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## HOUSE CONCURRENT RESOLUTION

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REQUESTING A STUDY ON LAWS AND POLICIES REGARDING RELATIONSHIPS  
BETWEEN TEACHERS AND STUDENTS.

1 WHEREAS, recent headlines have brought attention to the  
2 issue of sexual harassment in the workplace and in the  
3 classroom, including the role that authority and power dynamics  
4 play in sexual harassment cases; and

5  
6 WHEREAS, even when consensual, a romantic relationship  
7 between a student and a teacher is an inherently uneven one,  
8 where the student is often susceptible to undue influence and  
9 pressure; and

10  
11 WHEREAS, it is necessary to ensure that students at all  
12 educational institutions in the State, public and private, are  
13 protected from persons who might abuse their positions of power  
14 and influence; and

15  
16 WHEREAS, the Hawaii Department of Education's Code of  
17 Conduct expressly prohibits employees, contractors, and  
18 volunteers from "any intentional solicitation, encouragement, or  
19 consummation of a romantic or physical relationship with a  
20 student, or any sexual contact with a student", regardless of  
21 whether the student is or has been under the care or supervision  
22 of that employee, contractor, or volunteer; and

23  
24 WHEREAS, likewise, the University of Hawaii's Executive  
25 Policy 1.203 recognizes that when "a relationship involves  
26 individuals with a power and/or control differential, it is of  
27 special concern because of the potential for conflict of  
28 interest, appearance of such conflicts, and/or abuse of power";  
29 and  
30



1 WHEREAS, the University of Hawaii therefore prohibits  
2 initiating or engaging in new consensual relationships "between  
3 employees and students wherein a power and control differential  
4 exists"; and  
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6 WHEREAS, while most, if not all, states have laws that  
7 prohibit consensual sexual relationships between adults and  
8 minors below a certain age, a number of other states have gone  
9 further by adopting laws that specifically prohibit certain  
10 types of relationships involving persons in positions of  
11 authority, such as teachers and educational staff; and  
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13 WHEREAS, Connecticut, Maine, Kansas, Maryland, North  
14 Carolina, Ohio, Texas, and Washington, among others, have  
15 adopted laws prohibiting certain types of relationships or acts  
16 between students and teachers or other persons in positions of  
17 authority in schools; and  
18

19 WHEREAS, New Jersey and New Hampshire have adopted laws  
20 prohibiting certain types of relationships or acts between  
21 minors and persons in positions of authority, regardless of  
22 whether the relationship occurs in a school; and  
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24 WHEREAS, these states have additionally provided for  
25 criminal penalties for engaging in these prohibited activities;  
26 and  
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28 WHEREAS, the Legislature believes it is necessary and  
29 prudent to examine whether similar laws should be enacted in  
30 this State to ensure the safety of all students in the State,  
31 whether they attend a public or private school, or whether they  
32 attend an institution of lower education or higher education;  
33 now, therefore,  
34

35 BE IT RESOLVED by the House of Representatives of the  
36 Twenty-ninth Legislature of the State of Hawaii, Regular Session  
37 of 2018, the Senate concurring, that the Legislative Reference  
38 Bureau is requested to:  
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- 40 (1) Conduct a study on the policies of the University of  
41 Hawaii System, Department of Education, and private



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1 schools in the state that address relationships  
2 between teachers and students;

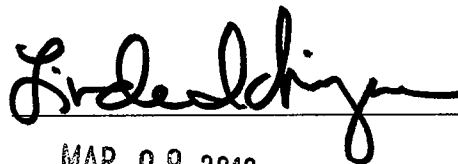
- 3  
4 (2) Include in the study a review of the laws of all  
5 states that have enacted laws prohibiting consensual  
6 or romantic relationships between teachers and  
7 students; and

- 8  
9 (3) Submit a report of its findings and recommendations,  
10 including any proposed legislation, to the Legislature  
11 no later than twenty days prior to the convening of  
12 the Regular Session of 2019; and

13  
14 BE IT FURTHER RESOLVED that the Department of Education,  
15 University of Hawaii System, Hawaii Association of Independent  
16 Schools, private schools of the State, their staff, and other  
17 relevant persons, agencies, and entities are requested to  
18 cooperate and assist the Legislative Reference Bureau, and to  
19 provide information requested by the Legislative Reference  
20 Bureau; and

21  
22 BE IT FURTHER RESOLVED that certified copies of this  
23 Concurrent Resolution be transmitted to the Director of the  
24 Legislative Reference Bureau, Superintendent of Education,  
25 President of the University of Hawaii, and Executive Director of  
26 the Hawaii Association of Independent Schools, who in turn, is  
27 requested to transmit copies of this Concurrent Resolution to  
28 the administrative heads of its member institutions.

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31 OFFERED BY:



MAR 09 2018

