

Honolulu, Hawaii

MAR 24 2023

RE: H.B. No. 554
H.D. 2
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Higher Education, to which was referred
H.B. No. 554, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CAMPUS SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the University of Hawaii to ensure that any individual who participates in implementing the University's disciplinary process has training or experience in handling sexual misconduct complaints and the University's disciplinary process;
- (2) Require the University of Hawaii to provide mandatory annual trauma-informed, gender-inclusive, LGBTQ+-inclusive sexual misconduct primary prevention and awareness programming for University students and employees;
- (3) Prohibit the University of Hawaii from taking disciplinary action against individuals reporting sexual misconduct, unless certain exceptions apply; and



- (4) Establish and appropriate funds for four full-time equivalent (4.0 FTE) positions within the University of Hawaii.

Your Committee received testimony in support of this measure from the State Council on Developmental Disabilities, Disability and Communication Access Board, University of Hawai'i System, Hawai'i State Coalition Against Domestic Violence, Women's Caucus of the Democratic Party of Hawai'i, Education Caucus of the Democratic Party of Hawai'i, American Association of University Women of Hawaii, The Every Voice Coalition, Stonewall Caucus of the Democratic Party of Hawai'i, Imua Alliance, and twenty individuals. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that evidence-based training on sexual assault prevention and response empowers all members of a community to take action to stop sexual violence. According to testimony received by your Committee, one in three transgender or nonbinary University of Hawaii students experience sexual harassment, and students with disabilities are at least two times more likely than their peers without disabilities to experience sexual harassment. Therefore, your Committee believes it imperative that certain training programs be culturally accessible, trauma-informed, and inclusive of underserved and vulnerable populations. This measure supports the implementation of inclusive and trauma-informed sexual misconduct prevention and awareness programming for University of Hawaii students and employees to ensure a safe environment for all.

Furthermore, according to testimony received by your Committee, a recent survey found that a significant number of students who experienced gender-based violence did not report it to the University of Hawaii because they feared retaliation or discipline by the University. This measure further supports victims by prohibiting disciplinary action against individuals who report sexual misconduct.

Your Committee notes the concerns raised by the University of Hawai'i System that this measure, as currently written, may cause unintended consequences due to its overly broad language. In particular, the University notes the scope of immunity against disciplinary action that students or witnesses reporting sexual



misconduct who ask for an investigation are entitled to under this measure and the inclusion of all forms of sex-based discrimination in the definition of "sexual misconduct". Amendments to this measure are therefore necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that would have prohibited the University of Hawaii from subjecting a reporting party or witness who asks for an investigation of sexual misconduct to a disciplinary proceeding or sanction for a violation of the University's policy related to trespassing or unauthorized entry of University facilities, or other violations of University policy or the University's code of conduct, under certain circumstances;
- (2) Deleting language that would have allowed the University of Hawaii to subject a reporting party or witness who asks for an investigation of sexual misconduct to a disciplinary proceeding or sanction for an egregious violation of University policy or the University's code of conduct;
- (3) Deleting language that would have included in the definition of "sexual misconduct" incidences of stalking, harassment, and gender-based harassment or violence not otherwise included in the definition;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Higher Education that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 554, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 554, H.D. 2, S.D. 1, and be referred to your Committees on Ways and Means and Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Higher Education,




DONNA MERCADO KIM, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:*	Committee Referral:	Date:		
HB554 HDZ	HRE, WAM/JDC	3/21/23		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
KIDANI, Michelle N. (VC)	✓			
FUKUNAGA, Carol				✓
KEITH-AGARAN, Gilbert S.C.	✓			
FEVELLA, Kurt	✓			
TOTAL	4			1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes