
A BILL FOR AN ACT

RELATING TO COLLEGIATE ATHLETICS INVESTIGATIONS.

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

1 SECTION 1. Chapter 304A, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§304A- Athletics investigations. (a) Before a
5 national organization that regulates collegiate level athletics
6 investigates the University of Hawaii, a university athletics
7 program, or a student-athlete for an alleged violation of the
8 national organization's policies or regulations, the national
9 organization shall deliver written notification of a pending
10 investigation to the president of the university that identifies
11 the:

12 (1) Policy or regulation that was allegedly violated;

13 (2) Act, conduct, or omission that caused the alleged
14 violation;

15 (3) Approximate time period in which the alleged violation
16 occurred;



1 (4) Person or persons known to be involved in the
2 investigation;

3 (5) Date that the investigation will commence; and

4 (6) Estimated time frame of the investigation.

5 (b) The university shall have three months from the date
6 it receives a written notice of pending investigation to respond
7 to the written notice.

8 (c) An investigation into the university, a university
9 athletics program, or a student-athlete that is conducted by a
10 national organization that regulates collegiate level athletics
11 shall:

12 (1) Commence no sooner than three months after the date
13 upon which the president of the university received
14 the written notice of pending investigation;

15 (2) Conclude no later than one year after the date upon
16 which the president of the university received written
17 notice of pending investigation; and

18 (3) Conclude with a written report that:

19 (A) Explains the findings and decisions of the
20 national organization;



1 (B) Is submitted to the president of the university;
2 and

3 (C) Imposes penalties, if any, on the university,
4 university athletics program, or student-athlete.

5 (d) The university or person that receives a penalty as a
6 result of an investigation conducted pursuant to this section
7 may appeal the imposition of the penalty to the circuit court of
8 the circuit in which the university or the person resides in the
9 manner provided in chapter 91.

10 (e) A national organization that regulates collegiate
11 level athletics that does not comply with this section shall be
12 subject to a fine of \$10,000."

13 SECTION 2. Section 305J-11, Hawaii Revised Statutes, is
14 amended by amending subsection (a) to read as follows:

15 "(a) In addition to any other acts or conditions provided
16 by law, the director may refuse to reauthorize, reinstate or
17 restore, or may deny, revoke, suspend, or condition in any
18 manner, including but not limited to placement on probation, any
19 authorization for any one or more of the following acts or
20 conditions on the part of the institution or applicant:



- 1 (1) Failure to meet or maintain the conditions and
2 requirements necessary to qualify for or maintain an
3 authorization;
- 4 (2) Failure to maintain accreditation as required by this
5 chapter;
- 6 (3) Engaging in false, fraudulent, or deceptive
7 advertising, or making untruthful or improbable
8 statements;
- 9 (4) Procuring an authorization, reauthorization, or
10 certification through fraud, misrepresentation,
11 material omission, or deceit;
- 12 (5) Misconduct, incompetence, gross negligence, or
13 manifest incapacity in the operation of the
14 institution;
- 15 (6) Revocation, suspension, deauthorization, or other
16 disciplinary action by another state or federal agency
17 against an institution or applicant for any reason
18 provided by this chapter or rules adopted hereunder;
- 19 (7) Criminal conviction, whether by nolo contendere or
20 otherwise, of a penal crime directly related to the
21 qualifications, functions, or duties of the



- 1 institution or applicant in any jurisdiction in which
2 the institution operates;
- 3 (8) Failure to report in writing to the department any
4 disciplinary decision issued against the institution
5 or the applicant in another jurisdiction within thirty
6 days of the disciplinary decision;
- 7 (9) Failure to report in writing to the department any
8 change in accreditation status by any accrediting
9 agency;
- 10 (10) Failure to demonstrate or maintain a record of
11 financial integrity; ~~[or]~~
- 12 (11) Entering into or remaining in a private agreement with
13 a national organization that regulates collegiate
14 athletics that requires any investigation of the
15 private college or university, the private college or
16 university's athletic program, or a student-athlete,
17 to be conducted other than in the manner set forth in
18 section 304A- ; or
- 19 ~~[(11)]~~ (12) Violating any provision of this chapter or rules
20 adopted hereunder."



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

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INTRODUCED BY: Calvin L. Day
JAN 25 2017



H.B. NO. 1424

Report Title:

UH; Private Colleges and Universities; Athletics; Student-Athletes; Investigations; DCCA

Description:

Establishes how a national organization that regulates collegiate level athletics shall investigate the UH, its athletics programs, or student-athletes. Prohibits private colleges and universities in the state from entering into or remaining in an agreement regarding investigations with a national organization that regulates collegiate level athletics that differs from the requirements for investigations of the UH.

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

