2019 Annual Security & Fire Safety Report
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The University of Hawaii at Hilo (UH HILO) is dedicated to providing a safe and secure campus environment for all students, faculty, staff and visitors. The information in this report has been prepared to ensure that UH Hilo is in compliance with the federal guidelines under the Crime Awareness and Campus Security Act of 1990 (renamed Clery Act in 1998), the Higher Education Opportunity Act of 2008, the Campus Sexual Violence Elimination Act amendment of 2013, and in accordance with the 2016 Department of Education Campus Safety and Security Reporting Handbook. This report includes crime statistics for the previous three years that occurred on campus and on public property adjacent to and accessible from the campus.

Information for obtaining a copy of the Annual Security and Fire Safety Report is made available to all students, faculty and staff by email with a link to the Annual Security and Fire Safety Report by September 30th each year. A link to the Annual Security and Fire Safety Report is listed in the online enrollment application and employment application for prospective students and employees, respectively. The report is readily accessible 24 hours a day at the Security Office in the University Classroom Building (Building 301), Room 151 and is also available on the UH Hilo Security website by clicking here: [https://hilo.hawaii.edu/security/](https://hilo.hawaii.edu/security/).

### Campus Security (Jurisdiction, Enforcement, Arrest Powers)

The mission of the University of Hawaii at Hilo Security department is to provide a safe campus that is conducive to a teaching, learning and working environment by providing quality service and a secure campus for all students and the UH HILO community.

The UH Hilo Security Department does not employ commissioned police officers; however, it does maintain a 24 hour security department that patrols the main campus and several off-site locations. The University will finalize its hiring of a full staff of in-house Security Officers by the fall 2018 semester and will utilize certified contract security staff for extra duty and special events, as needed.

The UH Hilo Security Department enforces the University of Hawaii System policies and regulations, as well as UH HILO Rules and Standard Administrative Procedures. The local law enforcement agency is the sole law enforcement authority at each location. Refer to Appendix A for local law enforcement agency contact information and address. Each law enforcement agency is ready to assist 24 hours a day, every day of the year. Each law enforcement agency reports statistics to the Clery Compliance Officer. Local law enforcement agencies employ commissioned police officers and may respond to all criminal activity on the campus for which they have authority. Local law enforcement agencies have full arrest powers on the Hilo campus and are authorized to carry firearms. UH HILO security officers conduct preventive patrol throughout the buildings.

UH Hilo security officers have the authority to ask persons for identification and to determine whether individuals have lawful business at each campus. The security officers have the authority to issue parking tickets; however, they do not possess arrest power. Criminal incidents are referred to the local law enforcement agency that has jurisdiction on the respective campus. UH HILO security office maintains a highly professional working relationship with each local law enforcement agency. All crime victims and witnesses are strongly encouraged to immediately report the crime to the UH Hilo security office and the local law enforcement agency. Prompt reporting will assure timely warning notices on-campus and timely disclosure of crime statistics.

The University of Hawaii at Hilo has developed its own streamlined incident reporting process for compiling data for the public daily crime log, information dissemination, and communication of security and safety issues, including timely warnings.
Interagency Relationships

The UH Hilo has Memoranda of Understanding for the investigation of alleged criminal offenses with local law enforcement agencies and security maintains a close working relationship with each local, state and federal law enforcement agency. The Hawaii Police Department is the primary law enforcement agency on the Hilo campus.

HAWAI'I POLICE DEPARTMENT
349 Kapi'olani Street, Hilo, HI 96720

In an emergency situation, the Hawaii Police Department may be reached by dialing 911 from any campus phone.

Hawaii Community College (HCC) conducts academic programs on the Hilo campus. Due to this activity the UH Hilo currently possesses an agreement with HCC Security Staff that when they are present on the Hilo campus they will assist as needed.

Monitoring of Criminal Activity at Student Organization Locations by Local Law Enforcement

UH Hilo does not have off-campus student organizations.

Incident Reporting and Response

Crime Reporting Procedures
The campus community (faculty, staff and students) is encouraged to report all crimes to the security department in a timely manner. Crimes should be reported to the security department to ensure inclusion in the annual crime statistics. Security officers are available 24 hours a day year-round at the Hilo campus. Crimes can be reported to the Director of Security or the security department by phone, stopping and approaching an officer on patrol or going to the security office in person.

Blue Light Emergency Phones
The Hilo campus maintains blue light emergency phones that provide direct communication to the security office, which can notify local law enforcement. The blue light emergency phones are tested on a monthly basis.

Confidential Reporting
Due to the fact that UH Hilo is a state agency, all attempts to keep information reported as confidential will be handled as such. However, UH HILO must abide by the Hawaii Uniform Information Practices Act and disclose all information when a formal request is made. UH HILO does not have pastoral counselors, as defined by the Clery Act. UH Hilo does have professional counselors. The recommendation for anyone in a counseling endeavor is to inform persons being counseled of the procedures to report crimes on a voluntary basis for inclusion into the annual crime statistics.

When to Call Security
- All emergencies including medical, fire and accidents.
- A firearm or weapon is seen in a room or on a person.
- Someone is displaying any type of unusual behavior.
- Someone states he/she wishes to hurt themselves or others.
- Suspicious persons in suspicious places.
- You or someone else is threatened with violence.
- You or someone you know is a victim of violence.
• Someone is harassing/stalking you or someone you know.
• A stranger entering your co-worker’s workspace when you know they are gone.
• A person screaming (it may indicate they need help).
• Anyone looking into car window or trying door handles.
• The sound of breaking glass or other loud noises that may indicate an accident or other crime.
• Persons loitering around the building.
• Someone forcing entry into the building, car or vending machine.
• Anytime you feel unsafe or notice something that does not appear right.

**Information Needed by Security**

• What happened?
• When?
• Where?
• Is anyone injured?
• Vehicle license number
• Direction of travel
• Description of persons (including clothing)
• When describing suspects, notice age, race, sex, height and weight. Compare your weight and height with the suspect. Pick out some unique characteristics that will help you identify the suspect in the future.

**Security Response**

If a crime or emergency occurs on the Hilo campus, call the security desk or local law enforcement agency.

Security officers are available 24 hours a day at the Hilo Campus. In response to a call, security officers will take the required action, dispatching an officer to file an incident report and/or asking the victim to report to the local law enforcement agency for further investigation.

Security incident reports may be forwarded to the Vice Chancellor for Student Affairs for review and potential action. Security officers will investigate, or assist the local law enforcement agency if necessary, and report when it is deemed appropriate or requested by the victim. Additional information obtained via the investigation will also be forwarded to student services.

**When a Serious Crime Occurs (Timely Warnings)**

When a serious crime occurs on campus that represents an immediate threat to the campus, security will publicize a warning. Timely warnings will be distributed via email and/or text message. To sign up for text messages please click here. ([https://www.hawaii.edu/alert/](https://www.hawaii.edu/alert/))

Circumstances for which a timely warning will be issued include, but are not limited to, the receipt of a good faith report to the security office or other campus security authorities of a crime reportable under the Clery Act that poses continuing threat to the campus community. The Vice Chancellor of Administrative Affairs and the Director of Security are responsible for determining if a timely warning will be issued. The determination will be made on a case-by-case basis after due consideration of all available facts of the crime, such as the nature of the crime and whether or not a continuing danger to the campus community exists.

Timely warnings will be issued through the UH Hilo email system to the students, faculty and staff of the respective campus. Timely warnings will contain sufficient information about the nature of an identified threat to assist members of the campus in taking appropriate action to protect themselves or their property. The timely warning will generally include:

• Date and time or timeframe of the incident;
• A brief description of the incident;
• Information that will promote safety and potentially aid in the prevention of similar crimes (crime prevention or safety tips);
• Suspect description(s) when deemed appropriate and if there is sufficient detail;
• Local law enforcement and UH HILO security contact information;
• Other information as deemed appropriate by the Cleary Compliance Officer or designee.

It is important to note that in some cases, security may need to withhold some facts if releasing the information would compromise an ongoing investigation or the identity of the victim.

Crime Log

A daily crime log is at the security desk at the Hilo Campus 24 hours a day. It is also available on-line by clicking here: (http://hilo.hawaii.edu/auxsvc/security/crimelogs/). The information in the daily crime log includes the case number, classification, date reported, date occurred, time occurred, general location and disposition of each reported crime.

Crime Prevention and Awareness Programs

The Security Department and Student Health and Wellness Programs (SHWP) occasionally host workshops and learning events. A current list of courses being offered is available by clicking here: (https://hilo.hawaii.edu/wellness/events.php)

As part of the crime prevention program, campus security offers security surveys for workspaces and buildings.

Securing Campus Facilities

The facilities of all campuses are well maintained. Students, faculty, and staff have access to all academic and administrative facilities. Access to private offices and certain other areas are restricted through the issuance of keys and or access cards. Visitors to the campus have access to those areas officially opened for study, work or related functions. Security patrols the property 24 hours a day, seven days a week at the Hilo campus.

Security Considerations Used in Maintenance

Security works closely with other departments to maintain a safe campus. Security personnel coordinates the repair of locks and doors that are not working properly, check the campus lighting on a regular basis and inform campus operations of all non-working lights. The campus community is encouraged to report all safety concerns to Offices of Security, Campus Operations or Environmental Health and Safety.

Weapons/Alcohol/Drugs

Weapons
The use, possession or carrying of any kind of firearm on the property of an institution of higher education is a violation of state laws and the University of Hawaii System policies. Violations may result in an arrest and/or suspension from UH HILO. The only exceptions are for authorized law enforcement officers.

Drug and Alcohol Use
The UH Hilo prohibits the illicit use, sale, attempted sale, conveyance, distribution, manufacture, cultivation, dispensation, purchase, attempted purchase, and possession of illegal drugs, intoxicants or controlled substances at any time and in any amount or in any manner. Illicit drugs include all drugs for which possession is illegal under federal or state law, including prescription drugs for which the individual
does not have a valid prescription.

The purchase, consumption and possession of alcoholic beverages in facilities under the control of UH HILO shall in all respects comply with state laws and with guidelines as defined in System Policy and Regulation. Misconduct may result in arrests and/or disciplinary action and penalties. Among the violations that could result in penalties are:

- The purchase, consumption, possession or transportation of alcoholic beverages by anyone under age 21.
- The furnishing of alcoholic beverages to anyone under age 21.
- Public Intoxication as defined by State Law

Consumption of alcoholic beverages shall be limited to the areas designated by the UH Hilo and shall be subject to all requirements of state law, local laws and UH HILO regulations. Any use of alcoholic beverages should be in moderation. Loud or disruptive behaviors, interference with cleanliness of facilities, or drinking habits that are harmful to the health or education of an individual or those around him/her are reasons for appropriate disciplinary action by UH HILO administration.

Drugs

The use, possession, consumption, sale, manufacture, or furnishing of illicit drugs and narcotics, including marijuana and drug paraphernalia, is prohibited by state law and UH HILO regulations. Violations may result in arrest, suspension or the completion of a mandatory drug and alcohol education program.

Substance Abuse Programs

Substance abuse programs are held by University staff several times a year and may be attended by UH HILO students. Student Health and Wellness Programs (SHWP) provides systems of holistic care that integrate education and prevention efforts with medical and mental health services, programs, and activities.

Sexual Assault

Introduction & Guiding Philosophy

The University of Hawai‘i at Hilo (UH Hilo) does not condone or tolerate acts of sexual misconduct perpetrated by or against members of its student, staff and faculty community. As an institution of higher education, UH Hilo is committed to ensuring that all students, regardless of their background or identity, have access to a quality learning experience and the opportunity to pursue their academic goals in a safe, supportive learning environment. Further, all forms of sexual misconduct, including rape and sexual assault, interfere with students’ abilities to be active, engaged learners. As such, the University is actively committed to reducing and eradicating the incidence of sexual violence and ameliorating the root causes that lead to sexual violence, as well as providing appropriate support to victims and survivors when an act of sexual violence does occur. This policy is a nondiscrimination policy and applies to all students regardless of sexual orientation or gender identity as well as to third parties. UH Hilo’s Student Sexual Misconduct Policy complies with the complex and interrelated requirements of the federal Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act, as amended (“Clery Act”); the Violence Against Women Act, as amended (“VAWA”); Title IX of the Education Amendments of 1972 (“Title IX”); Title VII of the Civil Rights Act of 1964, as amended (“Title VII”); Hawai‘i Revised Statutes (“HRS”) Title 21, Chapter 378; and other applicable laws and state and federal regulations. Please refer to the University of Hawai‘i System Executive Policy E1.204 “Sexual Assault Policy and Procedural Guidelines.”

Definitions

The scope of “sexual misconduct” covered by this policy includes rape, acquaintance rape, and other sexual acts directed against another person, forcibly and/or against that person’s will; or when the
individual is incapable of giving consent because of her/his youth or because of her/his temporary or permanent mental or physical incapacity (including incapacity due to drugs or alcohol). Sexual assault does not require the use of physical force and can be the result of a threat, expressed or implied, that places a person in fear of bodily injury.

Further sexual discrimination and sexual misconduct definitions include:

**Consent**

Consent in relationship to sexual activity is defined in accordance with its plain and common meaning. With respect to sexual activity, “consent” means words or actions that show a knowing and voluntary agreement to engage in mutually agreed sexual activity (including pictures/video). Mere assent (an affirmative statement or action) does not constitute consent if it is given by a person who is unable to make a reasonable judgment concerning the nature or harmfulness of the activity because of her or his incapacitating intoxication, unconsciousness, youth, language, intellectual or other disability, or other incapacity; or if the assent is the product of threat, coercion, or fraud. Past consent does not imply future consent; silence or an absence of resistance does not imply consent. Consent to engage in sexual activity with one person does not imply consent to engage in sexual activity with another. Consent can be withdrawn at any time. The term “consent” with respect to sexual activity is not specifically defined by Hawai‘i Revised Statutes.

**Dating Violence**

VAWA definition of “dating violence” includes, but is not limited to, sexual or physical abuse or the threat of such abuse committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim; and where the existence of such a relationship shall be determined based on the reporting party’s statement and with consideration of the length of the relationship; the type of relationship; and the frequency of interaction between the persons involved in the relationship. (For the purpose of Clery reporting, dating violence does not include acts covered under the definition of domestic violence.)

**Domestic Violence**

VAWA defines “domestic violence” as a felony or misdemeanor crime of violence committed by: a current or former spouse or intimate partner of the victim, a person with whom the victim shares a child in common, a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, a person similarly situated to a spouse of the victim under the domestic or family violence laws of the local jurisdiction. Hawai‘i law on “domestic abuse” includes persons who have or have had a dating relationship and current and former roommates, children, and persons related by consanguinity.

**Indecent Exposure**

Under Hawai‘i law, “indecent exposure” involves a person intentionally exposing their genitals to another person under circumstances in which the conduct is likely to cause affront.

**Retaliation**

Retaliation is defined as adverse actions taken against a person because of their participation in the following types of protected activities: seeking advice or assistance about a discrimination concern or possible incident of sexual violence; opposing or filing an informal or formal complaint against conduct reasonably believed to constitute discrimination or sexual violence; or testifying, assisting, or participating in an investigation or other proceeding related to a complaint of discrimination or sexual violence. Adverse actions are actions that would dissuade a reasonable person from making or supporting a complaint of discrimination, sexual harassment, sexual assault, domestic violence, dating violence, or stalking.

2 42 USC § 13925(a)(10)[40002(a) of VAWA] and 34 CFR Part 668 § 668.46
See Appendix A - HRS § 586-1 and HRS § 707-734.
Sexual Assault
Under Hawai‘i sexual offense laws, a person commits sexual assault, including but not limited to, when the person knowingly or recklessly subjects another person to an act of nonconsensual sexual penetration or sexual contact. This includes knowingly engaging in the behavior with a person who is unable to give consent due to incapacitation, intellectual disability, and age. Sexual assault also includes statutory rape, indecent exposure, and voyeurism or trespassing on property to engage in surreptitious surveillance for sexual gratification. Sexual assault can be committed by men or women and can occur between persons of the same or different sex.

Hawai‘i law categorizes sexual offenses as first, second, third, or fourth degree sexual assault, which takes into account factors such as severity, context, age of the victim, capacity for giving consent, and whether the acts involved forcible compulsion, lack of consent, threats of property damage, etc.

For the purpose of this policy “incapacitation” means the person’s decision-making ability is impaired such that the person lacks the ability to make a rational, reasonable decision due to an intellectual or other disability, sleep, involuntary physical restraint, alcohol, drugs, or so-called “date-rape” drugs.

Sexual Harassment
Sexual harassment is a form of sex discrimination that is strictly prohibited by this policy, as well as by UH Executive Policy EP 1.202 which prohibits discrimination and harassment based on protected categories, including sex, gender identity or expression, and sexual orientation.

Sexual harassment is defined as unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature when: submission to or rejection of the conduct is either an explicit or implicit term or condition of an individual’s employment, education, or participation in a University program, activity, or service; submission to or rejection of the conduct by an individual is used as a basis in decisions affecting that individual’s employment, education, or participation in a University program, activity, or service; or when such conduct is unwelcome to the person to whom it is directed or to others directly aware of it, and when such conduct is: severe or pervasive; and has the purpose or effect of either: unreasonably interfering with the employee’s work performance or student’s academic performance, or creating an intimidating, hostile, or offensive work or educational environment.

The conduct must be both objectively and subjectively perceived as offensive. That is, the reporting party must view the conduct as offensive, and a reasonable person with the same fundamental characteristics as the reporting party (e.g., age, race, gender) must also view the conduct as offensive.

Sexual Misconduct
For the purpose of this policy, sexual misconduct is a broad term that encompasses sexual harassment, sexual assault, and may include domestic violence, dating violence, indecent exposure and stalking. Sexual misconduct can occur between strangers or acquaintances, including people involved in an intimate or sexual relationship. Sexual misconduct can be committed by men or women, and can occur between people of the same or different sex. Sexual misconduct may be a form of sex discrimination prohibited by federal and state discrimination laws, including Title IX, Title VII, and Chapter 378 of the HRS. In addition, some forms of sexual misconduct violate the criminal laws of the State of Hawai‘i.

Sexual Violence
The U.S. Department of Education Office for Civil Rights (OCR) considers sexual violence to be a form of sex discrimination and a violation of Title IX of the Education Amendments of 1972. The term “sexual violence” refers to physical sexual acts perpetrated against a person’s will or where a person is incapable of giving consent (e.g., due to the student’s age or use of drugs or alcohol, or because an intellectual or other disability prevents the student from having the capacity to give consent). A number of different acts fall into the category of sexual violence, including rape, sexual assault, sexual battery, sexual abuse, and sexual coercion. Sexual violence can be carried out by school employees, other students, or third parties. All such acts of sexual violence are forms of sex discrimination prohibited by Title IX.
Stalking

VAWA defines “stalking” as engaging in a course of conduct directed at a specific person that would cause a reasonable person to fear for his or her safety or the safety of others or suffer substantial emotional distress. “Course of conduct” means two or more acts, including, but not limited to, unwelcome acts in which the stalker directly, indirectly, or through third parties, by any action, method, device, or means (including cyberstalking) follows, monitors, observes, surveils, threatens, or communicates to or about, a person, or interferes with a person’s property. “Reasonable person” means a reasonable person under similar circumstances and with similar identities to the victim. (Note: Hawaii law requires proof of intent; however, this policy includes hostile environment harassment.)

“Substantial emotional distress” means significant mental suffering or anguish that may, but does not necessarily, require medical or other professional treatment or counseling.

Applicability

This policy prohibits sexual harassment, sexual assault, domestic violence, dating violence, and stalking in any University workplace, educational program, activity, or service, which includes all academic, extracurricular, student housing, athletics, and other programs. The policy applies OCR Questions and Answers on Title IX and Sexual Violence, 4/29/2014, VAWA and 34 CFR Part 668 § 668.46. See Appendix A - HRS §711-1106.5 to University community members, volunteers, and visitors to campus. This includes guests, patrons, independent contractors, or clients of the University. This policy applies to sexual misconduct on University premises; at University sponsored activities; that has an adverse impact on the education or employment of a member of the University community; or otherwise threatens the health or safety of a member of the University community.

A student or employee who reports to the University that they believe they have experienced sexual harassment, sexual assault, domestic violence, dating violence, or stalking, whether the offense occurred on- or off-campus, shall be offered appropriate assistance and be provided with a written explanation of the student or employee’s rights and options under campus procedures.

Prevention Efforts

Through a variety of curricular and co-curricular programs, UH Hilo strives to provide individuals with the information, skills and values necessary to help reduce the risk of sexual violence and prevent it from occurring in the first place. We believe that both men and women should be active partners in dialogue about this issue, and that the responsibility for providing sexual violence prevention education is distributed across all campus constituents and administrative areas. Because of their special and salient relationship with students, faculty members serve a particularly important role in helping to educate students about sexual misconduct. Attention is given to capitalizing on the unique culture of Hawai’i to ensure educational efforts and prevention strategies are culturally relevant. Specific initiatives to educate the campus community may include, but are not limited to, the following:

- The Office of the Vice Chancellor for Student Affairs provides overall coordination for curricular and co-curricular programs targeted to new first-year students such as UNIV 101 (the freshmen seminar) and new student orientation, that address prevention education, campus policies, risk reduction strategies, and available campus resources;
- Student Health & Wellness Programs implements a mandatory training for new students and a wide array of ongoing primary prevention programming throughout the academic year, addressing rape, sexual assault, domestic violence, stalking, cyber-harassment, and other forms of interpersonal violence, including the student-driven initiative, MEN OF STRENGTH;
- The residential life program in University Housing provides one-on-one consultations to on-campus residents about personal safety concerns through its peer and professional staff team, as well as sponsors educational programs throughout the academic year about healthy relationships and sexual assault prevention and intervention;
• The **Campus Security Department** is available to arrange workshops and seminars throughout the academic year for students, staff and faculty about personal safety and crime prevention;

• The **Women’s Center** and the **LGBTQ+ Center** sponsor events and activities to increase campus awareness about issues related to violence against women, as well as facilitate student, faculty and staff partnerships to promote gender and gender identity equity, and, to ameliorate other root causes of violence and bias.

**Intervention Efforts**

UH Hilo is committed to ensuring that students who are the victims/survivors of sexual misconduct are treated in a respectful, supportive and caring manner. When sexual misconduct is reported to the University, we are committed to ensuring that:

• A victim/survivor’s safety, privacy and confidentiality is preserved to the greatest extent possible;

• S/he is able to access advocacy, medical, mental health and other support services both on- and/or off-campus in a timely manner with minimal hardship;

• Reasonable academic and other accommodations will be instituted to facilitate the victim/survivor’s recovery;

• Accurate and complete information about all options for recourse, including judicial, civil and criminal, will be communicated to the victim/survivor;

• A victim/survivor will be empowered with regard to choosing her/his options for recourse; and

• A victim/survivor’s choices will be honored to the greatest extent possible and will not influence the manner in which the University provides advocacy or support to that individual.

The University takes all allegations of sexual misconduct seriously and is obligated to respond with due diligence and implement actions and consequences accordingly that ensure the safety of our community. Should a victim/survivor wish that the incident not be investigated, the University will work with her/him to honor her/his wishes whenever reasonable and possible. **Students who wish to report an allegation of sexual misconduct are strongly encouraged to ask about confidentiality issues and the extent of privacy that will be accorded when they report the incident.**
Title IX Coordinator

The Title IX Coordinator’s core responsibilities include overseeing the University’s response to Title IX reports and complaints and identifying and addressing any patterns of systemic problems as a result of such reports and complaints. The coordinator will be informed of all reports and complaints raising Title IX issues, even if the report or complaint was initially filed with another individual or office, or if the investigation will be conducted by another individual or office. The coordinator will have the training, authority, and visibility necessary to fulfill their responsibilities. The University’s Title IX Coordinator reports to the Director of the Office of Equal Opportunity. The coordinator’s core responsibilities also include where appropriate:

- Providing training on Title IX issues;
- Investigating formal complaints;
- Determining appropriate interim measures upon learning of a report or complaint of sexual misconduct; and
- Ensuring appropriate policies and procedures are in place for working with local law enforcement and coordinating services with local victim advocacy organization and service providers.

The coordinator plays an integral role in carrying out the University’s commitment to provide a positive learning, teaching and working environment for the entire community.

Procedures for Reporting Sexual Misconducts

A student who believes s/he has been the victim/survivor of sexual misconduct is encouraged to contact the Title IX Coordinator. The Coordinator can provide support, information on advocacy and counseling for victims/survivors, assist them with accessing needed support services, and guide them in pursuing options for recourse.

If the student requires immediate medical attention and/or is in life-threatening danger, s/he should call emergency assistance (911) or Campus Security (974-7911) immediately. When a student reports sexual misconduct to Campus Security, the security officer will take information about the incident, refer her/him to medical treatment, complete an Incident Report form, and notify the Title IX Coordinator. Reports received anonymously or from third parties will be reviewed and may be investigated. Anonymous or third party reports for sexual misconduct may be submitted at the University Campus Title IX website: https://hilo.hawaii.edu/titleIX/report-violation.php and/or the University Campus Security website: https://hilo.hawaii.edu/security/witness/

Confidentiality

Efforts to maintain confidentiality will be exercised to the greatest extent possible. However, appropriate members of the University community will be informed that an incident of sexual misconduct has been reported. Certain information may need to be disclosed to appropriate administrators, the accused individual(s), and witnesses in order to conduct an investigation. Information may also be disclosed if required by law, rule, regulation, or by order of the court.

Reporting and Confidentially Disclosing Sexual Violence: Know the Options

The University encourages victims of sexual violence to talk to somebody about what happened – so victims can get the support they need, and so the University can respond appropriately. Different employees on campus have different abilities to maintain a victim’s confidentiality.

- Some are required to maintain confidentiality; talking to them is sometimes called a “privileged communication.”
- Other employees may talk to a victim in confidence, and generally only report to the University that an incident occurred without revealing any personally identifying information. Disclosures to these employees will not trigger a University investigation into an incident against the victim’s wishes.
Most employees are required to report all the details of an incident (including the identities of both the victim and alleged perpetrator) to the Title IX coordinator. A report to these employees (called “responsible employees”) constitutes a report to the University – and generally obligates the University to investigate the incident and take appropriate steps to address the situation.

This section is intended to make students aware of the various reporting and confidential disclosure options available to them – so they can make informed choices about where to turn should they become a victim of sexual violence. The University encourages victims to talk to someone identified in one or more of these groups.

The Options

Privileged and Confidential Communications

Professional and Pastoral Counselors

Professional, licensed counselors and pastoral counselors who provide mental-health counseling to members of the school community (and including those who act in that role under the supervision of a licensed counselor) are not required to report any information about an incident to the Title IX coordinator without a victim’s permission.

Following is the contact information for these individuals:

All professional mental health counselors in the Student Health & Wellness Program’s Counseling Services at 932-7465 (Student Services Center, 2nd Floor, E203)

Non-professional Counselors and Advocates

Individuals who work or volunteer in the on-campus Student Medical Services, including front desk staff and students, can generally talk to a victim without revealing any personally identifying information about an incident to the University. A victim can seek assistance and support from these individuals without triggering a University investigation that could reveal the victim’s identity or that the victim has disclosed the incident.

Following is contact information for these non-professional counselors and advocates: Staff located at the Student Health & Wellness Program’s Student Medical Services at 932-7369, Campus Center Room 212.

A victim who speaks to a professional or non-professional counselor or advocate must understand that, if the victim wants to maintain confidentiality, the University will be unable to conduct an investigation into the particular incident or pursue disciplinary action against the alleged perpetrator. Even so, these counselors and advocates will still assist the victim in receiving other necessary protection and support, such as victim advocacy, academic support or accommodations, disability, health or mental health services, and changes to living, working or course schedules. A victim who at first requests confidentiality may later decide to file a complaint with the school or report the incident to local law enforcement, and thus have the incident fully investigated. These counselors and advocates will provide the victim with assistance if the victim wishes to do so. While these professional and non-professional counselors and advocates may maintain a victim’s confidentiality vis-à-vis the University, they may have reporting or other obligations under state law. [Hawaii State Laws include: Rev. Stat. § 350-1.1, Rev. Stat. § 346-224, §626-1, and §334-60.2, §453D-13 – that pertain to mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.]

If the University determines that the alleged perpetrator(s) pose a serious and immediate threat to the University community, the Director of Security may be called upon to issue a timely warning to the community. Any such warning should not include any information that identifies the victim.
Reporting to “Responsible Employees”

A “responsible employee” is a University employee who has the authority to redress sexual violence, who has the duty to report incidents of sexual violence or other student misconduct, or who a student could reasonably believe has this authority or duty. When a victim tells a responsible employee about an incident of sexual violence, the victim has the right to expect the University to take immediate and appropriate steps to investigate what happened and to resolve the matter promptly and equitably.

A responsible employee must report to the Title IX coordinator all relevant details about the alleged sexual violence shared by the victim and that the University will need to determine what happened – including the names of the victim and alleged perpetrator(s), any witnesses, and any other relevant facts, including the date, time and specific location of the alleged incident.

To the extent possible, information reported to a responsible employee will be shared only with people responsible for handling the University’s response to the report. A responsible employee should not share information with law enforcement without the victim’s consent or unless the victim has also reported the incident to law enforcement.

The following categories of employees are the University’s responsible employees:

- Executive and Managerial Staff (E/M) Deans/Associate Deans
- Director of Security
- Housing Director/Associate Director/Resident Assistants (RAs)
- Athletic Director/Assistant Athletic Director, Athletic Trainers, Coaches & Assistant Coaches Women’s Center Staff
- EEO (Equal Employment Opportunity) / AA (Affirmative Action) Staff

Before a victim reveals any information to a responsible employee, the employee should ensure that the victim understands the employee’s reporting obligations – and, if the victim wants to maintain confidentiality, direct the victim to confidential resources.

If the victim wants to tell the responsible employee what happened but also maintain confidentiality, the employee should tell the victim that the University will consider the request, but cannot guarantee that the University will be able to honor it. In reporting the details of the incident to the Title IX Coordinator, the responsible employee will also inform the Coordinator of the victim’s request for confidentiality.

Responsible employees will not pressure a victim to request confidentiality, but will honor and support the victim’s wishes, including for the University to fully investigate an incident. By the same token, responsible employees will not pressure a victim to make a full report if the victim is not ready to.

Expectations of All UH Hilo Employees

All employees (other than established confidential resources) have the obligation to report incidents of sexual misconduct that impacts UH Hilo students and staff. Employees are expected to promptly contact the UH Hilo Title IX Coordinator or Deputy Coordinator when the employee has knowledge of an incident of sexual misconduct that affects UH Hilo students and staff.

Requesting Confidentiality from the University

If a victim discloses an incident to a responsible employee but wishes to maintain confidentiality or requests that no investigation into a particular incident be conducted or disciplinary action taken, the University must weigh that request against the University’s obligation to provide a safe, non-discriminatory environment for all students, including the victim.

If the University honors the request for confidentiality, a victim must understand that the University’s ability to meaningfully investigate the incident and pursue disciplinary action against the alleged perpetrator(s) may be limited.
Although rare, there are times when the University may not be able to honor a victim’s request in order to provide a safe, non-discriminatory environment for all students.

The University has designated the following individual(s) to evaluate requests for confidentiality once a responsible employee is on notice of alleged sexual violence:

**Title IX Coordinator and Deputy Title IX Coordinators**

When weighing a victim’s request for confidentiality or that no investigation or discipline be pursued, the Title IX Coordinator will consider a range of factors, including the following:

- The increased risk that the alleged perpetrator will commit additional acts of sexual or other violence, such as:
- whether there have been other sexual violence complaints about the same alleged perpetrator;
- whether the alleged perpetrator has a history of arrests or records from a prior school indicating a history of violence;
- whether the alleged perpetrator threatened further sexual violence or other violence against the victim or others;
- whether the sexual violence was committed by multiple perpetrators;
- whether the sexual violence was perpetrated with a weapon;
- whether the victim is a minor;
- whether the University possesses other means to obtain relevant evidence of the sexual violence (e.g., security cameras or personnel, physical evidence);
- whether the victim’s report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group.

The presence of one or more of these factors could lead the University to investigate and, if appropriate, pursue disciplinary action. If none of these factors is present, the University will likely respect the victim’s request for confidentiality.

**If the University determines that it cannot maintain a victim’s confidentiality**, the University will inform the victim prior to starting an investigation and will, to the extent possible, only share information with people responsible for handling the University’s response.

The University will remain ever mindful of the victim’s well-being, and will take ongoing steps to protect the victim from retaliation or harm and work with the victim to create a safety plan. Retaliation against the victim, whether by students or University employees, will not be tolerated. The University will also:

- assist the victim in accessing other available victim advocacy, academic support, counseling, disability, health or mental health services, and legal assistance both on and off campus (see Appendix A);
- provide other security and support, which could include issuing a no-contact order, helping arrange a change of living or working arrangements or course schedules (including for the alleged perpetrator pending the outcome of an investigation) or adjustments for assignments or tests; and
- inform the victim of the right to report a crime to campus or local law enforcement – and provide the victim with assistance if the victim wishes to do so.

The University may not require a victim to participate in any investigation or disciplinary proceeding. Because the University is under a continuing obligation to address the issue of sexual misconduct campus-wide, reports of sexual misconduct (including non-identifying reports) will also prompt the University to consider broader remedial action – such as increased monitoring, supervision or security at locations where the reported sexual misconduct occurred; increasing education and prevention efforts, including to targeted population groups; conducting climate assessments/victimization surveys; and/or revisiting its policies and practices.
If the University determines that it can respect a victim’s request for confidentiality, the University will also take immediate action as necessary to protect and assist the victim.

**Public Awareness**

**Take Back the Night and other public awareness events**

Public awareness events such as “Take Back the Night,” the Clothesline Project, candlelight vigils, protests, “survivor speak outs” or other forums in which students disclose incidents of sexual violence, are not considered notice to the University of sexual violence for purposes of triggering its obligation to investigate any particular incident(s). Such events may, however, inform the need for campus-wide education and prevention efforts, and the University will provide information about students’ Title IX rights at these events.

**Anonymous Reporting**

Although the University encourages victims to talk to someone, the University provides an online system for anonymous reporting ([http://hilo.hawaii.edu/auxsvc/security/witness/](http://hilo.hawaii.edu/auxsvc/security/witness/)). The system will notify the user (before s/he enters information) that entering personally identifying information may serve as notice to the University for the purpose of triggering an investigation.

**Off-campus Counselors and Advocates**

Off-campus counselors, advocates, and health care providers will also generally maintain confidentiality and not share information with the University unless the victim requests the disclosure and signs a consent or waiver form. Following is contact information for these off-campus resources (See Appendix A for additional resources):

- **YWCA 24-Hour Sexual Assault Support Services**: (808) 935-0677
- **Domestic Abuse Shelter (24 hour)**: (808) 959-8864

While these off-campus counselors and advocates may maintain a victim’s confidentiality vis-à-vis the University, they may have reporting or other obligations under state law. [Hawaii State Laws include: Rev. Stat. § 350-1.1, Rev. Stat. § 346-224, §626-1, and §334-60.2, §453D-13 – that pertain to mandatory reporting to law enforcement in case of minors; imminent harm to self or others; requirement to testify if subpoenaed in a criminal case.]

**Campus Procedures for Referring Victims/Survivors to Appropriate Resources**

Sometimes a student may disclose sexual misconduct to another member of the campus community, such as a faculty or staff member or a friend. Disclosing sexual misconduct occurs under varying circumstances. In some situations, it is an immediate crisis, but in other instances, the person may disclose an incident that occurred several months or years ago. If the student requires immediate medical attention and/or is in life-threatening danger, s/he or the person contacted should call emergency assistance (911) or Campus Security (974-7911).

However, in almost all instances the appropriate action for a member of the University community to take if a student discloses sexual misconduct is to refer her/him to the Title IX Coordinator. If the victim/survivor discloses the incident to a University employee, s/he should inform the victim/survivor that the employee is obligated to inform the Title IX Coordinator of the report. When an individual discloses a sexual misconduct, the person receiving the information is encouraged to follow the suggestions described in Attachment A, “Suggestions for Supporting a Person Disclosing Sexual Misconduct.”

**Campus Procedures for Responding to Victims/Survivors of Sexual Misconduct**

When a victim/survivor contacts the Title IX Coordinator, the Coordinator will follow the protocol described below:

- **Refer the student to medical treatment**: The Coordinator will urge the student to seek medical treatment for injuries, receive prophylaxis for HIV/sexually transmitted infections, and get
testing/education regarding pregnancy risks. The Nurse will inform the victim/survivor that s/he may request the presence of a professional staff member during a medical examination.

- **Refer the student to a forensic medical examination**: The Coordinator will inform victims/survivors of sexual assault that they can go to the emergency room at a community medical center for a forensic medical examination in addition to obtaining medical treatment. Forensic examinations are best conducted within 72 hours of a sexual assault for evidence to be valid should criminal proceedings be pursued. To preserve as much evidence as possible, victims/survivors should be advised not to perform any personal hygiene until the examination is complete. The Coordinator can arrange for an advocate from a sexual assault response center such as the YWCA to be present with the student during the examination if s/he wishes. **Victims/survivors are strongly encouraged to contact YWCA Sexual Assault Support Services at (808) 935-3215 if they wish to file criminal charges for the assault, or think they might wish to in the future. Sexual Assault Support Services can also assist with making arrangements for a forensic medical examination.**

- **Provide and/or refer the student to support services**: The Coordinator will arrange for immediate access to support services, which may include both on- and off-campus services. Available support services are listed in Appendix A. Counseling support will be offered to the student. In some situations, others involved in and/or affected by the incident such as roommates and friends may benefit from supportive services such as crisis intervention as well. The Coordinator will refer such individuals to Counseling Services so that their needs may be addressed.

- **Arrange accommodations for the student**: The Coordinator may arrange for interim measures to ensure safety and appropriate academic accommodations for the complainant. The measures taken will depend upon the details of each case but may include changing academic, student employment, or campus residence situations, if requested by the complainant and if such accommodations can be reasonably made. While an investigation is pending, no contact orders can be issued.

- **Inform the student about options for recourse**: The Coordinator will inform the student about the option and right to notify law enforcement and the option and right to be assisted by campus authorities, if the person so chooses. The Coordinator will also inform the victim/survivor of her/his option to request a restraining order (also referred to as an order of protection or an injunction) against the accused individual and about the process to do so. Restraining orders are issued by the courts, not by the University. If the accused individual is not a UH Hilo student, the victim/survivor may wish to request of the judge that the accused individual not be permitted to be on the UH Hilo campus. If a victim/survivor requests a restraining order, it is the responsibility of the accused individual to request of the judge that any conditions of the order not adversely affect her/his ability to remain in school, in the residence halls, and/or on campus. If a victim/survivor obtains a restraining order against another individual, it is her/his responsibility to notify law enforcement officials if that individual violates the order. In situations in which the complainant is requesting confidentiality such that it limits the institution’s ability to initiate formal proceedings against the respondent and fully investigate the allegations, the university will take steps to limit the impact of the alleged sexual misconduct. These steps may include increased security or monitoring of certain locations, additional education or training for members of the campus community, and additional reminders of the campus’ misconduct assault policy.

**Anonymous or Third-Party Complaints**
In the case where a report is received from an anonymous source or from an individual who is not the victim/survivor, the university will take steps to limit the impact of alleged sexual misconduct, which may include increased security or monitoring of certain locations and additional reminders of the campus’ sexual misconduct policy.

**Campus Procedures for Investigating Sexual Misconduct**
The University does not utilize mediation to resolve allegations of sexual misconduct. The university will
follow the protocol described below when reports of sexual misconduct are received.

- A report will be documented in writing and submitted to the Title IX Coordinator or designee. The report may be written by the complainant or by an individual to whom the incident was disclosed, such as a Campus Security or University Housing staff member.
- The Title IX Coordinator or designee will initiate an investigation following the procedures contained herein. The University commits to conducting a fair, impartial, and thorough investigation and will attempt to investigate all complaints within 60 days. The timeframe of the investigation may vary based on the complexity of the case. In the event an extension is needed both parties will be notified in writing by the Title IX Coordinator or designee.
- Investigations initiated by the Title IX Coordinator or designee shall be conducted by trained investigators within the university. Investigators shall receive appropriate training on an annual basis.
- The Title IX Coordinator or designee will notify the Vice Chancellor of Student Affairs upon the initiation of an investigation of sexual misconduct allegedly perpetrated against a student of the University. The Vice Chancellor will offer resources for personal support to an accused student, such as referring her/him to a counselor. The role of the support person is not to advocate for the accused student, but rather to provide personal support and assistance to ensure her/his wellbeing as well as offer referrals for assistance. Efforts will be made to avoid any potential conflicts of interest.
- While an investigation is being conducted, the University may take any action it believes is appropriate against an accused individual in order to preserve the safety and wellbeing of the campus community, including but not limited to temporarily suspending or removing her/him from campus and/or from the residence halls or moving her/him to another residence hall.
- If the incident occurred off-campus and the accused person(s) is a UH Hilo student, the Title IX Coordinator may initiate an investigation or other appropriate action pursuant to University procedures.
- The investigator shall interview the complainant, respondent, and any witnesses who may have knowledge of the alleged incident. Both complainant and respondent will have opportunities to provide the names of relevant witnesses and documentary evidence. Evidence or questioning pertaining to the complainant’s prior sexual history with anyone other than the respondent is not allowed. Evidence of a prior consensual relationship between the complainant and respondent is not sufficient justification to confirm sexual misconduct did not occur.
- If the Title IX Coordinator or designee discovers that the accused individual is not a University of Hawai‘i student, it may not be possible for the university to investigate. Individuals who are not students may be banned from campus by the Director of Campus Security. If the accused individual is a University of Hawai‘i student whose home campus is not UH Hilo, the Title IX Coordinator will notify the UH System Office of Institutional Equity. In these cases, it may be the responsibility of the home campus to investigate the incident and carry out its student conduct code procedures; UH Hilo personnel will cooperate fully with officials from other UH campuses in such situations. If the accused individual is a University employee, the Title IX Coordinator or designee will initiate an investigation in accordance with policies applicable to employees.
- The investigator shall notify all parties questioned in the investigation that their statements have limited confidentiality, and shall be disclosed to the respondent party should the final investigation report determine that the alleged sexual misconduct did occur.
- Both complainant and respondent have the right to bring an advisor of their choice to all phases of the investigation. The advisor is not permitted to speak or directly participate in any aspect the proceedings but may communicate with their advisee as necessary.
- Upon the completion of an investigation, the Title IX Coordinator or designee shall send written correspondence to the complainant and respondent to notify the parties of the following:
  1. The investigation has been completed;
2. A summary of the findings;
3. That the final investigation report has been submitted to the Dean of Students for adjudication, in the case of a student respondent, or the employee’s supervisor, in the case of an employee respondent.

Campus Procedures for Adjudicating Sexual Misconduct
The Dean of Students will adjudicate proceedings where an investigation report finds that an incident of sexual misconduct has occurred. Sexual misconduct is a violation of the UH System Policy on Sex Discrimination and Gender Based Violence. All proceedings will be in accordance with the procedures herein, which include ensuring that both the complainant and the accused student have their rights to due process upheld.

- The University uses the preponderance of the evidence standard (i.e. the more likely than not standard) to determine if a policy violation occurred. If, following the hearing, the Dean of Students finds that the existing information fails to support the alleged violation and the findings of the final investigation report; no action will be taken against the respondent. If the Dean of Students determines that it is more likely than not that the respondent violated the Policy, the Dean of Students will render a decision and impose sanctions and remedies as appropriate. Students found responsible for violating this policy will receive sanctions ranging from disciplinary probation to dismissal from the university. The level of sanction will be determined based on the severity of the incident and the respondent’s past conduct history. Both complainant and respondent will simultaneously be notified in writing of the decision of the Dean of Students.

- Hearing Procedures: In situations in which there is a hearing by the Dean of Students or designee the following guidelines shall apply:
  1. A date and time will be set for the hearing by the adjudicator. Complainant and respondent will be notified in writing at least one week in advance of the hearing.
  2. The adjudicator may accommodate the complainant with special arrangements during the hearing, such as not requiring her/him to be in the same room at the same time with the respondent, if requested by the complainant, if the accommodations can be reasonably made, and if the accommodations do not violate the right to due process of the respondent. Both the complainant and the respondent may have an advisor of their choice (other than an attorney) present at hearings, although the advisor is not permitted to speak or directly participate in the hearing.
  3. All hearings will be closed.
  4. In a complaint involving multiple student respondents, each respondent shall have separate hearings.
  5. Prior to a hearing, complainant and respondent may review documentation that will be presented during the hearing. Personally identifiable information may be redacted.
  6. The complainant and respondent and his/her advisor, if any, will be allowed to attend the hearing, excluding deliberations, at which information is received. Admission of any other person to the hearing will be at the discretion of the adjudicator.
  7. The complainant and respondent have the right to be assisted by an advisor of her/his choice, at his/her own expense. The student is responsible for presenting his/her own information, and therefore, advisors are not permitted to speak or to participate directly in a hearing. A student should select as an advisor a person whose schedule allows attendance at the scheduled date and time for the hearing because delays will not normally be allowed due to the scheduling conflicts of an advisor. An advisor may not be attorney. However, if the same matter is also being investigated through pending criminal proceedings both complainant and respondent may be allowed to have an attorney serve as his/her advisor, at his/her own expense, to behave in the same manner as any other advisor.
  8. Relevant written statements, documents or other information such as photographs, and witnesses may be presented at the hearing by the complainant and respondent and accepted as information for consideration by the adjudicator. The same rules for the
types of evidence that may be presented during the investigation also apply for the appeals hearing.

9. All procedural questions are subject to the final decision of the adjudicator.
10. Formal rules of process, procedure and/or technical rules of evidence, such as those applied in criminal and civil court will not be used.
11. There will be a single verbatim record, such as an audio recording, of all hearings (not including deliberations). Deliberations will not be recorded. The record will be the property of UH Hilo and no copies will be made or distributed. All records will be confidential.
12. If the respondent, without advance notice or explanation, fails to appear at the hearing, the adjudicator will make a decision based on the evidence contained within the Final Investigation Report and supplemental information, if any, provided by the complainant.
13. Both parties may appeal the decision of the Dean of Students. An appeal must be submitted in writing to the Vice Chancellor for Student Affairs postmarked within ten (10) school days, or ten (10) business days if school is not in session, of the date of the written decision. The appeal must be based on one or more of the following criteria:
   a) **New Information**: To consider new information, sufficient to alter a decision or other relevant facts not brought out in the investigation, because such information and/or facts were not known to the student appealing at the time of the investigation.
   b) **Procedural Error**: To determine whether the investigation conformed to proscribed procedures in light of the complaint and the information presented, and in conformity with proscribed procedures.
   c) **Substantive Facts**: To determine whether the decision reached was based on information that, if believed by the Dean of Students, was sufficient to establish that a violation of the Student Conduct Code occurred.

The VCSA or designee will review the appeal and determine if it meets the criteria for an appeal to be heard. If it fails to meet one or more of the criteria, the appeal will be denied and the Dean of Student’s decision and sanction(s) will become final. If the VCSA or designee determines the appeal meets one or more of the criteria, the VCSA or designee will review the appeal. While an appeal is being reviewed, an accused student must comply with all sanctions and conditions of the original administrative decision, unless otherwise exempted by the Dean of Students.

The VCSA or designee will review the case and render a final decision in writing and sent via certified mail within twenty (20) working days after receipt of the appeal. Should an extension of time be required for any reason, the parties shall be notified in writing, and a decision shall be made within fifteen (15) working days of the extension. If the VCSA or designee provides either party the opportunity to submit supplemental documents for review, then the other party shall be permitted to submit rebuttal or supplemental documentation.

The standard of review for an appeal is whether the finding is against the clear weight of the evidence in the record of the case.

UH Hilo strongly prohibits retaliation. Retaliation is an adverse action taken against an individual because they have filed a complaint of sexual misconduct, participated in an investigation, or otherwise objected to sexual misconduct. The adverse action should be something that a reasonable person would view as being targeted to discourage the complainant from objecting to sexual misconduct. Incidents of retaliation are considered as separate charges of misconduct. A person found responsible for engaging in retaliation will be subject to disciplinary action.

The University reserves the right not to charge a complainant who reports an incident of sexual misconduct with violating the Student Conduct Code if the incident involves her/his use of alcohol or other drugs or other possible violations of the Code.
Consequences for Students Found Responsible for Sexual Misconduct

Upon completion of an investigation and subsequent proceedings of the student disciplinary process, students who are found responsible for sexual misconduct will be held accountable for their actions. Sanctions may include but are not limited to being placed on warning or probation, loss of certain privileges, providing restitution, and/or being suspended or dismissed from the University. In addition to any sanctions imposed by the Dean of Students, a student may be subject to the following consequences:

- **On-Campus Residents:** A student who lives in the residence halls may have her/his housing privileges revoked by the University if found responsible for sexual misconduct. A student who does not reside in University campus residential facility may be banned from visiting the residential areas of the University for a specified period of time if found responsible for sexual misconduct.

- **Student-Athletes:** Student-athletes may be terminated from an athletic team and may have her/his athletic scholarship revoked or terminated by the University if found responsible for sexual misconduct.

- **Student Employees:** Students who work on-campus, including graduate interns and assistants, may be terminated from their jobs by the University if found responsible for sexual misconduct, particularly if the on-campus place of employment is one in which the victim/survivor may be required to visit.

- **Student Organizations:** Chartered student organizations (CSOs) and Registered Independent Student Organizations (RISOs) found to condone, promote, or be involved in activities relating to sexual misconduct may have their University recognition withdrawn and/or other sanctions imposed by the University.

- **Student Leaders/Officers:** Students holding positions of leadership and/or service on campus, such as in student government, who are found responsible for sexual misconduct may be terminated from such positions. Students aspiring to such positions are ineligible to hold them if they are not in good disciplinary standing with the University.

- **Special Program Participants:** Students who are not in good disciplinary standing or who are accused of a Student Conduct Code violation which is pending may be ineligible for participation in special programs such as National Student Exchange, international exchange programs, and study abroad programs.

The application of the University sexual misconduct policy does not preclude the application of any other relevant University policy, rule, or regulation.

Training

The UH Hilo Title IX Coordinator shall be responsible for coordinating all Title IX and sexual misconduct training on campus. Ongoing training for employees will include practical information about how to prevent and identify sexual violence, including same-sex sexual violence; the behaviors that may lead to and result in sexual violence; the attitudes of bystanders that may allow conduct to continue; the potential for re-victimization by responders and its effect on students; appropriate methods for responding to a student who may have experienced sexual violence, including nonjudgmental language; the impact of trauma on victims; and the person(s) to whom such misconduct must be reported.

UH Hilo will ensure that “responsible employees” with authority to address sexual violence including the Chancellor, Vice Chancellors, Deans, Campus Security staff, Administrators, Athletic staff, and Resident Assistants are trained to respond appropriately to reports of sexual misconduct.

UH Hilo will ensure that all persons involved in responding to, investigating, or adjudicating sexual misconduct including the Title IX Coordinator, Deputy Coordinators, Campus Security, “responsible employees,” victim advocates, and others who receive complaints, will be trained in handling sexual violence complaints, and in the operation of the University’s grievance procedures.

To ensure that students understand their rights under Title IX and to encourage students to report incidences of sexual misconduct, UH Hilo will provide ongoing training for new and continuing students regarding Title IX and sexual violence.
Relationship to Other Policies and Legislation

This policy interfaces with other existing University policies, as well as state statutes and federal regulations, in numerous ways, including but not limited to the following:

- **Jeanne Clery Act:** The Jeanne Clery Disclosure of Campus Security Policy & Campus Crime Statistics Act is a Federal law, formerly known as the Crime Awareness & Campus Security Act of 1990, requiring colleges and universities that participate in federal financial aid programs to maintain and disclose information about crime on and near their campuses. This federal law requires staff in positions designated as Campus Security Authorities (CSAs) report sexual misconduct and other crimes. Examples of positions designated as CSAs include: campus security, dean of students, residence life staff, athletic directors, coaches, student activities staff, and any position with significant responsibility for campus and student activities. Institutions must publish an annual campus security report providing crime statistics, including forcible and non-forcible sex offenses. The information contained in the annual security report does not contain any personally identifiable information but provides statistical data categorizing the type of incident and the location where the incident occurred in accordance with general location categories as defined by the Clery Act. The report must also include policy statements regarding various safety and security measures, campus crime prevention program descriptions, and procedures for responding to allegations of sex offenses. The Clery Act also requires institutions to maintain a public log of all crimes reported to them or those of which they are made aware, as well as to provide timely warnings of crimes that represent a threat to the safety of students or employees.

- **Violence Against Women Act (Reauthorized on 3/7/2013):** Initially passed in 1994, VAWA created the first U.S. federal legislation acknowledging domestic violence and sexual assault as crimes, and provided federal resources to encourage community-coordinated responses to combating violence. VAWA 2013 is built upon the overarching goals of the initial 1994 VAWA and its subsequent 2000 and 2005 reauthorizations to provide and improve advocacy, services, and support for all victims of domestic violence, sexual assault, dating violence and stalking – crimes that primarily impact women, in addition to too many children and some men.

- **Family Educational Rights & Privacy Act:** The Family Educational Rights & Privacy Act (FERPA) is a Federal law that protects the privacy of student education records. In accordance with FERPA, the Dean of Students may disclose the final results, including only the name of the perpetrator, violation of the Student Conduct Code, and sanction, of a UH Hilo disciplinary proceeding to a victim/survivor of a forcible or non-forcible sex offense. This may include the results of a disciplinary proceeding even if the accused student was not found responsible for the violation. The final decision is shared with the victim/survivor only after s/he signs a statement that s/he understands the information is confidential.

- **Campus Sexual Assault Victims’ Bill of Rights:** The U.S. Congress enacted the "Campus Sexual Assault Victims' Bill of Rights," sometimes referred to as the Ramstad Act, in 1992 (Public Law: 102-325, section 486(c)). This law requires that all colleges and universities (both public and private) participating in federal student aid programs afford sexual assault victims certain basic rights. These rights include the following: The accuser and accused must have the same opportunity to have others present at campus disciplinary proceedings; both parties shall be informed of the outcome of any disciplinary proceeding; victims/survivors shall be informed of their options to notify law enforcement authorities; victims/survivors shall be notified of counseling services; and victims/survivors shall be notified of options for changing academic and living situations if so requested and if such changes are reasonably available.

- **Hawaii Penal Code:** Sex offenses, as defined in the Hawaii Penal Code, Part V, Sections (707) 730-733, may be subject to criminal prosecution.

- **Nondiscrimination, Anti-Harassment, and Affirmative Action Policy:** UH Executive Policy E1.202 – Nondiscrimination, Anti-Harassment, and Affirmative Action Policy is the system wide policy prohibiting discrimination in University education, employment, programs, activities, and services. It covers equal opportunity, reasonable accommodations, definition of “discriminatory
harassment,” and federal contractor obligations to maintain good faith efforts to recruit job applicants who are qualified veterans, individuals with disabilities, and members of underrepresented groups (women, minorities). The term discriminatory harassment includes sexual harassment and other gender based offenses such as sexual assault, domestic violence, dating violence, and stalking.

- **University of Hawai’i System Sexual Assault Policy**: The University of Hawai’i Executive Policy E1.204, “Sexual Assault Policy and Procedural Guidelines,” is the System-wide policy prohibiting sexual discrimination and misconduct within the University. The policy authorizes Chancellors or their designees to implement procedures for their respective campuses for responding to reports of sexual discrimination and misconduct, and to use the executive policy and procedure as a guide to develop a similar protocol tailored to the organizational structure of their respective campus. This UH Hilo sexual misconduct policy is intended to supplement and comply with the scope and procedural guidelines of the University of Hawai’i System policy.

- **University of Hawai’i System Workplace Nonviolence Policy**: The University of Hawai’i Executive Policy E9.210 on workplace nonviolence prohibits violence in the workplace. The policy affirms the University’s commitment to maintaining a safe and secure environment for students, employees (including administrators, faculty and staff), visitors, and other members of the University community. Victims of sexual assault who wish to file a complaint with the University have the option of using campus procedures for sexual assault or procedures for workplace nonviolence.

- **Student Conduct Code**: UH Executive Policy E7.208 – University of Hawai’i System wide Student Conduct Code affirms the rules and regulations that students are expected to comply with. The policy also prohibits conduct that conflicts with the University’s values and community standards. Prohibited conduct includes sexual harassment, discrimination, physical and verbal abuse, assault, and surreptitiously taking photos, audio or video recordings when such acts are likely to cause injury or distress.

- **Policy on the Use of Information Technology Resources**: UH Executive Policy E2.210 – Executive Policy on the Use and Management of Information Technology is the system wide policy outlining the appropriate use of information technology resources by University faculty, staff, and students. The policy provides guidance for IT users on complying with University policies regarding sexual harassment, email harassment, and community standards regarding privacy. The policy also references Hawaiʻi law prohibiting the use of computers to commit sexual assault and child abuse.

**Campus and Public Announcements**

As a University, we recognize that we have an ethical and fiduciary responsibility to act and respond in ways that minimize risk to our campus community and actively promote a living-learning environment free from fear and coercion. There are times when incidents of violence occur on or near campus that have the potential to affect the wellbeing of students, staff and faculty. The University will provide timely relevant information through appropriate, reasonable mediums (e.g., alerts sent by email and/or on the University website) to ensure that members of the campus community have access to information that can enable them to make informed choices about their personal safety. In consultation with the Director of Campus Security, the VCSA will determine whether a report of sexual misconduct represents a threat to the safety of members of the campus community. If so, the VCSA, Director of Campus Security, or the University Relations office will make the announcement to the campus community in a timely manner. To protect her/his privacy, the name of the victim/survivor will not be made public in any such public communication. When possible, the victim/survivor will be advised regarding the issuance of announcements. University employees contacted in response to such an announcement should refer inquiries to the University Relations office.

**Records of Sexual Misconduct**

In compliance with the Clery Act, the University is required to provide annual statistics on sexual misconduct incidents that occur on or near campus. These statistics are public information; however,
victims/survivors will not be identified by name. To facilitate the annual reporting of these statistics, the Office of the Vice Chancellor for Student Affairs will maintain confidential records of all reports of sexual misconduct on or near campus.

Suggestions for supporting a person disclosing sexual misconduct

For Faculty, Staff and Friends
The first response is to provide support and basic crisis intervention to the individual. However, victims/survivors of sexual misconduct may take days, weeks or even years before they can talk about what has happened to them. Talking about sexual violence will often bring up topics difficult to handle. Remember that if someone has chosen you to talk with about sexual misconduct, it is because they trust you. Acknowledge that trust by being supportive and non-judgmental.

In most instances, the most appropriate action for you to take is to encourage and assist the victim/survivor to seek assistance at the UH Hilo Counseling Center. A counselor will coordinate services on campus to support the student. It is not your job to serve as a counselor to the victim but the way you respond, offer support, and refer her/him for assistance can make a significant impact on her/his recovery.

Use sensitive and supportive communication with the victim/survivor of sexual misconduct. Such communication is:

- **Supportive**: gives victims the sense that they can trust you;
- **Nonjudgmental**: conveys the message that the perpetrator, not the victim, is responsible for the assault;
- **Empathetic**: shows sensitivity to the trauma the victim is experiencing;
- **Non-directive**: encourages the victim to make her/his choices, without pressure;
- **Provides information**: gives the victim information about options available to her/him;
- **Encourages self-directed decision-making**: allows the victim to regain a sense of control through making her/his own choices.

Examples of ways to talk with victims/survivors when they disclose that they have been sexually assaulted include:

- “Thank you for telling me this, I realize how hard this is.” *(Conveys support and empathy)*
- “May I ask you some questions, so that we can figure out what to do next?” *(Shows respect and is non-directive)*
- “Sometimes when this happens, victims blame themselves—this is not your fault.” *(Shows non-judgment)*
- “There are different options for help, would you like to talk about these?” *(Gives information and encourages the person’s decision-making)*
- “Staff at the Counseling Center is available to help. They are especially trained to work with students who have been assaulted, and can offer you help with whatever you choose to do or not to do. May I help you make the call?” *(Gives information and helps the victim/survivor link with services)*

Resources for Victims/Survivors of Sexual Misconduct

Emergency Response
Police/Fire/Ambulance: 911
Campus Security: (808) 974-7911
Campus Services and Support
Student Medical Services
(808) 932-7369, Campus Center Room 212

Medical Services provides follow-up treatment and care, including referral for a forensic medical examination at the Hilo Medical Center. The student can also be evaluated at Student Health Services for emergency contraception and testing for some sexually transmitted infections. For tests not conducted at Student Health Services, the Nurse will assist with arrangements for testing at an outside laboratory.

Counseling Services
(808) 932-7465, New Student Services Center, 2nd floor, Room E203

The Counseling Center offers continuing supportive individual counseling including support for traumatic events such as sexual misconduct as well as referrals to other mental health services. When you contact the Counseling Center, you may request to work with a female or male counselor.

Women’s Center
(808) 932-7381, New Student Services Center, 2nd floor, Room E223/E224

The Women’s Center can assist a student who reports sexual misconduct with initial consultation and information about available on- and off-campus services. The staff works to support a student who has been victimized at her/his request, through the reporting and investigation process.

University Housing
(808) 932-7406, PB 11 Room 5

University Housing staff members are trained to assist students who are residents with resources and referrals. Staff members will assist with connecting students to vital care and support services.

Dean of Students Office
(808) 932-7472 or (808) 932-7470, Student Services Building Room W301

Students who have been assaulted by a UH Hilo student may report the incident to the Dean of Students office, which will investigate the matter and hold students who are found responsible accountable for their actions.

Off-Campus Services and Support
24-Hour Sexual Assault Crisis Line: (808) 935-0677

Sexual Assault Support Services (SASS) supports victims/survivors of sexual assault and their significant others immediately after an assault via a 24-hour telephone line. Victims/survivors who appear at the Hilo Medical Center or Kona Hospital or report an assault to the police will receive in-person contact with an SASS staff member for support and advocacy 24 hours a day.

Victim/Witness Assistance Program Office of the Prosecuting Attorney
655 Kilauea Avenue, Hilo, HI 96720: (808) 934-3306

Assists individuals by explaining procedures and provides orientation and support to victims/survivors and witnesses through the criminal justice system. Provides information on cases, promotes public awareness of victim/witness concerns, and provides referrals to service agencies providing further assistance to victims/survivors.
**TEMPORARY RESTRAINING ORDERS (TROs)**

*Family Court, 777 Kilauea Avenue, Hilo: (808) 961-7500*

*District Court: 777 Kilauea Avenue, Hilo: (808) 961-7470*

Responsible for administering restraining orders, both temporary and long-term ones. For cases involving family members, relations or roommates, restraining order are handled by Family Court; all other cases are handled by District Court. Turning Point for Families (see below) provides assistance with preparing requests for restraining orders administered through Family Court.

**CHILD & FAMILY SERVICES, ALTERNATIVES TO VIOLENCE**

*1045A Kilauea Avenue, Hilo: (808) 969-7798*

Peer counseling, education groups and legal help for women and children. Advocacy and help for battered women including services such as preparing and filing requests for restraining orders. Therapeutic groups for children under 12. Court-mandated groups for men/women who batter.

**DOMESTIC ABUSE SHELTER**

*c/o Child & Family Services, 1045A Kilauea Avenue, Hilo: (808) 959-8864*

24-hour spouse abuse shelter for women and their children who are victims of spouse abuse within their household. Clients may stay up to 60 days and some transportation is provided.

**NATIONAL SEXUAL ASSAULT HOTLINE**

*(800) 656-4673 (toll free)*

24-hour access to information, resources and research regarding sexual assault.

**What To Do If You Are Sexually Assaulted**

- Know that no victim or survivor is ever at fault for their own sexual assault, regardless of their behavior, actions or whereabouts. Every person deserves to live in a safe environment free of violence.
- If you have been sexually assaulted, the most important thing is to take care of your safety and well-being. Get to a place away from the perpetrator and seek family or friends if possible.
- When reporting a sexual assault, document as many details as possible, as soon as possible. Accurate recall of events will fade quickly. Documentation in sufficient detail soon after an incident can serve as more reliable evidence in legal proceedings should they follow. Specifically:
  - Note the location and time of any events. Describe the number and characteristics of the assailant or assailants. Write down as much detail as possible about the circumstances surrounding the assault as possible. Note if you may have inflicted any injuries on the assailant, e.g., scratched the assailant’s face with your nails. A greater level of detail increases the likelihood that the suspect will be apprehended and successfully prosecuted.
  - Maintain as much evidence as possible in its intact state. Do not wipe away or throw away any bodily fluids, secretions or tissue that can be identified. Refrain from brushing your teeth, drinking beverages, removing/changing clothing, or removing/changing bedding, furniture or any fabric/upholstery.
  - Resist the urge to clean up by washing, showering or douching. You may receive a forensic examination to collect sexual assault evidence by a trained health professional at a medical care facility. The specimens that will be collected are very important in establishing the guilt and identity of the assailant. Many of these specimens contain DNA evidence that can provide conclusive proof of the identity of the assailant.
Before going to a hospital to receive a forensic examination, it is a good idea to bring an extra change of underwear, clothing and shoes, as these items will likely be kept by the hospital as part of the evidence collection process to be turned over to law enforcement.

As soon as possible after a sexual assault, be sure to use available counseling or mental health services, including contacting the 24-hour crisis hotline. The sooner that you seek emotional and psychological support, the sooner you can begin the road to recovery. Sexual assault is a very traumatic experience, but many victims/survivors are able to find ways to go on with their lives and turn the experience into a source of strength and wisdom. Talking to others about what happened as soon as possible is critical to the healing process.

What Men and Boys Can Do To Prevent Rape

Because the overwhelming majority of perpetrators of sexual assault and rape are male, boys and men have a special role and responsibility to prevent this form of violence.

It isn’t enough to be “against rape.” Research shows that the vast majority of heterosexual men would never rape a woman and believe that rape is wrong. Yet, most college men who commit rape fail to recognize their acts as such, even when the victim presses charges. Closely and critically examine the way you treat and feel about women: might you ever be placing yourself in potentially compromising situations? Do you categorize some women as “loose” or “slutty” and therefore presume they are sexually available? Ask yourself honestly: do you believe in any rape myths or some variation of them? If so, work on changing.

Take an active stand against sexism. Avoid making sexist jokes or laughing when others tell them. Whether you actively participate in the degradation of women or simply passively listen, you are communicating that you believe women are not as deserving of respect or equal treatment as men are. Jokes, comments, pornography and other forms of media which objectify or sexualize women foster a “rape culture” which justifies and normalizes rape. Remember, too, that every woman is somebody’s sister, daughter, mother, girlfriend, etc. Men often expect and demand that the women who are close to them be treated appropriately but some men may fail to afford the same treatment to other women. Treat all women as you would want the women you care about to be treated.

Never assume. Ask straightforward, tactful questions about your partner’s sexual boundaries and desires. If you believe you’re mature enough to have sex, then you should be comfortable with open, honest communication — even if it means you might get rejected. Refrain from coercive, pressuring techniques. Realize that prevailing gender role norms may inhibit women from being assertive when expressing their sexuality, so when a woman is comfortable enough to be responsible for her own sexuality, she needs to be appreciated for that, not judged. If you are unable to get a clear response from your partner or sex is being used to manipulate you, it’s best to get yourself out of the situation.

Establish clear verbal consent from a sober partner. Research shows that men and women interpret non-verbal signals, dress, and behavior in different ways. Men, in general, more readily interpret behavior such as touching, laughing or consumption of alcohol or other drugs as signs of sexual interest when women are in fact only being friendly or flirtatious; similarly, going up to a man’s room, wearing revealing clothing, or dancing in a suggestive manner are often misinterpreted. Unless a woman has given you a verbal, audible and sober “yes,” you don’t have clear consent for sexual intercourse.

Manage alcohol and other drug use. The vast majority of campus rapes involve alcohol or other drug use on the part of the perpetrator and/or victim. Research studies demonstrate that alcohol increases male sexual aggression by exacerbating the effects of testosterone. Men should especially be aware that when they are intoxicated, they may not listen as well or be aware of their own strength. Regardless of your state of intoxication, you are accountable for your actions.

Hold your male friends accountable. How men are raised in US society can affect the way men think and talk about sexual relationships or women. You may feel a lot of pressure to prove your masculinity. The best role models of masculinity are those who aren’t afraid to stand up for or do the right thing. Stop a friend who is getting too sexually aggressive. If you care about your male friends, don’t let them go home with potential sexual partners who are intoxicated or high, sexually harass women at a house party
or in a bar, or otherwise place themselves in potentially risky situations. Men have a lot to lose if they’re accused or convicted of rape.

**Take a public stand against sexual assault.** Write letters to the editor of the college newspaper. Participate in anti-violence marches and rallies. Not enough men’s voices are heard in the public arena in support of a non-violent community. All men are ethically and morally responsible for influencing the behavior of the few men who do commit violence against women. Ultimately, men have the greatest potential to impact other men and prevent sexual assault (Katz, 1995).

**Emergency Response and Evacuation Procedures**

**Emergency Response**

In the event of an emergency on any campus, UH Hilo personnel (mainly safety and/or security personnel) will respond and generally are first on scene. The Incident Command System (ICS) is utilized when responding to an emergency. The ICS provides standard procedures for the confirmation of and response to an emergency.

Depending on the nature of the emergency, members of the Crisis Management Team will be notified and will report to the Emergency Operations Center. The UH HILO Administration Intake Team will keep the UH HILO Crisis Management Team apprised of the situation. UH HILO will request assistance from outside law enforcement agencies or other response organizations and will coordinate response efforts.

**Immediate Notification**

Upon confirmation of a significant emergency or dangerous situation involving an immediate threat to the health or safety of students or employees occurring on campus, UH Hilo will, without delay and taking into account the safety of the community, determine the content of the notification and initiate the notification system for all or a segment of the campus, unless issuing a notification will, in the judgment of responsible authorities, compromise efforts to assist a victim or to contain, respond to or otherwise mitigate the emergency.

Responsible authorities, who can confirm a significant emergency or dangerous situation and draft and issue an immediate notification, include:

- Chancellor
- Vice Chancellor for Administrative Affairs
- Director of Campus Security
- Environmental Health & Safety Officer
- Campus Designees
- Director of Auxiliary Services

Depending on the nature of the emergency, one or more notification systems may be utilized. These systems include, but are not limited to:

- Text messages
- UH HILO email system
- Local media
- Social Media
- Building fire alarms
- Emergency Announcement Systems

UH Hilo maintains an opt-in emergency notification system – UH Alert – that may be used for immediate notifications via email and text messages. Pre-scripted messages have been developed and will be used – with appropriate modifications – during emergency situations.

All immediate notifications will have at least one follow-up message (i.e., the “All Clear” message).
Generally, the follow-up messages will be issued utilizing the same notification systems as the initial notification. However, word-of-mouth, the UH Hilo website or other means may be utilized when appropriate.

The public information officer or designee may communicate with local media such as newspapers, television stations and radio stations to disseminate emergency information to the surrounding community. The public information officer will provide a statement for posting additional information on the UH Hilo website, which is another possible source for the larger community to obtain such information.

Campus Evacuation Procedures
The UH HILO president or designee will authorize campus evacuation orders. Once an evacuation order has been given, students and employees should follow the instructions and timelines for leaving the campus and should alert others to do the same. Information about returning to campus will be communicated through the UH HILO webpage.

Building Evacuation Procedures
An evacuation will occur when the fire alarm sounds and/or notification is given by appropriate personnel. All persons (students, employees and visitors) are to immediately vacate the building in as safe a manner as possible. All persons should follow orders given by UH HILO officers at the scene. Personnel shall not return to an evacuated building until instructed by UH HILO security or other appropriate officials. Evacuation drills are conducted periodically for on campus buildings. The building evacuation is documented and reviewed by the Office of Environmental Health and Safety.

UH HILO Crisis Management Team Members
- Vice Chancellor for Academic Affairs
- Vice Chancellor for Administrative Affairs
- Vice Chancellor for Student Affairs
- Director of Campus Security
- Environmental Health & Safety Officer
- Director of University Relations
- Human Resources Office
- Director of Equal Employment Opportunity and Affirmative Action

Testing Emergency Response and Evacuation Procedures
UH Hilo tests its emergency response and evacuation procedures as defined in the Clery Act on an annual basis. UH HILO conducts a drill, an exercise and publicizes its emergency response and evacuation procedures via campus email annually. A description of the drill is documented and an after action report is completed and kept by the Emergency Management/Business Continuity Coordinator.

Fire Safety Report
The UH Hilo Fire Safety Report is now published with the Annual Security Report and is incorporated after the security information within this report. The Annual Security and Fire Safety Report is available at the Security Office 24 hours a day, or by clicking here: https://hilo.hawaii.edu/security/

Missing Students
The UH Hilo takes student safety seriously. The following policy and procedures have been established to assist in locating missing UH Hilo students who reside in on-campus housing. The purpose of this policy and procedures is to promote the safety and welfare of UH Hilo students in accordance with the requirements of the Higher Education Opportunity Act of 2008.
Procedures for Reporting a Missing Student
If an individual has reason to believe that a student who legally resides in on-campus housing is missing, he/she should immediately notify Campus Security (808-974-7911), the Dean of Students (808-932-7472), or the University Housing Office (808-974-7522). This team will work together to share information under the leadership and coordination of the Director of Campus Security.

For students who do not reside on-campus and are reported missing, the University may provide reasonable response and assistance as resources and time allow.

Investigating a Report of a Missing Student
Upon receiving information that a student cannot be located and may be missing, the Director of Campus Security in collaboration with University Housing personnel and the Dean of Students will initiate an investigation. Before presuming that the student is missing, reasonable measures will be taken to determine whether or not anyone familiar with the student has seen or heard from him/her recently or is aware of where he/she may be. Investigating a missing student report includes, but is not limited to, the following:

• Obtain information from the reporting individual about the student, such as a physical description, including clothes he/she may have been wearing when last seen; who he/she may be with or where he/she may be; his/her physical and mental well-being; and the reasons he/she believes the student is missing. (Campus Security Director)
• Attempt to contact the student via his/her cell phone (if available) and/or email address. (Dean of Students)
• Check the student’s room to see if he/she is present. (University Housing personnel)
• Contact University Housing Community Coordinators, roommates, friends, employers, and members of clubs and organizations the student may be affiliated with, if known, to obtain information about when and where the student was last seen and if the student’s absence is inconsistent with his/her established patterns of behavior. (University Housing personnel)
• Contact the student’s professors to ascertain the student’s recent attendance in class. (Dean of Students)
• Obtain a photograph of the student, if available, from student ID card records and use this information (and/or the physical description) to conduct a search, with the possible assistance from University Housing personnel or others, of campus and buildings where the student has classes. The Campus Security Director may issue an ID card photograph to personnel involved to assist in the identification of the missing student. (Campus Security Director)
• Contact the Parking Office to determine if the student has a vehicle registered on campus; if the student has a vehicle, Campus Security officers will attempt to locate the vehicle on campus. (Campus Security officers)

Notifying Appropriate Persons of a Report of a Missing Student
If the student cannot be located after reasonable efforts, the following individuals will be notified no later than 24 hours after the student has been determined to be missing:

• The Dean of Students will contact the Confidential Contact identified by the student (see below).
• If the missing student is under the age of 18 and is not an emancipated individual, the Dean of Students will notify the student’s custodial parent or legal guardian.
• The Director of Campus Security will notify the local law enforcement agency.
• The Dean of Students will notify the Vice Chancellor for Student Affairs.

This policy does not preclude the University from implementing the procedures described above in less than 24 hours if circumstances warrant a faster implementation.

Confidential Contact
Students residing in on-campus housing have the option to confidentially identify an individual to be contacted by UH Hilo in the event he/she is determined to be missing for more than 24 hours. Students
will be provided the option of designating a confidential contact at the time he/she checks in to a residence hall. Students will be informed at that time that:

- if they identify such an individual, UH Hilo will notify that person no later than 24 hours after they have been determined to be missing
- if they are under age 18 and are not an emancipated individual at the time they are determined to be missing, UH Hilo will notify the student’s custodial parent or legal guardian
- even if they do not provide a contact person, the University will notify local law enforcement that they have been determined to be missing
- The confidential contact information will be accessible only by authorized campus officials and law enforcement officers in furtherance of a missing person investigation.

**Student Notification of this Policy**

In addition to informing resident students of this policy at the time they check in to a residence hall, the University will notify students of this policy and procedures through the following methods:

- Posting it on the UH Hilo, University Housing, Campus Security, and Student Rights and Responsibilities websites
- Discussing it with resident students by University Housing personnel at the beginning of the academic year in residence hall meetings

**External Communications**

In cases of a missing student, local law enforcement agency may provide information to the media that is designed to obtain public assistance in the search for a missing student. In doing so, the local law enforcement agency will consult with UH Hilo University Relations. Any media requests to the University will be directed to the University Relations office.

**Contact Information**

**Emergency Response**

Police/Fire/Ambulance: 911  
Campus Security: (808) 974-7911

**Campus Services and Support**

**Student Medical Services**

(808) 932-7369, Campus Center Room 212  
Medical Services provides follow-up treatment and care, including referral for a forensic medical examination at the Hilo Medical Center. The student can also be evaluated at Student Health Services for emergency contraception and testing for some sexually transmitted infections. For tests not conducted at Student Health Services, the Nurse will assist with arrangements for testing at an outside laboratory.

**Counseling Services**

(808) 932-7465, New Student Services Center, 2nd floor, Room E203  
The Counseling Center offers continuing supportive individual counseling including support for traumatic events such as sexual assault as well as referrals to other mental health services. When you contact the Counseling Center, you may request to work with a female or male counselor.

**Women’s Center**

(808) 932-7381, New Student Services Center, 2nd floor, Room E223/E224  
The Women’s Center can assist a student who reports a sexual assault with initial consultation and information about available on- and off-campus services. The staff works to support a student who has been victimized at her/his request, through the reporting and investigation process.

**University Housing**

(808) 932-7406, PB 11 Room 5  

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University Housing staff members are trained to assist students who are residents with resources and referrals. Staff members will assist with connecting students to vital care and support services.

Dean of Students Office
(808) 932-7472 or (808) 932-7470, Student Services Building Room W301
Students who have been assaulted by a UH Hilo student may report the incident to the Dean of Students office, which will investigate the matter and hold students who are found responsible accountable for their actions.

Off-Campus Services and Support

HAWAI’I POLICE DEPARTMENT
349 Kapi’olani Street, Hilo, HI 96720
- Emergency: 911 (TDD accessible) / Non-emergency (808) 935-3311
- Crime Stoppers: Hilo (808) 961-8300 / Kona (808) 329-8181
- Vice/Drug Tip Hotline: Hilo (808) 934-8423 / Kona (808) 329-0423
- Information about arrested adults: (808) 961-2213
- Reports/Police Records: East Hawai’i (808) 961-2233 / West Hawai’i (808) 326-4646, ext. 256
- Community Policing: East Hawai’i (808) 961-2350 / West Hawai’i (808) 326-4646, ext. 259
- Email: copsysop@co.hawaii.hi.us Link to HPD Website

24-Hour Sexual Assault Crisis Line
(808) 935-0677
Sexual Assault Support Services (SASS) supports victims/survivors of sexual assault and their significant others immediately after an assault via a 24-hour telephone line. Victims/survivors who appear at the Hilo Medical Center or Kona Hospital or report an assault to the police will receive in-person contact with an SASS staff member for support and advocacy 24 hours a day.

Victim/Witness Assistance Programs

Office of the Prosecuting Attorney
655 Kilauea Avenue, Hilo: (808) 934-3306
Assists individuals by explaining procedures and provides orientation and support to victims/survivors and witnesses through the criminal justice system. Provides information on cases, promotes public awareness of victim/witness concerns, and provides referrals to service agencies providing further assistance to victims/survivors.

Temporary Restraining Orders
(TROs) Family Court, 777 Kilauea Avenue, Hilo: (808) 961-7500
District Court: 777 Kilauea Avenue, Hilo: (808) 961-7470
Responsible for administering restraining orders, both temporary and long-term ones. For cases involving family members, relations or roommates, restraining order are handled by Family Court; all other cases are handled by District Court. Turning Point for Families (see below) provides assistance with preparing requests for restraining orders administered through Family Court.

Child & Family Services
Alternatives to Violence
1045A Kilauea Avenue, Hilo: (808) 969-7798
Peer counseling, education groups and legal help for women and children. Advocacy and help for battered women including services such as preparing and filing requests for restraining orders. Therapeutic groups for children under 12. Court-mandated groups for men/women who batter.
Domestic Abuse Shelter
Child & Family Services, 1045A Kilauea Avenue, Hilo: (808) 959-8864
24-hour spouse abuse shelter for women and their children who are victims of spouse abuse within their household. Clients may stay up to 60 days and some transportation is provided.

National Sexual Assault Hotline
(800) 656-4673 (toll free)
24-hour access to information, resources and research regarding sexual assault.
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**UH Hilo Security Training and Awareness**

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**2018 Crime Statistics**

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<th>Public Property</th>
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*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

**Hate Crime Reporting:** There were no hate crimes reported in 2018.
2017 Crime Statistics

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<th>Public Property</th>
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<td><strong>Offense (Crimes Not Reported By Hierarchy)</strong></td>
<td><strong>Year</strong></td>
<td><strong>On Campus</strong></td>
<td><strong>Non-Campus</strong></td>
<td><strong>Public Property</strong></td>
<td><strong>Total</strong></td>
<td><strong>Residential Facilities</strong>*</td>
<td><strong>Unfounded Crimes</strong></td>
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*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.*

**Hate Crime Reporting:** There were no hate crimes reported in 2017.
# 2016 Crime Statistics

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<tr>
<th>Offense (Reported By Hierarchy)</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities*</th>
<th>Unfounded Crimes</th>
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<table>
<thead>
<tr>
<th>Offense (Not Reported By Hierarchy)</th>
<th>Year</th>
<th>On Campus</th>
<th>Non-Campus</th>
<th>Public Property</th>
<th>Total</th>
<th>Residential Facilities*</th>
<th>Unfounded Crimes</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arson</td>
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<td>0</td>
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<td>0</td>
<td>0</td>
<td>0</td>
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<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Dating Violence</td>
<td>2016</td>
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<td>0</td>
<td>3</td>
<td>1</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Stalking</td>
<td>2016</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>0</td>
</tr>
</tbody>
</table>

*Note: Residential Facility Crime Statistics are a subset of the On Campus Category, i.e. they are counted in both categories.

**Hate Crime Reporting:** There were no hate crimes reported in 2016.
Overview of Requirements of Higher Education Opportunity Act

In August of 2008, The Higher Education Opportunity Act was enacted and became a law (Public Law 110-315) which requires all Title IV eligible institutions that participate in any Title IV program and that maintain on-campus student housing facilities to publish an annual fire safety report, maintain a fire log, and report fire statistics to the Secretary of Education. Starting October 2010, the report must be publicly disclosed. This report presents the required fire statistics for the calendar year 2014 including the fire log for the 60-day period prior to the submittal of this report.

Fire Safety is an essential tool in protecting a campus community from injuries, deaths, business interruption, and property damage resulting from fires and related perils. Fire Safety includes education, training, and policies designed to ensure all students, staff and faculty of the University of Hawaii at Hilo are aware of and understand the elements that help to ensure the safety of all.

The University of Hawai‘i-Hilo Environmental Health and Safety Office (EHSO) in collaboration with the University of Hawai‘i at Mānoa EHSO Fire Safety Program (EHSO/FSP) provides a fire safe campus environment by identifying and eliminating potential fire hazards through consistent and comprehensive building fire inspection procedures emphasizing compliance with all applicable fire and building codes. EHSO is responsible for fire safety building inspections, fire investigations, Uniform Fire and Building Code interpretations and technical assistance, new construction and building renovation plans review, emergency egress and relocation drills (fire drills), and the inspection, maintenance, and testing of all fire protection equipment on the UH-Hilo campus. FSP also conducts education and training programs which include relevant lecture, audio/video presentations on fire safety awareness and hands-on fire extinguisher training to any on-campus group upon request.

Summary of EHSO Reporting Requirements

UNIVERSITY OF HAWAI‘I AT HILO

The Higher Education Opportunity Act (HEOA) (Code Reference DOE 34 CFR 600, 668, 675 Final Rule) requires that certain information pertaining to the Fire Safety in UH-Hilo administered housing units of current or perspective students and employees be reported on and readily available for viewing by any interested party. This document will address the following:

- Definition of Terms
- Policies
- Fire Safety Systems
- Fire Drills
- Reporting List
- Future Improvements
- Statistics
- Fire Log
- Disclosure of Information

Definition of Terms

Cause of Fire - The factor or factors that give rise to a fire. The causal factor may be, but is not limited to, the result of an intentional or unintentional action, mechanical failure, or act of nature.
Fire - Any instance of open flame or other burning in a place not intended to contain the burning or in an uncontrolled manner.

Fire Drill – A supervised practice of a mandatory evacuation of a building for a fire.

Fire-related injury – Any instance in which a person is injured as a result of a fire, including an injury sustained from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of the fire. The term person may include students, faculty, staff, visitors, firefighters, or any other individuals.

Fire-related death – Any instance in which a person is killed as a result of a fire, including death resulting from a natural or accidental cause while involved in fire control, attempting rescue, or escaping from the dangers of a fire; or dies within one year of injuries sustained as a result of the fire.

Fire Safety System – Any mechanism or system related to the detection of a fire, the warning resulting from a fire, or the control of a fire. This system may include sprinkler systems or other fire extinguishing systems, fire detection devices, standalone smoke alarms, devices that alert one to the presence of a fire, such as horns, bells, or strobe lights; smoke-control and reduction mechanisms; and fire doors and walls that reduce the spread of a fire.

On-Campus Student Housing Facility
Regulatory Language
A dormitory or other residential facility for students that is located on an institution’s campus.
UH Fire Safety Program Definition: The HOEA applies to all residential facilities owned or controlled by the University within the same reasonably contiguous geographic area provided the building is owned by the University or on the main campus. If the residential housing facility is privately operated, not owned by the University and not located on the main campus then the facility is NOT included in this report.

Value of Property Damage – The estimated value of the loss of the structure and contents, in terms of the cost of replacement in like kind and quantity. This estimate should include contents damaged by fire, and related damages caused by smoke, water and overhaul; however, it does not include indirect loss, such as business interruption.

Policies and Procedures

University of Hawaii – Health and Safety Guide

University of Hawaii at Hilo – Housing Judicial Process

Safety Policies
Use of Electrical Appliances

Electrical appliances that are not allowed in the residence halls include, but are not limited to:

- Appliances with open heating elements (such as toasters or hotplates),
• George Forman type grills/sandwich makers,
• space heaters, or
• toaster ovens.

The University reserves the right to reject any electrical appliance that it considers as potentially hazardous to the safety of students and others. (These appliances may be permitted in Apartment Areas, provided they are utilized for their intended purpose). Microwaves must not exceed a stated FCC rating of 800 watts. Microwaves must also be plugged directly into an outlet and have its FCC rating placard intact. Refrigerators must not exceed 2.9 cubic feet. Refrigerators must also be Underwriter’s Laboratory (UL) approved and be kept clean and sanitary.

Residents in the residence halls are expected to use the community kitchens for any cooking needs.

Many prohibited items are specified in other relevant community standards within the Housing Judicial Process handbook. Other prohibited items include:

• Heaters, dishwashers, washers and dryers
• Dangerous chemicals
• Candles, incense, oil lamps, open flame devices, potpourri pots
• Homemade or modified electrical wiring
• Gas, lighter fluid or any flammable liquid
• Waterbeds, inflatables or mini-pools, etc
• Use of cooking appliances in residence hall rooms
• Hookahs, bongs, pipes, rolling papers (glass pipes, water bongs, etc.)
• Air conditioners, ceiling fans
• Barbells in excess of 25lbs. each.
• Halogen lights/lamps
• Laser pointers
• Automobile batteries and acids
• Personal Lofts or any other structure
• Items deemed unsafe by Student Housing staff

**Smoking**

On July 10, 2018 all University of Hawai‘i campuses and facilities became tobacco-free, joining more than 2,000 U.S. universities and colleges in an effort to provide a healthy environment for all students, faculty and staff.

Hawai‘i state law (SB 134, Act 160, SLH 2018) now prohibits the use of tobacco products on all 10 UH campuses and university-owned facilities.

We encourage everyone to refrain from using tobacco products while on property owned or operated by UH. Tobacco products include, but are not limited to, cigarettes, cigars, pipes, smoking tobacco, electronic cigarettes, vapes and chewing tobacco.

For more information on the UH system-wide policy, refer to: [https://www.hawaii.edu/offices/communications/tobaccofree/](https://www.hawaii.edu/offices/communications/tobaccofree/)
Open Flames

Candles including incense candles or any open flame devices are prohibited in Residential facilities.

Fire Evacuation Procedures

BEFORE A FIRE: Know the location of all exits from the building.

IF A RESIDENT DISCOVERS A FIRE OR SMELLS SMOKE: Sound the building fire alarm. Know the locations of the fire hose stations and how they operate. Do not attempt to fight a fire due to the hazards associated with the products of combustion and the threat of spreading fire.

WHEN THE FIRE ALARM SOUNDS, ALL RESIDENTS AND THEIR GUESTS MUST LEAVE AT ONCE: Lock the room/apartment door. Use the nearest safe exit. Upon exit from the building, proceed to a “safe” area at least 300 feet away from the building. Check the fire safety instructions on the back of the room/apartment door for specific instructions for that facility. Do not attempt to re-enter the building until residents are told that they can do so by hall staff.

DO NOT USE THE ELEVATOR: Elevator shafts are like chimneys; smoke and heat could enter the elevator shaft thereby asphyxiating the occupants of the elevator.

FEEL THE DOOR THAT LEADS FROM A RESIDENT’S ROOM: If it is hot or smoke is seeping in, do not open it. If a resident becomes trapped and cannot reach the fire exit, keep the door closed and seal off any cracks. Use the telephone to call Campus Security (956-6911) and give the name and location of the building, the floor and room number. If the resident does not have a phone, go to the window and signal for help using a white or light colored pillowcase or sheet. DO NOT JUMP. The fire department will assist the resident.

IF THE DOOR FEELS COOL: Open it cautiously. Be braced to slam it shut if the hall is full of smoke or if the resident feels heat or pressure against the door. If the hall is clear, proceed to the nearest fire exit.

IF CAUGHT IN SMOKE OR HEAT: Stay low where the air is better; take short breaths (through the nose), until the resident reaches a safe exit or area of refuge.

IMPORTANT: Be sure fire exit doors and hallway doors are kept closed at all times. These doors prevent the spread of noxious smoke and heat should a fire occur. If a resident observes these doors propped or tied open, please close them and report the occurrence to the hall staff or community desk.

Residents with special needs or those who are unable to wake up to alarms should notify the hall staff of any assistance needs.

Fire Safety Education and Training

Fire safety awareness training is provided to Residential Assistants every year before the start of the Fall semester including hands-on fire extinguisher training. UHH Student Housing conducts education and training briefings which include relevant lecture, audio/video presentations on fire safety awareness to residents at the start of each semester. Additional training and hands-on fire extinguisher training may be made available to any on-campus group upon request.
## Fire Safety Systems

<table>
<thead>
<tr>
<th>Building</th>
<th>FA System</th>
<th>Transmitter</th>
<th>Monitored by Campus Security</th>
<th>Sprinkler System (full)</th>
<th>Smoke Detection</th>
<th>Manual Pull Stations</th>
<th>Fire Extinguishing Devices</th>
<th># Planned Evacuation Drills each calendar year</th>
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<tbody>
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</table>

Notes: 1. Hale Kanilehua, Hale Kauanoe, Hale Kehau, and Hale Alahonua systems include remote annunciators which provide a secondary location for responders to view Fire Alarm Panel messages.
2. Fire Alarm Panels at Hale Ikena buildings A-G report back to building H which sends the signal to Campus Security.
3. Currently there are two planned drills each year (one per semester), additional drills may be added depending on circumstances.

Additionally, the corridors and rooms in Hale Kanilehua, Kauanoe and Hale Ikena are fire-rated construction. Hale Kehau consists of individual living spaces which exit to the exterior.
Fire Drills

Fire drills are to be conducted by Housing staff at the beginning of each semester. Drills may be announced or unannounced. Additional drills may be scheduled as needed.

January: (Start of Spring Semester)
12 Evacuation (fire) drills will be conducted at start of Spring Semester. Each dormitory will have a separate drill (total of 12 drills). Drill for Hale Ikena A-H may be conducted simultaneously.

August/September: (Start of Fall Semester)
12 Evacuation (fire) drills will be conducted at the start of the Fall Semester. Each dormitory will have a separate drill (total of 12 drills). Drill for Hale Ikena A-H may be conducted simultaneously.

Reporting List

For purposes of including a fire in statistics in the annual fire safety report, a list of titles of each person or organization to which students and employees should report that a fire occurred.

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
<th>Phone Number/email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Campus Security</td>
<td>24-hour Dispatch line</td>
<td>972-7013/uhhsafe@hawaii.edu</td>
</tr>
<tr>
<td>Rick Murray</td>
<td>Director, Campus Security</td>
<td>932-7644/ramurray@hawaii.edu</td>
</tr>
<tr>
<td>Sherri “Uilani” Akau</td>
<td>Director, Student Housing</td>
<td>932-7407/akau714@hawaii.edu</td>
</tr>
<tr>
<td>Ken Ikeda</td>
<td>Director, EHSO</td>
<td>932-7638/keni@hawaii.edu</td>
</tr>
<tr>
<td>William Walters</td>
<td>Director, Auxiliary Services</td>
<td>932-7858/wwalters@hawaii.edu</td>
</tr>
</tbody>
</table>

Future Improvements

Fire Safety Systems –There are no other planned upgrades to the fire alarm systems in Student Housing. Repair and maintenance will be conducted as required.

Statistics

The institution must report statistics for each on campus student housing facility for the three most recent calendar years which data are available.

Fire Statistics Report for UH-Hilo Student Housing Facilities

<table>
<thead>
<tr>
<th>Residential Facility</th>
<th>Date</th>
<th>Time</th>
<th>Cause of Fire</th>
<th>Injuries that required treatment at a Medical facility</th>
<th>Deaths Related to Fire</th>
<th>Value of Property Damage</th>
<th>Incident report #</th>
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<tbody>
<tr>
<td>No fires reported in student housing facilities in 2018.</td>
<td></td>
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The fire log reports any reported fires within the last 60 day period prior to the submittal of the Annual Fire Report. The Annual Fire Report is submitted for the previous calendar year. Therefore, the Fire Log and Fire Statistics table (previous section) are separate and do not report fires that occur in the same calendar year.

The following is logged in the Fire Log:
- date
- time
- location
- nature of fire

The Fire Log must be open to the public for the most recent 60-day period. Please contact UHH Campus Security for copies of the Fire Log.
Disclosure of Information

a. Fire Log:
   i. Must maintain a written, easily understood fire log.
   ii. Must make an entry or an addition to an entry within 2 business days of receipt of information.
   iii. Must make the fire log for the most recent 60-day period open to public inspection during normal business hours, and older logs available within 2 business days of request.
   iv. Must be reported to the campus community on an annual basis through the annual fire safety report statistics log.

b. Annual Fire Statics Report:
   i. Each year, by the date and in a form specified by the Secretary, an institution must submit the statistics to the Secretary.
   ii. Will include: number of fires and the cause of each fire; number of injuries related to a fire that required treatment; number of deaths related to a fire; value of property damage caused by the fire.

c. Annual Fire Safety Report:
   i. Must be distributed to enrolled students through appropriate publications and mailings or internet or intranet web sites.
   ii. Must be distributed in brief form to current employees through notice of exact electronic address for internet or intranet web sites with a statement that paper copies of full report available upon request.
   iii. Must provide a notice to prospective students or prospective employees of the availability of the report, a description of the report contents and an opportunity to request a copy. The notice must also include the exact electronic address if the report is posted on an internet web site, and also include a statement that paper copies of full report available upon request.
   iv. Will include: fire statistics as described previously; description of each on-campus student housing facility fire safety system, the number of fire drills held during the previous calendar year; the institutions policies or rules on portable electrical appliances, smoking, open flame in student housing facilities; the institutions procedures for student housing evacuation in case of a fire; policies regarding fire safety education and training programs provided to the students, faculty, and staff; a list of the titles of each person or organization to which students and employees should report that a fire occurred; plans for future safety improvements.

d. Access to Annual Security Report:
   i. If the Annual Fire Safety report is published independently of the Annual Security Report, it must include information in each of the two reports about how to directly access the other report.