

STAND. COM. REP. NO. 3132

Honolulu, Hawaii

MAR 24 2016

RE: H.B. No. 2772
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committee on Higher Education and the Arts, to which was referred H.B. No. 2772, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE UNIVERSITY OF HAWAII,"

begs leave to report as follows:

The purpose and intent of this measure is to promote a safe environment free from sexual harassment, sexual assault, domestic violence, dating violence, and stalking at the University of Hawaii by requiring the University to, among other things:

- (1) Train all employees and students on sexual harassment, sexual assault, domestic violence, dating violence, and stalking laws and policies;
- (2) Designate a confidential advocate for students at each of its campuses;
- (3) Inform victims in writing of the right to report all sexual-assault cases to the county police department for investigation and assist victims in submitting the police report;
- (4) Require the confidential advocate to annually provide general statistics to the Title IX coordinator on the number and type of incidents received by the confidential advocate; and



- (5) Conduct a campus climate survey of all students every two years, beginning no later than December 31, 2016.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Hawaii State Democratic Women's Caucus, and Planned Parenthood Votes Northwest and Hawaii. Your Committee received testimony in opposition to this measure from the University of Hawaii System and University of Hawaii Commission on the Status of Women.

Your Committee finds that this measure implements preliminary recommendations of the affirmative consent task force, established by Act 222, Session Laws of Hawaii 2015, and will improve campus safety and accountability at University of Hawaii campuses.

Your Committee has amended this measure by:

- (1) Clarifying that discussions with a confidential advocate are not exempt from mandatory reporting requirements;
- (2) Requiring the University of Hawaii to make available to students and employees written and electronic materials and training programs concerning Title IX of the Higher Education Amendments of 1972; the Violence Against Women Act of 1994; and University of Hawaii policies concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking; and
- (3) Removing language prohibiting specified romantic relationships at the University of Hawaii.

Your Committee requests that if your Committees on Judiciary and Labor and Ways and Means consider this measure for passage, these Committees consider adding one full time equivalent (1.0 FTE) administrator with an appropriation of \$70,000; two full time equivalent (2.0 FTE) investigators with an appropriation of \$90,000 for each investigator for the University of Hawaii at Manoa campus, totaling \$250,000 in A funds. Your Committee further requests that these Committees consider adding to this measure one full time equivalent (1.0 FTE) administrative support staff with an appropriation of \$60,000; one full time equivalent (1.0 FTE) educator/trainer/investigator with an appropriation of \$90,000; and an appropriation of \$10,000 for travel for the University of Hawaii at Hilo, totaling \$160,000 in A funds. Your Committee further requests that these Committees consider adding



to this measure an appropriation of \$150,000 in A funds for compliance with Title IX of the Higher Education Amendments of 1972 and the Violence Against Women Act of 1994 at the University of Hawaii community colleges.

As affirmed by the record of votes of the members of your Committee on Higher Education and the Arts that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2772, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2772, H.D. 1, S.D. 1, and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education
and the Arts,



BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Eighth Legislature
State of Hawai'i

Record of Votes
Committee on Higher Education and the Arts
HEA

Bill / Resolution No.:* HB 2772, HD1	Committee Referral: HEA, JDL/WAM	Date: 3-22-16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)	✓			
GABBARD, Mike	✓			
KAHELE, Kaiali'i		14 ✓		✓
KIDANI, Michelle N.		✓		
SLOM, Sam				✓
TOTAL	2	14 —		2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<div style="display: flex; justify-content: space-between; font-size: small;"> <div>Distribution: Original File with Committee Report</div> <div>Yellow Clerk's Office</div> <div>Pink Drafting Agency</div> <div>Goldenrod Committee File Copy</div> </div>				

*Only one measure per Record of Votes