



## **A GUIDE FOR “RESPONSIBLE EMPLOYEES” UNDER UNIVERSITY OF HAWAII INTERIM EP 1.204 (Rev. 07-01-2021)**

### **What Is Interim EP 1.204?**

Interim EP 1.204 (“Policy”) is the University’s system wide Executive Policy governing all forms of sex discrimination and gender-based violence, including sexual harassment, sexual exploitation, sexual assault, domestic and dating violence, and stalking. The Policy is intended to help ensure a safe and discrimination-free learning and working environment for our University 'ohana, including students and employees. The Policy defines conduct prohibited by the University, explains how individuals can seek confidential assistance, report the conduct to the University, obtain services or access resources. The Policy also describes what happens after the conduct is reported to the University. The current Policy, effective August 14, 2020, may be found at: <https://www.hawaii.edu/titleix/policy/current-tix-pp/>. It is a provisional policy and is being reviewed by University stakeholders.

### **Who IS A “Responsible Employee”?**

“Responsible Employees” are University employees who **are required** to report conduct prohibited by the Policy.<sup>1</sup> Accordingly, “Responsible Employees” **cannot promise confidentiality** to anyone disclosing conduct prohibited under the Policy.

“Responsible Employees” include all Executive and Managerial employees, and individuals or departments designated as Reporting Options. For example, the President, Vice Presidents, Associate Vice Presidents, Chancellors, Vice Chancellors, Associate and Assistant Vice Chancellors, Deans/Director, Associate and Assistant Deans/Directors, Human Resources Directors, Chief Personnel Officers, and the Chief of the Public Safety Office are “Responsible Employees”. University faculty members are also “Responsible Employees”. All “Responsible Employees” have an integral and important role to ensure that the University fulfills its obligations under Title IX.

### **Who Is NOT A “Responsible Employee”?**

“Confidential Resources” are **not** “responsible employees.” “Confidential Resources” are offices designated as such by campus Title IX Coordinators. Confidential resources include individuals who are required to protect confidentiality by professional license such as clinical psychologists, therapists, and physicians, clergy members, and those who are privileged by law such as domestic violence or sex assault counselors (who have completed the required training). With few exceptions (e.g., child abuse), Confidential Resources are **not required** to report potential misconduct under the Policy to the Title IX Coordinator.

### **What Is My Duty As A “Responsible Employee”?**

#### **•When Someone Wants Confidentiality**

If a student approaches or contacts you about their experience, or to report something that they observed, that individual may be reaching out to you as someone they trust or respect, can confide in, or can provide emotional or other support. It is extremely important to **immediately inform that person that as a Responsible Employee, you cannot promise confidentiality**. You can, however, offer to help ensure the individual receives the support or help they need in a confidential setting.

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<sup>1</sup> For Title IX purposes, some universities refer to “Responsible Employees” as “Mandatory Reporters”.



If someone wants to remain anonymous or receive support in a confidential setting, immediately refer that individual to a Confidential Resource such as Nicole "Cole" Sasaoka with Child and Family Service (nsasaoka@cfs-hawaii.org or (808) 877-6888). Confidential Resources on every campus may be found at: <http://www.hawaii.edu/titleix/confidential/>. By referring the individual to a Confidential Resource, their identity will not be disclosed without their express permission or as required by law. This referral will also provide an opportunity for that individual to consider reporting options in the future, if and when they are ready to move forward with a formal report or complaint.

**•When Someone Wants To Make A Formal Report Or When You Have Observed Conduct That May Violate the Policy**

As a "Responsible Employee" you are **required** to immediately **report** what you have learned through disclosure or observation to your campus Title IX Coordinator. These include details about an incident or conduct that you may have become aware of from another individual, being told about details of the incident or conduct by a third party, or observing the incident or conduct yourself. Once you become aware of an incident or conduct, the University will be on "Notice" of a potential Policy violation and is required by law to respond accordingly.

Although Title IX Coordinators cannot guarantee confidentiality, an individual's privacy will be respected and safeguarded. In other words, information will only be shared with University employees assisting in the assessment, investigation and resolution of the report.

**•What If I'm Not Sure If The Conduct Violates The Policy?**

You do **not need to determine** whether what you have been told or observed violates the Policy in order to make a report. The Title IX Coordinator receiving the report will perform an initial assessment and arrange any appropriate investigation and decision-making.

**How Do I Make A Report?**

Notify your Title IX Coordinator by phone, email or in person. Contact information for Title IX Coordinators on every campus may be found at: <http://www.hawaii.edu/titleix/coordinators/>

**What If I Have Questions About My Duties As A Responsible Employee?**

Questions regarding this or other issues related to Interim EP 1.204 may be directed to either of the following offices:

Office of Institutional Equity University of Hawaii System Phone: (808) 956-8629 Email: <a href="mailto:institutional.equity@hawaii.edu">institutional.equity@hawaii.edu</a> Jennifer Solidum Rose, J.D., Director	Office of Compliance & Title IX University of Hawaii Community College System Phone: (808) 956-4564 Email: <a href="mailto:cccompliance.t9@hawaii.edu">cccompliance.t9@hawaii.edu</a> Christine S.Y. Chun, J.D., Director
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In addition to providing this Guide, the University conducts live training about the duties of Responsible Employees as part of its broader Title IX training program. For more information about training opportunities, contact your campus Title IX Coordinator through the following link: <http://www.hawaii.edu/titleix/coordinators/> or the UH Office of Institutional Equity via email at [institutional.equity@hawaii.edu](mailto:institutional.equity@hawaii.edu).