions include, but are not limited to, suspension or termination from employment.

Included Employee: In imposing sanctions for employees included in a collective bargaining unit, the responsible administrator will follow the negotiated collective bargaining agreement provisions related to disciplinary actions.

IX. Nonretaliation Policy

KCC prohibits and will not tolerate retaliation against persons who report sexual assault or otherwise exercise their rights under this policy. Retaliation is a separate complaint and will be investigated accordingly. The right of individuals to use lawful means to defend themselves against charges of sexual assault is not abridged by this policy. Such a right and the prohibition against retaliation are not mutually exclusive.
Appendix of Resources

On-Campus Resources
On-Campus units providing services related to sexual assault.

Office of the Dean of Student Services
4303 Diamond Head Road. `Ilima 205
(808) 734-9522
All incidents of sexual assault will be reported to this office by Campus Security. Also the Dean is responsible for handling complaints filed by victims of sexual assault if the alleged perpetrator is a member of the campus community. Referrals to UH Manoa’s CSDC may be made by the Dean, as interventions are limited to cases deemed “crisis” in nature.

Campus Security
4303 Diamond Head Road
(808) 734-9900 (off campus phone)
Ext. 9900 (on-campus phone)
Current hours of availability: 6 am to 10 pm M-F
After hours: Freeman Guards- (Any incidents should be reported to KCC Campus Security and/or HPD as appropriately categorized)

KCC Campus Security department is firmly committed to providing a safe and secure campus environment. KCC Campus Security personnel are empowered to enforce Federal, State, and local laws as well as University rules, regulations and policies. KCC Campus Security officers do not have police powers, and are not authorized to carry firearms. Security officers may detain persons involved in the violations of laws; rules and regulations; and those involved in criminal acts or those positively identified as having committed such an act by witnesses. Campus security would also post security warnings and sends the crime alerts to the campus community via the UH Alert System. They would also be responsible for Clery Act reporting for related crimes on campus.

Campus Security can provide the following services to individuals who have been sexually assaulted when called to the scene:
1. Call for medical assistance if needed or requested.
2. Contact Honolulu Police Department (HPD) for individuals who have been sexually assaulted if requested and protect crime scene until HPD arrives.
3. Obtain all information possible from the individual who has been assaulted, witnesses or from any evidence.
4. Insure that all necessary parties are notified and/or provided a copy of the report.
5. Provide a female officer if available
6. Provide for the individual’s well-being to the extent possible, (i.e. make appropriate referrals, call a friend to be with the individual, be non-judgmental, etc.)
8. Provide information about on- and off- campus resources.
Off-Campus Resources
Off-Campus Resources for KCC individuals involved in sexual assaults.

Counseling and Student Development Center (by campus referral only)
UH Manoa Campus
2600 Campus Rd. QLCSS 312
(808) 956-7927

The counselors and psychologists at the Counseling and Student Development Center (CSDC) provide confidential counseling/therapy services and emergency crisis intervention to individuals who have been sexually assaulted. Other forms of assistance include referrals to appropriate on-campus and off-campus resources, written and verbal support for academic accommodations as appropriate, and consultation with students, faculty, staff, and administrators regarding sexual assault.

University Health Services
UH Manoa Campus
1710 East-West Rd.
(808) 956-8965

Health Services staff will take the following actions when a patient reports sexual assault:
1. The patient who reports being sexually assaulted will be assessed for the need for immediate medical care and be treated as appropriate, in conjunction with #2.
2. The patient will be encouraged to seek assistance through the following options: report the incident to the on-campus resources as outlined in the Sexual Assault Policy, and/or be referred to the SATC for forensic examination and crisis counseling, even if they do not wish to formally report the assault.
3. A patient, who chooses not to report to Campus Security or HPD, nor to be transported to the hospital/SATC, will be provided with further medical treatment within the capability of the Health Services, for injuries, sexually transmitted diseases, and/or pregnancy (including provision of emergency contraception if indicated). The patient will be encouraged to seek counseling services through CSDC and assisted with a referral for these services if desired.
4. Patients who report sexual assault that occurred in the past will be assessed to determine need for medical care and possibility of forensic examination, depending upon how long a period of time has elapsed since the assault. In any case, the patient will be provided with options for reporting, assessed to determine whether counseling was provided and/or is needed, and offered referral to SATC or CSDC.

Sex Abuse Treatment Center (SATC)
55 Merchant St. 22nd Floor
Honolulu, HI 96813
(808) 524-7273 (24hr)

Coping with sexual assault often requires the expertise of professionals specializing in this sensitive area. The Sex Abuse Treatment Center of Kapi‘olani Medical Center for Women & Children provides comprehensive services which address the physical, emotional and social needs of individuals who have been sexually assaulted and their families. The services include:
Crisis Intervention:
24 hour hotline - 524-7273
Specialized medical examination available 24 hours a day (must be done within 72 hours of the assault)
Legal evidence collection (must be done within 72 hours of the assault)

Legal Advocacy:
Support and advocacy during contact with law enforcement personnel and the legal system

Counseling Services:
The Center accepts most major insurance plans and a sliding fee is available. SATC works with individuals recently assaulted, individuals sexually assaulted in the past, and family members and significant others.

Community Outreach and Education:
SATC provides educational presentations, professional training and consultation for business, organizations and schools, as well as advocating for policies and laws to protect the rights of individuals who have been sexually assaulted.

Legal Aid Society
924 Bethel St.
Honolulu, HI 96813
(808) 536-4302

Hawai‘i’s oldest and largest non-profit law firm, dedicated to assisting the low- to moderate-income community. Legal Aid Society’s mission is to achieve fairness and justice for Hawai‘i’s people through quality representation, advocacy, community partnerships, education and outreach.

Victim/Witness Assistance
300 Ala Moana Blvd. Suite. 6100
Honolulu, HI 96850
(808) 541-2850 x256

The goal of the victim witness assistance program in the United States Attorney’s Office is to ensure that victims of federal crime are treated with fairness and respect, and receive the services to which they are entitled. A variety of notification and assistance services are available for individuals who have made formal police reports.

Restraining Orders
Family Court (family/household members)
1st Judiciary Circuit 777 Punchbowl St.
Adult Client Services Branch Honolulu, HI 96813
Supervision 2 Section (808) 538-5959

District Court (non-related & non-household members)
1111 Alakea St., 3rd Floor
Honolulu, HI 96813
(808) 538-5629