
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, thirteen per cent of all
5 college students experience rape or sexual assault through
6 physical force, violence, or incapacitation. Among
7 undergraduate students, 26.4 per cent of females and 6.8 per
8 cent of males experience rape or sexual assault through physical
9 force, violence, or incapacitation.

10 The legislature further finds that incidents of sexual and
11 domestic violence are also pervasive on college campuses in
12 Hawaii. More than nineteen per cent of students who were in a
13 partnered relationship while enrolled at the University of
14 Hawaii reported having experienced dating violence or domestic
15 violence. In addition, about ten per cent said they had been
16 sexually harassed or stalked, and 6.3 per cent reported



1 nonconsensual sexual contact, according to a survey of students
2 released by the university in January 2018.

3 The legislature additionally finds that a study released in
4 the journal *Radiology* in August 2020 found a higher incidence of
5 physical intimate partner violence, both in numbers and
6 proportion, and that the injuries that victims suffered were
7 much more severe.

8 Given the already elevated prevalence of sexual and
9 domestic violence on college campuses, the legislature finds
10 that strengthening campus safety protocols to ensure that
11 students are adequately protected from escalating incidents of
12 abuse is a matter of statewide concern.

13 The purpose of this Act is to expand protections for
14 victims of sexual and domestic violence at the University of
15 Hawaii by:

- 16 (1) Requiring that University of Hawaii students and
17 employees receive training on sexual misconduct
18 awareness and trauma informed responses;
- 19 (2) Requiring the university to ensure that any individual
20 who participates in implementing the university's
21 disciplinary process has training or experience in



- 1 handling sexual misconduct complaints and the
2 university's disciplinary process;
- 3 (3) Requiring that the university provide mandatory
4 annual, trauma informed, gender inclusive, LGBTQ+
5 inclusive sexual misconduct primary prevention and
6 awareness programming for all students and employees
7 of the university; and
- 8 (4) Prohibiting the university from taking disciplinary
9 action against individuals reporting sexual misconduct
10 unless certain exceptions apply.

11 SECTION 2. Section 304A-120, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§304A-120 Campus safety and accountability.** (a) The
14 University of Hawaii shall:

- 15 (1) Train University of Hawaii students enrolled at least
16 part time and employees, including campus safety and
17 security personnel, Title IX coordinators,
18 confidential advocates, and residential advisors, on:
- 19 (A) Public Law 92-318, Title IX of the federal
20 Education Amendments of 1972, as amended;



- 1 (B) The Violence Against Women Act of 1994, as
2 amended; and
- 3 (C) University of Hawaii executive policies on sexual
4 harassment, sexual assault, domestic violence,
5 dating violence, and stalking;
- 6 (2) Provide all existing University of Hawaii employees
7 with the training described in paragraph (1) by [~~July~~
8 ~~1, 2017,~~ December 31, 2023, and every two years
9 thereafter;
- 10 (3) Provide all new University of Hawaii employees with
11 [the]:
- 12 (A) The training described in paragraph (1) no later
13 than thirty days after the date of first
14 employment; or
- 15 (B) If the date of first employment is before
16 December 31, 2023, the training described in
17 paragraph (1) except paragraph (1)(D) no later
18 than thirty days after the date of first
19 employment and the training described in
20 paragraph (1)(D) no later than December 31, 2023;



- 1 (4) Provide all students with the training described in
2 paragraph (1) annually;
- 3 (5) Ensure that any individual who participates in the
4 implementation of the University of Hawaii's
5 disciplinary process, including confidential
6 advocates, individuals responsible for resolving
7 complaints of reported incidents, and individuals
8 responsible for conducting a meeting, hearing, or
9 other disciplinary proceeding or informal resolution
10 process, has training or experience in handling sexual
11 misconduct complaints and the university's
12 disciplinary process to include:
- 13 (A) The effects of trauma, including any
14 neurobiological and physical impact trauma has on
15 a person;
- 16 (B) Cultural competence training regarding how sexual
17 misconduct may impact students differently
18 depending on factors that contribute to a
19 student's cultural background, including race,
20 color, national origin, ethnicity, religion,
21 economic status, and sex (including gender



1 identity, gender expression, sexual orientation,
2 and pregnancy or parenting status);
3 (C) Ways to communicate sensitively and
4 compassionately with a reporting party, including
5 an awareness of responding with consideration of
6 the reporting party's cultural background and
7 providing services to the reporting party or
8 assisting the reporting party in locating
9 services; and
10 (D) Training and information regarding how dating
11 violence, domestic violence, sexual assault, and
12 stalking may impact students with disabilities;
13 [-(5)] (6) At each campus of the University of Hawaii
14 system, designate a confidential advocate for students
15 to confidentially discuss incidents of, and obtain
16 information on, sexual harassment, sexual assault,
17 domestic violence, dating violence, stalking, and
18 related issues; provided that confidential advocates
19 and communications received by confidential advocates
20 shall not be exempt from any otherwise applicable
21 mandatory reporting requirements for child and



1 vulnerable adult neglect and abuse as provided by
2 chapters 346 and 350;

3 ~~[(6)]~~ (7) Publicize the name, location, phone number, and
4 e-mail address of the confidential advocate on the
5 website of each respective campus;

6 ~~[(7)]~~ (8) Make available to students and employees written
7 and electronic materials and training programs
8 concerning Title IX of the Higher Education Amendments
9 of 1972; the Violence Against Women Act of 1994; and
10 University of Hawaii policies concerning sexual
11 harassment, sexual assault, domestic violence, dating
12 violence, and stalking; ~~[and]~~

13 ~~[(8)]~~ (9) Inform victims in writing of the right to file a
14 police report with the appropriate county police
15 department for investigation and assist victims in
16 submitting the police report~~[-]~~; and

17 (10) With guidance from the office of institutional equity,
18 confidential advocates and prevention educators, local
19 law enforcement, and local sexual and domestic
20 violence advocacy organizations, provide mandatory
21 annual trauma informed, gender inclusive, LGBTQ+



1 inclusive sexual misconduct primary prevention and
2 awareness programming for all students enrolled at
3 least part time and employees of the university to
4 include:

5 (A) An explanation of consent as it applies to sexual
6 activity and sexual relationships;

7 (B) The role drugs and alcohol play in an
8 individual's ability to consent;

9 (C) Strategies for bystander and upstander
10 intervention and risk reduction education that
11 include recognition of individual biases and
12 attitudes;

13 (D) How to access supportive measures for reporting
14 parties; and

15 (E) Culturally responsive methods to address the
16 unique experiences and challenges faced by
17 students based on race, color, ethnicity,
18 national origin, religion, economic status,
19 disability, and sex (including sexual
20 orientation, gender identity, and pregnancy or
21 parenting status).



1 (b) All University of Hawaii faculty members are
2 designated as "responsible employees" under Public Law 92-318,
3 Title IX of the federal Education Amendments of 1972, as
4 amended, and shall report any violations of University of Hawaii
5 executive policies regarding sexual harassment, sexual assault,
6 domestic violence, dating violence, and stalking to the Title IX
7 coordinator of the faculty member's campus; provided that any
8 faculty member designated as a confidential advocate pursuant to
9 subsection (a) (5) shall not be a "responsible employee";
10 provided further that the confidential advocate shall annually
11 provide general statistics to the Title IX coordinator about the
12 number and type of incidents received by the confidential
13 advocate.

14 (c) All University of Hawaii students and employees shall
15 complete the training required under subsection (a) (1), (a) (2),
16 (a) (3), ~~and~~ (a) (4), and (a) (10) or may be subject to fines,
17 sanctions, or other discipline, as deemed appropriate by the
18 University of Hawaii.

19 (d) The university shall not subject a reporting party or
20 witness who asks for an investigation of sexual misconduct to a
21 disciplinary proceeding or sanction for a violation of the



1 university's policy related to drug or alcohol use, trespassing,
2 unauthorized entry of university facilities, or other violations
3 of university policy or code of conduct unless the university
4 determines that the report of sexual misconduct was not made in
5 good faith or the violation was egregious.

6 (e) If the university's code of conduct prohibits sexual
7 activity or certain forms of sexual activity, including same-
8 gender relationships or sexual activity, the university shall
9 not take disciplinary action against individuals reporting
10 sexual misconduct or non-harassing sexual activity related to
11 the incident or other non-harassing sexual activity discovered
12 during an investigation into the reported incident.

13 (f) The university shall review any disciplinary action
14 taken against a reporting party to determine if there is a link
15 between the disclosed sexual misconduct and the misconduct that
16 led to the reporting party being disciplined.

17 (g) This section shall not be construed to limit the
18 university's ability to establish an immunity policy for student
19 conduct violations not mentioned in this section.

20 ~~(d)~~ (h) No later than March 31, 2017, and every two
21 years thereafter, the University of Hawaii shall conduct a



1 campus climate survey of all students. The University of Hawaii
2 shall submit a report to the legislature no later than twenty
3 days before the convening of each regular session that shall
4 include:

5 (1) A summary of the most recent campus climate survey
6 results;

7 (2) Information on the number of sexual assaults that
8 occurred on a University of Hawaii system campus
9 within the past five years; and

10 (3) Recommendations and efforts to improve campus safety
11 and accountability.

12 [~~e~~] (i) The University of Hawaii shall establish
13 policies and procedures to effectuate this section.

14 (j) For purposes of this section:

15 "Reporting party" means a student or employee who reports
16 having experienced an incident of sexual misconduct to the
17 university.

18 "Responding party" means a student or employee who has been
19 accused of an alleged incident of sexual misconduct.

20 "Sexual harassment" means unwelcome conduct of a sexual
21 nature.



1 "Sexual misconduct" means an incident of sex-based
2 discrimination, sexual harassment, sexual violence, intimate
3 partner violence, domestic violence, sexual exploitation,
4 stalking, harassment, or violence based on sexual orientation or
5 gender identity or expression, or other gender-based harassment
6 or violence.

7 "Trauma informed response" means a response understanding
8 of the complexities of intimate partner violence, domestic
9 violence, sexual assault, or stalking through training centered
10 on the neurobiological impact of trauma, symptoms of trauma,
11 effective and supportive techniques to address trauma, the
12 influence of societal myths and stereotypes surrounding the
13 causes and impacts of trauma, perpetration methodology, and how
14 to conduct an effective investigation."

15 SECTION 3. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval.

18

INTRODUCED BY:



JAN 20 2023



H.B. NO. 554

Report Title:

Campus Safety; University of Hawaii; Training; Sexual Misconduct; Trauma Informed Response; Disciplinary Process

Description:

Requires that University of Hawaii students and employees receive training on sexual misconduct awareness and trauma informed responses, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Requires that the University of Hawaii ensure that any individual who participates in implementing the university's disciplinary process has training or experience in handling sexual misconduct complaints and the university's disciplinary process. Requires that the university provide mandatory annual trauma informed, gender inclusive, LGBTQ+ inclusive sexual misconduct primary prevention and awareness programming for students and employees of the university. Prohibits the university from taking disciplinary action against individuals reporting sexual misconduct unless certain exceptions apply.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

