
HOUSE CONCURRENT RESOLUTION

REQUESTING A STUDY ON LAWS AND POLICIES REGARDING RELATIONSHIPS
BETWEEN TEACHERS AND STUDENTS.

1 WHEREAS, recent headlines have brought attention to the
2 issue of sexual harassment in the workplace and in the
3 classroom, including the role that authority and power dynamics
4 play in sexual harassment cases; and
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6 WHEREAS, even when consensual, a romantic relationship
7 between a student and a teacher is an inherently uneven one,
8 where the student is often susceptible to undue influence and
9 pressure; and
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11 WHEREAS, it is necessary to ensure that students at all
12 educational institutions in the State, public and private, are
13 protected from persons who might abuse their positions of power
14 and influence; and
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16 WHEREAS, the Hawaii Department of Education's Code of
17 Conduct expressly prohibits employees, contractors, and
18 volunteers from "any intentional solicitation, encouragement, or
19 consummation of a romantic or physical relationship with a
20 student, or any sexual contact with a student", regardless of
21 whether the student is or has been under the care or supervision
22 of that employee, contractor, or volunteer; and
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24 WHEREAS, likewise, the University of Hawaii's Executive
25 Policy 1.203 recognizes that when "a relationship involves
26 individuals with a power and/or control differential, it is of
27 special concern because of the potential for conflict of
28 interest, appearance of such conflicts, and/or abuse of power";
29 and
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1 WHEREAS, the University of Hawaii therefore prohibits
2 initiating or engaging in new consensual relationships "between
3 employees and students wherein a power and control differential
4 exists"; and

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6 WHEREAS, while most, if not all, states have laws that
7 prohibit consensual sexual relationships between adults and
8 minors below a certain age, a number of other states have gone
9 further by adopting laws that specifically prohibit certain
10 types of relationships involving persons in positions of
11 authority, such as teachers and educational staff; and

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13 WHEREAS, Connecticut, Maine, Kansas, Maryland, North
14 Carolina, Ohio, Texas, and Washington, among others, have
15 adopted laws prohibiting certain types of relationships or acts
16 between students and teachers or other persons in positions of
17 authority in schools; and

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19 WHEREAS, New Jersey and New Hampshire have adopted laws
20 prohibiting certain types of relationships or acts between
21 minors and persons in positions of authority, regardless of
22 whether the relationship occurs in a school; and

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24 WHEREAS, these states have additionally provided for
25 criminal penalties for engaging in these prohibited activities;
26 and

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28 WHEREAS, the Legislature believes it is necessary and
29 prudent to examine whether similar laws should be enacted in
30 this State to ensure the safety of all students in the State,
31 whether they attend a public or private school, or whether they
32 attend an institution of lower education or higher education;
33 now, therefore,

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35 BE IT RESOLVED by the House of Representatives of the
36 Twenty-ninth Legislature of the State of Hawaii, Regular Session
37 of 2018, the Senate concurring, that the Legislative Reference
38 Bureau is requested to:

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40 (1) Conduct a study on the policies of the University of
41 Hawaii System, Department of Education, and private



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1 schools in the state that address relationships
2 between teachers and students;

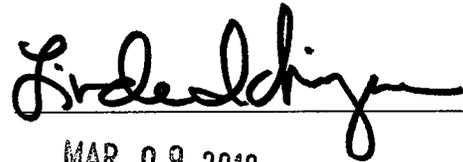
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4 (2) Include in the study a review of the laws of all
5 states that have enacted laws prohibiting consensual
6 or romantic relationships between teachers and
7 students; and

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9 (3) Submit a report of its findings and recommendations,
10 including any proposed legislation, to the Legislature
11 no later than twenty days prior to the convening of
12 the Regular Session of 2019; and

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14 BE IT FURTHER RESOLVED that the Department of Education,
15 University of Hawaii System, Hawaii Association of Independent
16 Schools, private schools of the State, their staff, and other
17 relevant persons, agencies, and entities are requested to
18 cooperate and assist the Legislative Reference Bureau, and to
19 provide information requested by the Legislative Reference
20 Bureau; and

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22 BE IT FURTHER RESOLVED that certified copies of this
23 Concurrent Resolution be transmitted to the Director of the
24 Legislative Reference Bureau, Superintendent of Education,
25 President of the University of Hawaii, and Executive Director of
26 the Hawaii Association of Independent Schools, who in turn, is
27 requested to transmit copies of this Concurrent Resolution to
28 the administrative heads of its member institutions.

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31 OFFERED BY:



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