
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 violence or domestic
15 violence. In addition, about ten per cent said they had been
16 sexually harassed or stalked, and 6.3 per cent reported



1 nonconsensual sexual contact, according to a survey of students
2 released by 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 were
7 much 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 the University of
15 Hawaii by:

- 16 (1) Requiring that University of Hawaii students and
17 employees receive training on sexual misconduct
18 awareness and trauma informed responses;
- 19 (2) Requiring the university to ensure that any individual
20 who participates in implementing the university's
21 disciplinary process has training or experience in



- 1 handling sexual misconduct complaints and the
2 university's disciplinary process;
- 3 (3) Requiring that the university provide mandatory
4 annual, trauma informed, gender inclusive, LGBTQ+
5 inclusive sexual misconduct primary prevention and
6 awareness programming for all students and employees
7 of the university; and
- 8 (4) Prohibiting the university from taking disciplinary
9 action against individuals reporting sexual misconduct
10 unless certain exceptions apply.

11 SECTION 2. Section 304A-120, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§304A-120 Campus safety and accountability.** (a) The
14 University of Hawaii shall:

- 15 (1) Train University of Hawaii students enrolled at least
16 part time and employees, including campus safety and
17 security personnel, Title IX coordinators,
18 confidential advocates, and residential advisors, on:
- 19 (A) Public Law 92-318, Title IX of the federal
20 Education Amendments of 1972, as amended;



- 1 (B) The Violence Against Women Act of 1994, as
2 amended; and
- 3 (C) University of Hawaii executive policies on sexual
4 harassment, sexual assault, domestic violence,
5 dating violence, and stalking;
- 6 (2) Provide all existing University of Hawaii employees
7 with the training described in paragraph (1) by [~~July~~
8 ~~1, 2017,~~] December 31, 2023, and every two years
9 thereafter;
- 10 (3) Provide all new University of Hawaii employees with
11 the training described in paragraph (1) no later than
12 thirty days after the date of first employment;
- 13 (4) Provide all students with the training described in
14 paragraph (1) annually;
- 15 (5) Ensure that any individual who participates in the
16 implementation of the University of Hawaii's
17 disciplinary process, including confidential
18 advocates, individuals responsible for resolving
19 complaints of reported incidents, and individuals
20 responsible for conducting a meeting, hearing, or
21 other disciplinary proceeding or informal resolution



1 process, has training or experience in handling sexual
2 misconduct complaints and the university's
3 disciplinary process to include:

4 (A) The effects of trauma, including any
5 neurobiological and physical impact trauma has on
6 a person;

7 (B) Cultural competence training regarding how sexual
8 misconduct may impact students differently
9 depending on factors that contribute to a
10 student's cultural background, including race,
11 color, national origin, ethnicity, religion,
12 economic status, and sex (including gender
13 identity, gender expression, sexual orientation,
14 and pregnancy or parenting status);

15 (C) Ways to communicate sensitively and
16 compassionately with a reporting party, including
17 an awareness of responding with consideration of
18 the reporting party's cultural background and
19 providing services to the reporting party or
20 assisting the reporting party in locating
21 services; and



1 (D) Training and information regarding how dating
2 violence, domestic violence, sexual assault, and
3 stalking may impact students with disabilities;
4 [~~5~~] (6) At each campus of the University of Hawaii
5 system, designate a confidential advocate for students
6 to confidentially discuss incidents of, and obtain
7 information on, sexual harassment, sexual assault,
8 domestic violence, dating violence, stalking, and
9 related issues; provided that confidential advocates
10 and communications received by confidential advocates
11 shall not be exempt from any otherwise applicable
12 mandatory reporting requirements for child and
13 vulnerable adult neglect and abuse as provided by
14 chapters 346 and 350;
15 [~~6~~] (7) Publicize the name, location, phone number, and
16 e-mail address of the confidential advocate on the
17 website of each respective campus;
18 [~~7~~] (8) Make available to students and employees written
19 and electronic materials and training programs
20 concerning Title IX of the Higher Education Amendments
21 of 1972; the Violence Against Women Act of 1994; and



1 University of Hawaii policies concerning sexual
2 harassment, sexual assault, domestic violence, dating
3 violence, and stalking; [~~and~~]

4 [~~(8)~~] (9) Inform victims in writing of the right to file a
5 police report with the appropriate county police
6 department for investigation and assist victims in
7 submitting the police report[~~-~~]; and

8 (10) With guidance from the office of institutional equity,
9 confidential advocates and prevention educators, local
10 law enforcement, and local sexual and domestic
11 violence advocacy organizations, provide mandatory
12 annual trauma informed, gender inclusive, LGBTQ+
13 inclusive sexual misconduct primary prevention and
14 awareness programming for all students enrolled at
15 least part time and employees of the university to
16 include:

17 (A) An explanation of consent as it applies to sexual
18 activity and sexual relationships;

19 (B) The role drugs and alcohol play in an
20 individual's ability to consent;



- 1 (C) Strategies for bystander and upstander
- 2 intervention and risk reduction education that
- 3 include recognition of individual biases and
- 4 attitudes;
- 5 (D) How to access supportive measures for reporting
- 6 parties; and
- 7 (E) Culturally responsive methods to address the
- 8 unique experiences and challenges faced by
- 9 students based on race, color, ethnicity,
- 10 national origin, religion, economic status,
- 11 disability, and sex (including sexual
- 12 orientation, gender identity, and pregnancy or
- 13 parenting status).

14 (b) All University of Hawaii faculty members are

15 designated as "responsible employees" under Public Law 92-318,

16 Title IX of the federal Education Amendments of 1972, as

17 amended, and shall report any violations of University of Hawaii

18 executive policies regarding sexual harassment, sexual assault,

19 domestic violence, dating violence, and stalking to the Title IX

20 coordinator of the faculty member's campus; provided that any

21 faculty member designated as a confidential advocate pursuant to



1 subsection (a) (5) shall not be a "responsible employee";
2 provided further that the confidential advocate shall annually
3 provide general statistics to the Title IX coordinator about the
4 number and type of incidents received by the confidential
5 advocate.

6 (c) All University of Hawaii students and employees shall
7 complete the training required under subsection (a) (1), (a) (2),
8 (a) (3), ~~[and]~~ (a) (4), and (a) (10) or may be subject to fines,
9 sanctions, or other discipline, as deemed appropriate by the
10 University of Hawaii.

11 (d) The university shall not subject a reporting party or
12 witness who asks for an investigation of sexual misconduct to a
13 disciplinary proceeding or sanction for a violation of the
14 university's policy related to drug or alcohol use, trespassing,
15 unauthorized entry of university facilities, or other violations
16 of university policy or code of conduct unless the university
17 determines that the report of sexual misconduct was not made in
18 good faith or the violation was egregious.

19 (e) If the university's code of conduct prohibits sexual
20 activity or certain forms of sexual activity, including same-
21 gender relationships or sexual activity, the university shall



1 not take disciplinary action against individuals reporting
2 sexual misconduct or non-harassing sexual activity related to
3 the incident or other non-harassing sexual activity discovered
4 during an investigation into the reported incident.

5 (f) The university shall review any disciplinary action
6 taken against a reporting party to determine if there is a link
7 between the disclosed sexual misconduct and the misconduct that
8 led to the reporting party being disciplined.

9 (g) This section shall not be construed to limit the
10 university's ability to establish an immunity policy for student
11 conduct violations not mentioned in this section.

12 [~~d~~] (h) No later than March 31, 2017, and every two
13 years thereafter, the University of Hawaii shall conduct a
14 campus climate survey of all students. The University of Hawaii
15 shall submit a report to the legislature no later than twenty
16 days before the convening of each regular session that shall
17 include:

18 (1) A summary of the most recent campus climate survey
19 results;



1 (2) Information on the number of sexual assaults that
2 occurred on a University of Hawaii system campus
3 within the past five years; and

4 (3) Recommendations and efforts to improve campus safety
5 and accountability.

6 [~~e~~] (i) The University of Hawaii shall establish
7 policies and procedures to effectuate this section.

8 (j) For purposes of this section:

9 "Reporting party" means a student or employee who reports
10 having experienced an incident of sexual misconduct to the
11 university.

12 "Responding party" means a student or employee who has been
13 accused of an alleged incident of sexual misconduct.

14 "Sexual harassment" means unwelcome conduct of a sexual
15 nature.

16 "Sexual misconduct" means an incident of sex-based
17 discrimination, sexual harassment, sexual violence, intimate
18 partner violence, domestic violence, sexual exploitation,
19 stalking, harassment, or violence based on sexual orientation or
20 gender identity or expression, or other gender-based harassment
21 or violence.



1 "Trauma informed response" means a response understanding
2 of the complexities of intimate partner violence, domestic
3 violence, sexual assault, or stalking through training centered
4 on the neurobiological impact of trauma, symptoms of trauma,
5 effective and supportive techniques to address trauma, the
6 influence of societal myths and stereotypes surrounding the
7 causes and impacts of trauma, perpetration methodology, and how
8 to conduct an effective investigation."

9 SECTION 3. There is appropriated out of the general
10 revenues of the State of Hawaii the sum of \$ or so
11 much thereof as may be necessary for fiscal year 2023-2024 for
12 four full-time equivalent (4.0 FTE) positions to enable the
13 University of Hawaii to fulfill the requirements of this Act.

14 The sums appropriated shall be expended by the University
15 of Hawaii for the purposes of this Act.

16 SECTION 4. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect on June 30, 3000.



Report Title:

Campus Safety; University of Hawaii; Training; Sexual Misconduct; Trauma Informed Response; Disciplinary Process; Appropriation

Description:

Requires that University of Hawaii students and employees receive training on sexual misconduct awareness and trauma informed responses, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Requires that the University of Hawaii ensure that any individual who participates in implementing the university's disciplinary process has training or experience in handling sexual misconduct complaints and the university's disciplinary process. Requires that the university provide mandatory annual trauma informed, gender inclusive, LGBTQ+ inclusive sexual misconduct primary prevention and awareness programming for students and employees of the university. Prohibits the university from taking disciplinary action against individuals reporting sexual misconduct unless certain exceptions apply. Establishes positions and appropriates funds. Effective 6/30/3000. (HD1)

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