

JAN 17 2020

A BILL FOR AN ACT

RELATING TO CAMPUS SAFETY.

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

1 SECTION 1. The legislature finds that college campuses
2 should be safe from sexual and domestic violence. According to
3 the Rape, Abuse & Incest National Network, the nation's largest
4 anti-sexual violence organization, 11.2 per cent of all college
5 students experience rape or sexual assault through physical
6 force, violence, or incapacitation. Among undergraduate
7 students, 23.1 per cent of females experience rape or sexual
8 assault through physical force, violence, or incapacitation.

9 The legislature further finds that incidents of sexual and
10 domestic violence are also pervasive on college campuses in
11 Hawaii. More than 22 per cent of female students at the
12 University of Hawaii have experienced dating or domestic
13 violence and about 12 per cent have been sexually harassed or
14 stalked during their time at the university, according to a
15 survey of students released in 2018.



1 The purpose of this Act is to expand protections for
2 victims of sexual and domestic violence at Hawaii's institutions
3 of higher education by:

- 4 (1) Strengthening access to confidential support services;
- 5 (2) Requiring that all students receive information about
6 sexual and domestic violence prevention and disclosure
7 protocols; and
- 8 (3) Requiring training on the impact of trauma for
9 university and college employees responsible for
10 investigating incidents and assisting victims of
11 sexual and domestic violence.

12 SECTION 2. Section 304A-120, Hawaii Revised Statutes, is
13 amended by amending subsection (a) to read as follows:

- 14 "(a) The University of Hawaii shall:
- 15 (1) Train all University of Hawaii students and employees,
16 including security personnel, Title IX coordinators,
17 and residential advisors, on:
 - 18 (A) Public Law 92-318, Title IX of the federal
19 Education Amendments of 1972, as amended;
 - 20 (B) The Violence Against Women Act of 1994, as
21 amended; and



- 1 (C) University of Hawaii executive policies on sexual
2 harassment, sexual assault, domestic violence,
3 dating violence, and stalking;
- 4 (2) Provide all existing University of Hawaii employees
5 with the training described in paragraph (1) by July
6 1, 2017, and every two years thereafter;
- 7 (3) Provide all new University of Hawaii employees with
8 the training described in paragraph (1) no later than
9 thirty days after the date of first employment;
- 10 (4) Provide all students with the training described in
11 paragraph (1) annually;
- 12 (5) Provide employees involved in investigating incidents
13 or assisting victims of sexual harassment, sexual
14 assault, domestic violence, dating violence, stalking,
15 and related issues with training on the
16 neurobiological and psychological impact of trauma,
17 social stigmas, and stereotypes surrounding the causes
18 and impact of trauma, and the components of trauma-
19 informed care;
- 20 [~~4~~] (6) At each campus of the University of Hawaii
21 system, designate a confidential advocate for



1 students to confidentially discuss incidents of, and
2 obtain information on, sexual harassment, sexual
3 assault, domestic violence, dating violence, stalking,
4 and related issues; provided that confidential
5 advocates and communications received by confidential
6 advocates shall not be exempt from any otherwise
7 applicable mandatory reporting requirements for child
8 and vulnerable adult neglect and abuse as provided by
9 chapters 346 and 350;

10 (7) Designate at least one confidential resource advisor
11 to provide information to students and employees
12 regarding:

13 (A) Options for reporting incidents of sexual
14 harassment, sexual assault, domestic violence,
15 dating violence, stalking, and related issues;

16 (B) Counseling services available on campus and
17 through off-campus victim-services providers for
18 survivors of sexual and domestic violence;

19 (C) Medical and health services available on campus
20 and off campus;

21 (D) Campus security escort services;



- 1 (E) Academic and residential life accommodations;
- 2 (F) Student loan counseling for students considering
- 3 temporary or permanent withdrawal or half-time
- 4 enrollment as a result of sexual or domestic
- 5 violence;
- 6 (G) The university's investigative and disciplinary
- 7 processes with regard to sexual harassment,
- 8 sexual assault, domestic violence, dating
- 9 violence, stalking, and related issues;
- 10 (H) Legal processes carried out through local, state,
- 11 and federal law enforcement agencies with regard
- 12 to sexual harassment, sexual assault, domestic
- 13 violence, dating violence, stalking, and related
- 14 issues; and
- 15 (I) Any limits on the ability of the confidential
- 16 resource advisor to provide privacy or
- 17 confidentiality to the student;
- 18 provided that the confidential resource advisor may
- 19 assist a student or employee in contacting or
- 20 reporting an incident of sexual harassment, sexual
- 21 assault, domestic violence, dating violence, stalking,



1 or a related issue to university officials or law
2 enforcement agencies; provided further that the
3 confidential resource advisor shall not be required to
4 report an incident of sexual harassment, sexual
5 assault, domestic violence, dating violence, stalking,
6 or a related issue to the university or a law
7 enforcement agency unless otherwise required to do so
8 by state or federal law, and shall not disclose
9 confidential information without the prior written
10 consent of the student or employee who shared the
11 information;

12 [~~6~~] (8) Publicize the name, location, phone number, and
13 e-mail address of the confidential advocate and
14 confidential resource adviser on the website of each
15 respective campus;

16 [~~7~~] (9) [~~Make available~~] Distribute annually to all
17 students and employees written and electronic
18 materials and training programs concerning Title IX of
19 the Higher Education Amendments of 1972; the Violence
20 Against Women Act of 1994; and University of Hawaii



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1 policies concerning sexual harassment, sexual assault,
2 domestic violence, dating violence, and stalking; [~~and~~
3 ~~(8)] (10) Inform victims in writing of the right to file a
4 police report with the appropriate county police
5 department for investigation and assist victims in
6 submitting the police report[-]; and
7 (11) Enter into and maintain a memorandum of understanding
8 with a victim services provider for victims of sexual
9 assault and sexual harassment to assist in developing
10 and implementing the university's policies, programs,
11 and training regarding sexual harassment, sexual
12 assault, domestic violence, dating violence, stalking,
13 and related issues; provided that the memorandum of
14 understanding may also authorize the victim-services
15 provider to provide an off-campus alternative for
16 students and employees of the university to receive
17 free and confidential services related to sexual and
18 domestic violence."~~

19 SECTION 2. Section 305J-8, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "§305J-8 Authorization to operate in the State; private
2 college or university. (a) To operate in the State, a private
3 college or university shall:

4 (1) Be party to a reciprocity agreement to which the State
5 is a member; or

6 (2) Apply for, on a form prescribed by the department, and
7 receive authorization from the director; provided that
8 the private college or university meets the
9 requirements of section 305J-14; provided further that
10 a private college or university shall apply for and
11 obtain a separate authorization for each campus,
12 branch, or site that is separately accredited. A
13 separate authorization shall not be required for
14 additional professional accreditations. A private,
15 nonprofit college or university shall submit
16 verification of its nonprofit status with its
17 application.

18 (b) Upon receiving an application for authorization, the
19 director shall review the application to confirm that the
20 private college or university is accredited. The director shall
21 not approve an application from a private college or university



1 that, in the two years preceding submission of the application,
2 has:

- 3 (1) Had its accreditation suspended or withdrawn;
- 4 (2) Been prohibited from operating in another state; or
- 5 (3) Substantially the same owners, governing board, or
6 principal officers as a private college or university
7 that has:

- 8 (A) Had its accreditation suspended or withdrawn; or
- 9 (B) Been prohibited from operating in another state.

10 (c) To operate in the State, a private college or
11 university shall be accredited on the basis of an on-site
12 review; provided that a candidate for accreditation seeking
13 authorization to operate may be issued a provisional
14 authorization to operate on an annual basis without
15 accreditation subject to a determination by the director that
16 issuance is in accordance with administrative rules, policies,
17 or procedures adopted by the director. A candidate for
18 accreditation may annually renew its provisional authorization
19 for a period not to exceed five years, unless an extension is
20 granted by the director for good cause.



1 (d) A private college or university shall notify the
2 department within thirty days of any material information
3 related to an action by the institution's accrediting body
4 concerning the institution's accreditation status, including but
5 not limited to reaffirmation or loss of accreditation, approval
6 of a request for change, a campus evaluation visit, a focused
7 visit, or approval of additional locations. In addition, the
8 institution shall immediately notify the department if the
9 institution's accrediting body is no longer recognized by the
10 United States Department of Education.

11 (e) A private college or university under the jurisdiction
12 of the department shall notify the department at least one year
13 prior to its ceasing of operations in the State.

14 (f) A private college or university authorized pursuant to
15 this chapter shall pay any and all fees established pursuant to
16 section 305J-18.

17 (g) A private college or university authorized pursuant to
18 this chapter shall, to the greatest extent possible, implement
19 the procedures and protocols identified in section 304A-120 with
20 respect to campus safety and accountability."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Amie Mercado Kiri

Lucy R. Hogue

SM

Michelle D. Tideri

Anna Tol

Roslyn H Baker

MR

STG

Karl Rhoads

DKH

P.S.P. Gil.

[Signature]
[Signature]
Ross E. [Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
Clarence K. [Signature]



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Report Title:

UH; Private Colleges and Universities; Campus Safety and Accountability; Women's Legislative Caucus

Description:

Strengthens campus safety and accountability procedures and protocols, including those relating to sexual harassment, sexual assault, domestic violence, dating violence, stalking, and related issues, at the University of Hawaii. Takes steps to extend those procedures and protocols to private institutions of higher education in Hawaii.

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