
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
13 December 31, 2016, 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) 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; provided that confidential advocates
9 and communications received by confidential advocates
10 shall not be exempt from any otherwise applicable
11 mandatory reporting requirements for child and
12 vulnerable adult neglect and abuse as provided by
13 chapters 346 and 350;

14 (7) Publicize the name, location, phone number, and email
15 address of the confidential advocate on the website of
16 each respective campus;

17 (8) Make available to students and employees written and
18 electronic materials and training programs concerning
19 Title IX of the Higher Education Amendments of 1972;
20 the Violence Against Women Act of 1994; and University
21 of Hawaii policies concerning sexual harassment,



1 sexual assault, domestic violence, dating violence,
2 and stalking; and

3 (9) Inform victims in writing of the right to file a
4 police report with the appropriate county police
5 department for investigation and assist victims in
6 submitting the police report.

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

20 (c) Any student who reports an incident of sexual assault,
21 including incidents in which the student making the report is



1 under the age of twenty-one and has consumed alcohol, shall not
2 be subject to disciplinary action by the University of Hawaii
3 for acts evidenced by information provided by the student or
4 information obtained based upon information provided by the
5 student.

6 (d) Starting no later than December 31, 2016, the
7 University of Hawaii shall conduct a campus climate survey of
8 all students every two years. The University of Hawaii shall
9 submit a report to the legislature no later than twenty days
10 before the convening of each regular session that shall include:

- 11 (1) A summary of the most recent campus climate survey
12 results;
13 (2) Information on the number of sexual assaults that
14 occurred on a University of Hawaii system campus
15 within the past five years; and
16 (3) Recommendations and efforts to improve campus safety
17 and accountability.

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



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

- 4 (1) Student conduct;
- 5 (2) Nondiscrimination;
- 6 (3) Complaint procedures;
- 7 (4) Campus security;
- 8 (5) Alcohol consumption;
- 9 (6) Housing; and
- 10 (7) Workplace nonviolence,

11 that conflict with any University of Hawaii executive policy
12 regarding sexual harassment, sexual assault, domestic violence,
13 dating violence, and stalking, including University of Hawaii
14 executive policy number 1.204.

15 (b) The University of Hawaii shall enter into memoranda of
16 understanding with all county police departments by December 31,
17 2016, to govern communications and procedures for addressing
18 sexual assaults that occur on University of Hawaii system
19 campuses.



1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 5. New statutory material is underscored.

5 SECTION 6. This Act shall take effect on July 1, 2525.

6



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.

Effective 7/1/2525. (SD1)

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