

JAN 21 2014

SENATE 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

16
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
28 United States Representative Patsy Mink's tireless efforts to
29 develop and pass Title IX; and



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

7
8 WHEREAS, in the last five years, there has been increasing
9 media attention surrounding allegations of sexual misconduct on
10 college campuses focusing on universities' perceived "deliberate
11 indifference" and lack of institutional response to a growing
12 number of incidents and allegations of sexual violence and sexual
13 harassment; and

14
15 WHEREAS, the United States Department of Education's Office
16 for Civil Rights, the administrative office enforcing Title IX,
17 published a document providing guidance concerning sexual
18 harassment in 2001 ("*Revised Sexual Harassment Guidance:
19 Harassment of Students by School Employees, Other Students, or
20 Third Parties*") and more recently provided guidance concerning
21 sexual harassment in an April 4, 2011 "Dear Colleague" letter
22 focused on sexual violence; and

23
24 WHEREAS, as a result of growing concern by students and
25 parents across the country and recent guidance from the
26 Department of Education's Office of Civil Rights, many
27 universities have made organizational and policy changes to
28 better address student allegations and safety; and

29
30 WHEREAS, college campuses should not tolerate sexual
31 violence or any form of sex discrimination, but instead seek to
32 foster a culture that rejects sexual violence and educates
33 community members about how best to prevent and respond to a
34 sexual assault; and

35
36 WHEREAS, the provisions of VAWA have been carefully crafted
37 with the input and assistance of more than 2,000 advocates and
38 experts from around the country; and

39
40 WHEREAS, VAWA ensures that survivors of sexual assault have
41 access to necessary services; improves institutional responses to
42 violence; provides access to services for gay, lesbian, bisexual
43 and transgender survivors who frequently are excluded from
44 services; and ensures that survivors of sexual assault in Native
45 American communities and in the United States Territories have
46 access to justice; and



1 WHEREAS, violence against women is a continuing problem
2 that must be addressed; and

3
4 WHEREAS, stereotypes, discrimination, and barriers still
5 exist for women and girls in the fields of science, mathematics,
6 technology, and engineering; and

7
8 WHEREAS, educators and students are often not aware of
9 Title IX protections against sex discrimination and sexual
10 harassment; now, therefore,

11
12 BE IT RESOLVED by the Senate of the Twenty-seventh
13 Legislature of the State of Hawai'i, Regular Session of 2014,
14 that the University of Hawai'i is requested to:

- 15
16 (1) Affirm the University's commitment to following the
17 tenets of Title IX and VAWA and to preventing all forms
18 of violence against women and girls;
19
20 (2) Ensure that the University is committed to increasing
21 resources and strengthening the institutional
22 infrastructure of all its campuses to more effectively
23 address and prevent sexual violence and other forms of
24 gender violence and discrimination;
25
26 (3) Meet the mandates of Title IX by:
27
28 (A) Publishing and widely disseminating notice of
29 nondiscrimination on the basis of sex;
30
31 (B) Designating an employee to coordinate Title IX
32 compliance;
33
34 (C) Adopting appropriate complaint and investigation
35 procedures;
36
37 (D) Implementing education and victim resource
38 programs;
39
40 (E) Providing training to the campus community on how
41 to identify and report harassment; and
42
43 (F) Providing training to appropriate employees about
44 how to investigate allegations of sexual
45 discrimination, including harassment and violence;



- 1 (4) Formulate plans to address and prevent gender
- 2 discrimination and gender violence given the unique
- 3 aspects of each campus and strengthen the institutional
- 4 response of the University of Hawai'i campuses to
- 5 ensure compliance with Title IX and VAWA, particularly
- 6 at the University of Hawaii-Manoa, and
- 7 disseminate information regarding the steps, if any,
- 8 that have been taken to revise relevant University of
- 9 Hawai'i policies and procedures to comply with Title IX
- 10 and VAWA, and to develop best practices to respond to
- 11 victims of sexual violence; and
- 12
- 13 (5) Conduct a study on the prevalence of sexual violence on
- 14 all campuses of the University of Hawai'i system and
- 15 disseminate copies of this study to appropriate
- 16 parties; and
- 17
- 18 (6) Identify critical stakeholders and offices to handle
- 19 complaints of sex-based violence, harassment, and
- 20 discrimination and develop streamlined policies and
- 21 procedures to ensure that complainants are able to find
- 22 information, make formal complaints, and access
- 23 University resources with ease and to ensure that the
- 24 University is able to respond to complaints in a timely
- 25 and effective manner; and
- 26

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

33
 34 BE IT FURTHER RESOLVED that certified copies of this
 35 Resolution be transmitted to the University of Hawai'i Board of
 36 Regents and the Office of the President of the University of
 37 Hawai'i.

38
 39
 40

OFFERED BY: Ronald H. Baker
Michelle Sidani
John M. Baker
Sharon Chun Oakland

Mahesh Kumar Hanu Kulkarni

