



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
January 30, 2020 at 2:50 p.m.

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

SB 2311 – RELATING TO CAMPUS SAFETY

Chair Kim, Vice Chair Kidani, and members of the committee:

Thank you for the opportunity to present testimony on SB 2311 – Relating to Campus Safety. The University of Hawai'i ("University") appreciates the intent of this bill, and thanks the legislature for its continuing focus on sexual and domestic violence and its effects on college campuses. In reviewing the measure, however, the University respectfully provides the following comments to highlight that it is already performing the requirements of the bill in a more cost effective and tailored fashion.

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 SB2311 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.

To: Hawaii State Senate Committee on Higher Education
Hearing Date/Time: Wed., Jan. 30, 2019, 2:50 pm.
Place: Hawaii State Capitol, Rm. 229
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of S.B. 2311

Dear Chair Kim and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 2311.

Enforcement of Title IX is urgently needed in light of the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has reversed the federal government’s previous interpretation of the prohibition against discrimination based on “sex” that included discrimination based on sexual orientation, and gender identity and expression. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The most recent University of Hawaii Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely.¹ In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.²

Please pass S.B. 2311 to take a step closer to ensuring that our state Title X law adequately protects victims of sexual assault and harassment on campus and provides them with the care and justice they deserve.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field

Hawaii State Director

¹ Loui, P. “University of Hawaii Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary,” Sept. 11, 2017.

² Id.



SB 2311, RELATING TO CAMPUS SAFETY

JANUARY 30, 2020 · SENATE HIGHER EDUCATION
COMMITTEE · CHAIR SEN. DONNA MERCADO KIM

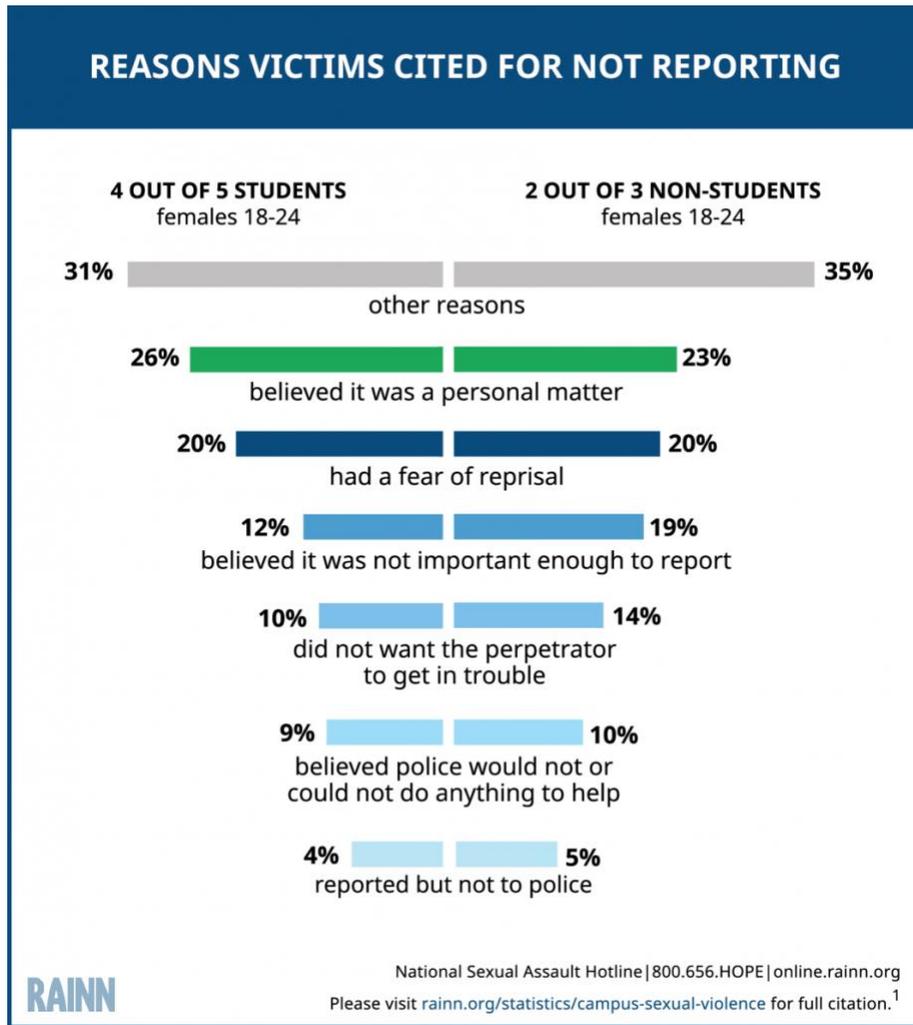
POSITION: Support.

RATIONALE: IMUAlliance strongly supports SB 2311, 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.

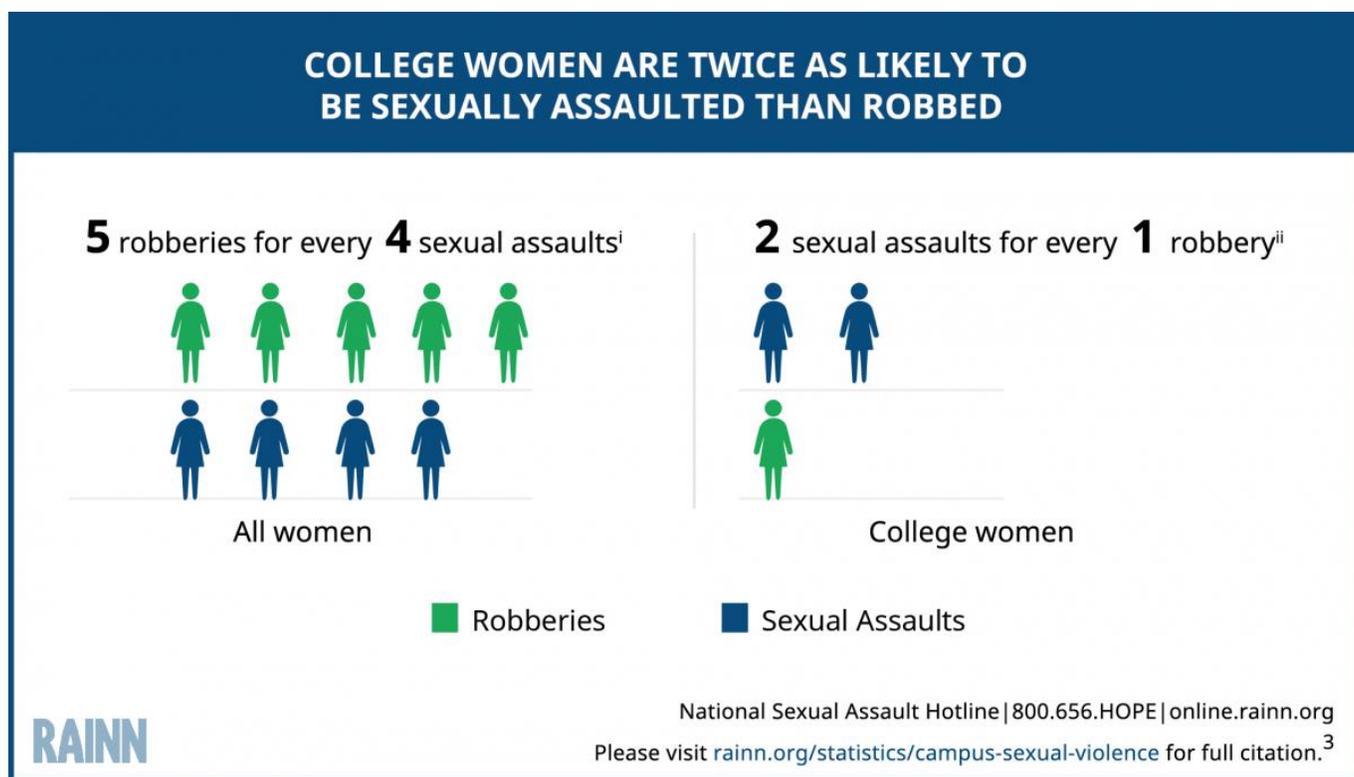
REASONS VICTIMS CITED FOR NOT REPORTING



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.



SENATE BILL 2311, RELATING TO CAMPUS SAFETY

JANUARY 30, 2020 · SENATE HIGHER EDUCATION
COMMITTEE · CHAIR SEN. DONNA MERCADO KIM

POSITION: Support.

RATIONALE: The Democratic Party of Hawai'i Education Caucus strongly supports SB 2311, 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.

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.

It's time to uplift the voices of survivors and ensure that our college campuses are no longer tarnished by the sickness of rape culture.

SB-2311

Submitted on: 1/27/2020 2:01:17 PM

Testimony for HRE on 1/30/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	Testifying for LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Chair Kim, Vice Chair Kidani and Committee Members,

The LGBT Caucus of the Democratic Party of Hawai'i stands in full support of the passage of Senate Bill 2311.

We can and must do better for everyone that calls University of Hawaii home.

Mahalo for the opportunity to testify,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i

SB-2311

Submitted on: 1/27/2020 10:37:50 PM

Testimony for HRE on 1/30/2020 2:50:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for aaaw of hawaii	Support	No

Comments:

Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair
Committee on Higher Education

John Gabrieli
Founder & Co-Chair, The Every Voice Coalition

Wednesday, January 29th, 2020

Support for SB 2311, Relating to Campus Safety

Dear Chair Mercado, Chair Kidani, and members of the committee,

I write to you today in support of SB 2311, “Relating to Campus Safety,” and on behalf of the Every Voice Coalition, an all-volunteer movement of students and survivors working together to combat sexual violence on our campuses across the country. Since 2014, Every Voice has been working to bring together students, researchers, advocates, university leaders, and policymakers to make campuses safer for all students. Based on an in-depth analysis of the best data we currently have on campus sexual violence, the lived experience of students and survivors, the body of research literature studying sexual violence on campus, the existing statutory arrangements in states across the country, and current campus policies in the University of Hawai’i system, we believe that SB 2311 represents a critical step forward for student safety in Hawai’i. By passing this crucial legislation, Hawai’i has the opportunity to become a national leader in the fight to end campus sexual violence. We therefore ask the committee to favorably report out SB 2311 as soon as possible in order to stand with survivors and ensure that students on all campuses receive justice.

Section I: Our Story

My name is John Gabrieli, and for the last five years, my friends and I have led a student- and survivor-driven campaign to pass comprehensive legislation to combat campus sexual violence in states across the country.

As college students and young alumni, we founded the Every Voice coalition because we knew that something had to change on our campuses. As survivors, we refused to accept a system that did not protect us or enable us to pursue our education without threat of continuing sexual violence any longer. And as allies, we were horrified and heartsick at watching the impact of sexual violence on our roommates, classmates, and communities.

As college students in Massachusetts, our work began in our home community with an effort to pass state legislation in Massachusetts. Over the last five years, [more than 90,000 supporters](#) have signed our petition in support of student-written legislation to combat sexual violence, and the Every Voice bills have been endorsed by every rape crisis center in Massachusetts, all 15 community colleges, Jane Doe Inc., the American Association of University Women, both the Minority and Majority Leaders in the Massachusetts House of Representatives, and [the Boston Globe](#).

As our efforts in Massachusetts progressed, we started to hear from students all over the country who wanted to advocate for similar measures in their own communities. This past July, we were invited to the National Conference of State Legislatures to discuss Massachusetts' approach to combating campus sexual violence, and we are now working with legislators in New Hampshire, Connecticut, Illinois, and Rhode Island as well as Hawai'i to lead a wave of change by enacting comprehensive legislation to reduce the prevalence of sexual violence and support survivors.

Today, Every Voice serves works to elevate and empower the voices of students and survivors who are dedicated to enacting change. We believe that to break the cycle of violence on college campuses, we need to start by listening to those who are actually being impacted: students and survivors.

Section II: The Sexual Violence Epidemic on College Campuses

Research has shown time and again that 1 in 5 women and 1 in 16 men will be sexually assaulted in college.¹ The limited data we have for LGBTQIA+ students, first generation students, students of color, and students with disabilities show that the statistics for these populations are even higher.

The individual and cumulative impact of sexual violence on the more than 64,000 total students living across Hawai'i is difficult to comprehend or measure. However, we ourselves have seen and experienced firsthand the human, social, financial, and academic cost that sexual violence imposes on students, families, and communities.

Today, more than forty years after researchers first published data showing the reality of campus sexual assault, and twenty years after the American Medical Association declared sexual violence a "silent violent epidemic," the cycle continues.

Survivors of sexual assault not only confront the trauma of their original assault but also endure the continued trauma presented by the lack of support and justice they face. Survivors are

¹ At present, we unfortunately lack accurate data on non-binary populations

repeatedly asked targeted questions about what they were wearing or if they were drinking. Rape cases are tried by untrained and unaccountable university committees through processes that are tilted against victims. Colleges prioritize their own reputations over survivor health and justice. In light of the grim realities of our current system, it is unsurprising that the Bureau of Labor Statistics estimates that fewer than ten percent of survivors will even choose to report their assault at all.

Here in Hawai'i, although survey data indicates that 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, more than 90% of campuses reported exactly 0 cases of rape, sexual assault, domestic violence, or stalking in 2017, according to official Clery Act data. The contrast between students' lived experience and official reporting results is stark: the vast majority of students clearly do not feel safe in reporting their experiences to campus authorities or seeking help through official channels.

Sexual violence is a complex issue, but clearly more must be done to support students and survivors in Hawai'i to prevent sexual violence as well as make students feel safe in coming forward to receive support.

Section III: Key Components of SB 2311/HB 2059

SB 2311/HB 2059 implements several measures that provide clear guidelines for improving communication, enhancing campus resources, and empowering survivors with choice and agency in the aftermath of trauma.

Trauma-Informed Training

First, SB 2311/HB 2059 would require schools to inform students annually of their sexual misconduct policies and of on- and off-campus resources, including both confidential resources and those that trigger Title IX action. It also requires trauma-informed training for mandated reporters, so that they can effectively and compassionately direct survivors to appropriate resources. Currently, a lack of adequate training and education leaves both students and staff ill-equipped to deal with sexual assault prevention and response. By requiring transparent sharing of Title IX policies and trauma-informed training for mandated reporters, Hawai'i would take a decisive step towards ensuring that survivors are not retraumatized in the process that comes after an assault has taken place.

Confidential Resource Advising

Second, SB 2311/HB 2059 seeks to improve the services schools provide to the many survivors who do not want to trigger a Title IX investigation, a complex process that all too often strips a survivor of their autonomy and anonymity. Many survivors simply want to seek the confidence

of a trusted adult and access accommodations or additional resources to effectively manage their trauma and continue with their academic careers. However, at present, students often accidentally trigger Title IX investigations while merely seeking support from staff members whom they do not understand are mandated reporters. This legislation ensures that institutions have a confidential resource advisor, who is not a legally mandated reporter but is empowered with the knowledge and resources to aid the survivor. The confidential resource advisor can provide critical support without filing a formal complaint, triggering a Title IX investigation, or affecting the accused party. Instituting this new position is a key component of this legislation, as this adviser will enable survivors to regain their autonomy through interim measures and to file a formal complaint only when they knowingly choose to do so.

MOUs with Rape Crisis Centers

Third, SB 2311/HB 2059 takes the critical step of requiring schools to enter into memorandums of understanding (MOUs) with local rape crisis centers, women's centers, or health centers, to ensure that survivors will be able to access the care and support they need in the wake of an incident of sexual violence. At present, not every institution has the infrastructure and staff available to help survivors in the aftermath of such violence. Further, many schools lack the capacity to provide culturally-competent care for all members of their diverse student bodies, including those who are at heightened risk of sexual assault, such as LGBTQ+ students. The trained professionals at Hawai'i's regional rape crisis centers will be able to ensure that all survivors receive high-quality support and care. Furthermore, even where schools do provide the option of on-campus services, survivors should have the choice about where to seek treatment and resources in the aftermath of violence, especially if they feel marginalized on campus.

Section IV: Conclusion

While no one bill alone can stop rape and sexual assault, SB 2311/HB 2059 exemplifies evidence-based best practices on preventing and responding to sexual violence on campus. It is urgent that Hawai'i enact these measures together to provide the necessary protections for students' safety on campus. By passing this legislation, Hawai'i has the opportunity to set an example for states across the country that are serious about addressing the epidemic public health problem of campus sexual violence.