July 5, 2016

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai‘i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 5, 2016, the following bill was signed into law:

HB2772 HD1 SD2 CD1 RELATING TO THE UNIVERSITY OF HAWAII  
ACT 208 (16)

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai‘i
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

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

SECTION 1. The legislature finds that the affirmative consent task force, established by Act 222, Session Laws of Hawaii 2015, reviewed and made preliminary recommendations on the University of Hawaii executive policy regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking.

The legislature finds that this issue is a matter of statewide concern that falls under its purview pursuant to article X, section 6, of the Hawaii State Constitution.

The purpose of this Act is to adopt the preliminary recommendations of the affirmative consent task force.

SECTION 2. Chapter 304A, Hawaii Revised Statutes, is amended by adding a new section to subpart A of part I to be appropriately designated and to read as follows:

"§304A- Campus safety and accountability. (a) The University of Hawaii shall:
(1) Train all University of Hawaii students and employees, including security personnel, Title IX coordinators, and residential advisors, on:

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

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

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

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

(3) Provide all new University of Hawaii employees with the training described in paragraph (1) no later than thirty days after the date of first employment;

(4) Provide all students with the training described in paragraph (1) annually;

(5) At each campus of the University of Hawaii system, designate a confidential advocate for students to confidentially discuss incidents of, and obtain
information on, sexual harassment, sexual assault,
domestic violence, dating violence, stalking, and
related issues; provided that confidential advocates
and communications received by confidential advocates
shall not be exempt from any otherwise applicable
mandatory reporting requirements for child and
vulnerable adult neglect and abuse as provided by
chapters 346 and 350;

(6) Publicize the name, location, phone number, and email
address of the confidential advocate on the website of
each respective campus;

(7) Make available to students and employees written and
electronic materials and training programs concerning
Title IX of the Higher Education Amendments of 1972;
the Violence Against Women Act of 1994; and University
of Hawaii policies concerning sexual harassment,
sexual assault, domestic violence, dating violence,
and stalking; and

(8) Inform victims in writing of the right to file a
police report with the appropriate county police
department for investigation and assist victims in submitting the police report.

(b) All University of Hawaii faculty members are designated as "responsible employees" under Public Law 92-318, Title IX of the federal Education Amendments of 1972, as amended, and shall report any violations of University of Hawaii executive policies regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking to the Title IX coordinator of the faculty member's campus; provided that any faculty-member designated as a confidential advocate pursuant to subsection (a)(5) shall not be a "responsible employee"; provided further that the confidential advocate shall annually provide general statistics to the Title IX coordinator about the number and type of incidents received by the confidential advocate.

(c) All University of Hawaii students and employees shall complete the training required under subsection (a)(1), (a)(2), (a)(3), and (a)(4) or may be subject to fines, sanctions, or other discipline, as deemed appropriated by the University of Hawaii.
(d) No later than March 31, 2017, and every two years thereafter, the University of Hawaii shall conduct a campus climate survey of all students. The University of Hawaii shall submit a report to the legislature no later than twenty days before the convening of each regular session that shall include:

1. A summary of the most recent campus climate survey results;
2. Information on the number of sexual assaults that occurred on a University of Hawaii system campus within the past five years; and
3. Recommendations and efforts to improve campus safety and accountability.

(e) The University of Hawaii shall establish policies and procedures to effectuate this section."

SECTION 3. (a) No later than December 31, 2016, the University of Hawaii shall revise, as necessary, all University of Hawaii executive policies regarding:

1. Student conduct;
2. Nondiscrimination;
3. Complaint procedures;
4. Campus security;
(5) Alcohol consumption;

(6) Housing; and

(7) Workplace nonviolence,

that conflict with any University of Hawai'i executive policy regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking, including University of Hawaii executive policy number 1.204.

(b) The University of Hawaii shall enter into memoranda of understanding with all county police departments by December 31, 2016, to govern communications and procedures for addressing sexual assaults that occur on University of Hawaii system campuses.

SECTION 4. There is appropriated out of the general revenues of the State of Hawaii the sum of $250,000 or so much thereof as may be necessary for fiscal year 2016-2017 for the University of Hawaii at Manoa to hire employees as follows:

(1) One full-time equivalent administrator (1.0 FTE) at $70,000; and

(2) Two full-time equivalent investigators (2.0 FTE) at $90,000 each,
to ensure compliance with Title IX of the federal Education Amendments of 1972, as amended, and the Violence Against Women Act of 1994, as amended.

The sum appropriated shall be expended by the University of Hawaii at Manoa for the purposes of this Act.

SECTION 5. There is appropriated out of the general revenues of the State of Hawaii the sum of $160,000 or so much thereof as may be necessary for fiscal year 2016-2017 for the University of Hawaii at Hilo:

(1) To hire employees as follows:

(A) One full-time equivalent administrative support staff person (1.0 FTE) at $60,000; and

(B) One full-time equivalent educator, trainer, and investigator (1.0 FTE) at $90,000; and

(2) $10,000 for related travel expenses,

to ensure compliance with Title IX of the federal Education Amendments of 1972, as amended, and the Violence Against Women Act of 1994, as amended.

The sum appropriated shall be expended by the University of Hawaii at Hilo for the purposes of this Act.
SECTION 6. There is appropriated out of the general revenues of the State of Hawaii the sum of $150,000 or so much thereof as may be necessary for fiscal year 2016-2017 for the University of Hawaii community colleges to ensure compliance with Title IX of the federal Education Amendments of 1972, as amended, and the Violence Against Women Act of 1994, as amended. The sum appropriated shall be expended by the University of Hawaii community colleges for the purposes of this Act.

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 8. New statutory material is underscored.

SECTION 9. This Act shall take effect on July 1, 2016.

APPROVED this 5 day of JUL, 2016

GOVERNOR OF THE STATE OF HAWAII