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 is a matter of statewide concern.

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 training described in paragraph (1) by December 31, 2016, and every two years thereafter;

(3) Provide all new University of Hawaii employees with the training 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) Prohibit any student who does not complete the training described in paragraph (1) as required by
paragraph (4) from registering for classes the next semester and from graduating;

(6) 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;

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

(8) Report all sexual assault cases to the county police department for investigation.

(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 policies regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking to the Title IX coordinator of the faculty member's campus.

(c) The following romantic relationships are prohibited:
(1) Between a University of Hawaii student and a University of Hawaii faculty member;

(2) Between a University of Hawaii graduate student assistant and a University of Hawaii faculty member; and

(3) Between a University of Hawaii graduate student assistant and a University of Hawaii staff member.

(d) Any student that reports an incident of sexual assault, including incidents where the student reporting is under the age of twenty-one and has consumed alcohol, shall not be subject to disciplinary action by the University of Hawaii for acts evidenced by information provided by the student or information obtained based upon information provided by the student.

(e) Starting no later than December 31, 2016, the University of Hawaii shall conduct a campus climate survey of all students every two years. 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.

(f) 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 policies regarding:

(1) Student conduct;

(2) Nondiscrimination;

(3) Complaint procedures;

(4) Campus security;

(5) Alcohol consumption;

(6) Housing; and

(7) Workplace non-violence,

that conflict with any University of Hawaii 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. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY: [Signature]

JAN 27 2016
Report Title:
Affirmative Consent Task Force; Campus Safety; Sexual Assault

Description:
Requires UH to train employees and students on sexual harassment policies, appoint a campus advocate at each campus for students to discuss incidents of sexual harassment, report sexual assault cases to the police, and conduct a campus climate survey. Prohibits romantic relationships between a UH student and a UH faculty member.

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