
A BILL FOR AN ACT

RELATING TO AFFIRMATIVE CONSENT.

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

1 SECTION 1. The legislature finds that while Congress has
2 enacted several historic and significant federal laws to address
3 sex-based discrimination and violence against women and girls,
4 including Title IX of the Education Amendments of 1972, renamed
5 the Patsy Takemoto Mink Equal Opportunity in Education Act in
6 2002 in recognition of the late United States Representative
7 Patsy Mink's tireless efforts regarding Title IX, and the more
8 recent Violence Against Women Act, sexual violence is prevalent
9 on college campuses. Nationally, one in five women is sexually
10 assaulted while in college. Approximately one-third of these
11 sexual assaults are perpetrated on women who are first-year
12 students between the ages of seventeen and nineteen. Also,
13 women aged sixteen to twenty-four are at the highest risk for
14 experiencing abuse by an intimate partner.

15 The legislature concludes that violence against women is a
16 continuing problem that must be addressed. Ending campus sexual
17 violence is a combined endeavor of effective response and



1 intervention, awareness education to change attitudes and
2 behaviors, and clear policies that do not tolerate such conduct.

3 The legislature acknowledges that the University of Hawaii
4 is committed to maintaining and promoting safe, respectful
5 campus environments that are free from discrimination,
6 harassment, and sexual violence. The University of Hawaii board
7 of regents recently adopted an executive policy concerning
8 sexual harassment, sexual assault, domestic violence, dating
9 violence, and stalking that requires the various campuses to
10 implement comprehensive education and prevention programs,
11 information and assistance for individuals who report alleged
12 sexual harassment and sexual violence, prompt and equitable
13 complaint procedures, information for respondents and
14 complainants about their rights, and corrective action to
15 prevent and end incidents of harassment and sexual violence.
16 The policy also provides a comprehensive definition of
17 affirmative consent.

18 The purpose of this Act is to provide for a review of the
19 university's policy.

20 SECTION 2. (a) There is established the affirmative
21 consent task force to review and make recommendations on the



1 University of Hawaii's executive policy on sexual harassment,
2 sexual assault, domestic violence, dating violence, and
3 stalking.

4 (b) The task force shall comprise:

5 (1) The president of the University of Hawaii, or the
6 president's designee;

7 (2) The vice president for community colleges, or the vice
8 president's designee;

9 (3) The chancellor of the University of Hawaii at Manoa,
10 or the chancellor's designee;

11 (4) The chancellor of the University of Hawaii at Hilo, or
12 the chancellor's designee;

13 (5) The chancellor of the University of Hawaii at West
14 Oahu, or the chancellor's designee;

15 (6) The executive director of the Hawaii state commission
16 on the status of women, or the executive director's
17 designee;

18 (7) The chair of the University of Hawaii commission on
19 the status of women, or the chair's designee;

20 (8) At least two students at the University of Hawaii;



- 1 (9) The executive director of the Sex Abuse Treatment
2 Center, or the director's designee;
- 3 (10) A member of the American Civil Liberties Union;
- 4 (11) A member of the National Association of Social
5 Workers;
- 6 (12) A representative of the Hawaii State Coalition Against
7 Domestic Violence;
- 8 (13) A representative of the Honolulu police department;
9 and
- 10 (14) A member of the women's legislative caucus of the
11 legislature.
- 12 (c) The members of the task force shall elect a
13 chairperson from among themselves.
- 14 (d) 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;
- 4 (3) Using contemporary corrective actions consistent with
- 5 academic environments, standard business practices,
- 6 and the laws of the State;
- 7 (4) That the University of Hawaii's policy shall provide
- 8 guidance to each campus within the University of
- 9 Hawaii system on the following:
- 10 (A) Comprehensive education and prevention programs
- 11 that inform the University of Hawaii community
- 12 about the policies, resources, complaint options,
- 13 remedies, and the risks and myths that contribute
- 14 to sexual harassment, sexual assault, domestic
- 15 violence, dating violence, and stalking;
- 16 (B) Information and assistance for individuals who
- 17 report alleged sexual harassment and sexual
- 18 violence, including informing individuals about
- 19 their right to file criminal charges as well as
- 20 the availability of on- and off-campus resources
- 21 (e.g., medical, counseling, advocacy, legal, and



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

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

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



- 1 (E) Provisions for corrective actions that the
2 campuses will implement or instill, including
3 remedies and disciplinary sanctions, to end
4 incidents of harassment or sexual violence and to
5 prevent their recurrence;
- 6 (F) Training on non-judgmental, victim-centered
7 communication for university staff who receive
8 and handle complaints of harassment or sexual
9 violence; and
- 10 (G) Procedures for the university's coordination and
11 cooperation with police and prosecutors if an
12 individual decides to report an incident of
13 harassment or sexual violence.
- 14 (e) The task force shall submit a report of its findings
15 and recommendations, including any proposed legislation, to the
16 legislature no later than twenty days prior to the convening of
17 the regular session of 2016 and 2017.
- 18 (f) The task force shall cease to exist on June 30, 2017.
- 19 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Affirmative Consent; University of Hawaii; Task Force

Description:

Establishes an affirmative consent task force to review and make recommendations on the University of Hawaii's executive policy on sexual harassment, sexual assault, domestic violence, dating violence, and stalking. (SB387 HD2)

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