

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO CAMPUS SAFETY.

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

1           SECTION 1. The legislature finds that college campuses  
2 should be safe from sexual and domestic violence. According to  
3 the Rape, Abuse & Incest National Network, the nation's largest  
4 anti-sexual violence organization, thirteen per cent of all  
5 college students experience rape or sexual assault through  
6 physical force, violence, or incapacitation. Among  
7 undergraduate students, 26.4 per cent of females and 6.8 per  
8 cent of males experience rape or sexual assault through physical  
9 force, violence, or incapacitation.

10           The legislature further finds that incidents of sexual and  
11 domestic violence are also pervasive on college campuses in  
12 Hawaii. More than nineteen per cent of students who were in a  
13 partnered relationship while enrolled at the University of  
14 Hawaii reported having experienced dating or domestic violence.  
15 In addition, about ten per cent said they had been sexually  
16 harassed or stalked and 6.3 per cent reported nonconsensual



1 sexual contact, according to a survey of students released by  
2 the university in January 2018.

3 The legislature additionally finds that a study released in  
4 the journal *Radiology* in August 2020 found a higher incidence of  
5 physical intimate partner violence, both in numbers and  
6 proportion, and that the injuries that victims suffered was much  
7 more severe.

8 Given the already elevated prevalence of sexual and  
9 domestic violence on college campuses, the legislature finds  
10 that strengthening campus safety protocols to ensure that  
11 students are adequately protected from escalating incidents of  
12 abuse is a matter of statewide concern.

13 The purpose of this Act is to expand protections for  
14 victims of sexual and domestic violence at Hawaii's institutions  
15 of higher education by:

- 16 (1) Improving access to confidential support services;  
17 (2) Requiring that all students receive information about  
18 sexual and domestic violence prevention and disclosure  
19 protocols; and  
20 (3) Requiring training on the impact of trauma for  
21 university and college employees responsible for



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1           investigating incidents and assisting victims of  
2           sexual and domestic violence.

3           SECTION 2. Section 304A-120, Hawaii Revised Statutes, is  
4 amended by amending subsections (a) through (c) to read as  
5 follows:

6           "(a) The University of Hawaii shall:

7           (1) Train all University of Hawaii students and employees,  
8           including security personnel, Title IX coordinators,  
9           and residential advisors, on:

10           (A) Public Law 92-318, Title IX of the federal  
11           Education Amendments of 1972, as amended;

12           (B) The Violence Against Women Act of 1994, as  
13           amended; and

14           (C) University of Hawaii executive policies on sexual  
15           harassment, sexual assault, domestic violence,  
16           dating violence, and stalking;

17           (2) Provide all existing University of Hawaii employees  
18           with the training described in paragraph (1) by July  
19           1, 2017, and every two years thereafter;



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- 1           (3) Provide all new University of Hawaii employees with  
2           the training described in paragraph (1) no later than  
3           thirty days after the date of first employment;
- 4           (4) Provide all students with the training described in  
5           paragraph (1) annually;
- 6           (5) Provide employees involved in investigating incidents  
7           or assisting victims of sexual harassment, sexual  
8           assault, domestic violence, dating violence, stalking,  
9           and related issues with training on the  
10           neurobiological and psychological impact of trauma,  
11           social stigmas, and stereotypes surrounding the causes  
12           and impact of trauma, and the components of trauma-  
13           informed care;
- 14        ~~(5)~~ (6) At each campus of the University of Hawaii  
15           system, designate a confidential advocate for  
16           students to confidentially discuss incidents of, and  
17           obtain information on, sexual harassment, sexual  
18           assault, domestic violence, dating violence, stalking,  
19           and related issues; provided that confidential  
20           advocates and communications received by confidential  
21           advocates shall not be exempt from any otherwise



1 applicable mandatory reporting requirements for child  
2 and vulnerable adult neglect and abuse as provided by  
3 chapters 346 and 350;

4 ~~[(6)]~~ (7) Publicize the name, location, phone number, and  
5 e-mail address of the confidential advocate on the  
6 website of each respective campus;

7 ~~[(7) Make available]~~ (8) Distribute annually to all  
8 students and employees written and electronic  
9 materials and training programs concerning Title IX of  
10 the Higher Education Amendments of 1972; the Violence  
11 Against Women Act of 1994; and University of Hawaii  
12 policies concerning sexual harassment, sexual assault,  
13 domestic violence, dating violence, and stalking;

14 ~~[and]~~

15 ~~[(8)]~~ (9) Inform victims in writing of the right to file a  
16 police report with the appropriate county police  
17 department for investigation and assist victims in  
18 submitting the police report ~~[-]~~; and

19 (10) Enter into and maintain a memorandum of understanding  
20 with a service provider for victims of sexual assault  
21 and sexual harassment to assist in developing and



1 implementing the university's policies, programs, and  
2 training regarding sexual harassment, sexual assault,  
3 domestic violence, dating violence, stalking, and  
4 related issues; provided that the memorandum of  
5 understanding may also authorize the service provider  
6 to provide an off-campus alternative for students and  
7 employees of the university to receive free and  
8 confidential services related to sexual and domestic  
9 violence.

10 (b) All University of Hawaii faculty members are  
11 designated as "responsible employees" under Public Law 92-318,  
12 Title IX of the federal Education Amendments of 1972, as  
13 amended, and shall report any violations of University of Hawaii  
14 executive policies regarding sexual harassment, sexual assault,  
15 domestic violence, dating violence, and stalking to the Title IX  
16 coordinator of the faculty member's campus; provided that any  
17 faculty member designated as a confidential advocate pursuant to  
18 subsection [~~(a)(5)~~] (a)(6) shall not be a "responsible  
19 employee"; provided further that the confidential advocate shall  
20 annually provide general statistics to the Title IX coordinator



1 about the number and type of incidents received by the  
2 confidential advocate.

3 (c) All University of Hawaii students and employees shall  
4 complete the training required under subsection (a)(1), (a)(2),  
5 (a)(3), ~~and~~ (a)(4), and (a)(5) or may be subject to fines,  
6 sanctions, or other discipline, as deemed appropriate by the  
7 University of Hawaii."

8 SECTION 3. Section 305J-8, Hawaii Revised Statutes, is  
9 amended to read as follows:

10 "§305J-8 Authorization to operate in the State; private  
11 college or university. (a) To operate in the State, a private  
12 college or university shall:

13 (1) Be party to a reciprocity agreement to which the State  
14 is a member; or

15 (2) Apply for, on a form prescribed by the department, and  
16 receive authorization from the director; provided that  
17 the private college or university meets the  
18 requirements of section 305J-14; provided further that  
19 a private college or university shall apply for and  
20 obtain a separate authorization for each campus,  
21 branch, or site that is separately accredited. A



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1 separate authorization shall not be required for  
2 additional professional accreditations. A private,  
3 nonprofit college or university shall submit  
4 verification of its nonprofit status with its  
5 application.

6 (b) Upon receiving an application for authorization, the  
7 director shall review the application to confirm that the  
8 private college or university is accredited. The director shall  
9 not approve an application from a private college or university  
10 that, in the two years preceding submission of the application,  
11 has:

12 (1) Had its accreditation suspended or withdrawn;  
13 (2) Been prohibited from operating in another state; or  
14 (3) Substantially the same owners, governing board, or  
15 principal officers as a private college or university  
16 that has:

17 (A) Had its accreditation suspended or withdrawn; or  
18 (B) Been prohibited from operating in another state.

19 (c) To operate in the State, a private college or  
20 university shall be accredited on the basis of an on-site  
21 review; provided that a candidate for accreditation seeking





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1 authorization to operate may be issued a provisional  
2 authorization to operate on an annual basis without  
3 accreditation subject to a determination by the director that  
4 issuance is in accordance with administrative rules, policies,  
5 or procedures adopted by the director. A candidate for  
6 accreditation may annually renew its provisional authorization  
7 for a period not to exceed five years, unless an extension is  
8 granted by the director for good cause.

9 (d) A private college or university shall notify the  
10 department within thirty days of any material information  
11 related to an action by the institution's accrediting body  
12 concerning the institution's accreditation status, including but  
13 not limited to reaffirmation or loss of accreditation, approval  
14 of a request for change, a campus evaluation visit, a focused  
15 visit, or approval of additional locations. In addition, the  
16 institution shall immediately notify the department if the  
17 institution's accrediting body is no longer recognized by the  
18 United States Department of Education.

19 (e) A private college or university under the jurisdiction  
20 of the department shall notify the department at least one year  
21 prior to its ceasing [e] operations in the State.



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1 (f) A private college or university authorized pursuant to  
2 this chapter shall pay any and all fees established pursuant to  
3 section 305J-18.

4 (g) A private college or university authorized pursuant to  
5 this chapter shall, to the maximum extent possible, implement  
6 the procedures and protocols identified in section 304A-120  
7 (a)(10) with respect to campus safety and accountability."

8 SECTION 4. Statutory material to be repealed is bracketed  
9 and stricken. New statutory material is underscored.

10 SECTION 5. This Act shall take effect upon its approval.

11

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'R. S. L.', written over a horizontal line.

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**Report Title:**

Campus Safety; University of Hawaii; Private College or University

**Description:**

Requires UH to provide training on the impacts of trauma for employees responsible for investigating incidents and assisting victims of sexual and domestic violence. Improves access for confidential support services. Requires UH to annually distribute information about sexual and domestic violence prevention and disclosure protocols to students and employees. To the extent possible, requires a private college or university to implement identical campus safety and accountability standards to those applicable to UH.

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

