



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committees on Higher Education and the Arts and Judiciary and Labor
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by
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SB 387 – RELATING TO AFFIRMATIVE CONSENT

Chairs Taniguchi and Keith-Agaran, Vice Chairs Inouye and Shimabukuro, and Members of the Committees:

Thank you for the opportunity to submit testimony on SB 387. The University of Hawai'i (University) applauds the legislature for opening the dialogue on gender and sexual violence. We further appreciate the acknowledgement that the University of Hawai'i is a key player in making advancement in these areas across the state. However, to that end, we support the spirit and intent of the bill. Regretfully, however, we are unable to support conditioning the receipt of state funds by the University on adopting the prescriptive policy language set forth in the bill.

The University of Hawai'i is comprised of 10 campuses, which supports varying programs and student populations, as well as delivering diverse services and amenities to local, national, and international students. Additionally, the University employs approximately 10,000 faculty, staff and administrators that fall under collective bargaining agreements with the HGEA, UHPA, UPW, or under other board policies. To that end, any systemwide policies must follow the processes and procedures of the respective collective bargaining agreements and associative state law. Additionally, the University has a responsibility for ensuring that its policies are fair in both form and application, with regards to all stakeholders that have an interest in an affirmative consent policy. As such, we believe the appropriate forum and vehicle for achieving such outcome is through the internal process and procedures of the University of Hawai'i.

Furthermore, at this time, the University is in the process of issuing an updated policy that includes guidelines for the University of Hawai'i system regarding sexual harassment, sexual assault, domestic violence, dating violence, and stalking. These guidelines are intended to address the requirements of VAWA. The policy was carefully crafted, involving months of research and systemwide committee work, to achieve a policy with guidelines that would support the University's broad mission of promoting safe, healthy campus environments while at the same time addressing the complex and interrelated requirements of state and federal sex discrimination and sexual violence laws and regulations that cover students, employees, and third parties.

In closing, we appreciate and value the legislature's interest in setting the standard against sexual violence at the University of Hawai'i. However, we do not believe that conditioning the receipt of state funds upon the adoption of prescriptive policy language is the best course of action. Instead, the University requests the opportunity to develop such policies in accordance with its internal processes and procedures.

Thank you for the opportunity to testify on SB 387.