

MAR 09 2018

SENATE RESOLUTION

REQUESTING THE ATTORNEY GENERAL TO CONDUCT A REVIEW OF THE
DEPARTMENT OF EDUCATION'S SEXUAL HARASSMENT POLICIES AND
TRAINING.

1 WHEREAS, recent headlines have brought increased attention
2 to the issue of sexual harassment in schools; and
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4 WHEREAS, the relationship between a student and a trusted
5 adult such as a teacher, coach, or other school employee is an
6 inherently uneven one, where the student is often susceptible to
7 undue influence and pressure; and
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9 WHEREAS, it is necessary to ensure that all students in the
10 State are protected from sexual harassment of any kind; and
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12 WHEREAS, according to the Hawaii Civil Rights Commission,
13 "Prevention is the best tool for the elimination of sexual
14 harassment. Employers should affirmatively raise the subject,
15 express strong disapproval, develop appropriate sanctions,
16 inform employees of their right to raise and how to raise the
17 issue of sexual harassment, and take any other steps necessary
18 to prevent sexual harassment from occurring"; and
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20 WHEREAS, the Department of Education's Code of Conduct
21 expressly prohibits employees, contractors, and volunteers from
22 "committing any abusive act or sexual exploitation with, to, or
23 in the presence of a student," regardless of whether the student
24 is or has been under the care or supervision of that employee,
25 contractor, or volunteer; and
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27 WHEREAS, the Department of Education's Code of Conduct
28 further prohibits any sexual act, any solicitation of a sexual
29 act, any act of sexual harassment, or any intentional
30 solicitation, encouragement, or consummation of a romantic or
31 physical relationship with a student, or any sexual contact with
32 a student; and



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2 WHEREAS, this body believes that the Department of
3 Education's existing policies should be reviewed by an
4 independent entity to ensure that the policies are sufficient to
5 ensure the safety and protection of all students under the care
6 of the public schools; now, therefore,
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8 BE IT RESOLVED by the Senate of the Twenty-ninth
9 Legislature of the State of Hawaii, Regular Session of 2018,
10 that the Department of the Attorney General is requested to:
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- 12 (1) Review the Department of Education's policies on
13 sexual harassment, including its policies on training
14 for employees, contractors, and volunteers;
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- 16 (2) Include in the review an assessment of whether the
17 Department of Education's current policies and
18 training are sufficient;
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- 20 (3) Determine the correlation, if any, between additional
21 training and instances of reported sexual harassment;
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- 23 (4) Review relevant sexual harassment policies and
24 training procedures used in the State's private
25 schools to determine what practices used at private
26 schools may be integrated into public schools;
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- 28 (5) Recommend potential improvements to the Department of
29 Education's policies and training; and
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- 31 (6) Report its findings and recommendations, including any
32 proposed legislation, to this body no later than
33 twenty days prior to the convening of the Regular
34 Session of 2019; and
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36 BE IT FURTHER RESOLVED that the Department of Education,
37 Hawaii Association of Independent Schools, their staff, and
38 other relevant persons, agencies, and entities are requested to
39 cooperate and assist the Department of the Attorney General as
40 needed, and to provide any information requested by the
41 Department of the Attorney General; and
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1 BE IT FURTHER RESOLVED that certified copies of this
2 Resolution be transmitted to the Attorney General, Chairperson
3 of the Board of Education, Superintendent of Education, and
4 Executive Director of the Hawaii Association of Independent
5 Schools.
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OFFERED BY:

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[Signature]

