
HOUSE RESOLUTION

REQUESTING THE UNIVERSITY OF HAWAII TO CONVENE A TASK FORCE TO
REVIEW ITS CURRENT POLICY ON AFFIRMATIVE CONSENT.

1 WHEREAS, Title IX of the Education Amendments of 1972
2 ("Title IX") prohibits discrimination on the basis of sex in
3 education programs and activities that receive any federal
4 funds; and

5
6 WHEREAS, Title IX protects all individuals, regardless of
7 their gender or gender identity, from sexual harassment and
8 violence, which are forms of discrimination; and

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10 WHEREAS, Title IX has been renamed the Patsy Takemoto Mink
11 Equal Opportunity in Education Act in recognition of the late
12 United States Representative Patsy Mink's tireless efforts to
13 develop and pass Title IX; and

14
15 WHEREAS, the Violence Against Women Act ("VAWA") is aimed
16 at ending violence against women and girls and remedying laws
17 and social practices that, in the past, have fostered and
18 justified violence against women and girls; and

19
20 WHEREAS, the provisions of VAWA have been carefully crafted
21 with the input and assistance of more than 2,000 advocates and
22 experts from around the nation; and

23
24 WHEREAS, VAWA ensures that survivors of sexual assault have
25 access to necessary services; improves institutional responses
26 to violence; provides access to services for gay, lesbian,
27 bisexual, and transgender survivors who frequently are excluded
28 from services; and ensures that survivors of sexual assault in
29 Native American communities and in the United States Territories
30 have access to justice; and

31
32 WHEREAS, there has been increasing media attention
33 surrounding allegations of sexual misconduct on college campuses
34 focusing on universities' perceived "deliberate indifference"



1 and lack of institutional response to a growing number of
2 incidents and allegations of sexual violence and sexual
3 harassment; and

4
5 WHEREAS, many universities across the nation have
6 implemented organizational and policy changes to better address
7 concerns from a variety of sources that include students,
8 parents, and educators; and

9
10 WHEREAS, the University of Hawaii is committed to
11 maintaining and promoting safe, respectful campus environments
12 that are free from discrimination, harassment, and sexual
13 violence; and

14
15 WHEREAS, the University of Hawaii prohibits and does not
16 tolerate sexual harassment, sexual assault, domestic violence,
17 dating violence, and stalking; and

18
19 WHEREAS, the University of Hawaii Board of Regents
20 currently has an executive policy in place concerning incidents
21 of sexual assault, domestic violence, dating violence, and
22 stalking that are subject to the data collection requirements of
23 the federal Higher Education Act of 1965, 20 United States Code
24 section 1092(f), and involve a student, faculty member, or staff
25 member, whether on or off campus; and

26
27 WHEREAS, the University of Hawaii Board of Regents
28 understands and appreciates the need to review all policies,
29 including the executive policy on sexual assault and sexual
30 harassment; now, therefore,

31
32 BE IT RESOLVED by the House of Representatives of the
33 Twenty-eighth Legislature of the State of Hawaii, Regular
34 Session of 2015, that various stakeholders are requested to
35 convene an Affirmative Consent Task Force (Task Force) to review
36 and make recommendations on the University of Hawaii's Executive
37 Policy on Domestic Violence, Dating Violence, Sexual Assault,
38 and Stalking; and



1 BE IT FURTHER RESOLVED that the Task Force shall comprise:

- 2
3 (1) The President of the University of Hawaii, or the
4 President's designee;
5
6 (2) The Vice President for Community Colleges, or the Vice
7 President's designee;
8
9 (3) The Chancellor of the University of Hawaii at Manoa,
10 or the Chancellor's designee;
11
12 (4) The Chancellor of the University of Hawaii at Hilo, or
13 the Chancellor's designee;
14
15 (5) The Chancellor of the University of Hawaii at West
16 Oahu, or the Chancellor's designee;
17
18 (6) The Executive Director of the Hawaii State Commission
19 on the Status of Women, or the Executive Director's
20 designee;
21
22 (7) The Chair of the University of Hawaii Commission on
23 the Status of Women, or the Chair's designee;
24
25 (8) The Executive Director of the Sex Abuse Treatment
26 Center;
27
28 (9) A member of the American Civil Liberties Union; and
29
30 (10) A member of the Women's Legislative Caucus of the
31 Legislature; and
32

33 BE IT FURTHER RESOLVED that the Task Force is requested to
34 consider the following concepts when reviewing and revising the
35 current policy:
36

- 37 (1) Affirming the University of Hawaii's commitment to
38 increasing resources and strengthening the
39 institutional infrastructure of all of its campuses to
40 more effectively address the issue of affirmative
41 consent;



1 (2) Considering best practices and current professional
2 standards in reviewing and revising the current
3 policy; and
4

5 (3) Using contemporary corrective actions consistent with
6 academic environments, standard business practices,
7 and the laws of the State; and
8

9 BE IT FURTHER RESOLVED that the Task Force shall take into
10 consideration that the policy shall provide guidance for the
11 following at each campus within the University of Hawaii system:
12

13 (1) Comprehensive education and prevention programs that
14 inform the University of Hawaii community about the
15 policies, resources, complaint options, remedies, and
16 the risks and myths that contribute to sexual
17 harassment, sexual assault, domestic violence, dating
18 violence, and stalking;
19

20 (2) Information and assistance for individuals who report
21 alleged sexual harassment and sexual violence,
22 including informing individuals about their right to
23 file criminal charges as well as the availability of
24 on- and off-campus resources (e.g., medical,
25 counseling, advocacy, legal, and other support
26 services, including confidential options) and
27 alternative remedies, such as housing, academic, or
28 workplace accommodations, if appropriate and
29 reasonably available, regardless of whether the
30 individual chooses to file a complaint with or report
31 a crime to campus security or a local law enforcement
32 agency;
33

34 (3) Prompt and equitable complaint procedures for students
35 and employees that are accessible and widely
36 publicized on a regular basis;
37

38 (4) Information for both respondents and complainants that
39 they have the same rights during a student
40 disciplinary hearing or investigation, including the



1 right to a fair and impartial process; to be
 2 accompanied by an advisor; to give their side of the
 3 story and present all relevant evidence; to receive
 4 simultaneous updates on the status of the
 5 investigation and written notice of the outcome,
 6 including relevant sanctions imposed on student
 7 respondents; and to appeal; and

8
 9 (5) Provisions for corrective actions that the campuses
 10 will implement or instill, including remedies and
 11 disciplinary sanctions, to end incidents of harassment
 12 or sexual violence and to prevent their recurrence;
 13 and
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15 BE IT FURTHER RESOLVED that the Task Force is requested to
 16 submit a report of its findings and recommendations, including
 17 any proposed legislation, to the Legislature no later than 20
 18 days prior to the convening of the Regular Session of 2016; and
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20 BE IT FURTHER RESOLVED that certified copies of this
 21 Resolution be transmitted to the Board of Regents of the
 22 University of Hawaii, President of the University of Hawaii, and
 23 each Chancellor on the Council of Chancellors of the University
 24 of Hawaii system.
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OFFERED BY:

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