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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 the  
12 State. 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 the university to ensure that any individual  
17 who participates in implementing the university's  
18 disciplinary process has training or experience in  
19 handling sexual misconduct complaints and the  
20 university's disciplinary process;



1 (2) Requiring that the university provide mandatory  
2 annual, trauma-informed, gender-inclusive,  
3 LGBTQ+-inclusive sexual misconduct primary prevention  
4 and awareness programming for all students and  
5 employees of the university;

6 (3) Prohibiting the university from taking certain  
7 disciplinary action against individuals reporting  
8 sexual misconduct unless certain exceptions apply; and

9 (4) Establishing positions and appropriating funds.

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

12 "**§304A-120 Campus safety and accountability.** (a) The  
13 University of Hawaii shall:

14 (1) Train all University of Hawaii students enrolled at  
15 least part-time and employees, including campus safety  
16 and security personnel, Title IX coordinators,  
17 confidential advocates, and residential advisors, on:

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

20 (B) The Violence Against Women Act of 1994, as  
21 amended; and



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



1 disciplinary process; provided that the training shall  
2 include:

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

6 (B) Cultural competence training regarding how sexual  
7 misconduct may impact individuals differently  
8 depending on factors related to an individual's  
9 cultural background, including race; color;  
10 national origin; ethnicity; religion; economic  
11 status; and sex, which includes gender identity,  
12 gender expression, sexual orientation, and  
13 pregnancy or parenting status;

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



1            (D) Training and information regarding the possible  
2            impact of sexual misconduct on individuals having  
3            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,~~  
9            misconduct and related issues; provided that  
10           confidential advocates and communications received by  
11           confidential advocates shall not be exempt from any  
12           otherwise applicable mandatory reporting requirements  
13           for child and vulnerable adult neglect and abuse as  
14           provided by chapters 346 and 350;

15        [+6+] (7) Publicize the name, location, phone number, and  
16           [~~e-mail~~] electronic mail address of the confidential  
17           advocate on the 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~~] federal Education  
21           Amendments of 1972[+], as amended; the Violence



1 Against Women Act of 1994[+], as amended; and  
2 University of Hawaii policies concerning sexual  
3 [~~harassment, sexual assault, domestic violence, dating~~  
4 ~~violence, and stalking; and~~] misconduct;

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

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

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

20 (B) The effect of drugs and alcohol on an  
21 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) Methods to access supportive measures for  
6           reporting parties; and
- 7           (E) Culturally responsive methods to address the  
8           unique experiences and challenges faced by  
9           individuals based on race; color; ethnicity;  
10          national origin; religion; economic status;  
11          disability; and sex, which includes 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~~] misconduct to  
20 the Title IX coordinator of the faculty member's campus;  
21 provided that any faculty member designated as a confidential



1 advocate pursuant to subsection [~~(a)(5)~~] (a)(6) shall not be a  
2 "responsible employee"; provided further that the confidential  
3 advocate shall annually provide general statistics to the Title  
4 IX coordinator about the number and type of incidents received  
5 by the confidential 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 of Hawaii shall not subject a reporting  
12 party or witness who asks for an investigation of sexual  
13 misconduct to a disciplinary proceeding or sanction for a  
14 violation of the university's policy related to drug or alcohol  
15 use unless the university determines that the report of sexual  
16 misconduct was not made in good faith.

17 (e) If the University of Hawaii's code of conduct  
18 prohibits sexual activity or certain forms of sexual activity,  
19 including same-gender relationships or sexual activity, the  
20 university shall not take disciplinary action against  
21 individuals reporting sexual misconduct or non-harassing sexual



1 activity related to the incident or other non-harassing sexual  
2 activity discovered during an investigation into the reported  
3 incident.

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

8 (g) Nothing in this section shall be construed to limit  
9 the University of Hawaii's ability to establish an immunity  
10 policy for student conduct violations not mentioned in this  
11 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.]~~ includes:

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 to the University of Hawaii as having experienced an incident of  
11 sexual misconduct.

12 "Sexual harassment" means unwelcome conduct of a sexual  
13 nature.

14 "Sexual misconduct" means an incident of sex-based  
15 discrimination, sexual harassment, sexual violence, intimate  
16 partner violence, domestic violence, dating violence, sexual  
17 exploitation, or violence based on sexual orientation or gender  
18 identity or expression.

19 "Trauma-informed" means an understanding of the  
20 complexities of sexual misconduct through training centered on  
21 the neurobiological impact of trauma, symptoms of trauma,



1 effective and supportive techniques to address trauma, the  
2 influence of societal myths and stereotypes surrounding the  
3 causes and impacts of trauma, perpetration methodology, and  
4 techniques for conducting an effective investigation."

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

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

13 SECTION 4. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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



**Report Title:**

Campus Safety; UH; Training; Sexual Misconduct; Trauma-Informed; Disciplinary Process; Appropriation

**Description:**

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 certain disciplinary action against individuals reporting sexual misconduct unless certain exceptions apply. Establishes positions and appropriates funds. Effective 6/30/3000. (SD2)

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

