

HCR 12

Testimony –

Measure Title: REQUESTING THE UNIVERSITY OF HAWAII TO AFFIRM ITS 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.

Report Title: None

Description:

Companion: [HR7](#)

Package: Women's Legislative Caucus

Current Referral: HRE, JDL

Introducer(s): BELATTI, AWANA, CACHOLA, CARROLL, HANOANO, HAR, ICHIYAMA, C. LEE, LOWEN, LUKE, MIZUNO, MORIKAWA, TAKAI, TAKUMI, THIELEN, WOOLEY, Fukumoto, Jordan, Matsumoto



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
Tuesday, April 15, 2014 at 1:30pm
By
David Lassner
Interim President
University of Hawai'i

HCR 12 HD1 – 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 Taniguchi, Vice Chair Kahele 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. These briefings were followed by a

March presentation to the UH Council of Chancellors, which includes the leadership of all ten UH campuses and the UH System.

- 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 and guidance is being provided to campuses in the context of campus budget planning.

- 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. That group has collaboratively prepared 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 also delineate the responsibilities and requirements of each of our campuses to provide a safe and compliant environment for students, faculty and staff. Drafts of these new policies are now under broad review by UH stakeholders. Once the federal rulemaking is complete our policies will again be updated.

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.

From: mailinglist@capitol.hawaii.gov
To: [HRETestimony](#)
Cc: kat.caphi@gmail.com
Subject: Submitted testimony for HCR12 on Apr 15, 2014 13:30PM
Date: Saturday, April 12, 2014 9:47:08 AM

HCR12

Submitted on: 4/12/2014

Testimony for HRE on Apr 15, 2014 13:30PM in Conference Room 414

Submitted By	Organization	Testifier Position	Present at Hearing
Kat Brady	Community Alliance on Prisons	Support	No

Comments: Please support this resolution in the spirit with which Congresswoman Patsy Mink championed Title IX!

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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THE SEX ABUSE TREATMENT CENTER

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

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DATE: April 15, 2014

TO: The Honorable Brian T. Taniguchi, Chair
The Honorable Gilbert Kahele, Vice Chair
Senate Committee on Higher Education

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

RE: H.C.R. 12, H.D. 1
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
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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 Taniguchi, Vice Chair Kahele and members of the Senate 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.D. 1, 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.D. 1 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.