
HOUSE CONCURRENT RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM ITS COMMITMENT TO UPHOLDING THE TENETS OF TITLE IX OF THE EDUCATION AMENDMENT ACT OF 1972 AND THE VIOLENCE AGAINST WOMEN REAUTHORIZATION 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 OF THE EDUCATION AMENDMENT ACT OF 1972 AND VIOLENCE AGAINST WOMEN REAUTHORIZATION ACT 2013 POLICIES, PROCEDURES, STAFFING, AND STATISTICS.

1 WHEREAS, Title IX of the Education Amendment Act of 1972
2 (Title IX) prohibits discrimination on the basis of sex in the
3 administration of any education program receiving federal
4 financial assistance and bans sexual harassment, discrimination
5 against pregnant and parenting students, and the use of
6 stereotypes and other barriers to limit a person's access to a
7 particular educational field; and

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9 WHEREAS, the Violence Against Women Reauthorization Act
10 2013 (VAWA) is aimed at ending violence against women and girls
11 and remedying laws and social practices that, in the past, have
12 fostered and justified violence against women and girls; and

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

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

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23 WHEREAS, Title IX has made progress in fostering equality
24 between women and men in educational and workplace settings; and
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1 WHEREAS, Title IX has been renamed the Patsy Takemoto Mink
2 Equal Opportunity in Education Act in recognition of the late
3 United States Representative Patsy Mink's tireless efforts to
4 develop and pass Title IX; and

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6 WHEREAS, sexual violence is prevalent on college campuses
7 with some statistics estimating that one in five college women
8 will be raped before graduation; survivors of these sexual
9 assaults are often full-time students; and approximately one-
10 third of these sexual assaults are perpetrated on women who are
11 first year students between the ages of seventeen and nineteen;
12 and

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

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

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

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

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42 WHEREAS, the provisions of VAWA have been carefully crafted
43 with the input and assistance of more than two thousand
44 advocates and experts from around the country; and



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2 WHEREAS, VAWA ensures that survivors of sexual assault have
3 access to necessary services; improves institutional responses
4 to violence; provides access to services for gay, lesbian,
5 bisexual and transgender survivors who frequently are excluded
6 from services; and ensures that survivors of sexual assault in
7 Native American communities and in the United States Territories
8 have access to justice; and
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10 WHEREAS, violence against women is a continuing problem
11 that must be addressed; and
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13 WHEREAS, stereotypes, discrimination, and barriers still
14 exist for women and girls in various fields of study, including
15 science, technology, engineering, and mathematics; and
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17 WHEREAS, educators and students are often not aware of
18 Title IX protections against sex discrimination and sexual
19 harassment; now, therefore,
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21 BE IT RESOLVED by the House of Representatives of the
22 Twenty-seventh Legislature of the State of Hawaii, Regular
23 Session of 2014, the Senate concurring, that the University of
24 Hawaii, in consultation with its student governing bodies,
25 faculty governing bodies, and the unions representing its
26 workers, is requested to:
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- 28 (1) Affirm the University's commitment to following the
29 tenets of Title IX and VAWA and to preventing all
30 forms of violence against women and girls;
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- 32 (2) Ensure that the University is committed to increasing
33 resources and strengthening the institutional
34 infrastructure of all its campuses to more effectively
35 address and prevent sexual violence and other forms of
36 gender violence and discrimination;
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- 38 (3) Meet the mandates of Title IX by:
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- 40 (A) Publishing and widely disseminating notice of
41 nondiscrimination on the basis of sex;
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- 43 (B) Designating an employee to coordinate Title IX
44 compliance;



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(C) Adopting appropriate complaint and investigation procedures;

(D) Implementing education and victim resource programs;

(E) Providing training to the campus community on how to identify and report harassment; and

(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 Hawaii campuses to ensure compliance with Title IX and VAWA, particularly at the University of Hawaii at Manoa, and disseminate information regarding the steps, if any, that have been taken to revise relevant University of Hawaii 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 Hawaii 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 Hawaii is requested to submit a report of its guidelines and the status of its Title IX and VAWA policies, procedures, staffing and



1 statistics, including any proposed legislation, to the
2 Legislature no later than twenty days prior to the convening of
3 the Regular Session of 2015; and
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5 BE IT FURTHER RESOLVED that certified copies of this
6 Concurrent Resolution be transmitted to the University of Hawaii
7 Board of Regents, Office of the President of the University of
8 Hawaii, and each Chancellor on the Council of Chancellors of the
9 University of Hawaii System.

