



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
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By
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HB 2772 – RELATING TO THE UNIVERSITY OF HAWAII

Chair Choy, Vice Chair Ichiyama, and Members of the House Committee on Higher Education:

Thank you for the opportunity to present testimony on HB 2772 – Relating to the University of Hawaii. While the University of Hawai'i ("University") appreciates the intent of the measure in addressing critical issues relating to sex discrimination and gender violence at the University through the Affirmative Consent Task Force ("Task Force"), we believe it is not appropriate to support HB 2772 at this time primarily because the final report is not due until June 30, 2017.

Act 222, Session Laws of Hawai'i 2015, established an Affirmative Consent Task Force comprised of University employees representing the University System and all ten campuses, community experts, and University students ("Task Force"). We believe the Legislature was prudent in its decision to allow the Task Force until June 30, 2017 to complete the complex and important task of reviewing the University's policy concerning sexual harassment, sexual assault, domestic violence, dating violence, and stalking. The Task Force is in the best position to consider the various initiatives outlined in this bill, and as evidenced by its first Report to the Legislature, has already begun to address all of the considerations identified in HB 2772. However, the final report is not due until June 30, 2017.

Additionally, we have concerns regarding implementation of HB 2772. Most notably, we oppose the described mandatory notifications of sexual assault cases to law enforcement as reporting to the criminal justice system should always be the victim's choice. Further, while we support the designation of all university employees as Responsible Employees, the University should have the authority to designate confidential offices and maintain privileged communications, as allowable by state law.

Based on the above, the University respectfully opposes HB 2772.