



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTIETH LEGISLATURE, 2020**

LATE

ON THE FOLLOWING MEASURE:

S.B. NO. 2311, S.D. 1, RELATING TO CAMPUS SAFETY.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, February 21, 2020

TIME: 10:45 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Clare E. Connors, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

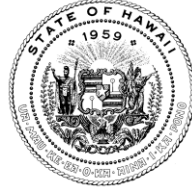
Chair Rhoads and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to strengthen campus safety and accountability procedures and protocols, including those related to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues at the University of Hawai'i and private colleges and universities.

Article X, section 6, of the Hawai'i Constitution, gives the University of Hawai'i Board of Regents "exclusive jurisdiction over the internal structure, management, and operation of the university." Section 6 further provides: "This section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern." We therefore suggest that the Legislature consider amending this bill to add a statement identifying this bill as a law of statewide concern.

Thank you for the opportunity to provide these comments.



LATE

DAVID Y. IGE
GOVERNOR

JOSH GREEN
LT. GOVERNOR

**STATE OF HAWAII
OFFICE OF THE DIRECTOR
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS**

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Testimony of the Department of Commerce and Consumer Affairs

**Before the
Senate Committee on Judiciary
Friday, February 21, 2020
10:45 a.m.
State Capitol, Conference Room 016**

**On the following measure:
S.B. 2311, S.D. 1, RELATING TO CAMPUS SAFETY**

Chair Rhoads and Members of the Committee:

My name is Bobbi Lum-Mew, and I am the Program Administrator of the Department of Commerce and Consumer Affairs' (Department) Hawaii Post-Secondary Education Authorization Program (HPEAP). The Department offers comments on section 3 of S.D. 1 as it relates to adding new requirements to Hawaii Revised Statutes (HRS) section 305J-8.

The purpose of this bill is to strengthen campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at the University of Hawaii, as well as at private post-secondary accredited educational institutions.

The Department administers the authorization program set forth in HRS chapter 305J¹ and, in that capacity, has concerns about section 3, which would require private institutions to implement the procedures and protocols identified in HRS section 304A-120. The schools that HPEAP authorizes represent a broad spectrum of institutions, ranging from schools with fewer than 20 students to large institutions with student bodies numbering in the thousands. See, <http://cca.hawaii.gov/hpeap/authorized-schools/>. In many instances, private colleges and universities do not share characteristics similar to the University of Hawaii, a major public research institution. A one-size-fits-all regulatory model may be challenging for schools to adopt and would disproportionately impact smaller institutions with more modest operating budgets.

If the Committee is inclined to require private institutions to implement procedures and protocols identified in HRS section 304A-120, the Department would respectfully request a one-year delayed implementation date for section 3, to allow the affected Hawaii institutions sufficient time to come into compliance with this measure.

Thank you for the opportunity to testify on this bill.

¹ To participate in Title IV programs, a school must be an educational institution that is legally authorized to provide a program of education beyond secondary education. 20 U.S.C §1001(a)(2), §1002. HRS chapter 305J was enacted in 2013 by Act 180 to provide regulatory oversight of certain post-secondary educational institutions that have a physical presence in the State.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Judiciary
February 21, 2020 at 10:45 a.m.

By
Jan Gouveia, Vice President for Administration
University of Hawai'i System

SB 2311 SD1 – RELATING TO CAMPUS SAFETY

Chair Rhoads, Vice Chair Keohokalole, and members of the committee:

Thank you for the opportunity to present testimony on SB 2311 SD1 – Relating to Campus Safety. The University of Hawai'i ("University") appreciates the intent of this bill, but respectfully provides the following comments to highlight that the requirements of the bill are duplicative and therefore are confusing and an inefficient use of funds. We recommend the measure be deferred so that the University can work with stakeholders to clarify the intent and language.

The University is already engaged in implementing many of the initiatives set forth in the measure. Through its own Office of Institutional Equity, the University currently provides, and is further developing, a curriculum of trauma-informed training to employees involved in investigating incidents or assisting victims of the various forms of gender violence discussed here. This training is supplemented by contractual partnerships with expert third parties in the fields of Title IX and gender violence in higher education, such as ATIXA. Currently, on a biannual basis, the University provides all students and employees with a comprehensive guide of resources and information on support services and reporting options following incidents of gender violence, their rights and responsibilities under Title IX, select statistics and background information on stalking, domestic and dating violence, sexual assault, and sexual harassment, and bystander prevention tips for addressing this behavior. The prescriptive nature of the measure imposes more costly requirements without additional benefit. The University is already fulfilling many of the specific mandates of SB 2311 pertaining to training and the availability of support services and, therefore, this measure is unnecessary.

In 2016, under Act 208, the Legislature mandated each campus to provide a "confidential advocate" to confidentially discuss matters relating to sexual harassment, sexual assault, domestic violence, and stalking. The proposed measure requires the designation of a "confidential resource advisor," which appears to duplicate the role already described as a "confidential advocate." Additionally, many of the duties set forth in the bill overlap with existing duties of Title IX coordinators. To avoid confusion and inefficient use of funds, the University respectfully requests that the committee eliminate the requirement to provide a "confidential resource advisor" from the measure. Alternatively, the intent of the act may be better fulfilled through the appropriation of funding and other resources to support existing Title IX infrastructure and confidential advocates throughout the

University, all of which already provide resources and services to the University community.

While the University recognizes that community victim services providers are valuable and has contracted with them to provide advocacy services to the University, the University respectfully requests that it be allowed to continue its process for developing and procuring training. Victim service providers are not subject matter experts on Title IX, VAWA and the Clery Act. Furthermore, because of the victim service provider's role in advocating for and/or supporting a particular client in a specialized context, their expertise may not be suited for training University employees who serve impartial, investigatory roles and may compromise the University's efforts to provide an impartial investigation. As such, the University respectfully requests that the requirement to enter into and maintain a memorandum of understanding with a victim services provider to provide training be eliminated.

Thank you for the opportunity to submit testimony on SB 2311 SD1.

SB-2311-SD-1

Submitted on: 2/18/2020 9:45:25 AM

Testimony for JDC on 2/21/2020 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for aauw of hawaii	Support	Yes

Comments:



SB 2311, SD1, RELATING TO CAMPUS SAFETY

FEBRUARY 20, 2020 · SENATE JUDICIARY
COMMITTEE · CHAIR SEN. KARL RHOADS

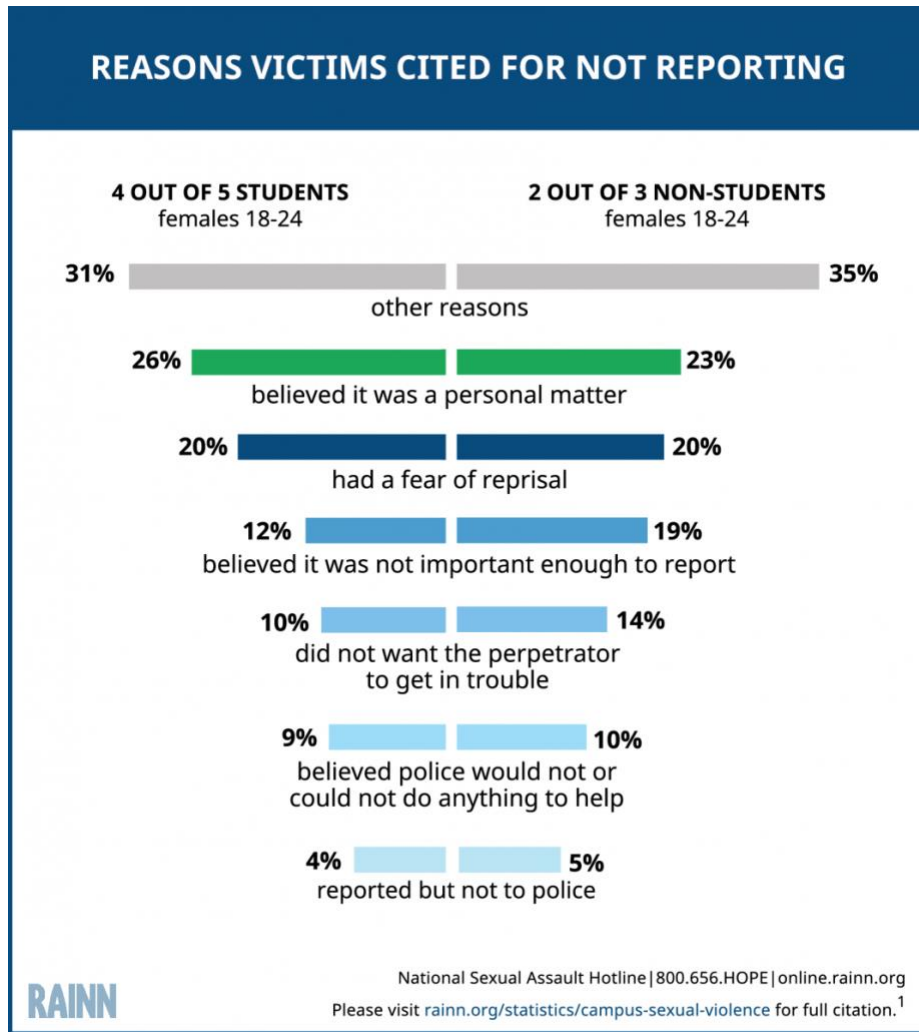
POSITION: Support.

RATIONALE: IMUAlliance strongly supports SB 2311, SD1, relating to campus safety, which strengthens campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at the University of Hawai'i, and takes steps to extend those procedures and protocols to private institutions of higher education in Hawai'i.

According to the Rape, Abuse and Incest National Network, the nation's largest anti-sexual violence organization, 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. More than 22 percent of female students at the University of Hawai'i have experienced dating or domestic violence and about 12 percent have been sexually harassed or stalked during their time at the university, according to a survey released by UH in 2018. Considering that only 20 percent of female victims of college sexual violence report their assaults to law enforcement, it is reasonable to conclude that this issue is dramatically underreported and under-resourced.

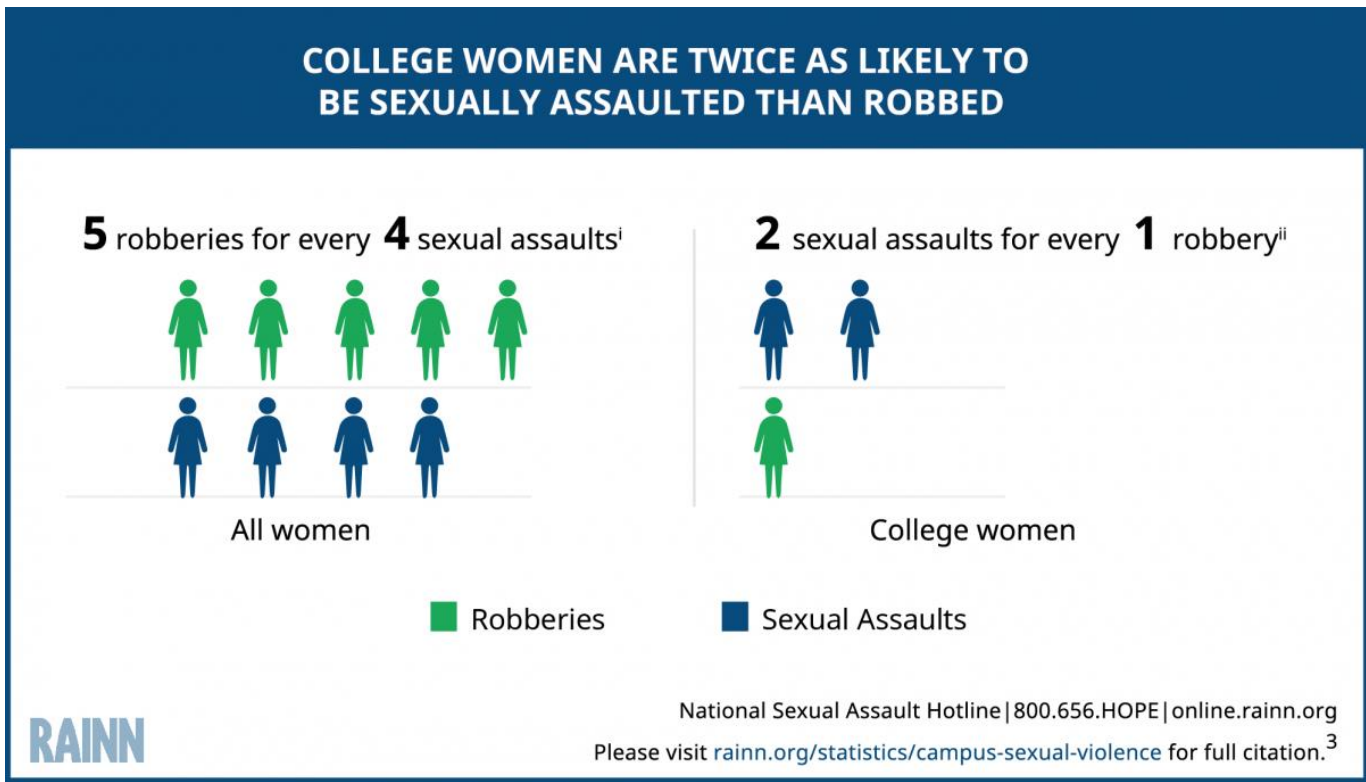
REASONS VICTIMS CITED FOR NOT REPORTING



IMUAlliance is one of the state’s largest victim service providers for survivors of sex trafficking. Over the past 10 years, we have provided comprehensive direct intervention (victim rescue) services to 150 victims, successfully emancipating them from slavery and assisting in their restoration, while providing a range of targeted services to over 1,000 victims and individuals at risk of sexual exploitation. Each of the victims we have assisted has suffered from complex and overlapping trauma, including post-traumatic stress disorder, depression and anxiety, dissociation, parasuicidal behavior, and substance abuse. Trafficking-related trauma can lead to a complete loss of identity. A victim we cared for in 2016, for example, had become so heavily trauma bonded to her pimp that while under his grasp, she couldn’t remember her own name.

Shockingly and sadly, many of the victims with whom we work were first exploited while enrolled as students at the University of Hawai'i or other higher education institutions in our state, or after experiencing sexual violence during their college years. These institutions provided little information about how to receive help and failed to deliver trauma-informed care, leaving our survivors to fend for themselves after being victimized. While the University of Hawai'i has taken small steps to improve its response to sexual violence in the last few years, its services remain inadequate, information sharing remains spotty (most students do not receive a copy of the Title IX handbook published by the university, for example), and personnel tasked with managing its sexual misconduct protocols remain badly in need of training in trauma-informed care, something that should be required for all staff tasked with handling cases of campus violence. Students at other universities, including Chaminade, BYU-Hawai'i, and Hawai'i Pacific University, deserve the same protections and reporting opportunities (including anonymous campus safety surveys regarding sexual violence), which this measure's revisions to HRS §305J-8 would require to the greatest extent possible.

COLLEGE WOMEN MORE LIKELY TO BE SEXUALLY ASSAULTED THAN ROBBED



Finally, on a personal note I, Kris Coffield, Executive Director of IMUAlliance, am heavily invested in this measure's success. When I was a student at the University of Hawai'i, in early 2008, I was violently, penetratively raped by a professor and three graduate students. It happened during a late night study session to which I was invited by someone who, at the time, I believed to be an academic mentor. I may have been drugged, given that I couldn't move as it happened, though I also could have frozen in fear, my body reeling from the shock of the assault. During the attack, I was beaten with a belt, held down forcefully by the men involved, called an assortment of vulgar names (the *least* offensive of which were "whore" and "slut"), and deliberately misgendered—I was referred to as female throughout the assault in an attempt to further degrade me—as they took turns orally and anally raping me.

I attempted to report the assault to a UH administrator. I was informed at the time, however, that the university wasn't prepared to take action on my case. When I asked why, I was told, "You're a political science major. You should understand that some people have more power than others." Since then, I've struggled with a persistent feeling of powerlessness. I've fought for years to overcome lingering depression and anxiety, along with the fear that my assailants will, at some point, come back to harm me.

To be clear, I don't blame the current UHM administration for what happened to me. In fact, I applaud the university's leadership for taking steps to address sexual assault and sexual harassment on campus, following an audit by the U.S. Department of Education that revealed serious gaps in the school's compliance with Title IX's requirements for handling reports of sexual violence. Additionally, I'm not seeking anything, monetary or otherwise, from UH the university, or anyone involved in the incident.

I simply can no longer be silent. My justice must be obtained by sharing my story, so that other victims may feel less alone. I can be a lamppost in a dark and thorny forest, shining a light that makes trauma a little more bearable and hope a little easier to find for those who, like me, have suffered the pain of sexual violence. But I am no longer a rape victim. **I am a survivor.** I, and my organization, humbly ask you to validate the experiences of survivors by passing this measure and working to end the rape culture that continues to infect our state's college campuses.

SB-2311-SD-1

Submitted on: 2/14/2020 9:22:01 PM

Testimony for JDC on 2/21/2020 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katrina Obleada	Individual	Support	No

Comments:

As a graduate student and woman living on campus, I STRONGLY SUPPORT SB2311 SD1. Women have the right to occupy and live in spaces where they can feel safe and exercise the freedoms that come with higher education. I hope that you will continue in ensuring the progress and protection of women's rights by supporting this bill.

SB-2311-SD-1

Submitted on: 2/15/2020 8:53:18 AM

Testimony for JDC on 2/21/2020 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Rhoads and Members of the Committee on Judiciary,

I am writing in support of SB2311 SD1 which strengthens campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at the University of Hawaii. Takes steps to extend those procedures and protocols to private institutions of higher education in Hawaii.

While attending graduate school in California, I was stalked for about four to five month by a mentally ill man. It was a scary experience since I was far away from home from friends and family. Although I filed a temporary restraining order, I knew that a temporary restraining order would do nothing to keep this mentally ill man away. I wish that the private school that I attended had stronger policies and protocols to address this kinds of issues. Fortunately I was not hurt and was able to graduate on time.

Please support SB2311 SD1 to protect more students on campus.

Mahalo,

Caroline Kunitake

SB-2311-SD-1

Submitted on: 2/18/2020 9:34:27 AM

Testimony for JDC on 2/21/2020 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

LATE

SB-2311-SD-1

Submitted on: 2/20/2020 12:16:36 PM
Testimony for JDC on 2/21/2020 10:45:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Keohokalole and members,

Strong support for this bill. The University has come a long way in addressing violence against women on campus. The Office of Institutional Equity, with support of UH leadership, has done great work in moving forward and this bill is a logical next step.

Mahalo, Ann S. Freed