
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
8 per cent of males experience rape or sexual assault through
9 physical 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 also finds that Act 76, Session Laws of
4 Hawaii 2023, strengthened campus safety protocols at the
5 university of Hawaii. Act 76, Session Laws of Hawaii 2023
6 requires the university to ensure that any individual who
7 participates in implementing the university's disciplinary
8 process has training or experience in handling sexual misconduct
9 complaints and the university's disciplinary process; requires
10 that the university provide mandatory annual, trauma-informed,
11 gender-inclusive, LGBTQ+ inclusive sexual misconduct primary
12 prevention and awareness programming for all students and
13 employees of the university; prohibits the university from
14 taking certain disciplinary action against individuals reporting
15 sexual misconduct unless certain exceptions apply; and
16 establishes positions and appropriates funds for the
17 implementation of campus safety programs.

18 The legislature finds that campus safety at the university
19 of Hawaii is a matter of statewide concern.

20 The purpose of this Act is to empower the university of
21 Hawaii with the appropriate resources and time needed to fully



1 implement the requirements of Act 76, Session Laws of Hawaii
2 2023.

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

5 "**§304A-120 Campus safety and accountability.** "(a) The
6 [University] university of Hawaii shall:

7 (1) Train all [University] university of Hawaii students
8 enrolled at least part-time and employees, including
9 campus safety and security personnel, Title IX
10 coordinators, confidential advocates, and residential
11 advisors, on:

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

14 (B) The Violence Against Women Act of 1994, as
15 amended; and

16 (C) University of Hawaii executive policies on sexual
17 misconduct;

18 (2) Provide all existing [University] university of Hawaii
19 employees with the training described in paragraph (1)
20 by December 31, [~~2023~~] 2024, and every two years
21 thereafter;



- 1 (3) Provide all new [~~University~~] university of Hawaii
2 employees with the training described in paragraph (1)
3 no later than thirty days after the date of first
4 employment;
- 5 (4) Provide all students with the training described in
6 paragraph (1) annually;
- 7 (5) Ensure that any individual who participates in the
8 implementation of the [~~University~~] university of
9 Hawaii's disciplinary process, including confidential
10 advocates; individuals responsible for resolving
11 complaints of reported incidents; and individuals
12 responsible for conducting a meeting, hearing, or
13 other disciplinary proceeding or informal resolution
14 process, has training or experience in handling sexual
15 misconduct complaints and the university's
16 disciplinary process; provided that the training shall
17 include:
- 18 (A) The effects of trauma, including any
19 neurobiological and physical impact trauma, on a
20 person;



- 1 (B) Cultural competence training regarding how sexual
- 2 misconduct may impact individuals differently
- 3 depending on factors related to an individual's
- 4 cultural background, including race; color;
- 5 national origin; ethnicity; religion; economic
- 6 status; disability; and sex, which includes
- 7 gender identity, gender expression, sexual
- 8 orientation, and pregnancy or parenting status;
- 9 (C) Ways to communicate sensitively and
- 10 compassionately with a reporting party, including
- 11 an awareness of responding with consideration of
- 12 the reporting party's cultural background and
- 13 providing services to the reporting party or
- 14 assisting the reporting party in locating
- 15 services; and
- 16 (D) Training and information regarding the possible
- 17 impact of sexual misconduct on individuals having
- 18 disabilities;
- 19 (6) At each campus of the [~~University~~] university of
- 20 Hawaii system, designate a confidential advocate for
- 21 students to confidentially discuss incidents of, and



1 obtain information on, sexual misconduct and related
 2 issues; provided that confidential advocates and
 3 communications received by confidential advocates
 4 shall not be exempt from any otherwise applicable
 5 mandatory reporting requirements for child and
 6 vulnerable adult neglect and abuse as provided by
 7 chapters 346 and 350;

8 (7) Publicize the name, location, phone number, and
 9 electronic mail address of the confidential advocate
 10 on the website of each respective campus;

11 (8) Make available to students and employees written and
 12 electronic materials and training programs concerning
 13 Title IX of the federal Education Amendments of 1972,
 14 as amended; the Violence Against Women Act of 1994, as
 15 amended; and [~~University~~] university of Hawaii
 16 policies concerning sexual misconduct;

17 (9) Inform victims in writing of the right to file a
 18 police report with the appropriate county police
 19 department for investigation and assist victims in
 20 submitting the police report; and



- 1 (10) With guidance from the office of institutional equity,
2 confidential advocates, prevention educators, local
3 law enforcement, and local sexual and domestic
4 violence advocacy organizations, provide mandatory
5 annual trauma-informed, gender-inclusive, LGBTQ+
6 inclusive sexual misconduct primary prevention and
7 awareness programming for all students enrolled at
8 least part-time and employees of the university;
9 provided that the programming shall include:
- 10 (A) An explanation of consent as it applies to sexual
11 activity and sexual relationships;
 - 12 (B) The effect of drugs and alcohol on an
13 individual's ability to consent;
 - 14 (C) Strategies for bystander and upstander
15 intervention and risk reduction education that
16 include recognition of individual biases and
17 attitudes;
 - 18 (D) Methods to access supportive measures for
19 reporting parties; and
 - 20 (E) Culturally responsive methods to address the
21 unique experiences and challenges faced by individuals based on



1 race; color; national origin; ethnicity; religion; economic
2 status; disability; and sex, which includes gender identity,
3 gender expression, sexual orientation, and pregnancy or
4 parenting status.

5 (b) All [~~University~~] university of Hawaii faculty members
6 are designated as "responsible employees" under Public Law 92-
7 318, Title IX of the federal Education Amendments of 1972, as
8 amended, and shall report any violations of [~~University~~]
9 university of Hawaii executive policies regarding sexual
10 misconduct to the Title IX coordinator of the faculty member's
11 campus; provided that any faculty member designated as a
12 confidential advocate pursuant to subsection (a) (6) shall not be
13 a "responsible employee"; provided further that the confidential
14 advocate shall annually provide general statistics to the Title
15 IX coordinator about the number and type of incidents received
16 by the confidential advocate.

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



1 (d) The [~~University~~] university of Hawaii shall not
2 subject a student reporting party or student witness who asks
3 for an investigation of sexual misconduct to a disciplinary
4 proceeding or sanction for a violation of the university's
5 [~~policy~~] student conduct code related to drug or alcohol use
6 unless the university determines that the report of sexual
7 misconduct was not made in good faith.

8 (e) If the [~~University~~] university of Hawaii's [~~code of~~
9 ~~conduct~~] student conduct code prohibits sexual activity or
10 certain forms of sexual activity, including same-gender
11 relationships or sexual activity, the university shall not take
12 disciplinary action against [~~individuals~~] students reporting
13 sexual misconduct or non-harassing sexual activity related to
14 the incident or other non-harassing sexual activity discovered
15 during an investigation into the reported incident.

16 (f) The [~~University~~] university of Hawaii shall review any
17 disciplinary action taken against a student reporting party to
18 determine if there is a link between the disclosed sexual
19 misconduct and the misconduct that led to the student reporting
20 party being disciplined.



1 (g) Nothing in this section shall be construed to limit
2 the [University] university of Hawaii's ability to establish an
3 immunity policy for student conduct violations not mentioned in
4 this section.

5 (h) No later than March 31, 2017, and every two years
6 thereafter, the [University] university of Hawaii shall conduct
7 a campus climate survey of all students. The [University]
8 university of Hawaii shall submit a report to the legislature no
9 later than twenty days before the convening of each regular
10 session that includes:

11 (1) A summary of the most recent campus climate survey
12 results;

13 (2) Information on the number of sexual assaults that
14 occurred on a [University] university of Hawaii system
15 campus within the past five years; and

16 (3) Recommendations and efforts to improve campus safety
17 and accountability.

18 (i) The [University] university of Hawaii shall establish
19 policies and procedures to effectuate this section.

20 (j) For purposes of this section:



1 ~~["Reporting party" means a student or employee who reports~~
2 ~~to the University of Hawaii as having experienced an incident of~~
3 ~~sexual misconduct.]~~

4 "Sexual harassment" means unwelcome conduct of a sexual
5 nature.

6 "Sexual misconduct" means an incident of sex-based
7 discrimination, sexual harassment, sexual violence, intimate
8 partner violence, domestic violence, dating violence, sexual
9 exploitation, or violence based on sexual orientation or gender
10 identity or expression.

11 "Student reporting party" means a student who reports to
12 the university of Hawaii as having experienced an incident of
13 sexual misconduct.

14 "Trauma-informed" means an understanding of the
15 complexities of sexual misconduct through training centered on
16 the neurobiological impact of trauma, symptoms of trauma,
17 effective and supportive techniques to address trauma, the
18 influence of societal myths and stereotypes surrounding the
19 causes and impacts of trauma, perpetration methodology, and
20 techniques for conducting an effective investigation."



1 SECTION 3. Act 76, Session Laws of Hawaii 2023, is amended
2 by amending section 3 to read as follows:

3 "SECTION 3. There is appropriated out of the [University
4 ~~of Hawaii tuition and fees special fund]~~ general revenues of the
5 State of Hawaii the sum of [~~\$1,000,000~~] \$ _____ or so much
6 thereof as may be necessary for fiscal year [~~2023-2024 and the~~
7 ~~same sum or so much thereof as may be necessary for fiscal year]~~
8 2024-2025 for operating expenses and the establishment of four
9 full-time equivalent (4.0 FTE) [~~administrative, professional,~~
10 ~~and technical]~~ positions to enable the [University] university
11 of Hawaii to fulfill the requirements of this Act.

12 The [~~sums~~] sum appropriated shall be expended by the
13 [University] university of Hawaii for the purposes of this Act."

14 SECTION 4. In accordance with section 9 of article VII of
15 the Hawaii State Constitution and sections 37-91 and 37-93,
16 Hawaii Revised Statutes, the legislature has determined that the
17 appropriations contained in H.B. No. _____, will cause the state
18 general fund expenditure ceiling for fiscal year 2024-2025 to be
19 exceeded by \$ _____ or _____ per cent. In addition, the
20 appropriation contained in this Act will cause the general fund
21 expenditure ceiling for fiscal year 2024-2025 to be further



1 exceeded by \$ or per cent. The combined total
2 amount of general fund appropriations contained in only these
3 two Acts will cause the state general fund expenditure ceiling
4 for fiscal year 2024-2025 to be exceeded by
5 \$ or per cent. The reasons for exceeding the
6 general fund expenditure ceiling are that:

7 (1) The appropriation made in this Act is necessary to
8 serve the public interest; and

9 (2) The appropriation made in this Act meets the needs
10 addressed by this Act.

11 SECTION 5. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Campus Safety; UH; Appropriation; Expenditure Ceiling

Description:

Requires all existing University of Hawaii employees to be provided training on federal laws and University of Hawaii policies regarding sex discrimination and sexual misconduct by December 31, 2024. Clarifies that amnesty provisions are applicable to only students and the student conduct code. Appropriates funds out of the general revenues of the state, rather than the University of Hawaii Tuition and Fees Special Fund, for fiscal year 2024-2025 for operating expenses and to establish positions. Effective 7/1/3000. (HD1)

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

