



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education and Technology
February 3, 2021 at 2:00 p.m.

By
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HB 691 – RELATING TO CAMPUS SAFETY

Chair Takayama, Vice Chair DeCoite, and members of the committee:

Thank you for the opportunity to present testimony on HB 691 – 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 assisting victims of the various forms of gender violence discussed here. The training conducted for investigators and other UH employees involved in investigating allegations involving Title IX is supplemented by contractual partnerships with expert third parties in the fields of Title IX and gender violence in higher education, such as ATIXA and must be reviewed to ensure that it is consistent with the recently enacted (August 2020) Title IX regulations which set forth new requirements for training. The new regulations relate that educational institutions, "must ensure that Title IX Coordinators, investigators, decision-makers, and any person who facilitates an informal resolution process, receive training on . . . how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias." 34 CFR Section 106.45(b)(1)(iii). In discussing this provision, the new regulation's preamble has comments that appear critical of trauma informed training. Thus, trauma informed training may not be permitted under this new regulation.

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 HB691 pertaining to training and the availability of support services and, therefore, this measure is unnecessary.

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 testify on HB 691.