

# SB 387

## LATE

# Testimony

Measure Title: RELATING TO AFFIRMATIVE CONSENT.

Report Title: Affirmative Consent; University of Hawaii System

Description: Requires the University of Hawaii system to establish and enforce an affirmative consent standard for all policies and protocols relating to sexual assault, domestic violence, dating violence, and stalking as a condition of receiving state funds for student assistance.

Companion:

Package: Women's Legislative Caucus

Current Referral: HEA/JDL, WAM

Introducer(s): SHIMABUKURO, CHUN OAKLAND, INOUYE, KIDANI, KIM, L. THIELEN, TOKUDA, Baker



**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HEA Testimony](#)  
**Cc:** [joyamarshall0416@gmail.com](mailto:joyamarshall0416@gmail.com)  
**Subject:** \*Submitted testimony for SB387 on Feb 5, 2015 13:30PM\*  
**Date:** Thursday, February 05, 2015 9:20:23 AM

---

**SB387**

Submitted on: 2/5/2015

Testimony for HEA/JDL on Feb 5, 2015 13:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Joy Marshall	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

**From:** [mailinglist@capitol.hawaii.gov](mailto:mailinglist@capitol.hawaii.gov)  
**To:** [HEA Testimony](#)  
**Cc:** [kjespino@hawaii.edu](mailto:kjespino@hawaii.edu)  
**Subject:** Submitted testimony for SB387 on Feb 5, 2015 13:30PM  
**Date:** Thursday, February 05, 2015 2:21:42 PM

---

**SB387**

Submitted on: 2/5/2015

Testimony for HEA/JDL on Feb 5, 2015 13:30PM in Conference Room 224

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kristine Jan Espinoza	Individual	Support	No

Comments: As a higher education graduate student and proud alum of UHM, I've experienced a lot since I transferred to UHM in 2011. Affirmative, conscious consent is personally important to me as someone whose rights have been violated in the past. While I understand that the Yes Means Yes policy is being thought up, and eventually implemented at the University of Hawai'i System, I support having legislation written into law so that perhaps little by little we can change the ambiguous culture about rape, sexual assault, and sexual harassment. I do not want the burden of proof to lie on a woman (or vice versa). We can no longer just accept and assume someone consents 'yes.'

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

Do not reply to this email. This inbox is not monitored. For assistance please email [webmaster@capitol.hawaii.gov](mailto:webmaster@capitol.hawaii.gov)

TO: Committee on Higher Education & the Arts  
Senator Brian Taniguchi, Chair  
Senator Lorraine Inouye, Vice Chair

TO: Committee on Judiciary & Labor  
Senator Gilbert Keith-Agaran, Chair  
Senator Maile Shimabukuro, Vice Chair

FROM: Teresa Bill tbill808@gmail.com Honolulu Resident

RE: Testimony **Supporting With Amendments SB 387,**  
Relating to Affirmative Consent  
Thurs. Feb 5, 2015 1:30 p.m. Conference Room 224

I am Teresa Bill, testifying in support of the intent of SB387 requiring the University of Hawaii to establish and enforce a number of policies regarding sex assault, domestic violence, dating violence and stalking but I have some concerns and questions. Although an employee of UH, I am submitting testimony as a private citizen.

Thank you to the Women's Legislative Caucus and the Women's Coalition for bringing needed attention to these issues.

However, as someone who works to provide both a safe and educationally enriching environment on campus, I would prefer to see the mandate specifically for "affirmative assent" be reconsidered. Codifying a specific type of protocol is time-bound and that we all expect (and can require) UH campuses to "adopt detailed and victim-centered policies and protocols regarding sexual assault, domestic violence, dating violence, and stalking involving a student that comport with best practices and current professional standards." However, everyone knows that requiring ("shall include") specific elements for policies and procedures can be counterproductive. While the Univ. of California system has recently implemented such a policy, people are eager to hear their experience of its actual implementation.

I support the intent of the financial "stick" of requiring policy implementation with a link to funding, however, targeting student financial aid hurts students as well as the institution.

I suggest a "carrot" of targeted funding connected with sections (d) regarding community-based services (such as SATC and DVAC) and (e) prevention and outreach (such as UH PAU Violence) be linked with funding for these needed services. Our community partners are under-funded and this limits their ability to serve UH Students. UH students are members of our larger community, and as such, reflect the needs of our collegiate-aged adults. UH students engage with their UH Campuses for services they don't know how to access in the community. Direct services to students is much needed and woefully underfunded. UH personnel work and volunteer enormous time and energy to serving students in crisis. And much of our UH students' experience of violence (sex assault, dating violence, domestic violence & stalking) involves and reflects the pervasive violence in our communities, not just other UH students.

Thank you for this opportunity to testify.