



UNIVERSITY OF HAWAI'I SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
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by
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SB 387 SD2 – RELATING TO AFFIRMATIVE CONSENT

Chair Choy, Vice Chair Ichiyama, and Members of the Committee:

Thank you for the opportunity to submit testimony on SB 387 SD2, which mandates that the University of Hawai'i (University) adopt and implement a rather prescriptive policy and definition around affirmative consent in the context of sexual harassment and sexual violence. Last month, the University updated its sexual harassment policy to specifically address sexual assault, domestic violence, dating violence, and stalking. As such, we believe this measure is not necessary. Furthermore, we believe that from a governance and implementability standpoint, policies of this nature are more appropriately developed through the internal process and procedures of the University.

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 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.

As previously mentioned, the University recently updated its sexual harassment/sexual violence policy to be both fair and balanced in its form and application, with regards to all stakeholders that have an interest in an affirmative consent policy. These guidelines are specifically intended to address the requirements of the Violence Against Women Act

(VAWA). It was carefully crafted, involving months of research and systemwide committee work, to achieve a standard that supports 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, the University respectfully opposes Senate Bill 387 SD2 on the basis that it is unnecessary and duplicative at this time. Additionally, we believe that from a governance and implementability standpoint, policies of this nature are more appropriately developed through the internal process and procedures of the University.

Thank you for the opportunity to testify on Senate Bill 387 SD2.