A GUIDE FOR “RESPONSIBLE EMPLOYEES” UNDER UNIVERSITY OF HAWAII EP 1.204
(1-13-2020)

What is EP 1.204?

EP 1.204 (“Policy”) is the University’s systemwide Executive Policy governing all forms of sex discrimination and gender-based violence, including:

- sexual harassment
- sexual exploitation
- sexual assault
- domestic and dating violence
- stalking

The Policy is intended to ensure a safe and discrimination-free learning and working environment for the University ‘ohana, including students, faculty, staff, and even visitors. The Policy defines conduct prohibited by the University, and explains:

- how to access confidential assistance if you have experienced or observed prohibited conduct
- what support services are available to you if you have experienced gender violence
- how to report prohibited conduct to the University
- what happens after the prohibited conduct is reported to the University

The current Policy, effective January 13, 2020, can be found at: https://www.hawaii.edu/titleix/documents/10101/.

Who IS A “Responsible Employee”?

“Responsible Employees” are University employees who are required to report conduct prohibited by the Policy. ¹ “Responsible Employees” cannot promise confidentiality to anyone disclosing conduct prohibited under the Policy.

“Responsible Employees” include:

- all Executive and Managerial employees
- University faculty members
- individuals/departments designated as Reporting Options, including:
  - the President
  - Vice Presidents
  - Associate Vice Presidents
  - Chancellors
  - Vice Chancellors
  - Associate and Assistant Vice Chancellors
  - Deans/Directors
  - Associate and Assistant Deans/Directors
  - Human Resources Directors
  - Human Resources Office
  - EEO/AA Directors
  - EEO/AA Office
  - Chief Personnel Officers
  - The Chief of the Public Safety Office

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

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Who Is NOT A “Responsible Employee”?  

“Confidential Resources” are not “Responsible Employees.” “Confidential Resources” are offices and individuals designated as such by campus Title IX Coordinators.

Contact information for Confidential Resources at each campus may be found at: https://www.hawaii.edu/titleix/help/confidential/.

Confidential Resources include:

- individuals who are required to protect confidentiality by professional license such as:
  - clinical psychologists
  - therapists
  - physicians
- individuals who are privileged by law such as:
  - domestic violence or sex assault counselors who have completed the required training
  - clergy members

With a 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 trust or respect you, feel they can confide in you, or feel that you 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 they receive the support or help they need in a confidential setting.

  If someone wants to remain anonymous or receive support in a confidential setting, immediately refer that individual to a **Confidential Resource**. Confidential Resources on every campus may be found at: http://www.hawaii.edu/titleix/confidential/.

  When you refer an individual to a Confidential Resource, their identity will be not be disclosed without their express permission or as required by law. This referral will also provide an opportunity for them to consider their reporting options in the future, if and when they are ready to move forward with a formal 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 (within 3 days)** what you have learned through disclosure or observation to your campus Title IX Coordinator.

  Reports should include details about an alleged incident or conduct prohibited by the Policy.

  You may have become aware of such incidents by:

  - being told directly by the victim of such prohibited conduct
  - being told about it by a third party
  - observing the prohibited 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 the alleged incident violates the Policy in order to make a report.

  After the report has been made to the Title IX Coordinator, the Title IX Coordinator 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, E-mail or in person.

Contact information for Title IX Coordinators on every campus may be found at: https://www.hawaii.edu/titleix/help/coordinator/.

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

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

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<th>Office of Institutional Equity</th>
<th>Office of Compliance &amp; Title IX</th>
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<tr>
<td>University of Hawaii System</td>
<td>University of Hawaii Community College System</td>
</tr>
<tr>
<td>Phone: (808) 956-8629</td>
<td>Phone: (808) 956-4564</td>
</tr>
<tr>
<td>E Mail: <a href="mailto:institutional.equity@hawaii.edu">institutional.equity@hawaii.edu</a></td>
<td>E Mail: <a href="mailto:cccompliance.t9@hawaii.edu">cccompliance.t9@hawaii.edu</a></td>
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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 visit: https://www.hawaii.edu/titleix/training/training-overview/.