
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 is a matter of statewide
8 concern.

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

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

14 "§304A- Campus safety and accountability. (a) The
15 University of Hawaii shall:



H.B. NO. 2772

- 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 training described in paragraph (1) by December
13 31, 2016, and every two years thereafter;
- 14 (3) Provide all new University of Hawaii employees with
15 the training in paragraph (1) no later than thirty
16 days after the date of first employment;
- 17 (4) Provide all students with the training described in
18 paragraph (1) annually;
- 19 (5) Prohibit any student who does not complete the
20 training described in paragraph (1) as required by



- 1 paragraph (4) from registering for classes the next
2 semester and from graduating;
- 3 (6) At each campus of the University of Hawaii system,
4 designate a confidential advocate for students to
5 confidentially discuss incidents of, and obtain
6 information on, sexual harassment, sexual assault,
7 domestic violence, dating violence, stalking, and
8 related issues;
- 9 (7) Publicize the name, location, phone number, and email
10 address of the confidential advocate on the respective
11 campus website; and
- 12 (8) Report all sexual assault cases to the county police
13 department for investigation.
- 14 (b) All University of Hawaii faculty members are
15 designated as "responsible employees" under Public Law 92-318,
16 Title IX of the federal Education Amendments of 1972, as
17 amended, and shall report any violations of University of Hawaii
18 policies regarding sexual harassment, sexual assault, domestic
19 violence, dating violence, and stalking to the Title IX
20 coordinator of the faculty member's campus.
- 21 (c) The following romantic relationships are prohibited:



- 1 (1) Between a University of Hawaii student and a
2 University of Hawaii faculty member;
- 3 (2) Between a University of Hawaii graduate student
4 assistant and a University of Hawaii faculty member;
5 and
- 6 (3) Between a University of Hawaii graduate student
7 assistant and a University of Hawaii staff member.
- 8 (d) Any student that reports an incident of sexual
9 assault, including incidents where the student reporting is
10 under the age of twenty-one and has consumed alcohol, shall not
11 be subject to disciplinary action by the University of Hawaii
12 for acts evidenced by information provided by the student or
13 information obtained based upon information provided by the
14 student.
- 15 (e) Starting no later than December 31, 2016, the
16 University of Hawaii shall conduct a campus climate survey of
17 all students every two years. The University of Hawaii shall
18 submit a report to the legislature no later than twenty days
19 before the convening of each regular session that shall include:
 - 20 (1) A summary of the most recent campus climate survey
21 results;



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

4 (3) Recommendations and efforts to improve campus safety
 5 and accountability.

6 (f) The University of Hawaii shall establish policies and
 7 procedures to effectuate this section."

8 SECTION 3. (a) No later than December 31, 2016, the
 9 University of Hawaii shall revise, as necessary, all University
 10 of Hawaii policies regarding:

- 11 (1) Student conduct;
- 12 (2) Nondiscrimination;
- 13 (3) Complaint procedures;
- 14 (4) Campus security;
- 15 (5) Alcohol consumption;
- 16 (6) Housing; and
- 17 (7) Workplace non-violence,

18 that conflict with any University of Hawaii policy regarding
 19 sexual harassment, sexual assault, domestic violence, dating
 20 violence, and stalking, including University of Hawaii executive
 21 policy number 1.204.



H.B. NO. 2772

1 (b) The University of Hawaii shall enter into memoranda of
2 understanding with all county police departments by December 31,
3 2016, to govern communications and procedures for addressing
4 sexual assaults that occur on University of Hawaii system
5 campuses.

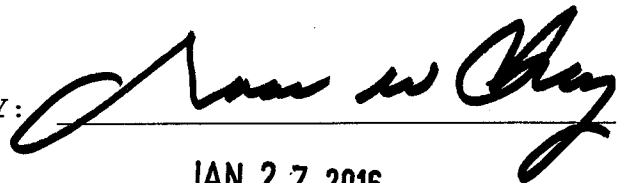
6 SECTION 4. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 5. New statutory material is underscored.

10 SECTION 6. This Act shall take effect upon its approval.

11

INTRODUCED BY:



JAN 27 2016



H.B. NO. 2772

Report Title:

Affirmative Consent Task Force; Campus Safety; Sexual Assault

Description:

Requires UH to train employees and students on sexual harassment policies, appoint a campus advocate at each campus for students to discuss incidents of sexual harassment, report sexual assault cases to the police, and conduct a campus climate survey. Prohibits romantic relationships between a UH student and a UH faculty member.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

