

Honolulu, Hawaii

April 29, 2016

RE: H.B. No. 2772
H.D. 1
S.D. 2
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 2772, H.D. 1, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to promote a safe environment free from sexual harassment, sexual assault, domestic violence, dating violence, and stalking at the University of Hawaii. More specifically, this measure:

- (1) Requires the University of Hawaii to:
 - (A) Train all employees and students on sexual harassment, sexual assault, domestic violence, dating violence, and stalking laws and policies;



- (B) Designate a confidential advocate for students at each of its campuses and provide certain contact information of confidential advocates on the website of each respective campus;
 - (C) Make available to students and employees written and electronic materials and training programs concerning Title IX of the Higher Education Amendments of 1972; the Violence Against Women Act of 1994; and University of Hawaii policies concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking;
 - (D) Inform victims in writing of the right to file a police report with the appropriate county police department for investigation and assist victims in submitting the police report; and
 - (E) Conduct a campus climate survey of all students every two years, beginning no later than December 31, 2016;
- (2) Designates all faculty members as "responsible employees" required to report any violations of University of Hawaii executive policies regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking to the Title IX Coordinator;
 - (3) Requires the confidential advocate to annually provide general statistics to the Title IX Coordinator on the number and type of incidents received by the confidential advocate;
 - (4) Provides that any student who reports an incident of sexual assault, including incidents in which the student making the report is under the age of 21 and has consumed alcohol, will not be subject to disciplinary action by the University of Hawaii for acts evidenced by information provided by the student or information obtained based upon information provided by the student;
 - (5) Requires the University of Hawaii to revise executive policies that conflict with policies that are the subject of required training and reporting under this measure and to enter into memoranda of understanding with police departments regarding sexual assault; and



(6) Makes an appropriation in an unspecified amount.

Your Committee on Conference has amended this measure by:

- (1) Modifying the deadline by which all existing University of Hawaii employees must be provided with training on sexual harassment, sexual assault, domestic violence, dating violence, and stalking laws and policies;
- (2) Removing the provision that any student who reports an incident of sexual assault, including incidents in which the student making the report is under the age of 21 and has consumed alcohol, will not be subject to disciplinary action by the University of Hawaii for acts evidenced by information provided by the student or information obtained based upon information provided by the student;
- (3) Requiring all University of Hawaii employees and students to complete required training on sexual harassment, sexual assault, domestic violence, dating violence, and stalking laws and policies, or possibly be subject to fines, sanctions, or other discipline, as deemed appropriate by the University of Hawaii;
- (4) Modifying the deadline by which the University of Hawaii must begin conducting the campus climate survey of all students;
- (5) To ensure compliance with Title IX of the federal Education Amendments of 1972, as amended, and the Violence Against Women Act of 1994, as amended:
 - (A) Appropriating \$250,000 for fiscal year 2016-2017 to the University of Hawaii at Manoa;
 - (B) Appropriating \$160,000 for fiscal year 2016-2017 to the University of Hawaii at Hilo; and
 - (C) Appropriating \$150,000 for fiscal year 2016-2017 to the University of Hawaii Community Colleges;
- (6) Changing its effective date to July 1, 2016; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

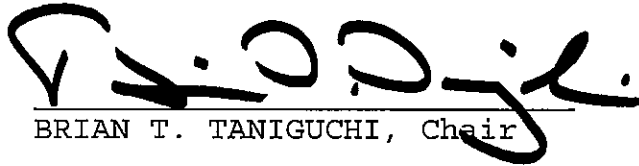


As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 2772, H.D. 1, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 2772, H.D. 1, S.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

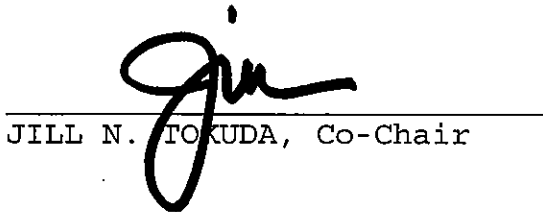
ON THE PART OF THE HOUSE


BRIAN T. TANIGUCHI, Chair


LINDA ICHIYAMA, Co-Chair


GILBERT S.C. KEITH-AGARAN,
Co-Chair


KARL RHOADS, Co-Chair




JILL N. TOKUDA, Co-Chair


SCOTT Y. NISHIMOTO, Co-Chair



Hawaii State Legislature
Record of Votes of a
Conference Committee

CCR 144-16

Bill / Concurrent Resolution No.: HB 2772, HD 1, SD 2					Date/Time: Apr 29, 2016 4:15P				
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).									
<input type="checkbox"/> The Committee is reconsidering its previous decision.									
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.				
Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				ICHIYAMA, Linda, Co-Chr.	✓			
KEITH-AGARAN, Gilbert S.C., Co-Chr.	✓				RHOADS, Karl, Co-Chr.				✓
TOKUDA, Jill N., Co-Chr.	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
SLOM, Sam				✓	CHOY, Isaac W.	✓			
					MATSUMOTO, Lauren Kealohilani	✓			
TOTAL	3	0	0	1	TOTAL	4	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused		
Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted					House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Senate Lead Chair's or Designee's Signature: 					House Lead Chair's or Designee's Signature: 				
Distribution:		Original	Yellow	Pink			Goldenrod		
		File with Conference Committee Report	House Clerk's Office	Senate Clerk's Office			Drafting Agency		