



GOV. MSG. NO. 1310

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

July 5, 2016

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Twenty-Eighth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Eighth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 5, 2016, the following bill was signed into law:

HB2772 HD1 SD2 CD1

RELATING TO THE UNIVERSITY OF HAWAII
ACT 208 (16)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that the affirmative
2 consent task force, established by Act 222, Session Laws of
3 Hawaii 2015, reviewed and made preliminary recommendations on
4 the University of Hawaii executive policy regarding sexual
5 harassment, sexual assault, domestic violence, dating violence,
6 and stalking.

7 The legislature finds that this issue is a matter of
8 statewide concern that falls under its purview pursuant to
9 article X, section 6, of the Hawaii State Constitution.

10 The purpose of this Act is to adopt the preliminary
11 recommendations of the affirmative consent task force.

12 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
13 amended by adding a new section to subpart A of part I to be
14 appropriately designated and to read as follows:

15 "§304A- Campus safety and accountability. (a) The
16 University of Hawaii shall:



- 1 (1) Train all University of Hawaii students and employees,
2 including security personnel, Title IX coordinators,
3 and residential advisors, on:
- 4 (A) Public Law 92-318, Title IX of the federal
5 Education Amendments of 1972, as amended;
- 6 (B) The Violence Against Women Act of 1994, as
7 amended; and
- 8 (C) University of Hawaii executive policies on sexual
9 harassment, sexual assault, domestic violence,
10 dating violence, and stalking;
- 11 (2) Provide all existing University of Hawaii employees
12 with the training described in paragraph (1) by July
13 1, 2017, and every two years thereafter;
- 14 (3) Provide all new University of Hawaii employees with
15 the training described in paragraph (1) no later than
16 thirty days after the date of first employment;
- 17 (4) Provide all students with the training described in
18 paragraph (1) annually;
- 19 (5) At each campus of the University of Hawaii system,
20 designate a confidential advocate for students to
21 confidentially discuss incidents of, and obtain



1 information on, sexual harassment, sexual assault,
2 domestic violence, dating violence, stalking, and
3 related issues; provided that confidential advocates
4 and communications received by confidential advocates
5 shall not be exempt from any otherwise applicable
6 mandatory reporting requirements for child and
7 vulnerable adult neglect and abuse as provided by
8 chapters 346 and 350;

9 (6) Publicize the name, location, phone number, and email
10 address of the confidential advocate on the website of
11 each respective campus;

12 (7) Make available to students and employees written and
13 electronic materials and training programs concerning
14 Title IX of the Higher Education Amendments of 1972;
15 the Violence Against Women Act of 1994; and University
16 of Hawaii policies concerning sexual harassment,
17 sexual assault, domestic violence, dating violence,
18 and stalking; and

19 (8) Inform victims in writing of the right to file a
20 police report with the appropriate county police



1 department for investigation and assist victims in
2 submitting the police report.

3 (b) All University of Hawaii faculty members are
4 designated as "responsible employees" under Public Law 92-318,
5 Title IX of the federal Education Amendments of 1972, as
6 amended, and shall report any violations of University of Hawaii
7 executive policies regarding sexual harassment, sexual assault,
8 domestic violence, dating violence, and stalking to the Title IX
9 coordinator of the faculty member's campus; provided that any
10 faculty member designated as a confidential advocate pursuant to
11 subsection (a) (5) shall not be a "responsible employee";
12 provided further that the confidential advocate shall annually
13 provide general statistics to the Title IX coordinator about the
14 number and type of incidents received by the confidential
15 advocate.

16 (c) All University of Hawaii students and employees shall
17 complete the training required under subsection (a) (1), (a) (2),
18 (a) (3), and (a) (4) or may be subject to fines, sanctions, or
19 other discipline, as deemed appropriated by the University of
20 Hawaii.



1 (d) No later than March 31, 2017, and every two years
2 thereafter, the University of Hawaii shall conduct a campus
3 climate survey of all students. The University of Hawaii shall
4 submit a report to the legislature no later than twenty days
5 before the convening of each regular session that shall include:

6 (1) A summary of the most recent campus climate survey
7 results;

8 (2) Information on the number of sexual assaults that
9 occurred on a University of Hawaii system campus
10 within the past five years; and

11 (3) Recommendations and efforts to improve campus safety
12 and accountability.

13 (e) The University of Hawaii shall establish policies and
14 procedures to effectuate this section."

15 SECTION 3. (a) No later than December 31, 2016, the
16 University of Hawaii shall revise, as necessary, all University
17 of Hawaii executive policies regarding:

18 (1) Student conduct;

19 (2) Nondiscrimination;

20 (3) Complaint procedures;

21 (4) Campus security;



1 (5) Alcohol consumption;
2 (6) Housing; and
3 (7) Workplace nonviolence,
4 that conflict with any University of Hawai'i executive policy
5 regarding sexual harassment, sexual assault, domestic violence,
6 dating violence, and stalking, including University of Hawaii
7 executive policy number 1.204.

8 (b) The University of Hawaii shall enter into memoranda of
9 understanding with all county police departments by December 31,
10 2016, to govern communications and procedures for addressing
11 sexual assaults that occur on University of Hawaii system
12 campuses.

13 SECTION 4. There is appropriated out of the general
14 revenues of the State of Hawaii the sum of \$250,000 or so much
15 thereof as may be necessary for fiscal year 2016-2017 for the
16 University of Hawaii at Manoa to hire employees as follows:

- 17 (1) One full-time equivalent administrator (1.0 FTE) at
18 \$70,000; and
19 (2) Two full-time equivalent investigators (2.0 FTE) at
20 \$90,000 each,



1 to ensure compliance with Title IX of the federal Education
2 Amendments of 1972, as amended, and the Violence Against Women
3 Act of 1994, as amended.

4 The sum appropriated shall be expended by the University of
5 Hawaii at Manoa for the purposes of this Act.

6 SECTION 5. There is appropriated out of the general
7 revenues of the State of Hawaii the sum of \$160,000 or so much
8 thereof as may be necessary for fiscal year 2016-2017 for the
9 University of Hawaii at Hilo:

10 (1) To hire employees as follows:

11 (A) One full-time equivalent administrative support
12 staff person (1.0 FTE) at \$60,000; and

13 (B) One full-time equivalent educator, trainer, and
14 investigator (1.0 FTE) at \$90,000; and

15 (2) \$10,000 for related travel expenses,

16 to ensure compliance with Title IX of the federal Education
17 Amendments of 1972, as amended, and the Violence Against Women
18 Act of 1994, as amended.

19 The sum appropriated shall be expended by the University of
20 Hawaii at Hilo for the purposes of this Act.



1 SECTION 6. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$150,000 or so much
3 thereof as may be necessary for fiscal year 2016-2017 for the
4 University of Hawaii community colleges to ensure compliance
5 with Title IX of the federal Education Amendments of 1972, as
6 amended, and the Violence Against Women Act of 1994, as amended.

7 The sum appropriated shall be expended by the University of
8 Hawaii community colleges for the purposes of this Act.

9 SECTION 7. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 8. New statutory material is underscored.

13 SECTION 9. This Act shall take effect on July 1, 2016.

APPROVED this 5 day of JUL , 2016



GOVERNOR OF THE STATE OF HAWAII

