
HOUSE 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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31 WHEREAS, the University of Hawaii therefore prohibits
32 initiating or engaging in new consensual relationships "between



1 employees and students wherein a power and control differential
2 exists"; and
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4 WHEREAS, while most, if not all, states have laws that
5 prohibit consensual sexual relationships between adults and
6 minors below a certain age, a number of other states have gone
7 further by adopting laws that specifically prohibit certain
8 types of relationships involving persons in positions of
9 authority, such as teachers and educational staff; and
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11 WHEREAS, Connecticut, Maine, Kansas, Maryland, North
12 Carolina, Ohio, Texas, and Washington, among others, have
13 adopted laws prohibiting certain types of relationships or acts
14 between students and teachers or other persons in positions of
15 authority in schools; and
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17 WHEREAS, New Jersey and New Hampshire have adopted laws
18 prohibiting certain types of relationships or acts between
19 minors and persons in positions of authority, regardless of
20 whether the relationship occurs in a school; and
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22 WHEREAS, these states have additionally provided for
23 criminal penalties for engaging in these prohibited activities;
24 and
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26 WHEREAS, the Legislature believes it is necessary and
27 prudent to examine whether similar laws should be enacted in
28 this State to ensure the safety of all students in the State,
29 whether they attend a public or private school, or whether they
30 attend an institution of lower education or higher education;
31 now, therefore,
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33 BE IT RESOLVED by the House of Representatives of the
34 Twenty-ninth Legislature of the State of Hawaii, Regular Session
35 of 2018, that the Legislative Reference Bureau is requested to:
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- 37 (1) Conduct a study on the policies of the University of
38 Hawaii System, Department of Education, and private
39 schools in the state that address relationships
40 between teachers and students;
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- (2) Include in the study a review of the laws of all states that have enacted laws prohibiting consensual or romantic relationships between teachers and students; and
- (3) Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2019; and

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

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

OFFERED BY:



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