

SB 397

Testimony

Measure Title: RELATING TO THE UNIVERSITY OF HAWAII.

Report Title: University of Hawaii; Appropriation; Title IX and VAWA Compliance ^(S)

Description: Appropriates moneys for positions and materials to comply with Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013.

Companion: [HB457](#)

Package: None

Current Referral: HEA/JDL, WAM

Introducer(s): KIDANI, BAKER, CHUN OAKLAND, INOUYE, SHIMABUKURO, L. Thielen



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Higher Education and the Arts
and
Judiciary and Labor
February 17, 2015 at 1:40 p.m.
by
Jan Gouveia
Vice President for Administration
University of Hawai'i System

SB397 – RELATING TO THE UNIVERSITY OF HAWAII

Chairs Taniguchi and Keith-Agaran, Vice Chairs Inouye and Shimabukuro, and Members of the Committees:

The University of Hawai'i appreciates the opportunity to strongly support SB397, which acknowledges the importance of having adequate resources to not only comply with the federal requirements of Title IX of the Education Amendments of 1972 (Title IX) and the Violence Against Women Reauthorization Act of 2013 (VAWA), but effectively advance the spirit and intent of such laws.

In 2013, President Obama signed a bill that strengthened and reauthorized the Violence Against Women Act (VAWA). Included in the bill was the Campus Sexual Violence Elimination Act (Campus SaVE), which amends the Jeanne Clery Act and affords additional rights to campus victims of sexual violence, dating violence, domestic violence, and stalking. To this end, effective July 2015, every post-secondary institution who receives federal funds is affected with additional reporting, policy and procedural requirements – as they relate to sexual violence, dating violence, domestic violence, and stalking.

At the University, each campus is responsible for ensuring compliance with Title IX and VAWA. From an organizational standpoint, this is primarily executed through a designated Title IX coordinator. Historically, such a designation was assigned to an existing University official already tasked with other related duties. However, given the increased requirements associated with VAWA, the University believes dedicated, full-time Title IX coordinators for each 4-year campus and the Community Colleges system with specific experience and knowledge in the areas of sex discrimination and sexual violence are warranted.

Additionally, the increased program, procedural, and investigatory requirements associated with VAWA across all ten (10) campuses also warrant additional dedicated, full-time professionals with specific experience and knowledge in the areas of sex discrimination, including sexual misconduct. The bill supports a centralized approach to meeting these requirements at the system level because many of the issues, policies, programs, and training are better addressed from a comprehensive approach instead of each campus

individually developing their own programs. This centralized approach advances principles of operational efficiency and economies of scale.

In closing, the University strongly supports SB397 because it acknowledges the importance of having adequate resources to comply with and advance the federal requirements of Title IX of the Education Amendments of 1972 (Title IX) and the Violence Against Women Reauthorization Act of 2013 (VAWA).

Thank you for the opportunity to testify on this measure.

From: mailinglist@capitol.hawaii.gov
To: [HEA Testimony](#)
Cc: annsfreed@gmail.com
Subject: Submitted testimony for SB397 on Feb 17, 2015 13:40PM
Date: Tuesday, February 17, 2015 12:20:34 AM

SB397

Submitted on: 2/17/2015

Testimony for HEA/JDL on Feb 17, 2015 13:40PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Hawaii Women's Coalition	Support	Yes

Comments: The Coalition is in support of this measure. If the University is going to meet federal standards, it must have sufficient funding to do so. Our only proviso would be that any funds appropriated for this purpose be restricted to Title IX, VAWA use. Mahalo for allowing me to testify, Ann S. Freed Co-Chair Hawaii Women's Coalition

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To: Hawaii State Senate Committees on Higher Education & the Arts and
Judiciary and Labor
Hearing Date/Time: Tuesday, February 17, 2015, 1:40 p.m.
Place: Hawaii State Capitol, Rm. 224
Re: Testimony of Planned Parenthood of Hawaii in support of S.B. 397

Dear Chairs Taniguchi and Keith-Agaran and Members of the Committees,

Planned Parenthood of Hawaii (“PPHI”) writes in support of S.B. 397, which appropriates moneys for positions and materials to comply with Title IX of the Education Amendments of 1972 and the Violence Against Women Reauthorization Act of 2013.

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. We are proud to stand in support of this legislation and to offer our support as a leading sexual and reproductive health care provider. The intersections of gender-based violence and reproductive health are clear. At PPHI, we work to meet the needs of survivors—and to prevent sexual assault from ever happening—in all areas of our work, from screening for intimate partner violence, to advocating for policies that support comprehensive sexual education, including teaching about healthy relationships and consent.

The need for action on college sexual assault in Hawaii is urgent. An estimated one in four women and three percent of men in the United States experience an attempted or completed rape while in college. Moreover, the University of Hawaii system is under federal investigation for Title IX violations and sexual violence case mishandling. This is unacceptable.

S.B. 397 would help strengthen campus resources and supportive services for college students. But education about healthy relationships and consent needs to start much earlier than college. In addition to these efforts, we need comprehensive sexual education in every school, starting in kindergarten, to make sure students learn about healthy relationships many years before they even think about going to college or entering into intimate relationships. The gaps that remain in Hawaii’s sexual health education have a significant impact on young people's well-being and future relationships.

We urge the legislature to pass S.B. 397, and we also call on the Hawaii State Department of Education to ensure that comprehensive, age-appropriate sexual health education is provided to every student, every year, from kindergarten through 12th grade."

Thank you for this opportunity to testify in support of S.B. 397.

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

KAUAI
Education & Outreach
808-482-2756

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Education & Outreach
808-442-4243


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

Sincerely,

Laurie Field
Director of Public Affairs & Government Relations

February 16, 2015

To: Senate Committee on Higher Education and the Arts
Senate Committee on Judiciary and Labor

Fr: Leslie D. Cabingabang 

Re: SB397: Relating to the University of Hawai'i Title IX Compliance

Position: **IN SUPPORT WITH AMENDMENTS**

Aloha Chair Taniguchi, Vice Chair Inouye, Chair Agaran, Vice Chair Shimabukuro, and Members of the Committees,

I would like to thank the committees and the University administration for prioritizing Title IX Compliance. While my testimony is not the official stance of the University, I am writing as a coordinator for the UH Prevention Awareness Understanding Violence or PAU Violence Program and as a long time advocate for students who experience sexual violence, intimate partner violence, sexual harassment and stalking.

I am in support of this bill to provide resources for Title IX compliance, however I ask the committees and the university to clarify how the \$1.13 million request will be used and distributed to support the declared priorities of prevention education. Furthermore, I am requesting the support for direct student services through the existing UH System PAU Violence Program.

The UH PAU Violence Program is a systemwide network developing infrastructure to provide awareness and education. The UH PAU Violence Program is underfunded and exists due to the volunteer efforts of faculty and staff on each campus. In 2011, we were denied continued funding from the Department of Justice Office of Violence Against Women Campus Grant Program due to lack of evidence our home institution would support our prevention education efforts. We are asking the State of Hawai'i and the University to support the UH System PAU Violence Program to continue and expand our direct student services.

In addition to prevention education, UH PAU Violence also provides academic, personal, and mental health support and advocacy for survivors. We define advocacy as assisting students at whatever point in their healing process, regardless of the alleged perpetrator's affiliation with the university. We recognize that students who survive sexual violence are not always immediately ready to seek legal (campus or civil) remedies to address their experience. Even more, students in violent relationships are less likely to report to authorities for fear their partners will get into trouble or the violence will escalate. UH PAU Violence advocates inform student survivors of all their options and assist in what the student needs help with, like connecting with counseling,

finding the nearest health clinic, up to filing complaints or how to obtain protective orders.

On Page 2 Lines 7-16 of SB397, it states that “comprehensive ongoing prevention education, bystander intervention training, and training to students, faculty, and staff to address these criminal acts” are just as important as the investigation and reports of sexual violence. The measure does not indicate, however, how the university’s desired appropriations will be used to provide prevention education.

Sexual violence, intimate partner violence, sexual harassment and stalking amongst students are issues beyond Title IX and the Violence Against Women Act. Title IX coordinators and investigators are essential in the administration of institution policies, however do not meet the education and advocacy needs of students.

The UH System PAU Violence Program is dedicated to providing education to change the culture of acceptance of violence and promote healthy and safe relationships.

We humbly ask that the university dedicate funds to the existing infrastructure of the UH PAU Violence Program to provide continued outreach, prevention education, awareness and advocacy. Dedicated funding for the UH PAU Violence Program should include staff FTE and resources for training, outreach, education and direct student services.

My suggested amendment to this measure is to insert “PAU Violence” on Page 3 Line 16 to say, “**Staff, including investigators, coordinators, PAU Violence educational specialists, and trainers**” to ensure continued prevention education and advocacy for students. Specifically, I ask that the University **dedicate funds for four 1.0 FTE for UH PAU Violence Program coordinators at these designated offices: 1) UH Mānoa Women’s Center; 2) UH Maui College Personal Support Counselor; 3) UH Hilo Student Health and Wellness Program; and 4) UH Community College Coordinator housed at the UHM Women’s Center. Funds shall also include materials and professional development for each campus.**


Please vote for passage of SB397 with our proposed amendments to ensure dedicated funding to the existing, pertinent education and advocacy services of the UH System PAU Violence Program.

I am grateful for your time and consideration.

Mahalo

TO: Committee on Higher Education and the Arts
Chair Brian Taniguchi, Vice Chair Lorraine Inouye, and Committee
Tuesday, February 17, 2015, Conference Room 224

DATE: February 15, 2015

FROM: Christine Quemuel 

RE: SUPPORT for SB 397 with AMENDMENTS

Thank you for this opportunity to submit testimony in support of SB 397 with amendments. I appreciate the University's commitment to strengthening their Title IX programs through a request for funding for coordinators and investigators. These important positions are necessary to guarantee that our students have a resource to report incidences of gender based violence that they experience.

However, I would argue that just as, or even more important, is the need for primary prevention education and awareness, which is essential in the efforts to end sexual violence and relationship violence on our college and university campuses. It is important that prevention education and advocacy, which includes academic, personal, and mental health services for those who may have experienced assault is adequately supported and funded. One way that the University is currently providing these services is through the Systemwide PAU Violence Program. This statewide program is currently staffed by campus representatives who volunteer their time and energy to primary prevention efforts, in addition to their regularly assigned campus duties. It is my hope that the legislature can assist in these efforts through specified funding and position counts for the PAU Violence Program.

I thank the legislature for introducing this important bill and for their continued commitment to addressing violence prevention and for doing what they can to ensure that our campuses in Hawai'i are free from sexual violence. This testimony does not represent the official testimony of the University of Hawai'i, but reflects my personal support of SB 397. I strongly encourage the passage of this bill with amendments. Please support SB 397, relating to the University of Hawai'i.

TO: Senate Committee on Higher Education and The Arts
Sen. Brian Taniguchi, Chair
Sen. Lorraine Inouye, Vice Chair

Senate Committee on Judiciary and Labor
Sen. Gilbert Keith-Agaran, Chair
Sen. Maile Shimabukuro, Vice Chair

FROM: Teresa Bill tbill808@gmail.com Honolulu Resident

RE: Testimony Support With Comments / Amendments SB 397
Relating to Univ. of Hawai'i, Title IX & VAWA Compliance
Tues. Feb. 17, 2015 1:40 p.m. Conference Room 224

I am Teresa Bill, testifying in support of SB 397 allocating funds to the University of Hawaii to ensure compliance with Title IX and the Violence Against Women Act (VAWA) and to begin effectively addressing sexual violence on campus. Although an employee of UH, I am submitting testimony as a private citizen.

Thank you to the Women's Legislative Caucus and the Women's Coalition for bringing needed attention to these issues.

The University of Hawai'i requested funding for positions including Title IX Coordinators and investigators. I believe the Women's Caucus astutely and correctly included language in SB397 addressing prevention education and direct services to students. I urge the Committee to ensure that this funding to the Univ. of Hawai'i includes some funds for UH PAU Violence to provide prevention education, awareness and direct student support services mentioned in SB397.

While "legal compliance" issues are important, as an advocate for students I know students need engaged prevention and awareness training as well as easy access to crisis services. The lack of and underfunding of such direct student services are acutely felt by students. Beginning July 1, 2015, the Violence Against Women Act requires Universities to engage in prevention strategies and ensure that students have access to needed services. This is in addition to the Title IX requirements of accurately reporting and investigating these criminal acts. Prevention and awareness, building a new culture of non-acceptance of violence among our students, must occur simultaneously with services to victims of assault.

The UH PAU Violence Program (Prevention Awareness Understanding Violence Program) has in place a UH systemwide network developing infrastructure to provide awareness and education, as well as academic, personal, and mental health support for survivors. It is unique in that it encompasses both prevention and crisis services. It is not unique in that such important services are not regularly funded by UH. Funding is always cobbled together of funds begged from this office & that, with campus-based personnel volunteering much of their time and energy.

The University needs to partner with community-based providers, and I have submitted testimony supporting the on-going funding of SATC (Sex Abuse Treatment Center) because we refer students to their services and they do incredible work. **But the University also needs to fund and ensure the stability of direct student services -- people who engage with students in prevention and awareness, which also establishes a trusted portal for students needing and seeking crisis services.**

Thank you for this opportunity to testify.

TO: Senate Committee on Higher Education and the Arts
Senate Committee on Judiciary and Labor
Hawai'i State Capitol
February 17, 2015, 1:40 p.m.
Conference Room 224

FROM: Jennifer Pagala Barnett
Program Coordinator, UHM Women's Center

RE: SUPPORT FOR SB397 with AMENDMENTS

To Honorable Chair Taniguchi, Vice Chair Inouye and the Members of the Committee & to Honorable Chair Keith-Agaran, and Vice Chair Shimabukuro,

Thank you to the committees for bringing forth the importance of Title IX compliance. I work for the Women's Center at the University of Hawai'i and I also assist with coordinating one of our programs, PAU (Prevention, Awareness, Understanding) Violence.

My testimony is not the official stance of the University of Hawai'i, but I am writing to share my experience as a staff that works with students that are affected by issues of Title IX. I am submitting testimony in support of SB397 but am suggesting amendments specifically to include funding for prevention efforts and survivor services that exist through the PAU Violence Program.

The PAU Violence program assists our 10-campus system in creating an infrastructure to provide awareness education to address sexual violence, intimate partner violence, sexual harassment and stalking. PAU Violence and the Women's Center has worked collaboratively with the UH system to provide awareness raising events to educate our campus communities about interpersonal violence and how to foster healthy relationships. PAU provides bystander intervention training to educate and encourage all of our students to become active peers and to move towards changing the campus climate. In addition, PAU also strives to engage and include male students and interested peer leaders in our discussions and efforts to end interpersonal violence. In 2014, the PAU Violence program provided education and outreach to at least 8,000 students, faculty and staff within the UH system. Annual educational workshops are provided through New Student Orientation, transfer programs, bridge programs, new student athletes orientation, housing and department program orientations.

The PAU Violence program is not only committed to primary prevention, but is unique in also providing direct services to students. We support student survivors of gender violence by providing confidential crisis referral support, advocacy and connections to both campus and community resources. Most of the students who are referred or seek our services are students who are protected under Title IX but

services are provided to any student regardless of who the alleged perpetrator is. System wide faculty and staff professionals who provide prevention and advocacy services do so in addition to their assigned positions and job duties on their campus.

SB397 directly affects the work that the PAU Violence program is committed to providing. The program needs funding to maintain its services. **Please consider amending SB397 to include at least 4 FTE staff along with resources for education and outreach.** Currently SB 397 supports the need for Title IX investigators but is not specific on the efforts to provide work for advocacy and prevention, both pieces that are significant to Title IX compliance.

Thank you for the opportunity to share this testimony. Please vote in support of SB397 with the addition of appropriations for the PAU Violence Program.

Mahalo.

From: mailinglist@capitol.hawaii.gov
To: [HEA Testimony](#)
Cc: kalawaiag@hotmail.com
Subject: *Submitted testimony for SB397 on Feb 17, 2015 13:40PM*
Date: Friday, February 13, 2015 8:30:47 PM

SB397

Submitted on: 2/13/2015

Testimony for HEA/JDL on Feb 17, 2015 13:40PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Kalawai'a Goo	Individual	Support	No

Comments:

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Cc: breaking-the-silence@hotmail.com
Subject: *Submitted testimony for SB397 on Feb 17, 2015 13:40PM*
Date: Monday, February 16, 2015 12:18:30 PM

SB397

Submitted on: 2/16/2015

Testimony for HEA/JDL on Feb 17, 2015 13:40PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

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To: [HEA Testimony](#)
Cc: cmukai@hawaii.edu
Subject: Submitted testimony for SB397 on Feb 17, 2015 13:40PM
Date: Sunday, February 15, 2015 1:03:59 PM

SB397

Submitted on: 2/15/2015

Testimony for HEA/JDL on Feb 17, 2015 13:40PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Cecilia Mukai	Individual	Oppose	No

Comments: I agree with the testimony submitted by the DOE. I believe the current law to allow parents to "opt-in" for the Pono Choices curriculum is the correct policy, so I oppose the change requiring parents to "opt-out". Pono Choices is a flawed curriculum and should not be widely disseminated. Cecilia Mukai

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