H.B. NO. ²⁷⁷² H.D. 1 S.D. 2 C.D. 1

A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

SECTION 1. The legislature finds that the affirmative
 consent task force, established by Act 222, Session Laws of
 Hawaii 2015, reviewed and made preliminary recommendations on
 the University of Hawaii executive policy regarding sexual
 harassment, sexual assault, domestic violence, dating violence,
 and stalking.

7 The legislature finds that this issue is a matter of
8 statewide concern that falls under its purview pursuant to
9 article X, section 6, of the Hawaii State Constitution.

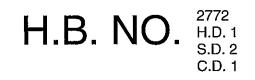
10 The purpose of this Act is to adopt the preliminary11 recommendations of the affirmative consent task force.

SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to subpart A of part I to be appropriately designated and to read as follows:

15 "<u>§304A-</u> <u>Campus safety and accountability.</u> (a) The
16 University of Hawaii shall:

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1	(1)	Train all University of Hawaii students and employees,
2		including security personnel, Title IX coordinators,
3		and residential advisors, on:
4		(A) Public Law 92-318, Title IX of the federal
5		Education Amendments of 1972, as amended;
6		(B) The Violence Against Women Act of 1994, as
7		amended; and
8		(C) University of Hawaii executive policies on sexual
9		harassment, sexual assault, domestic violence,
10		dating violence, and stalking;
11	(2)	Provide all existing University of Hawaii employees
12		with the training described in paragraph (1) by July
13		1, 2017, and every two years thereafter;
14	(3)	Provide all new University of Hawaii employees with
15		the training described in paragraph (1) no later than
16		thirty days after the date of first employment;
17	(4)	Provide all students with the training described in
18		paragraph (1) annually;
19	(5)	At each campus of the University of Hawaii system,
20		designate a confidential advocate for students to
21		confidentially discuss incidents of, and obtain



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1		information on, sexual harassment, sexual assault,
2		domestic violence, dating violence, stalking, and
3		related issues; provided that confidential advocates
4		and communications received by confidential advocates
5		shall not be exempt from any otherwise applicable
6		mandatory reporting requirements for child and
7		vulnerable adult neglect and abuse as provided by
8		chapters 346 and 350;
9	(6)	Publicize the name, location, phone number, and email
10		address of the confidential advocate on the website of
11		each respective campus;
12	(7)	Make available to students and employees written and
13		electronic materials and training programs concerning
14		Title IX of the Higher Education Amendments of 1972;
15		the Violence Against Women Act of 1994; and University
16		of Hawaii policies concerning sexual harassment,
17	-	sexual assault, domestic violence, dating violence,
18		and stalking; and
19	(8)	Inform victims in writing of the right to file a
20	,	police report with the appropriate county police

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1	department for investigation and assist victims in
2	submitting the police report.
3	(b) All University of Hawaii faculty members are
4	designated as "responsible employees" under Public Law 92-318,
5	Title IX of the federal Education Amendments of 1972, as
6	amended, and shall report any violations of University of Hawaii
7	executive policies regarding sexual harassment, sexual assault,
8	domestic violence, dating violence, and stalking to the Title IX
9	coordinator of the faculty member's campus; provided that any
10	faculty member designated as a confidential advocate pursuant to
11	subsection (a)(5) shall not be a "responsible employee";
12	provided further that the confidential advocate shall annually
13	provide general statistics to the Title IX coordinator about the
14	number and type of incidents received by the confidential
15	advocate.
16	(c) All University of Hawaii students and employees shall
17	complete the training required under subsection (a)(1), (a)(2),
18	(a)(3), and (a)(4) or may be subject to fines, sanctions, or
19	other discipline, as deemed appropriated by the University of
20	Hawaii.



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1	<u>(</u> d)	No later than March 31, 2017, and every two years
2	thereafte	r, the University of Hawaii shall conduct a campus
3	climate s	urvey of all students. The University of Hawaii shall
4	submit a	report to the legislature no later than twenty days
5	before th	e convening of each regular session that shall include:
6	(1)	A summary of the most recent campus climate survey
7		results;
8	(2)	Information on the number of sexual assaults that
9		occurred on a University of Hawaii system campus
10		within the past five years; and
11	<u>(3)</u>	Recommendations and efforts to improve campus safety
12		and accountability.
13	<u>(e)</u>	The University of Hawaii shall establish policies and
14	procedure	s to effectuate this section."
15	SECT	ION 3. (a) No later than December 31, 2016, the
16	Universit	y of Hawaii shall revise, as necessary, all University
17	of Hawaii	executive policies regarding:
18	(1)	Student conduct;
19	(2)	Nondiscrimination;
20	(3)	Complaint procedures;
21	(4)	Campus security;



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1 (5) Alcohol consumption;

2 (6) Housing; and

3 (7) Workplace nonviolence,

4 that conflict with any University of Hawaii executive policy
5 regarding sexual harassment, sexual assault, domestic violence,
6 dating violence, and stalking, including University of Hawaii
7 executive policy number 1.204.

8 (b) The University of Hawaii shall enter into memoranda of
9 understanding with all county police departments by December 31,
10 2016, to govern communications and procedures for addressing .
11 sexual assaults that occur on University of Hawaii system
12 campuses.

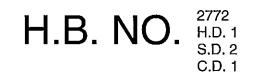
13 SECTION 4. There is appropriated out of the general 14 revenues of the State of Hawaii the sum of \$250,000 or so much 15 thereof as may be necessary for fiscal year 2016-2017 for the 16 University of Hawaii at Manoa to hire employees as follows: 17 (1) One full-time equivalent administrator (1.0 FTE) at

18 \$70,000; and

19 (2) Two full-time equivalent investigators (2.0 FTE) at
20 \$90,000 each,

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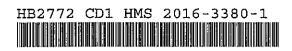
1	to ensure compliance with Title IX of the federal Education
2	Amendments of 1972, as amended, and the Violence Against Women
3	Act of 1994, as amended.
4	The sum appropriated shall be expended by the University of
5	Hawaii at Manoa for the purposes of this Act.
6	SECTION 5. There is appropriated out of the general
7	revenues of the State of Hawaii the sum of \$160,000 or so much
8	thereof as may be necessary for fiscal year 2016-2017 for the
9	University of Hawaii at Hilo:
10	(1) To hire employees as follows:
11	(A) One full-time equivalent administrative support
12	staff person (1.0 FTE) at \$60,000; and
13	(B) One full-time equivalent educator, trainer, and
14	investigator (1.0 FTE) at \$90,000; and
15	(2) \$10,000 for related travel expenses,
16	to ensure compliance with Title IX of the federal Education
17	Amendments of 1972, as amended, and the Violence Against Women
18	Act of 1994, as amended.
19	The sum appropriated shall be expended by the University of
20	Hawaii at Hilo for the purposes of this Act.

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1	SECTION 6. There is appropriated out of the general
2	revenues of the State of Hawaii the sum of \$150,000 or so much
3	thereof as may be necessary for fiscal year 2016-2017 for the
4	University of Hawaii community colleges to ensure compliance
5	with Title IX of the federal Education Amendments of 1972, as
6	amended, and the Violence Against Women Act of 1994, as amended.
7	The sum appropriated shall be expended by the University of
8	Hawaii community colleges for the purposes of this Act.
9	SECTION 7. This Act does not affect rights and duties that
10	matured, penalties that were incurred, and proceedings that were
11	begun before its effective date.
12	SECTION 8. New statutory material is underscored.
13	SECTION 9. This Act shall take effect on July 1, 2016.



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Report Title:

Affirmative Consent Task Force; Campus Safety; Sexual Assault; Appropriation

Description:

Requires UH to train employees and students on sexual harassment, sexual assault, domestic violence, dating violence, and stalking policies, appoint a confidential advocate at each campus, designate all faculty members as responsible employees under Title IX, enter into MOUs with county police departments regarding reporting of sexual assault cases to the police, and conduct a campus climate survey, and submit reports to the Legislature. Appropriates funds. (HB2772 CD1)

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

