



UNIVERSITY
of HAWAII®
HILO

Division of Student Affairs
Student Health and Wellness Programs

MEMORANDUM

DATE: April 8, 2014
TO: Luoluo Hong, Vice Chancellor for Student Affairs
FROM: Sulma Gandhi, Director, Student Health & Wellness Programs
RE: New Requirements Imposed by the Violence Against Women Reauthorization Act

Brief description:

The Violence Against Women Reauthorization Act (“VAWA”), which President Obama signed into law on March 7, imposes new obligations on colleges and universities under its [Campus Sexual Violence Act \(“SaVE Act”\) provision, Section 304](#). Those obligations—will require revision of institutional policy and practice.

Under VAWA, colleges and universities are required to:

- Report domestic violence, dating violence, and stalking, beyond crime categories the Clery Act already mandates;
- Adopt certain student discipline procedures, such as for notifying purported victims of their rights; and
- Adopt certain institutional policies to address and prevent campus sexual violence, such as to train in particular respects pertinent institutional personnel.

University of Hawai‘i at Hilo currently has a Student Sexual Assault Policy (revised 1/3/13) - <http://hilo.hawaii.edu/uhh/vcsa/documents/UHHSexualAssaultPolicy.pdf>.

As we await further guidance from the Office of Civil Rights along with finalization of the University of Hawai‘i system policy E1.204, this action memo will serve as substantive documentation of UH Hilo’s efforts to ensure full compliance with these new guidelines as stipulated under the [Campus Sexual Violence Act \(“SaVE Act”\) provision, Section 304](#). The procedural and program issues noted in this memo are intended to supplement UH Hilo’s current Student Sexual Assault Policy until such time the Policy can be amended.

The current UH Hilo Student Sexual Assault Policy will also consider domestic violence, dating violence, and stalking as categories that, if the incident was reported to a campus security authority, will be handled in compliance with both the law and following the procedures outlined in UH Hilo's Student Sexual Assault Policy. The additional offenses are defined as:

1. "Domestic violence" includes asserted violent misdemeanor and felony offenses committed by the victim's current or former spouse, current or former cohabitant, person similarly situated under domestic or family violence law, or anyone else protected under domestic or family violence law.
2. "Dating violence" means violence by a person who has been in a romantic or intimate relationship with the victim. Whether there was such relationship will be gauged by its length, type, and frequency of interaction.
3. "Stalking" means a course of conduct directed at a specific person that would cause a reasonable person to fear for her, his, or others' safety, or to suffer substantial emotional distress.

Student Discipline Requirements

The code of conduct prescribes standards for investigation and student discipline proceedings. The evidentiary standard utilized in investigations for these particular offenses will follow a "standard of evidence." The accuser and the accused are entitled to the same opportunities to have others present during an institutional disciplinary proceeding and both the accuser and accused will be notified simultaneously in writing of: the outcome of the proceedings; appeal procedures; any change to the result before it becomes final; and when the result becomes final.

Requirements to Educate Students on Sexual Violence

UH Hilo continues to provide primary prevention and awareness programs that promote awareness of rape, domestic violence, dating violence, sexual assault and stalking. In addition to these ongoing programs, the completion of an online module called "Consent & Respect" will be required by all new students.

APPROVED / NOT APPROVED

April 9, 2014

Luoluo Hong, Vice Chancellor for Student Affairs

Date