



HAWAI‘I CIVIL RIGHTS COMMISSION

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February 24, 2017
Rm. 016, 9:15 a.m.

To: The Honorable Gilbert Keith-Agaran, Chair
Members of the Senate Committee on Judiciary and Labor

From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: S.B. No. 419, S.D.1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services. The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights.

Article I, section 5 of the Hawai‘i Constitution provides:

No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, *nor be denied the enjoyment of the person’s civil rights or be discriminated against in the exercise thereof because of race, religion, sex, or ancestry.*
(emphasis added).

The HCRC strongly opposes S.B. No. 419, S.D.1, because it codifies sex discrimination into state law.

S.B. No. 419, S.D.1, if enacted, will prohibit young men, ages 18-25, who fail to register with the Selective Service System from: enrolling at, or receiving education from, any campus of the University of Hawai‘i System; receiving state educational financial assistance; and being eligible for county or state employment or service. On its face, because the federal Selective Service Act only applies to males, the proposed prohibition is limited to males. It imposes a discriminatory burden on men that does not apply to women. The Senate Committees on Public Safety, Intergovernmental, and Military Affairs and Higher Education tried to address this concern by deleting references to “male(s),” but that does not address the disparate impact of the law on males, because the Selective Service Act only requires registration of young men (not women), ages 18-25. S.B. No. 419, S.D.1, would import that discriminatory federal classification and apply it to state employment, higher education, and service, affecting rights under state law.

In addition, the new prohibition would likely bar young men who are conscientious objectors based on their religious beliefs from state higher education and county or state employment or service, including service in elected office.

The HCRC strongly opposes S.B. No. 419, S.D.1, and urges the Committee to hold the bill.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee Judiciary and Labor
February 24, 2017 at 9:15 a.m.

By

Risa E. Dickson, Vice President for Academic Planning and Policy
University of Hawai'i System

SB 419 SD1 – RELATING TO SELECTIVE SERVICE

Chair Keith-Agaran, Vice Chair Rhoads, and members of the committee:

SB 419 SD1 requires compliance with the Military Selective Service Act to qualify for state financial assistance, which would include loans, grants, scholarships and tuition waivers or other financial assistance for post-secondary education that is provided by the state.

The purpose of increasing compliance with the federal Military Selective Service Act is well-intentioned, however the University of Hawai'i (UH) has significant concerns about SB 419 SD1.

All individuals who apply for federal financial aid through the Free Application for Federal Student Aid (FAFSA) are data matched through the Selective Service confirmation process and males are afforded the option to automatically register for Selective Service. This FAFSA information is downloaded to the University's student information system. Since not all high school graduates apply to UH, and among those who do apply, not all apply for federal financial aid, the yield to the US Military Selective Service may not be as high as anticipated by the intervention proposed in SB 419 SD1.

Second, at UH, complying with SB 419 SD1 would require altering computerized workflows as well as adding manual checking, because not all students apply for federal financial aid. The UH computer systems can easily screen for selective service registration of financial aid filers, but the bigger issue is admissions offices needing to screen for financial aid filing before admitting an applicant. The UH student information computer system is not set up to do this screening outside of the FAFSA financial aid process so implementing this at the admissions state would have major impact on the workload of frontline operations in the University financial aid application processes, and require significant additional resources to comply.

Student enrollment has been declining in recent years, and UH would be cautious to add any process that might discourage application and enrollment by creating additional steps for a prospective student. Finally, the bill's applicability to continuing students (i.e. those already enrolled) will require ample planning, foresight, and anticipation to minimize disruption in their continued enrollment and persistence.

The University of Hawai'i respectfully submits these comments on SB 419 SD1. Thank you for the opportunity to testify.