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# A BILL FOR AN ACT

RELATING TO CAMPUS SAFETY.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The legislature finds that college campuses  
2 should be safe from sexual and domestic violence. According to  
3 the Rape, Abuse & Incest National Network, the nation's largest  
4 anti-sexual violence organization, 11.2 per cent of all college  
5 students experience rape or sexual assault through physical  
6 force, violence, or incapacitation. Among undergraduate  
7 students, 23.1 per cent of females experience rape or sexual  
8 assault through physical force, violence, or incapacitation.

9           The legislature further finds that incidents of sexual and  
10 domestic violence are also pervasive on college campuses in  
11 Hawaii. More than twenty-two per cent of female students at the  
12 University of Hawaii have experienced dating or domestic  
13 violence and about twelve per cent have been sexually harassed  
14 or stalked during their time at the university, according to a  
15 survey of students released in 2018.



1           The purpose of this Act is to expand protections for  
2 victims of sexual and domestic violence at Hawaii's institutions  
3 of higher education by:

- 4           (1) Strengthening access to confidential support services;
- 5           (2) Requiring that all students receive information about  
6           sexual and domestic violence prevention and disclosure  
7           protocols; and
- 8           (3) Requiring training on the impact of trauma for  
9           university and college employees responsible for  
10           investigating incidents and assisting victims of  
11           sexual and domestic violence.

12           SECTION 2. Section 304A-120, Hawaii Revised Statutes, is  
13 amended by amending subsection (a) to read as follows:

14           "(a) The University of Hawaii shall:

- 15           (1) Train all University of Hawaii students and employees,  
16           including security personnel, Title IX coordinators,  
17           and residential advisors, on:
  - 18           (A) Public Law 92-318, Title IX of the federal  
19           Education Amendments of 1972, as amended;
  - 20           (B) The Violence Against Women Act of 1994, as  
21           amended; and



- 1 (C) University of Hawaii executive policies on sexual  
2 harassment, sexual assault, domestic violence,  
3 dating violence, and stalking;
- 4 (2) Provide all existing University of Hawaii employees  
5 with the training described in paragraph (1) by  
6 July 1, 2017, and every two years thereafter;
- 7 (3) Provide all new University of Hawaii employees with  
8 the training described in paragraph (1) no later than  
9 thirty days after the date of first employment;
- 10 (4) Provide all students with the training described in  
11 paragraph (1) annually;
- 12 (5) Provide employees involved in investigating incidents  
13 or assisting victims of sexual harassment, sexual  
14 assault, domestic violence, dating violence, stalking,  
15 and related issues with training on the  
16 neurobiological and psychological impact of trauma,  
17 social stigmas, and stereotypes surrounding the causes  
18 and impact of trauma, and the components of trauma-  
19 informed care;
- 20 [+5+] (6) At each campus of the University of Hawaii  
21 system, designate a confidential advocate for



1 students to confidentially discuss incidents of, and  
2 obtain information on, sexual harassment, sexual  
3 assault, domestic violence, dating violence, stalking,  
4 and related issues; provided that confidential  
5 advocates and communications received by confidential  
6 advocates shall not be exempt from any otherwise  
7 applicable mandatory reporting requirements for child  
8 and vulnerable adult neglect and abuse as provided by  
9 chapters 346 and 350;

10 ~~[(6)]~~ (7) Publicize the name, location, phone number, and  
11 e-mail address of the confidential advocate on the  
12 website of each respective campus;

13 ~~[(7)]~~ (8) ~~[Make available]~~ Distribute annually to all  
14 students and employees written and electronic  
15 materials and training programs concerning Title IX of  
16 the Higher Education Amendments of 1972; the Violence  
17 Against Women Act of 1994; and University of Hawaii  
18 policies concerning sexual harassment, sexual assault,  
19 domestic violence, dating violence, and stalking; ~~and~~

20 ~~[(8)]~~ (9) Inform victims in writing of the right to file a  
21 police report with the appropriate county police



1 department for investigation and assist victims in  
2 submitting the police report[-]; and  
3 (10) Enter into and maintain a memorandum of understanding  
4 with a victim services provider for victims of sexual  
5 assault and sexual harassment to assist in developing  
6 and implementing the university's policies, programs,  
7 and training regarding sexual harassment, sexual  
8 assault, domestic violence, dating violence, stalking,  
9 and related issues; provided that the memorandum of  
10 understanding may also authorize the victim-services  
11 provider to provide an off-campus alternative for  
12 students and employees of the university to receive  
13 free and confidential services related to sexual and  
14 domestic violence."

15 SECTION 3. Section 305J-8, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "§305J-8 Authorization to operate in the State; private  
18 college or university. (a) To operate in the State, a private  
19 college or university shall:

20 (1) Be party to a reciprocity agreement to which the State  
21 is a member; or



1           (2) Apply for, on a form prescribed by the department, and  
2           receive authorization from the director; provided that  
3           the private college or university meets the  
4           requirements of section 305J-14; provided further that  
5           a private college or university shall apply for and  
6           obtain a separate authorization for each campus,  
7           branch, or site that is separately accredited. A  
8           separate authorization shall not be required for  
9           additional professional accreditations. A private,  
10          nonprofit college or university shall submit  
11          verification of its nonprofit status with its  
12          application.

13          (b) Upon receiving an application for authorization, the  
14          director shall review the application to confirm that the  
15          private college or university is accredited. The director shall  
16          not approve an application from a private college or university  
17          that, in the two years preceding submission of the application,  
18          has:

- 19           (1) Had its accreditation suspended or withdrawn;
- 20           (2) Been prohibited from operating in another state; or



1           (3) Substantially the same owners, governing board, or  
2           principal officers as a private college or university  
3           that has:

4           (A) Had its accreditation suspended or withdrawn; or

5           (B) Been prohibited from operating in another state.

6           (c) To operate in the State, a private college or  
7 university shall be accredited on the basis of an on-site  
8 review; provided that a candidate for accreditation seeking  
9 authorization to operate may be issued a provisional  
10 authorization to operate on an annual basis without  
11 accreditation subject to a determination by the director that  
12 issuance is in accordance with administrative rules, policies,  
13 or procedures adopted by the director. A candidate for  
14 accreditation may annually renew its provisional authorization  
15 for a period not to exceed five years, unless an extension is  
16 granted by the director for good cause.

17           (d) A private college or university shall notify the  
18 department within thirty days of any material information  
19 related to an action by the institution's accrediting body  
20 concerning the institution's accreditation status, including but  
21 not limited to reaffirmation or loss of accreditation, approval



1 of a request for change, a campus evaluation visit, a focused  
2 visit, or approval of additional locations. In addition, the  
3 institution shall immediately notify the department if the  
4 institution's accrediting body is no longer recognized by the  
5 United States Department of Education.

6 (e) A private college or university under the jurisdiction  
7 of the department shall notify the department at least one year  
8 prior to its ceasing of operations in the State.

9 (f) A private college or university authorized pursuant to  
10 this chapter shall pay any and all fees established pursuant to  
11 section 305J-18.

12 (g) A private college or university authorized pursuant to  
13 this chapter shall, to the maximum extent possible, implement  
14 the procedures and protocols identified in section 304A-120 with  
15 respect to campus safety and accountability."

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.





**Report Title:**

UH; Private Colleges and Universities; Campus Safety and Accountability; Women's Legislative Caucus

**Description:**

Strengthens campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at the University of Hawaii. Takes steps to extend those procedures and protocols to private institutions of higher education in Hawaii. (SD2)

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