



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
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By

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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.