



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Judiciary and Hawaiian Affairs
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by
Jan Gouveia
Vice President for Administration
University of Hawai'i

HB 569 HD1 – RELATING TO VICTIM-COUNSELOR PRIVILEGE

Chair Nakashima, Vice Chair Matayoshi, and members of the Committee:

Thank you for the opportunity to present testimony on HB 569 HD1 – Relating to Victim-Counselor Privilege. The University of Hawai'i ("University") supports this bill.

HB 569 HD1 expands the existing victim-counselor privilege held by community-based victim counseling programs to advocates employed by the University. Previously, as part of Act 208, Session Laws of Hawai'i 2016, the Legislature required the University to designate confidential advocates at each campus to provide confidential advocacy support to victims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. However, the law did not provide a mechanism to guarantee confidentiality to students and employees seeking services of campus-based advocates. Additionally, the existing victim-counselor privilege under Hawai'i Revised Statutes Section 626-1 only covers services relating to domestic violence and sexual assault. Further, overall privilege does not apply to the University based on the definition of victim counseling programs under the statute.

Expanding the victim-counselor privilege by giving additional legal protections to information that victims share with the University's confidential advocates allows victims to share more information in confidence and receive better support from the University. Protecting survivor information is critical to developing trust between advocate and survivor and makes survivors more likely to share information that is necessary for effective safety planning and response. Absent these additional legal protections, victims may be less likely to share information, in fear that information may be later subpoenaed for court proceedings against their wishes.

Thank you for the opportunity to testify on HB 569 HD1.