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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, 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  
8 per cent of males experience rape or sexual assault through  
9 physical force, violence, or incapacitation.

10           The legislature further finds that incidents of sexual and  
11 domestic violence are also pervasive on college campuses in the  
12 State. 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 also finds that Act 76, Session Laws of  
4 Hawaii 2023, strengthened campus safety protocols at the  
5 university of Hawaii. Act 76, Session Laws of Hawaii 2023  
6 requires the university to ensure that any individual who  
7 participates in implementing the university's disciplinary  
8 process has training or experience in handling sexual misconduct  
9 complaints and the university's disciplinary process; requires  
10 that the university provide mandatory annual, trauma-informed,  
11 gender-inclusive, LGBTQ+ inclusive sexual misconduct primary  
12 prevention and awareness programming for all students and  
13 employees of the university; prohibits the university from  
14 taking certain disciplinary action against individuals reporting  
15 sexual misconduct unless certain exceptions apply; and  
16 establishes positions and appropriates funds for the  
17 implementation of campus safety programs.

18       The purpose of this Act is to empower the university of  
19 Hawaii with the appropriate resources and time needed to fully  
20 implement the requirements of Act 76, Session Laws of Hawaii  
21 2023.



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

3 "(a) The [University] university of Hawaii shall:

4 (1) Train all [University] university of Hawaii students  
5 enrolled at least part-time and employees, including  
6 campus safety and security personnel, Title IX  
7 coordinators, confidential advocates, and residential  
8 advisors, on:

9 (A) Public Law 92-318, Title IX of the federal  
10 Education Amendments of 1972, as amended;

11 (B) The Violence Against Women Act of 1994, as  
12 amended; and

13 (C) University of Hawaii executive policies on sexual  
14 misconduct;

15 (2) Provide all existing [University] university of Hawaii  
16 employees with the training described in paragraph (1)  
17 by December 31, [~~2023~~] 2024, and every two years  
18 thereafter;

19 (3) Provide all new [University] university of Hawaii  
20 employees with the training described in paragraph (1)



1 no later than thirty days after the date of first  
2 employment;

3 (4) Provide all students with the training described in  
4 paragraph (1) annually;

5 (5) Ensure that any individual who participates in the  
6 implementation of the [University] of Hawaii's  
7 disciplinary process, including confidential  
8 advocates; individuals responsible for resolving  
9 complaints of reported incidents; and individuals  
10 responsible for conducting a meeting, hearing, or  
11 other disciplinary proceeding or informal resolution  
12 process, has training or experience in handling sexual  
13 misconduct complaints and the university's  
14 disciplinary process; provided that the training shall  
15 include:

16 (A) The effects of trauma, including any  
17 neurobiological and physical impact trauma, on a  
18 person;

19 (B) Cultural competence training regarding how sexual  
20 misconduct may impact individuals differently  
21 depending on factors related to an individual's



# H.B. NO. 1615

1 cultural background, including race; color;  
2 national origin; ethnicity; religion; economic  
3 status; disability; and sex, which includes  
4 gender identity, gender expression, sexual  
5 orientation, and pregnancy or parenting status;  
6 (C) Ways to communicate sensitively and  
7 compassionately with a reporting party, including  
8 an awareness of responding with consideration of  
9 the reporting party's cultural background and  
10 providing services to the reporting party or  
11 assisting the reporting party in locating  
12 services; and  
13 (D) Training and information regarding the possible  
14 impact of sexual misconduct on individuals having  
15 disabilities;  
16 (6) At each campus of the [University] university of.  
17 Hawaii system, designate a confidential advocate for  
18 students to confidentially discuss incidents of, and  
19 obtain information on, sexual misconduct and related  
20 issues; provided that confidential advocates and  
21 communications received by confidential advocates



1 shall not be exempt from any otherwise applicable  
2 mandatory reporting requirements for child and  
3 vulnerable adult neglect and abuse as provided by  
4 chapters 346 and 350;

5 (7) Publicize the name, location, phone number, and  
6 electronic mail address of the confidential advocate  
7 on the website of each respective campus;

8 (8) Make available to students and employees written and  
9 electronic materials and training programs concerning  
10 Title IX of the federal Education Amendments of 1972,  
11 as amended; the Violence Against Women Act of 1994, as  
12 amended; and [~~University~~] university of Hawaii  
13 policies concerning sexual misconduct;

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

18 (10) With guidance from the office of institutional equity,  
19 confidential advocates, prevention educators, local  
20 law enforcement, and local sexual and domestic  
21 violence advocacy organizations, provide mandatory



# H.B. NO. 1615

1 annual trauma-informed, gender-inclusive, LGBTQ+  
2 inclusive sexual misconduct primary prevention and  
3 awareness programming for all students enrolled at  
4 least part-time and employees of the university;  
5 provided that the programming shall include:  
6 (A) An explanation of consent as it applies to sexual  
7 activity and sexual relationships;  
8 (B) The effect of drugs and alcohol on an  
9 individual's ability to consent;  
10 (C) Strategies for bystander and upstander  
11 intervention and risk reduction education that  
12 include recognition of individual biases and  
13 attitudes;  
14 (D) Methods to access supportive measures for  
15 reporting parties; and  
16 (E) Culturally responsive methods to address the  
17 unique experiences and challenges faced by  
18 individuals based on race; color; national  
19 origin; ethnicity; religion; economic status;  
20 disability; and sex, which includes gender



1 identity, gender expression, sexual orientation,  
2 and pregnancy or parenting status."

3 SECTION 3. Act 76, Session Laws of Hawaii 2023, is amended  
4 by amending section 3 to read as follows:

5 "SECTION 3. There is appropriated out of the [University  
6 ~~of Hawaii tuition and fees special fund~~] general revenues of the  
7 State of Hawaii the sum of \$1,000,000 or so much thereof as may  
8 be necessary for fiscal year [2023-2024 and the same sum or so  
9 ~~much thereof as may be necessary for fiscal year~~] 2024-2025 for  
10 operating expenses and the establishment of four full-time  
11 equivalent (4.0 FTE) [~~administrative, professional, and~~  
12 ~~technical~~] positions to enable the [University] university of  
13 Hawaii to fulfill the requirements of this Act.

14 The [~~sums~~] sum appropriated shall be expended by the  
15 [University] university of Hawaii for the purposes of this Act."

16 SECTION 4. In accordance with section 9 of article VII of  
17 the Hawaii State Constitution and sections 37-91 and 37-93,  
18 Hawaii Revised Statutes, the legislature has determined that the  
19 appropriations contained in H.B. No. , will cause the state  
20 general fund expenditure ceiling for fiscal year 2024-2025 to be  
21 exceeded by \$ or per cent. In addition, the



# H.B. NO. 1615

1 appropriation contained in this Act will cause the general fund  
2 expenditure ceiling for fiscal year 2024-2025 to be further  
3 exceeded by \$                    or                    per cent. The combined total  
4 amount of general fund appropriations contained in only these  
5 two Acts will cause the state general fund expenditure ceiling  
6 for fiscal year 2024-2025 to be exceeded by  
7 \$                    or                    per cent. The reasons for exceeding the  
8 general fund expenditure ceiling are that:

- 9           (1) The appropriation made in this Act is necessary to  
10           serve the public interest; and  
11           (2) The appropriation made in this Act meets the needs  
12           addressed by this Act.

13           SECTION 5. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15           SECTION 6. This Act shall take effect upon its approval.

16

INTRODUCED BY:



JAN 16 2024



# H.B. NO. 1615

**Report Title:**

Campus Safety; UH; Appropriation; Expenditure Ceiling

**Description:**

Requires all existing university of Hawaii employees to be provided training on federal laws and UH policies regarding sex discrimination and sexual misconduct by December 31, 2024. Appropriates funds out of the general revenues of the state, rather than the university of Hawaii tuition and fees special fund, for fiscal year 2024-2025 for operating expenses and to establish positions.

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

