



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Higher Education & Technology
February 7, 2024 at 2:00 p.m.

By

Jan Gouveia

Vice President for Administration
University of Hawai'i

HB 1615 – RELATING TO CAMPUS SAFETY

Chair Perruso, Vice Chair Kapela, and Members of the Committee:

Thank you for the opportunity to submit testimony for HB 1615 – Relating to Campus Safety. The University of Hawai'i ("University") supports this bill with comments that request the recommended funding be included in the University's base budget, and requests clarification to HRS Section 304A-120 subsections (d), (e), (f) and (j). The University is grateful to this Committee for their continued support of gender equity and campus safety in higher education.

HB 1615 reaffirms the training requirements for University students and employees that were originally expanded under Act 76, Session Laws of Hawai'i (SLH) 2023, by requiring: 1) University students and employees to receive training on federal laws and University policies regarding sexual misconduct; 2) all existing University employees to be provided such training by December 31, 2024; 3) the University to provide mandatory, trauma-informed, gender-and LGBTI+-inclusive, and culturally responsive sexual misconduct primary prevention and awareness programming for all students and employees; and 4) the University ensure that disciplinary process implementers have training or experience in handling sexual misconduct complaints and the University's disciplinary process in a trauma-informed and inclusive manner. The University appreciates that HB 1615 identifies the critical importance of providing training that increases inclusivity with an emphasis on the needs of vulnerable populations, and the value of comprehensive training for employees whose role and function require them to assist students and/or employees who may have experienced sexual misconduct or some form of gender violence in seeking options, resources and support.

Additionally, HB 1615 appropriates funds out of the general revenues of the state, rather than the University tuition and fees special fund, for fiscal year 2024-2025 for operating expenses and the establishment of four FTE positions. The University appreciates that the Legislature recognizes how large of an undertaking it will be for the University to be thoughtful of how the new mandates under HB 1615 can be procured and to properly coordinate involvement between advocates, community experts, and external stakeholders, in gathering their guidance and feedback. Because the University's Office of Equity Assurance is currently understaffed and does not have the resources required

in order to develop and properly implement all of the requirements under this bill, the University is thankful for the proposed resources to fulfill the requirements of Act 76. The four FTE positions will provide the University with the ability to hire additional leaders and subject-matter experts with the skills and expertise to research, develop, and pilot the training programs. Additionally, the \$1,000,000 in funds will support the extensive programmatic and curricular development change, management skills and knowledge base, and any other contractual and technological needs that implementation will require. Given the significant training, prevention, and programmatic requirements under this bill that would impact 50,000+ students and 10,000+ employees across all ten campuses, the University respectfully requests an ongoing appropriation of \$1,000,000 in the base budget to continuously support the four FTE positions and to implement, administer, and update the training programs in the future, as norms, best practices, and campus climate change.

Additionally, the University is in the process of updating its Student Conduct Code to incorporate a student amnesty provision consistent with the mandate of Act 76, SLH 2023. To assist in this effort, the University requests clarification that the amnesty provisions of the law are applicable only to students and the student conduct code, as more detailed below and illustrated in Attachment A:

- Amend Section 304A-120, Hawaii Revised Statutes, subsection (d) to read as follows:

(d) The University of Hawaii shall not subject a ~~[reporting party]~~ Student Reporting Party or student witness who asks for an investigation of sexual misconduct to a disciplinary proceeding or sanction for a violation of the university's ~~[policy]~~ student conduct code related to drug or alcohol use unless the university determines that the report of sexual misconduct was not made in good faith.

- Amend Section 304A-120, Hawaii Revised Statutes, subsection (e) to read as follows:

If the University of Hawaii's ~~[code of conduct]~~ student conduct code prohibits sexual activity or certain forms of sexual activity, including same-gender relationships or sexual activity, the university shall not take disciplinary action against ~~[individuals]~~ students reporting sexual misconduct or non-harassing sexual activity related to the incident or other non-harassing sexual activity discovered during an investigation into the reported incident.

- Amend Section 304A-120, Hawaii Revised Statutes, subsection (f) to read as follows:

The University of Hawaii shall review any disciplinary action taken against a Student Reporting Party to determine if there is a link between the disclosed sexual misconduct and the misconduct that led to the Student Reporting Party being disciplined.

- Amend Section 304A-120, Hawaii Revised Statutes, subsection (j) to add a new definition as follows:

“Student Reporting Party” means a student who reports to the University of Hawaii as having experienced an incident of sexual misconduct.”

The passage of HB 1615 will substantially expand the University’s wherewithal to adhere to national standards and best practices in the higher education context to support survivors, minimize re-traumatization and further harm, and increase safety and awareness of resources, rights and support programs. Expanding our prevention programs for students and employees and providing more trauma-informed inclusivity training for first responders and Title IX staff will ultimately support academic success and enhance safe and supportive work environments. To that end, the University sincerely appreciates the Legislature’s continued commitment to increasing campus safety in higher education.

Thank you for the opportunity to submit testimony in support of HB 1615.



HOUSE BILL 1615, RELATING TO CAMPUS SAFETY

FEBRUARY 7, 2024 · HET HEARING

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus **supports** HB 1615, relating to campus safety, which requires all existing University of Hawai'i employees to be provided training on federal laws and UH policies regarding sex discrimination and sexual misconduct by December 31, 2024; and appropriates funds out of the general revenues of the state, rather than the university of Hawai'i tuition and fees special fund, for fiscal year 2024-2025 for operating expenses and to establish positions

Sexual violence has no place on Hawai'i's shores, especially on our college campuses. Last year, lawmakers passed HB 554 (Act 76) to defend University of Hawai'i students from harm. Act 76 strengthened sexual and domestic violence prevention training at for UH students and staff, and instituted amnesty protections to ensure that victims are not disciplined for the extenuating circumstances of their own trauma.

According to UH's 2021 climate survey, 9 percent of students experienced sexual harassment and 6 percent experienced sexual assault. Using UH's enrollment data for that year, **that means approximately 4,600 students experienced sexual harassment and roughly 3,000 students were sexually assaulted during their time at the university.** Additionally, 5 in 6 students who experienced gender violence did not access university assistance and 2 in 3 students did not

receive training or information on sexual violence. Yet, 61 percent of students who attended prevention training indicated that it was extremely or very useful. **Notably and distressingly, UH has not yet published the results of its 2023 campus climate survey, which students completed a year ago. Publication of the survey is required by state law and should be performed as soon as possible.**

The Rape, Abuse and Incest National Network, the nation's largest anti-sexual violence organization, estimates that 11.2 percent of all college students experience rape or sexual assault through physical force, violence, or incapacitation. Among undergraduate students, 23.1 percent of females experience rape or sexual assault through physical force, violence, or incapacitation. This issue is not specific to women, either. Male college-aged students (18-24) are 78 percent more likely than non-students of the same age to be a victim of rape or sexual assault.

Sexual violence is pervasive on college campuses in Hawai'i. In addition to the statistics cited above, UH's most recently published climate survey revealed that:

- Approximately 35 percent of students at the University of Hawai'i feel that the issues of sexual assault and sexual harassment are extremely, very, or somewhat problematic;
- 18.5 percent of students at the University of Hawai'i experienced dating or domestic violence while at the university; and
- 100 percent of students experiencing sexual harassment reported negative consequences from the incidents, such as emotional trauma and adverse academic impacts.

Amending the method of financing for Act 76 from the tuition and fees special fund to general funds will ensure that gender violence prevention programming is maintained in future years—possibly as part of the university's base budget—without requiring UH to cannibalize its own funds. Sustaining these programs and establishing support positions for the Office of Institutional Equity is essential to reducing sexual assault and harassment throughout the UH system.

Kris Coffield · Chairperson, DPH Education Caucus · (808) 679-7454 · kriscoffield@gmail.com



HB 1615, RELATING TO CAMPUS SAFETY

FEBRUARY 7, 2024 · HET HEARING

POSITION: Support.

RATIONALE: Imua Alliance supports HB 1615, relating to campus safety, which requires all existing University of Hawai'i employees to be provided training on federal laws and UH policies regarding sex discrimination and sexual misconduct by December 31, 2024; and appropriates funds out of the general revenues of the state, rather than the university of Hawai'i tuition and fees special fund, for fiscal year 2024-2025 for operating expenses and to establish positions

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According to UH's 2021 climate survey, 9 percent of students experienced sexual harassment and 6 percent experienced sexual assault. Using UH's enrollment data for that year, that means approximately 4,600 students experienced sexual harassment and roughly 3,000 students were sexually assaulted during their time at the university. Additionally, 5 in 6 students who experienced gender violence did not access university assistance and 2 in 3 students did not receive training or information on sexual violence. Yet, 61 percent of students who attended prevention training indicated that it was extremely or very useful. Notably and distressingly, UH

has not yet published the results of its 2023 campus climate survey, which students completed a year ago. Publication of the survey is required by state law and should be performed as soon as possible.

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Kris Coffield · Executive Director, Imua Alliance · (808) 679-7454 · kris@imuaalliance.org



To: House Committee of Higher Education and Technology
Hearing Date/Time: Wednesday, February 7, 2024 @ 2:00 pm
Place: Hawaii State Capitol, Room 309
Re: Testimony in SUPPORT of HB1615

Dear Chair Perruso, Vice Chair Kapela, and the Members of Committee,

My name is Anna Ezzy and I am a graduate student at the University of Hawai'i at Hilo and State Director of the Every Voice Hawai'i, a student- and survivor-led coalition to end sexual violence on college campuses. Thank you for the opportunity to submit testimony in **support of HB1615: Relating to Campus Safety**. This bill invests in necessary resources and supports for survivors: providing trauma-informed training for involved staff, and offering annual access to prevention & awareness programming for the campus community.

All Hawai'i students have the right to access education and live in a campus community free from sexual violence but right now, at the University of Hawai'i, that is not the case. The 2021 UH Campus Climate Survey reported to the legislature that 1 in 6 female and 1 in 3 transgender or non-binary students are experiencing sexual violence at UH. Students with disabilities were two or more times more likely to experience sexual violence and harassment. Female graduate students - my personal cohort at UH - reported twice the rate of sexual harassment from faculty as compared to undergraduate women. The inequity of campus sexual violence is urgent and requires state resources to improve equal access to education for all UH students.

Annual prevention and awareness programming is required to ensure all students know what consent looks like, how they can be active bystanders and how they can access supportive resources. At UH, 2 in 3 students in 2021 said they did not attend any training or information session on sexual violence or gender-based violence. However, 61% of students who recalled attending a training or information session indicated that it was extremely or very useful. Without funding annual prevention and awareness programming in the statute, access to this proven preventative measure for sexual assault may be removed from students.

On behalf of students in Hawai'i and advocates against gender-based violence, we ask that you support legislation to fund anti-violence protections at the University of Hawai'i by favorably passing HB1615 out of committee. Campus sexual violence should not be a part of the college experience but as a current college student, I see that it is painfully woven into many of our lives. Thankfully, there are proven measures in HB1615 to reduce sexual violence rates and support survivors in healing. Mahalo for the opportunity to submit testimony in support of HB1615 and mahalo for all you do to support Hawai'i students in their educational journeys.

Sincerely,

A handwritten signature in cursive script that reads 'Anna Ezzy'.

Anna Nalani Ezzy
State Director, Every Voice Coalition Hawai'i



To: House Committee of Higher Education and Technology
Hearing Date/Time: Wednesday, February 7, 2024 @ 2:00 pm
Place: Hawaii State Capitol, Room 309
Re: Testimony in STRONG SUPPORT of HB1615

Dear Chair Perruso, Vice Chair Kapela, and the Members of Committee,

Members of AAUW of Hawaii thank you for this opportunity to testify in **strong support of HB1615** which would provide funds to the University of Hawai'i to implement mandatory annual sexual assault prevention & awareness training to faculty and students as well as trauma-informed response training for staff responsible for responding to incidents of sexual violence. These actions are needed to empower campus communities across Hawai'i to stop sexual violence in its tracks as well as to guarantee that survivors do not face retaliation nor retraumatization for reporting gender-based violence.

The repercussions of campus violence are serious: 46% of University of Hawai'i students in 2021 reported negative academic or professional consequences after experiencing gender violence, a significant increase in percentage from 2019. However, five out of six UH students reported not accessing university resources after experiencing sexual violence. Evidence-based training on sexual assault prevention and response empowers all members of the community to take action to stop sexual violence and help survivors heal. By investing in both preventative as well as supportive solutions to make campuses safer, HB1615 will help students remain in school after experiencing gender violence so they can achieve their educational goals and contribute to Hawai'i's future.

Sincerely,
Public Policy Committee, AAUW of Hawaii
publicpolicy-hi@aauw.net

The American Association of University Women (AAUW) of Hawaii is an all volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua'i, Kona, Maui, and Windward Oahu. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.

HB-1615

Submitted on: 2/2/2024 3:50:43 PM

Testimony for HET on 2/7/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Younghee Overly	Individual	Support	Written Testimony Only

Comments:

Mahalo for hearing HB1615 which would provide funding needed by UH to provide trauma informed training and awareness regarding sexual assault and misconduct to all UH employees and students.

HB-1615

Submitted on: 2/4/2024 8:24:48 PM

Testimony for HET on 2/7/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Tamara Paltin	Individual	Support	Written Testimony Only

Comments:

Full support HB1615

mahalo,

Tamara Paltin

HB-1615

Submitted on: 2/6/2024 3:58:20 PM

Testimony for HET on 2/7/2024 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Keisha Webster	Individual	Support	Written Testimony Only

Comments:

Thank you for the opportunity to present testimony in support of HB1615. I am writing in full support of this measure that strengthens campus safety protocols against sexual and domestic violence at the University of Hawai'i campuses. During my military service, I've volunteered as a sexual assault and suicide prevention trainer for service members and understand the need to have adequate training that offers skill building and specific strategies to ensure the safety of others. As a graduate student, I further understand the necessity to improve the readiness of college campuses to aid in the prevention of sexual misconduct and appropriately respond to those who experience acts of violence.

I have witnessed how cases of sexual misconduct and domestic violence can be mishandled due to the lack of proper training for employees and responders, exacerbating trauma and creating barriers for survivors. Relevant and ongoing training ensures that campus professionals remain updated with evolving best practices and legal guidelines, enhancing their effectiveness in supporting survivors and preventing future incidents. Moreover, the emphasis on trauma-informed and culturally sensitive training is necessary to better address the unique experiences of reporting individuals and build trust among a diverse community. Investing in comprehensive and continuous training programs for this purpose is essential for creating a safer and more supportive campus environment.

I write in full support of this measure that ensures the appropriate resources are provided to the university in its efforts to strengthen campus safety from sexual and domestic violence.

Thank you.

Keisha Webster