



THE SEX ABUSE TREATMENT CENTER

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

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DATE: March 28, 2014

TO: The Honorable Karl Rhoads, Chair
The Honorable Sharon E. Har, Vice Chair
House Committee on Judiciary

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 Rhoads, Vice Chair Har and members of the House Committee on Judiciary. 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.ⁱ And, a recent study of undergraduate women found that 19% experienced attempted or completed sexual assault since entering college.ⁱⁱ In 2012, the University of Hawai'i at Mānoa reported 11 forcible sex offenses on campus, and 12 in each of the previous years.ⁱⁱⁱ 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, many 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 along side 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.

ⁱ 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).

ⁱⁱ 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).

ⁱⁱⁱ 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.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Judiciary
Friday, March 28, 2014 at 2:00 pm

By
David Lassner
Interim President
University of Hawai'i

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 Rhoads, Vice Chair Har and Members of the Committee:

Thank you for this opportunity to provide testimony on behalf of the University of Hawai'i.

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. 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 has taken the lead in preparing drafts for review and discussion. 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. 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.



Planned Parenthood of Hawaii

To: Hawaii State House of Representatives Committees on Judiciary and
Consumer Protection & Commerce
Hearing Date/Time: Friday, March 28, 2014, 2:00 p.m.
Place: Hawaii State Capitol, Room 325
Re: Testimony of Planned Parenthood of Hawaii in support of H.C.R. 12/ H.R.
7

Dear Chairs Rhoads and McKelvey and Members of the Committees on Judiciary and Consumer Protection & Commerce,

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 (“VAWA”) 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 VAWA 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

LATE



HAWAI‘I CIVIL RIGHTS COMMISSION

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

March 28, 2014
2:00 p.m.
Conference Room 325

To: The Honorable Karl Rhoads, Chair
and Members of the House Committee on Judiciary

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.

LATE

HCR12

Submitted on: 3/27/2014

Testimony for JUD on Mar 28, 2014 14:00PM in Conference Room 325

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	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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Hawaii Women's Coalition

COMMITTEE ON JUDICIARY
Rep. Karl Rhoads, Chair
Rep. Sharon E. Har, Vice Chair

LATE TESTIMONY

COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Angus L.K. McKelvey, Chair
Rep. Derek S.K. Kawakami, Vice Chair

DATE: Friday, March 28, 2014
TIME: 2:00 PM
PLACE: Conference Room 325

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 Rhoads, Chair McKelvey 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 worse 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, particularly with respect to sex assault and sexual harassment? 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: annsreed@gmail.com Phone: 808-623-5676