

# UH Interim Executive Policy on Title IX Sexual Harassment (eff. August 14, 2020)

The University of Hawai'i is committed to maintaining and promoting safe and respectful campus environments that are free from sex discrimination and gender-based violence. This includes: sex discrimination; sexual harassment; gender-based harassment, including harassment based on actual or perceived sex, gender, sexual orientation, gender identity, or gender expression; sexual exploitation; sexual assault; domestic violence; dating violence; and stalking.

This policy and procedure establishes an integrated and consistent approach to preventing, reporting, and promptly responding to these forms of sex discrimination and gender-based violence across all campuses and centers at the University of Hawai'i. A copy of the policy may be found online at <https://hawaii.edu/titleix/> or requested through your campus Title IX Coordinator.

Any person believing that they have been subjected to sex discrimination; sexual harassment; gender-based harassment, including harassment based on actual or perceived sex, gender, sexual orientation, gender identity, or gender expression; sexual exploitation; sexual assault; domestic violence; dating violence; or stalking should report the prohibited behavior immediately to the respective campus Title IX Coordinator. For more information regarding your rights under Title IX, please visit: <https://windward.hawaii.edu/title-ix>.

## **Karla Silva-Park, LMHC, AWI-CH**

### **Title IX Coordinator**

Hale Kāko'ō 128

45-720 Kea'ahala Road, Kāne'ohe, HI 96744

808-235-7468

Email: [karlas@hawaii.edu](mailto:karlas@hawaii.edu)

## **Karen Cho, Deputy Title IX Coordinator for Employees**

Hale Alaka'i 120

45-720 Kea'ahala Road, Kāne'ohe, HI 96744

808-235-7404

Email: [kcho@hawaii.edu](mailto:kcho@hawaii.edu)

For more information about the Interim Policy on Title IX Sexual Harassment, go to <https://www.hawaii.edu/titleix/documents/11083/>

For more information about the Interim Administrative Procedures for Title IX Sexual Harassment, go to <https://www.hawaii.edu/titleix/documents/12741/>

You may also contact or file a complaint with:

Office for Civil Rights, Seattle Office

US Department of Education,

915 Second Avenue, Room 3310, Seattle, WA 98174-1099

Phone: 206-607-1600

Email: [OCR.Seattle@ed.gov](mailto:OCR.Seattle@ed.gov)

If you wish to remain anonymous, speak with someone confidentially, or would like to receive information and support in a confidential setting to discuss an incident or obtain information regarding sex discrimination and/or gender-based violence, please contact a campus Confidential Resource.

## **Confidential Resources:**

Desrae Kahale, Mental Health Counselor

Hale Kako'ō 101

Phone: 808-235-7393

Email: [dkahale3@hawaii.edu](mailto:dkahale3@hawaii.edu)

## UH Confidential Advocate\*

Work cell: 808-348-0663

Email: [advocate@hawaii.edu](mailto:advocate@hawaii.edu)

\*UH Advocates cannot keep cases confidential if the responding party (alleged perpetrator, offender, or abuser) is an employee as the University may have a duty to respond. However, the victim's privacy will be upheld to the extent permitted by law.

Windward Community College also provides short-term mental health counseling to assist students in managing personal life challenges. Our mental health counseling service provider is also considered a **Confidential Resource** where students can seek assistance related to sex discrimination and gender-based violence. Confidential resources of the campus will not share information about or received from a student, without the student's informed consent, unless imminent threat to life or of bodily injury exists, or there is a legal obligation to reveal such information, e.g., in an employment context or suspected abuse or neglect of a minor. To make an appointment for assistance, please contact:

Desrae Kahale, Mental Health Counselor

Hale Kako'o 101

808-235-7393

Email: [dkahale3@hawaii.edu](mailto:dkahale3@hawaii.edu)

Students seeking confidential assistance may contact our on-campus Confidential Advocate:

UH Confidential Advocate\*

808-348-0663 (cell)

Email: [advocate@hawaii.edu](mailto:advocate@hawaii.edu)

\*UH Advocates cannot keep cases confidential if the responding party (alleged perpetrator, offender, or abuser) is an employee as the University may have a duty to respond. However, the victim's privacy will be upheld to the extent permitted by law.

To file a formal complaint\* regarding an incident of sex or gender-based discrimination contact the Title IX Coordinator or Deputy Title IX Coordinators who oversee Windward Community College's centralized complaint, review, investigation, and resolution process.

You may also file a formal complaint here: <https://report.system.hawaii.edu/student>

\*Formal Complaint means a document filed/signed by the **complainant** or signed by the **Title IX Coordinator** alleging a policy violation by a **respondent** and requesting that the University investigate the allegation(s).

At the time of filing a formal complaint, the complainant must be participating in or attempting to participate in the **education program or activity** of the University.

The phrase "document filed by a Complainant" means a document or electronic submission (such as by electronic mail or through an online portal provided for this purpose by the University) that contains the Complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.

## Discrimination Complaints

Students, employees, or applicants for admission or employment who believe that they have been discriminated against on the basis of race, age, religion, color, ancestry, national origin, disability, marital status, veteran's status or arrest and court record may file a complaint with Karen Cho, 808-235-7404, Hale Alaka'i 120, EEO/AA coordinator. The EEO/AA coordinator will explain the available avenues of recourse and direct the person to the appropriate person or office.

Students may also file complaints of discrimination with the Office for Civil Rights, Seattle Office, US Department of Education, 915 Second Avenue, Room 3310, Seattle, WA 98174-1099.

## Federal Campus Sex Crimes Prevention Act

Also referred to as the Wetterling Act, this act requires states to establish programs that require current address registration by residents of the state who have been convicted of sexually violent offenses or offenses involving sexual abuse or exploitation of minors, as described in the Act. The Wetterling Act is an amendment to the Family Educational Rights and Privacy Act of 1974 (FERPA) that also allows educational institutions the ability to disclose information concerning sex offenders that they receive under State sex offender registration and community notification programs. The Campus Sex Crimes Prevention Act requires colleges and universities to provide the campus community with clear guidance as to where this information can be found and to clarify that Federal laws governing the privacy of educational records do not prevent campus security agencies or other administrators from disclosing such information.

For the State of Hawai'i information regarding registered sex offenders is available through the Hawai'i Criminal Justice Data Center and can be found at:

<http://ag.hawaii.gov/hcjd/sex-offender-and-other-covered-offender-info>