HOUSE RESOLUTION

REQUESTING A STUDY ON LAWS AND POLICIES REGARDING RELATIONSHIPS BETWEEN TEACHERS AND STUDENTS.

WHEREAS, recent headlines have brought attention to the issue of sexual harassment in the workplace and in the classroom, including the role that authority and power dynamics play in sexual harassment cases; and

WHEREAS, even when consensual, a romantic relationship between a student and a teacher is an inherently uneven one, where the student is often susceptible to undue influence and pressure; and

WHEREAS, it is necessary to ensure that students at all educational institutions in the State, public and private, are protected from persons who might abuse their positions of power and influence; and

WHEREAS, the Hawaii Department of Education's Code of Conduct expressly prohibits employees, contractors, and volunteers from "any intentional solicitation, encouragement, or consummation of a romantic or physical relationship with a student, or any sexual contact with a student", regardless of whether the student is or has been under the care or supervision of that employee, contractor, or volunteer; and

WHEREAS, likewise, the University of Hawaii's Executive Policy 1.203 recognizes that when "a relationship involves individuals with a power and/or control differential, it is of special concern because of the potential for conflict of interest, appearance of such conflicts, and/or abuse of power"; and

WHEREAS, the University of Hawaii therefore prohibits initiating or engaging in new consensual relationships between
employees and students wherein a power and control differential
exists"; and

WHEREAS, while most, if not all, states have laws that
prohibit consensual sexual relationships between adults and
minors below a certain age, a number of other states have gone
further by adopting laws that specifically prohibit certain
types of relationships involving persons in positions of
authority, such as teachers and educational staff; and

WHEREAS, Connecticut, Maine, Kansas, Maryland, North
Carolina, Ohio, Texas, and Washington, among others, have
adopted laws prohibiting certain types of relationships or acts
between students and teachers or other persons in positions of
authority in schools; and

WHEREAS, New Jersey and New Hampshire have adopted laws
prohibiting certain types of relationships or acts between
minors and persons in positions of authority, regardless of
whether the relationship occurs in a school; and

WHEREAS, these states have additionally provided for
criminal penalties for engaging in these prohibited activities;
and

WHEREAS, the Legislature believes it is necessary and
prudent to examine whether similar laws should be enacted in
this State to ensure the safety of all students in the State,
whether they attend a public or private school, or whether they
attend an institution of lower education or higher education;
now, therefore,

BE IT RESOLVED by the House of Representatives of the
Twenty-ninth Legislature of the State of Hawaii, Regular Session
of 2018, that the Legislative Reference Bureau is requested to:

(1) Conduct a study on the policies of the University of
Hawaii System, Department of Education, and private
schools in the state that address relationships
between teachers and students;
(2) Include in the study a review of the laws of all states that have enacted laws prohibiting consensual or romantic relationships between teachers and students; and

(3) Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2019; and

BE IT FURTHER RESOLVED that the Department of Education, University of Hawaii System, Hawaii Association of Independent Schools, private schools of the State, their staff, and other relevant persons, agencies, and entities are requested to cooperate and assist the Legislative Reference Bureau, and to provide information requested by the Legislative Reference Bureau; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Director of the Legislative Reference Bureau, Superintendent of Education, President of the University of Hawaii, and Executive Director of the Hawaii Association of Independent Schools, who in turn, is requested to transmit copies of this Resolution to the administrative heads of its member institutions.

OFFERED BY: ______________________________

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