
A BILL FOR AN ACT

RELATING TO AFFIRMATIVE CONSENT.

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

1 SECTION 1. Title IX of the Education Amendments of 1972
2 prohibits discrimination on the basis of sex in education
3 programs and activities that receive any federal funds. In
4 2002, Congress renamed Title IX the Patsy Takemoto Mink Equal
5 Opportunity in Education Act in recognition of the late United
6 States Representative Patsy Mink's tireless efforts to develop
7 and pass Title IX.

8 The Violence Against Women Act is aimed at ending violence
9 against women and girls and remedying laws and social practices
10 that, in the past, have fostered and justified violence against
11 women and girls. There has been increasing media attention
12 surrounding allegations of sexual misconduct on college campuses
13 focusing on universities' perceived "deliberate indifference"
14 and lack of institutional response to a growing number of
15 incidents and allegations of sexual violence and sexual
16 harassment.



1 The University of Hawaii is committed to maintaining and
2 promoting safe, respectful campus environments that are free
3 from discrimination, harassment, and sexual violence. The
4 University of Hawaii prohibits and does not tolerate sexual
5 harassment, sexual assault, domestic violence, dating violence,
6 and stalking. The University of Hawaii board of regents
7 currently has an executive policy in place concerning incidents
8 of sexual assault, domestic violence, dating violence, and
9 stalking that are subject to the data collection requirements of
10 the federal Higher Education Act of 1965, 20 United States Code
11 section 1092(f), and involve a student, faculty member, or staff
12 member, whether on or off campus. The University of Hawaii
13 board of regents understands and appreciates the need for a
14 review of all of its policies, including the executive policy on
15 sexual assault and sexual harassment.

16 The purpose of this Act is to provide for a review of this
17 policy.

18 SECTION 2. (a) There is established the affirmative
19 consent task force to review and make recommendations on the
20 University of Hawaii's executive policy on domestic violence,
21 dating violence, sexual assault, and stalking.



- 1 (b) The task force shall comprise:
- 2 (1) The president of the University of Hawaii, or the
3 president's designee;
- 4 (2) The vice president for community colleges, or the vice
5 president's designee;
- 6 (3) The chancellor of the University of Hawaii at Manoa,
7 or the chancellor's designee;
- 8 (4) The chancellor of the University of Hawaii at Hilo, or
9 the chancellor's designee;
- 10 (5) The chancellor of the University of Hawaii at West
11 Oahu, or the chancellor's designee;
- 12 (6) The executive director of the Hawaii state commission
13 on the status of women, or the executive director's
14 designee;
- 15 (7) The chair of the University of Hawaii commission on
16 the status of women, or the chair's designee;
- 17 (8) A student at the University of Hawaii;
- 18 (9) The executive director of the Sex Abuse Treatment
19 Center;
- 20 (10) A member of the American Civil Liberties Union;



- 1 (11) A member of the National Association of Social
2 Workers;
- 3 (12) A representative of the Hawaii State Coalition Against
4 Domestic Violence;
- 5 (13) A representative of the Honolulu police department;
6 and
- 7 (14) A member of the women's legislative caucus of the
8 legislature.
- 9 (c) The members of the task force shall elect a
10 chairperson from among themselves.
- 11 (d) No member of the task force shall be made subject to
12 chapter 84, Hawaii Revised Statutes, solely because of that
13 member's participation as a member of the task force.
- 14 (e) The task force shall consider the following concepts
15 when reviewing and revising the University of Hawaii's current
16 policy:
- 17 (1) Affirming the University of Hawaii's commitment to
18 increasing resources and strengthening the
19 institutional infrastructure of all of its campuses to
20 more effectively address the issue of affirmative
21 consent;



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

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

7 (f) The task force shall take into consideration that the
8 University of Hawaii's policy shall provide guidance for the
9 following at each campus within the University of Hawaii system:

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

16 (2) Information and assistance for individuals who report
17 alleged sexual harassment and sexual violence,
18 including informing individuals about their right to
19 file criminal charges as well as the availability of
20 on- and off-campus resources (e.g., medical,
21 counseling, advocacy, legal, and other support



1 services, including confidential options) and
2 alternative remedies, such as housing, academic, or
3 workplace accommodations, if appropriate and
4 reasonably available, regardless of whether the
5 individual chooses to file a complaint with or report
6 a crime to campus security or a local law enforcement
7 agency;

8 (3) Prompt and equitable complaint procedures for students
9 and employees that are accessible and widely
10 publicized on a regular basis;

11 (4) Information for both respondents and complainants
12 regarding their rights during a student disciplinary
13 hearing or investigation, including the right to a
14 fair and impartial process; to be accompanied by an
15 advisor; to give their side of the story and present
16 all relevant evidence; to receive simultaneous updates
17 on the status of the investigation and written notice
18 of the outcome, including relevant sanctions imposed
19 on student respondents; and to appeal; and

20 (5) Provisions for corrective actions that the campuses
21 will implement or instill, including remedies and



1 disciplinary sanctions, to end incidents of harassment
2 or sexual violence and to prevent their recurrence.

3 (g) The task force shall submit a report of its findings
4 and recommendations, including any proposed legislation, to the
5 legislature no later than twenty days prior to the convening of
6 the regular session of 2016.

7 (h) The task force shall cease to exist on June 30, 2017.

8 SECTION 2. This Act shall take effect upon its approval.



Report Title:

Affirmative Consent; University of Hawaii; Task Force

Description:

Establishes a task force to review and make recommendations on the University of Hawaii's executive policy on domestic violence, dating violence, sexual assault, and stalking. (SB387 HD1)

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