

Honolulu, Hawaii

February 13, 2015

RE: H.B. No. 451

H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred
H.B. No. 451 entitled:

"A BILL FOR AN ACT RELATING TO AFFIRMATIVE CONSENT,"

begs leave to report as follows:

The purpose of this measure is to help end sexual and dating violence on college campuses by requiring the governing board of each community college district, trustees of the University of Hawaii, and regents of the University of Hawaii, as a condition to receive state funds for student financial assistance, to:

- (1) Adopt detailed and victim-centered policies and protocols regarding reporting, investigation, and disposition of incidents of sexual assault, domestic violence, dating violence, and stalking, including an affirmative consent standard;
- (2) To the extent feasible, enter into memoranda of understanding, agreements, or collaborative partnerships with existing on-campus and community-based organizations to make services available to students; and
- (3) Implement comprehensive prevention and outreach programs addressing sexual violence, domestic violence, dating violence, and stalking to make students aware of institutional policies and protocols.



The Hawaii State Commission on the Status of Women, Hawaii State Coalition Against Domestic Violence, IMUA Alliance, National Association of Social Workers - Hawaii Chapter, Sex Abuse Treatment Center, Planned Parenthood of Hawaii, YWCA of Oahu, Hawaii State Democratic Women's Caucus, Hawaii Women's Coalition, and numerous concerned individuals supported this measure. The University of Hawaii submitted comments.

Your Committee finds that sexual violence is prevalent on college campuses, including the University of Hawaii. Nationally, one in five women is sexually assaulted while in college. Nevertheless, these acts of sexual violence are vastly underreported. Less than five percent of completed and attempted rapes of college students are reported to campus authorities or law enforcement.

The University of Hawaii must adopt policies demonstrating that it does not tolerate sexual violence or any other form of sex discrimination. The University must seek to foster a culture that rejects sexual violence and educates community members about how to best prevent sexual assault and respond to incidents of sexual assault.

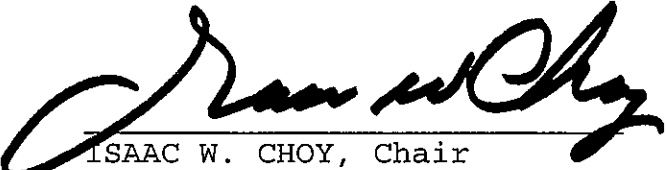
Your Committee has amended this measure by:

- (1) Adding a purpose section that emphasizes that the effort to end sexual violence and dating violence is a matter of statewide concern;
- (2) Removing unnecessary references to the governing board of each community college district, trustees of the University of Hawaii, and regents of the University of Hawaii;
- (3) Clarifying that the University of Hawaii's receipt of any state funds is contingent on its adoption of policies and protocols pursuant to this measure;
- (4) Changing the effective date to July 1, 2025, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 451, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 451, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education,


ISAAC W. CHOY, Chair



