
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) 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 e-mail
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) (6) 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) Any student who reports an incident of sexual assault,
17 including incidents in which the student making the report is
18 under the age of twenty-one and has consumed alcohol, shall not
19 be subject to disciplinary action by the University of Hawaii
20 for acts evidenced by information provided by the student or



1 information obtained based upon information provided by the
2 student.

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

8 (1) A summary of the most recent campus climate survey
9 results;

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

13 (3) Recommendations and efforts to improve campus safety
14 and accountability.

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

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

20 (1) Student conduct;

21 (2) Nondiscrimination;



1 (3) Complaint procedures;

2 (4) Campus security;

3 (5) Alcohol consumption;

4 (6) Housing; and

5 (7) Workplace nonviolence,

6 that conflict with any University of Hawaii executive policy
7 regarding sexual harassment, sexual assault, domestic violence,
8 dating violence, and stalking, including University of Hawaii
9 executive policy number 1.204.

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

15 SECTION 4. There is appropriated out of the general
16 revenues of the State of Hawaii the sum of \$ or so
17 much thereof as may be necessary for fiscal year 2016-2017 for
18 the purposes of this Act.

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



1 SECTION 5. 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 6. New statutory material is underscored.

5 SECTION 7. This Act shall take effect on July 1, 2525.

6



Report Title:

Affirmative Consent Task Force; Campus Safety; Sexual Assault;
Appropriation

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. Appropriates funds. Effective 7/1/2525. (SD2)

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