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## HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM THEIR COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX AND THE VIOLENCE AGAINST WOMEN ACT 2013 AND THE UNIVERSITY OF HAWAI'I'S DEDICATION TO ENDING ALL FORMS OF SEXUAL VIOLENCE ON HAWAII CAMPUSES THROUGH A REPORT ON THE STATUS OF TITLE IX AND VIOLENCE AGAINST WOMEN ACT 2013 POLICIES, PROCEDURES, STAFFING, AND STATISTICS.

1           WHEREAS, Title IX prohibits discrimination on the basis of  
2 sex in the administration of any education program receiving  
3 federal financial assistance and bans sexual harassment,  
4 discrimination against pregnant and parenting students, and the  
5 use of stereotypes and other barriers to limit a person's access  
6 to a particular educational field; and

7  
8           WHEREAS, the Violence Against Women Act (VAWA) is aimed at  
9 ending violence against women and girls and remedying laws and  
10 social practices that, in the past, have fostered and justified  
11 violence against women and girls; and

12  
13           WHEREAS, Title IX protects all people regardless of their  
14 gender or gender identity from sexual harassment and violence,  
15 which are forms of discrimination; and

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17           WHEREAS, since its inception over 40 years ago, Title IX  
18 has been instrumental in increasing educational opportunities for  
19 women and girls and fostering equality between men and women;  
20 and

21  
22           WHEREAS, Title IX has made progress in fostering equality  
23 between women and men in both educational and workplace settings;  
24 and

25  
26           WHEREAS, Title IX has been renamed the Patsy Takemoto Mink  
27 Equal Opportunity in Education Act in recognition of the late



1 United States Representative Patsy Mink's tireless efforts to  
2 develop and pass Title IX; and

3  
4 WHEREAS, sexual violence is prevalent on college campuses  
5 with statistics showing that one in five college women will be  
6 raped before graduation; survivors of these sexual assaults are  
7 often full-time students; and approximately one-third of these  
8 sexual assaults are perpetrated on women who are first year  
9 students between the ages of 17 and 19; and

10  
11 WHEREAS, in the last five years, there has been increasing  
12 media attention surrounding allegations of sexual misconduct on  
13 college campuses focusing on universities' perceived "deliberate  
14 indifference" and lack of institutional response to a growing  
15 number of incidents and allegations of sexual violence and sexual  
16 harassment; and

17  
18 WHEREAS, the United States Department of Education's Office  
19 for Civil Rights, the administrative office enforcing Title IX,  
20 published a document providing guidance concerning sexual  
21 harassment in 2001 ("*Revised Sexual Harassment Guidance:  
22 Harassment of Students by School Employees, Other Students, or  
23 Third Parties*") and more recently provided guidance concerning  
24 sexual harassment in an April 4, 2011 "Dear Colleague" letter  
25 focused on sexual violence; and

26  
27 WHEREAS, as a result of growing concern by students and  
28 parents across the country and recent guidance from the  
29 Department of Education's Office of Civil Rights, many  
30 universities have made organizational and policy changes to  
31 better address student allegations and safety; and

32  
33 WHEREAS, college campuses should not tolerate sexual  
34 violence or any form of sex discrimination, but instead seek to  
35 foster a culture that rejects sexual violence and educates  
36 community members about how best to prevent and respond to a  
37 sexual assault; and

38  
39 WHEREAS, the provisions of VAWA have been carefully crafted  
40 with the input and assistance of more than 2,000 advocates and  
41 experts from around the country; and

42  
43 WHEREAS, VAWA ensures that survivors of sexual assault have  
44 access to necessary services; improves institutional responses to  
45 violence; provides access to services for gay, lesbian, bisexual  
46 and transgender survivors who frequently are excluded from  
47 services; and ensures that survivors of sexual assault in Native



# H.C.R. NO. 12

1 American communities and in the United States Territories have  
2 access to justice; and

3  
4 WHEREAS, violence against women is a continuing problem  
5 that must be addressed; and

6  
7 WHEREAS, stereotypes, discrimination, and barriers still  
8 exist for women and girls in the fields of science, mathematics,  
9 technology, and engineering; and

10  
11 WHEREAS, educators and students are often not aware of  
12 Title IX protections against sex discrimination and sexual  
13 harassment; now, therefore,

14  
15 BE IT RESOLVED by the House of Representatives of the  
16 Twenty-seventh Legislature of the State of Hawai'i, Regular  
17 Session of 2014, the Senate concurring, that the University of  
18 Hawai'i is requested to:

- 19  
20 (1) Affirm the University's commitment to following the  
21 tenets of Title IX and VAWA and to preventing all forms  
22 of violence against women and girls;  
23  
24 (2) Ensure that the University is committed to increasing  
25 resources and strengthening the institutional  
26 infrastructure of all its campuses to more effectively  
27 address and prevent sexual violence and other forms of  
28 gender violence and discrimination;  
29  
30 (3) Meet the mandates of Title IX by:
- 31 (A) Publishing and widely disseminating notice of  
32 nondiscrimination on the basis of sex;  
33
  - 34 (B) Designating an employee to coordinate Title IX  
35 compliance;  
36
  - 37 (C) Adopting appropriate complaint and investigation  
38 procedures;  
39
  - 40 (D) Implementing education and victim resource  
41 programs;  
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  - 43 (E) Providing training to the campus community on how  
44 to identify and report harassment; and  
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# H.C.R. NO. 12

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(F) Providing training to appropriate employees about how to investigate allegations of sexual discrimination, including harassment and violence;

(4) Formulate plans to address and prevent gender discrimination and gender violence given the unique aspects of each campus and strengthen the institutional response of the University of Hawai'i campuses to ensure compliance with Title IX and VAWA, particularly at the University of Hawaii-Manoa, and disseminate information regarding the steps, if any, that have been taken to revise relevant University of Hawai'i policies and procedures to comply with Title IX and VAWA, and to develop best practices to respond to victims of sexual violence; and

(5) Conduct a study on the prevalence of sexual violence on all campuses of the University of Hawai'i system and disseminate copies of this study to appropriate parties; and

(6) Identify critical stakeholders and offices to handle complaints of sex-based violence, harassment, and discrimination and develop streamlined policies and procedures to ensure that complainants are able to find information, make formal complaints, and access University resources with ease and to ensure that the University is able to respond to complaints in a timely and effective manner; and

BE IT FURTHER RESOLVED that the University of Hawai'i is requested to submit a report of its guidelines and the status of their Title IX and VAWA policies, procedures, staffing and statistics, including any proposed legislation to the Legislature no later than twenty days prior to the convening of the Regular Session of 2015; and

BE IT FURTHER RESOLVED that certified copies of this Concurrent Resolution be transmitted to the University of Hawai'i Board of Regents and the Office of the President of the University of Hawai'i.

OFFERED BY: Debra A. Kelleher

*[Signature]*

*Nicole E. Lu*

*Cynthia Hodson*

Mela Carnice  
Rory M. Smith  
C. Quinn  
T. Stali

John M. ...

Dr.  
Jessica Woolf  
Linda Deering  
~~...~~  
Jim ... Matant  
Sam & Jo  
Karen ...  
Gil  
Beth ...  
Y. ...

JAN 17 2014





# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

Testimony Presented Before the  
House Committee on Higher Education  
Thursday, March 13, 2014 at 2:00 pm  
By  
David Lassner  
Interim President  
University of Hawai'i

**LATE**

HCR12 / HR7 – REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM THEIR COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX AND THE VIOLENCE AGAINST WOMEN ACT 2013 AND THE UNIVERSITY OF HAWAII'S DEDICATION TO ENDING ALL FORMS OF SEXUAL VIOLENCE ON HAWAII CAMPUSES THROUGH A REPORT ON THE STATUS OF TITLE IX AND VIOLENCE AGAINST WOMEN ACT 2013 POLICIES, PROCEDURES, STAFFING, AND STATISTICS.

Chair Choy, Vice Chair Ichiyama and Members of the Committee:

Thank you for this opportunity to provide testimony on behalf of the University of Hawai'i. I deeply regret that I am not able to testify in person, but at the time this hearing was scheduled I was already confirmed to meet on campus with a visiting head of state from a Pacific Island nation. I would welcome the opportunity to discuss this matter with you or any interested legislators at another time and date we can arrange.

First, let me affirm to you that the University of Hawai'i System is fully committed to upholding the tenets of Title IX and the Violence Against Women Act (VAWA). Not only are these the law of the land, but they are absolutely essential to providing our students, faculty and staff with safe and secure venues for learning, teaching, scholarship and service. And the University has no objection at all to providing a report to the Legislature 20 days before the convening of the Regular Session of 2015.

Following are some comments about the specific requests of this Resolution including what we are already doing and what we have planned.

- Affirm the University's commitment to following the tenets of Title IX and VAWA and to preventing all forms of violence against women and girls

The University of Hawai'i is fully committed to the safety and welfare of all of our students, faculty and staff. We are also fully committed to adhering to the federal mandates prescribed by Title IX and VAWA. This commitment extends from the Regents on down throughout the University.

In February, UH Mānoa Gender Equity Specialist Jennifer Rose briefed both the Board of Regents (BOR) Committee on Student Affairs and the full BOR on Title IX and VAWA compliance requirements and recommendations. UH Mānoa Chancellor Tom Apple then

followed up with his plans and commitments, and I shared with the full BOR our work at the system level to date. The BOR supported the importance and immediacy of Title IX and VAWA issues and requested that its Student Affairs committee review and revise BOR policies related to campus safety and compliance.

- Ensure that the University is committed to increasing resources and strengthening the institutional infrastructure of all its campuses to more effectively address and prevent sexual violence and other forms of gender violence and discrimination

I have established a standing advisory committee from across the UH system to develop our systemwide approach to safety, Title IX, and VAWA compliance. Our goal is to work together efficiently and effectively to ensure a safe environment on all of our campuses. We have identified a set of immediate actions that must be taken, including taking inventory of what resources are available at each campus, and are working on an action plan for longer-term goals as well.

Chancellor Tom Apple has already re-allocated resources to support continued improvements at UH Mānoa. Once we have a more thoughtful understanding of the resource requirements on each of our unique campuses, and have updated policies in place that lay out the requirements, we will be better able to identify shortfalls in personnel and services, as well as available resources. We are hopeful that our current requests to enhance the UH operating budget will be supported by the Legislature so that we can continue to expand our financial commitments, as is already being done at UH Mānoa. Otherwise we will seek other sources of funding. Ensuring safety and compliance is not optional.

- Meet the mandates of Title IX

Our system office of EEO/AA has oversight of systemwide policies on sexual harassment, sexual assault, nondiscrimination, dating violence, domestic violence, among others. Each campus already has its own Title IX coordinator, along with its own unique programs, services and procedures to serve its constituency. The new systemwide advisory committee will help our campuses improve safety and compliance by sharing best practices, training, and even resources.

- Formulate plans to address and prevent gender discrimination and gender violence given the unique aspects of each campus and strengthen the institutional response of the UH campuses to ensure compliance with Title IX and VAWA, particularly at UH Manoa, and disseminate information regarding the steps, if any, that have been taken to revise relevant UH policies and procedures to comply with Title IX and VAWA, and to develop best practices to respond to victims of sexual violence

Our EEO/AA office convened a systemwide working group that has reviewed the OCR Dear Colleague Letter, the VAWA re-authorization and amendments to the Clery Act, identified the elements that needed to be incorporated into UH policies, and is now collaboratively working on preparing updates to our systemwide BOR and Executive Policies to ensure that they are up-to-date and fully compliant with new Title IX and VAWA requirements. We expect new interim policies to be in place by the end of March 2014. These policies will delineate the responsibilities and requirements of each of our campuses to provide a safe and compliant environment for students, faculty and staff.

In addition to ensuring that our Title IX coordinators are fully supported on each campus, we will need written campus operating procedures and protocols that implement the new

systemwide policies. UH Mānoa is now completing drafts that will be available for review and discussion in mid-March. In the spirit of systemwide collaboration, this work will be shared with all campuses so that the procedures and protocols can be customized for local campus environments without everyone starting from scratch.

- Conduct a study on the prevalence of sexual violence on all UH campuses and disseminate copies of this study to appropriate parties

The most recent UH Survey on Violence was conducted in 2010 and campus data is available at the UH CSW web site at [www.hawaii.edu/offices/op/csw/violence.html](http://www.hawaii.edu/offices/op/csw/violence.html). This survey was previously conducted in 2006, so we will conduct it again in 2014. The results will again be made publicly available online.

- Identify critical stakeholders and offices to handle complaints of sex-based violence, harassment, and discrimination and develop streamlined policies and procedures to ensure that complainants are able to find information, make formal complaints, and access University resources with ease and to ensure that the University is able to respond to complaints in a timely and effective manner

To reiterate, our new policies will lay out the requirements for each campus to ensure safety and compliance. This will include requirements for each campus to promulgate protocols for accepting and responding to incidents and complaints in a comprehensive, compliant, streamlined and sensitive manner. While each campus is different, we anticipate substantial value from sharing comprehensive training, procedural templates and best practices across the UH system.

Thank you for this opportunity to affirm our commitment and share our work and plans in this area. And again, my apologies for my inability to be present to testify in person on this important matter.



HAWAII  
STATE  
COMMISSION  
ON THE  
STATUS  
OF  
WOMEN



Chair  
LESLIE WILKINS

COMMISSIONERS:

ELENA CABATU  
CARMILLE LIM  
AMY MONK  
LISA ELLEN SMITH  
MARILYN LEE  
JUDY KERN

Executive Director  
Catherine Betts, JD

Email:  
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235 S. Beretania #407  
Honolulu, HI 96813  
Phone: 808-586-5758  
FAX: 808-586-5756

March 13, 2014

To: Representative Isaac W. Choy, Chair  
Representative Linda Ichiyama, Vice Chair  
Members of the House Committee on Higher Education

From: Cathy Betts, Executive Director, Hawaii State Commission on the Status of Women

Re: Testimony in Strong Support of HR 7/HCR 12

On behalf of the Hawaii State Commission on the Status of Women, I would like to thank the Committee for this opportunity to testify. The Commission strongly supports HR 7 and its companion measure HCR 12, which would strengthen the University of Hawai'i's commitment to upholding the tenets of Title IX and 2013 VAWA.

Supporting a Renewed Effort to End Gender-Based Violence on College Campuses

Despite over forty years under Title IX of the Education Act of 1972, 20 U.S.C. §§ 1681 *et seq.* (hereinafter "Title X"), college campuses remain a violent place for women and girls. Only 12 percent of college students report their assaults.<sup>1</sup> While the true scope of sexual assault and harassment on state-operated campuses is difficult to determine, we know that at least one in five women are sexually assaulted while in college. One study revealed that 7 percent of male college students admit to committing or attempting to commit sexual assault, and two-thirds admitted to committing an average of six rapes each.<sup>2</sup>

On March 7, 2013 President Barack Obama signed a bill that reauthorized the Violence Against Women Act (hereinafter "VAWA") and improved legal tools addressing gender-based violence on college campuses. The bill amends the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (hereinafter "Clery Act") and expands rights to student victims of sexual violence, dating violence, domestic violence and stalking through a provision known as the Campus Sexual Violence Elimination Act (hereinafter "Campus SaVE Act"). The Campus SaVE Act will help by requiring colleges and universities to improve data collection and provide information on gender-based violence on campuses, as well as new support to student victims. In addition, the White House has recently undertaken a series of actions to address sexual violence on college campuses on a national level. This January 2014 saw the creation of the "White House Task Force to Protect Students from Sexual Assault" and the publication of a new report entitled, "Rape and Sexual Assault: A Renewed Call to Action."

According to campus reports issued in compliance with the Clery Act, the University of Hawai'i at Mānoa reported eleven forcible sex offenses in 2012, and eleven similar incidents systemwide. The Clery Act requires colleges that receive financial federal assistance to report crimes that occur on campus and school safety policies to the Department of Education and to the community. Under the Clery Act, schools must also provide a timely warning to the campus community when there are

<sup>1</sup> *Rape and Sexual Assault*, White House Council on Women and Girls (Jan. 2014), available at [http://www.whitehouse.gov/sites/default/files/docs/sexual\\_assault\\_report\\_1-21-14.pdf](http://www.whitehouse.gov/sites/default/files/docs/sexual_assault_report_1-21-14.pdf).

<sup>2</sup> *Id.*

known risks to student safety. Disconcertingly, Kaua‘i and Leeward campuses have not issued Clery reports for the last two years.

The University of Hawai‘i System should take immediate action to ensure that Mānoa, Hilo, and West O‘ahu as well as the community colleges, Hawai‘i, Kapi‘olani, Kaua‘i, Leeward, Maui, and Windward, are complying with Title IX, and its implementing regulations, and the Campus SaVE Act. Compliance with existing safeguards and new rules is critical to providing a safe and secure campus environment for all students, especially women. Currently, the U.S. Department of Education’s Office for Civil Rights (OCR) is performing a random audit of the Mānoa campus to review the campus policies, procedures and guidelines with respect to sexual violence. The Commission’s review of current Mānoa practices and policies reveal a lack of system wide infrastructure to deal with violence, a lack of knowledge about Title IX policies and procedures under the law, and inadequate/lacking compliance with Title IX and VAWA.

HR 7 would promote educational excellence throughout the University of Hawai‘i System by promoting the vigorous enforcement of civil rights. This bill would ensure robust transparency of campus policy and safety issues, strengthen policies to address and prevent campus sexual violence, and enhance accountability to students and their families.

Thank you for the opportunity to testify.



**LATE**

# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 ·PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

March 13, 2014  
2:00 p.m.  
Conference Room 309

To: The Honorable Isaac W. Choy, Chair  
and Members of the House Committee on Higher Education

From: Linda Hamilton Krieger, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.C.R. No. 12 / H.R. No. 7

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over state laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state-funded services. The HCRC carries out the Hawai‘i constitutional mandate that "no person shall be discriminated against in the exercise of their civil rights because of race, religion, sex or ancestry". Art. I, Sec. 5.

The HCRC supports H.C.R. No. 12 and H.R. No. 7, which request the University of Hawai‘i (UH) to affirm its commitment to upholding the tenants of Title IX and the Violence Against Women Act (VAWA), and to prevent all forms of violence against women and girls by increasing resources, conducting studies, and developing plans to effectively address gender violence and discrimination. At UH women remain underrepresented in the science, technology, engineering and math (STEM) fields, and in

terms of safety, there have been over 20 reported incidents of sexual assaults and violence against women system wide in the recent period of time.

For these reasons, the HCRC encourages the Committee to pass HCR 12/HR 7.



HAWAII

AMERICANS FOR DEMOCRATIC ACTION

OFFICERS

John Bickel, President  
Barbara Polk, Vice-President  
Fritz Fritschel, Treasurer  
Chuck Huxel, Secretary

DIRECTORS

Guy Archer  
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Karin Gill

Brien Hallett  
Jan Lubin  
Stephen O'Harrow  
Jim Olson

George Simson  
Bart Dame (Alt)  
Marsha Schweitzer (Alt)

MAILING ADDRESS

PO. Box23404  
Honolulu  
Hawaii'i 96823

March 12, 2014

TO: Chair Isaac Choy, Vice Chair Linda Ichiyama  
Members of the House Committee on Higher Education

FROM: John Bickel, President  
Americans for Democratic Action/Hawaii'i

RE: Support and Comments on HCR 12 HR 7

Americans for Democratic Action/Hawaii support HCR 12/HR 7 to uphold the dream of our former National President, Patsy T. Mink. As the author of the federal Title IX legislation came from Hawaii'i, we should be the model for other states in its utmost enforcement. This resolution pair would uphold Title IX and affirm our commitment to eradicating violence against women. Sustaining the gift of equality requires vigilance to maintain the just rights of all. HCR 12/HR7 would be one step in that journey of vigilance. Please give it your most favorable consideration.



March 13, 2014

Honorable Isaac W. Choy, Chair  
House Committee on Higher Education

Honorable Linda Ichiyama, Vice Chair  
House Committee on Higher Education

Re: HCR12/ HR 7–Requesting the University of Hawaii to Affirm Its Commitment to Uphold the Tenants of Title IX and VAWA 2013 – SUPPORT

House Committee on Higher Education – March 13, 2014 – Conference Room 309

Aloha Chair Choy, Vice Chair Ichiyama and members of the committee:

My name is Noriko Namiki, Chief Executive Officer of the YWCA of O‘ahu, testifying in support for of HCR12/HR 7.

Despite the passage of Title IX of the Education Amendments of 1972, which protects individuals from discrimination based on sex in education programs or activities that receive Federal financial assistance, and the 2013 reauthorization of the Violence Against Women Act (“VAWA”), which expands protections for victims of domestic abuse and sexual assault, it is still shocking to see that even today one in five women will be the victim of rape or attempted rape. For women who attend college, the statistics are grimmer with one in four college women reporting rape or attempted rape since their 14<sup>th</sup> birthday.

In 2012, UH Manoa reported 11 forcible sex offenses according to a campus report issued in compliance with the Clery Act, which provides guidelines for campus safety and security reporting. System-wide, the number was 11 in 2012. In 2011, UH Manoa reported 12 assaults with 16 reported system-wide.

The Clery Act requires annual reporting of statistics for various criminal offenses including sexual assault, however, Kauai and Leeward campuses did not issue reports for the last two years.

Although Title IX and the changes to VAWA, specifically to Section 304 – that Campus Sexual Violence Act Provision – which imposes new rules that demand institutional overhaul and a renewed commitment to compliance at universities like UH which receive

for every woman

federal funding, UH students continue to face sexual violence on campus. We are gravely concerned that not only are sexual crimes under-reported system-wide, they are going unreported and perpetrators are getting away unpunished.

We humbly urge members of this committee to pass these resolutions and urge the University of Hawaii system to fully implement the changes as required by the 2013 VAWA, which require by March 7, 2014:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights;
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel;
- Offer new students and employees “primary prevention and awareness programs;”
- Implement new policies concerning victims procedures;
- Recognize “national origin” and gender identity to hate crime categories to be reported under the Clery Act; and
- Withhold victims’ names in Clery Act reports.

Since its founding in 1900, the YWCA of O‘ahu has existed to cultivate opportunities for women’s and girls’ growth and leadership, to help them create fulfilling lives for themselves and their families, and facilitating social change with positive economic impact for their communities.

Sincerely,



Noriko Namiki  
CEO  
YWCA of O‘ahu



Planned Parenthood of Hawaii

To: Hawaii State House of Representatives Committee on Higher Education  
Hearing Date/Time: Thursday, March 13, 2014, 2:00 p.m.  
Place: Hawaii State Capitol, Rm. 309  
Re: Testimony of Planned Parenthood of Hawaii in support of H.C.R. 12/ H.R. 7

Dear Chair Choy and Members of the Committee on Higher Education,

Planned Parenthood of Hawaii writes in support of H.C.R. 12/H.R. 7, which request the University of Hawaii (“UH”) to uphold the tenets of Title IX and the Violence Against Women Act of 2013 and the UH’s dedication to ending all forms of sexual violence on Hawaii campuses through a report on the status of Title IX and Violence Against Women Act of 2013 policies, procedures, staffing and statistics.

Planned Parenthood of Hawaii is dedicated to providing Hawaii’s people with high quality, affordable and confidential sexual and reproductive health care, education, and advocacy. Our health centers witness firsthand the reality of intimate partner violence and coercion related to reproductive health. When a woman is in an abusive relationship, the effect is much broader than just the physical and emotional damage inflicted on her and her family. It creates real public health challenges.

Protecting women’s health goes beyond the doctor’s office — it is critical that we ensure the health and safety of women on college campuses. Title IX and the Violence Against Women Act of 2013 have had a tremendous impact on reducing the rate of domestic violence, dating violence, sexual assault, and stalking across the board, yet UH students face continued sexual violence on campus. This is simply unacceptable.

H.C.R. 12 and H.R. 7 seek to respond to continued UH campus sexual violence by calling for renewed accountability from UH and a review and modification of its current policies to ensure full compliance with both Title IX and VAWA. We can do no less to ensure the health and safety of our students.

Thank you for this opportunity to testify.

Sincerely,  
Laurie A. Temple  
Director of Public Affairs & Government Relations

**HONOLULU**  
1350 S. King Street, Suite 310  
Honolulu, HI 96814  
808-589-1149

**KAUAI**  
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**KONA**  
Hualalai Medical Center  
75-184 Hualalai Road, Suite 205  
Kailua Kona, HI 96740  
808-329-8211

**MAUI**  
Kahului Office Center  
140 Ho’ohana Street, Suite 303  
Kahului, HI 96732  
808-871-1176







March 13, 2014

TO: Representative Isaac Choy, Chair  
Representative Linda Ichiyama, Vice Chair and  
Members of the Committee on Higher Education

FROM: Jeanne Y. Ohta, Co-Chair

RE: HCR 12/HR 7 Requesting the UH to affirm commitment to Title IX  
Hearing: Thursday, March 13, 2014, 2:00 p.m., Room 309

POSITION: STRONG SUPPORT

The Hawai'i State Democratic Women's Caucus writes in strong support of HCR 12 and HR 7 which requests the University of Hawai'i to affirm their commitment to upholding the tenets of Title IX and the Violence Against Women Act 2013 and the University of Hawai'i's dedication to ending all forms of sexual violence on Hawaii campuses through a report on the status of Title IX and Violence Against Women Act 2013 policies, procedures, staffing, and statistics.

The Violence Against Women Reauthorization Act (VAWA), specifically its Campus Sexual Violence Act provision, Section 304, imposes new rules that require institutional overhaul and renewed commitment to compliance on college campuses and calls for accountability from the University of Hawai'i.

HR 7 and HRC 12 call for UH to review and modify their current policies to ensure full compliance with the law—both Title IX and latest reauthorization of VAWA.

Although Title IX prohibits discrimination on the basis of sex by any education program receiving federal funding and protects all students regardless of their gender from sexual violence and harassment, UH students face continued sexual violence on campus.

According to campus reports issued in compliance with the Clery Act, UH Manoa reported 11 forcible sex offenses in 2012. Systemwide, the number was 11. In 2011, Manoa reported 12 assaults and systemwide there were 16 reported. The Clery Act requires annual reporting of statistics for various criminal offenses including sexual assault, however, Kauai and Leeward campuses did not issue reports the last two years.

Among the requirements of VAWA, effective March 7, 2014, UH must report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates; adopt certain student discipline procedures, such as notifying purported victims of their rights; implement new policies concerning victims procedures; and recognize "national origin" and gender identity to hate crime categories to be reported under the Clery Act.

The recognition of “national origin” is especially important because of the number of foreign students on Hawaii’s campuses. These students are alone in a foreign country, living in unfamiliar surroundings and in a different culture, which makes them especially vulnerable to sexual harassment and dating violence. It is important that policies and procedures are placed to prevent their exploitation and to keep them safe from violence.

The Hawai‘i State Democratic Women’s Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawaii’s women and girls. It is because of this mission, the Women’s Caucus supports this measure.

The Caucus has been concerned about violence against women on the UH campuses for almost a decade and has advocated for the improvement of campus policies and procedures. We have found the UH administration to be unresponsive to our concerns. We hope these new requirements will result in safer campuses for all students.

Thank you for this opportunity to provide testimony.



## Hawaii Women's Coalition

**COMMITTEE ON HIGHER EDUCATION**  
**Rep. Isaac W. Choy, Chair**  
**Rep. Linda Ichiyama, Vice Chair**

**LATE**

DATE: Thursday, March 13, 2014  
TIME: 2:00 PM  
PLACE: Conference Room 309

**STRONG SUPPORT FOR HCR 12 / HR 74: REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM THEIR COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX AND THE VIOLENCE AGAINST WOMEN ACT 2013 AND THE UNIVERSITY OF HAWAII'S DEDICATION TO ENDING ALL FORMS OF SEXUAL VIOLENCE ON HAWAII CAMPUSES THROUGH A REPORT ON THE STATUS OF TITLE IX AND VIOLENCE AGAINST WOMEN ACT 2013 POLICIES, PROCEDURES, STAFFING, AND STATISTICS.**

Aloha Chair Choy, Vice Chair Ichiyama and committee members,

It is a sad fact that our University of Hawaii women are not safe on campus. The few incidents that actually make it to the news media are just the tip of the iceberg. Although much of the evidence we receive is anecdotal due to a lack of diligence in pursuing this issue, here are some grim facts:

- In the United States, one in five women will be the victim of rape or an attempted rape. This figure is grimmer for women who attend college: 1 in 4 college women report surviving rape or attempted rape since their 14th birthday;
- One study revealed that 7% of male students admit to committing or attempting rape, and two-thirds of those admit to multiple attempts;
- Although Title IX prohibits discrimination on the basis of sex by any education program receiving federal funding and protects all students regardless of their gender from sexual violence and harassment, UH students face continued sexual violence on campus;
- According to campus reports issued in compliance with the Clery Act, UH Manoa reported 11 forcible sex offenses in 2012. System wide, the number was 11. In 2011, Manoa reported 12 assaults and system wide there were 16 reported. Insiders say that this number does not reflect the actual incidence of rape as students fear reprisals if they report, particularly if the perpetrator is a fellow student or a professor.
- Graduate students are particularly vulnerable to threats from their thesis advisors or those who could hold their thesis hostage.
- The Clery Act requires annual reporting of statistics for various criminal offenses including sexual assault, however, Kauai and Leeward campuses did not issue reports the last two years;

Consider that the latest Violence Against Women Reauthorization Act ("VAWA"), specifically its Campus Sexual Violence Act provision, Section 304, imposes new rules that demand institutional overhaul and renewed commitment to compliance at UH;

- Effective March 7, 2014, UH must:
- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as for notifying victims of their rights;
- Adopt certain institutional policies to address and prevent campus sexual violence, such as train pertinent institutional personnel;
- Must offer new students and employees "primary prevention and awareness programs;"
- Must implement new policies concerning procedures to assist victims;

- Must recognize “national origin” and gender identity as hate crime categories to be reported under the Clery Act;
- Must Withhold victims’ names in Clery Act reports;

To sum up, the attitudes towards women with respect to rape and sexual harassment have not changed at Universities in perhaps 50 years, maybe more. It seems to us that UH leadership is more intent on protecting its image and its liability than it is in protecting students, workers and teachers. They say that they can police themselves, but since when has self-regulation of any top down organization worked without oversight? It seems appropriate for the Legislature to require a report-back from UH, particularly since some of it’s leadership seem unaware of the provisions required under VAWA.

The Coalition is in strong support of this bill that is part of our regular 2014 Package. Please pass the important bill out of committee.

Mahalo for the opportunity to testify,

Ann S. Freed Co-Chair, Hawai`i Women’s Coalition  
Contact: [annsfreed@gmail.com](mailto:annsfreed@gmail.com) Phone: 808-623-5676



# THE SEX ABUSE TREATMENT CENTER

**LATE**

*A Program of Kapi'olani Medical Center for Women & Children*

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Michael P. Matsumoto

Phyllis Muraoka

Gidget Ruscetta

Joshua A. Wisch

**DATE:** March 13, 2014

**TO:** The Honorable Isaac W. Choy, Chair  
The Honorable Linda Ichiyama, Vice Chair  
House Committee on Higher Education

**FROM:** Alana Peacott-Ricardos, Policy Research Associate  
The Sex Abuse Treatment Center

**RE:** H.C.R. 12 / H.R. 7  
REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM THEIR  
COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX AND THE  
VIOLENCE AGAINST WOMEN ACT 2013 AND THE UNIVERSITY OF  
HAWAII'S DEDICATION TO ENDING ALL FORMS OF SEXUAL  
VIOLENCE ON HAWAII CAMPUSES THROUGH A REPORT ON THE  
STATUS OF TITLE IX AND VIOLENCE AGAINST WOMEN ACT 2013  
POLICIES, PROCEDURES, STAFFING, AND STATISTICS.

Good afternoon Chair Choy, Vice Chair Ichiyama and members of the House Committee on Higher Education. My name is Alana Peacott-Ricardos and I am the Policy Research Associate for the Sex Abuse Treatment Center (SATC), a program of the Kapi'olani Medical Center for Women & Children (KMCWC), an affiliate of Hawai'i Pacific Health.

SATC strongly supports H.C.R. 12 / H.R. 7, which would require the University of Hawai'i to report on the status of Title IX and Violence Against Women Act 2013 policies, procedures, staffing, and statistics.

According to a national survey, 37.4% of female rape victims were first raped between ages 18-24.<sup>i</sup> And, a recent study of undergraduate women found that 19% experienced attempted or completed sexual assault since entering college.<sup>ii</sup> In 2012, the University of Hawai'i at Mānoa reported 11 forcible sex offenses on campus, and 12 in each of the previous years.<sup>iii</sup> However, we also know that sexual assault is one of the most underreported crimes.

A sexual assault is an unexpected intrusion and can create substantial upheaval in the survivor's life. This is especially true in the college setting, where much of the survivor's time is spent on campus. In addition to studying, college students may live, eat, work, and socialize on campus. And, if the perpetrator is also a student, it can be highly distracting and traumatic for a survivor to carry on their college experience alongside the person who assaulted them.

As the state's system for public higher education, the University of Hawai'i must ensure that all of its campuses are safe and free of sexual violence and harassment, and in compliance with the mandates of Title IX and the Violence Against Women

Reauthorization Act of 2013 (VAWA). Title IX prohibits discrimination on the basis of sex in the administration of any education program receiving federal financial assistance and bans sexual violence and harassment. VAWA's Campus Sexual Violence Elimination Act (SaVE Act) provision, effective March 7, 2014, requires schools to:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt and publish procedures to afford all students and employees who report an incident of sexual violence (covering sexual assault, domestic violence, dating violence and stalking) specific rights whether or not they pursue any formal complaint or not;
- Provide written notice of rights to a student or employee when they report their victimization, including possible sanctions or protective measures that may result from an institutional disciplinary proceeding, procedures following report of an incident, notification of available services, and reasonable accommodations that can be made;
- Adopt and disclose policies that provide the option to seek protective or disciplinary action directly with their institution; and
- Provide primary prevention and awareness programs for all incoming students and new employees, along with ongoing prevention and awareness campaigns.

We urge you to pass H.C.R. 12 / H.R. 7 to support the University of Hawai'i System in its efforts to prevent and address incidents of sexual violence and harassment involving its campuses and students, and compliance with the mandates of Title IX and VAWA.

Thank you for this opportunity to testify.

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<sup>i</sup> M.C. BLACK ET AL., THE NATIONAL INTIMATE PARTNER AND SEXUAL VIOLENCE SURVEY (NISVS): 2010 SUMMARY REPORT (Nat'l Ctr. for Injury Prevention & Control, Ctrs. for Disease Control & Prevention 2011).

<sup>ii</sup> C.P. Krebs et al., *College women's experiences with physically forced, alcohol- or other drug-enabled, and drug-facilitated sexual assault before and since entering college*, 57(6) J. OF AM. COLLEGE HEALTH 639-47 (2009).

<sup>iii</sup> UNIVERSITY OF HAWAII AT MANOA, 2013 ANNUAL SECURITY AND FIRE SAFETY REPORT (2013), available at [http://www.hawaii.edu/security/resources/PDFs/annual\\_report13.pdf](http://www.hawaii.edu/security/resources/PDFs/annual_report13.pdf).

**LATE**

**GAY LESBIAN  
BISEXUAL AND  
TRANSGENDER  
CAUCUS**



**DEMOCRATIC  
PARTY OF HAWAII**

### **COMMITTEE ON HIGHER EDUCATION**

**Chair: Rep. Isaac W. Choy**

**Vice Chair: Rep. Linda Ichiyama**

**Members: Representatives** Henry J.C. Aquino, K. Mark Takai, Karen Awana, Roy M. Takumi, Faye P. Hanohano, Lauren Kealohilani Matsumoto, Takashi Ohno, Richard Lee Fale, Calvin K.Y. Say

### **HEARING on HCR 12 / HR 7**

**DATE:** Thursday, March 13, 2014

**TIME:** 2:00 PM

**PLACE:** Conference Room 309

Requesting the University of Hawai'i to affirm their commitment to upholding the tenets of Title IX and the Violence Against Women Act 2013 and the University of Hawai'i's dedication to ending all forms of sexual violence on Hawaii campuses through a report on the status of Title IX and Violence Against Women Act 2013 policies, procedures, staffing, and statistics.

### **TESTIMONY IN SUPPORT**

Title IX prohibits discrimination on the basis of sex by any education program receiving federal funding and protects all students regardless of their gender from sexual violence and harassment. Yet UH Manoa reported 11 forcible sex offenses in 2012 and 12 of the 16 assaults reported system wide. Rape often goes unreported as students fear reprisals, particularly if the perpetrator is a fellow student or a professor. Graduate students are particularly vulnerable to threats from advisors or those who can affect the progress of their theses.

Under the recent Violence Against Women Reauthorization Act ("VAWA"), UH must now:

- Report domestic violence, dating violence, and stalking;
- Adopt student discipline procedures, such as, notifying victims of their rights;
- Adopt institutional policies to address and prevent campus sexual violence;
- Offer new students and employees "primary prevention and awareness programs;"
- Implement new policies to assist victims;
- Add "national origin" and "gender identity" as hate crime categories to be reported;
- Withhold victims' names in Clery Act reports.

To comply, there must be an institutional overhaul. It should include a renewed commitment to compliance, and a purge of perpetrating professors.

A friend of mine alleges that she was sexually assaulted by her graduate advisor. I witnessed her angst as she tried to decide whether to transfer to another school, report the crime or remain silent. The #1 priority of the UH administration should be to provide a safe academic environment. How can students learn in an environment saturated with the threat of rape? No student should be subjected to this!

Mahalo for the opportunity to testify,

Jo-Ann M. Adams  
Legislative Liaison

## ichiyama2-Fern

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Wednesday, March 12, 2014 10:28 AM  
**To:** HEDtestimony  
**Cc:** jlee16@gmail.com  
**Subject:** \*Submitted testimony for HCR12 on Mar 13, 2014 14:00PM\*

### **HCR12**

Submitted on: 3/12/2014

Testimony for HED on Mar 13, 2014 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jenny Lee	Individual	Support	No

#### Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**ichiyama2-Fern**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 13, 2014 1:03 PM  
**To:** HEDtestimony  
**Cc:** vsprows@icloud.com  
**Subject:** Submitted testimony for HCR12 on Mar 13, 2014 14:00PM



**HCR12**

Submitted on: 3/13/2014

Testimony for HED on Mar 13, 2014 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Victoria Sprows	Individual	Support	No

Comments: I think it is deplorable that you would vote for the CONGRATULATING THE HAWAII STATE COMMISSION ON THE STATUS OF WOMEN FOR ITS 50 YEARS OF COMMITMENT TO CREATING EQUALITY FOR WOMEN AND GIRLS IN THE STATE OF HAWAII and not pass this.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**ichiyama2-Fern**

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**From:** mailinglist@capitol.hawaii.gov  
**Sent:** Thursday, March 13, 2014 1:28 PM  
**To:** HEDtestimony  
**Cc:** esarslan@iolani.org  
**Subject:** Submitted testimony for HCR12 on Mar 13, 2014 14:00PM



**HCR12**

Submitted on: 3/13/2014

Testimony for HED on Mar 13, 2014 14:00PM in Conference Room 309

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Esma Arslan	Individual	Support	No

Comments: I am currently a UH Manoa student and I believe, for the well-being of all females on campus, the security and safety of our students should be prioritized. Therefore, I am in support of passing this resolution!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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**LATE**

March 13, 2014

To:  
Representative Isaac W. Choy, Chair  
Representative Linda Ichiyama, Vice Chair  
Members of the House Committee on Higher Education

From:  
Dan Purcell

Re:  
Testimony in Support of HR 7/HCR 12

I support HR 7/HCR 12.