

Testimony on behalf of the
Hawai'i State Commission on the Status of Women
Khara Jabola-Carolus, Executive Director

Prepared for the House Committee on Legislative Management (LMG)

In Support of HB483
Tuesday, February 5, 2018 at 2:00 p.m. in Room 312

Dear Chair Cullen, Vice Chair Nakashima and Honorable Members,

The Hawai'i State Commission on the Status of Women writes in **support** of HB483 which would require the Legislative Reference Bureau to submit by 1/24/2019, a report studying how other jurisdictions oversee Title IX enforcement.

Last year, Hawai'i made history by passing HB1489 into Act 110, creating a state analog to the Patsy Mink Equal Opportunity in Education Act (Title IX). The landmark law; however, is incomplete and lacks enforcement procedures and remedies. In light of the Trump administration's revocation of more than twenty Obama-era policy guidelines on anti-discrimination laws, state action is critical. The Commission supports the extension of the LRB deadline to ensure that the new law is enforceable, and does not erode existing Hawai'i civil rights laws.

We support the intent of this measure and respectfully urge the Committee to pass HB483.

Sincerely,

Khara Jabola-Carolus

Charlotte A. Carter-Yamauchi
Director

Shawn K. Nakama
First Assistant

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LEGISLATIVE REFERENCE BUREAU
State of Hawaii
State Capitol, Room 446
415 S. Beretania Street
Honolulu, Hawaii 96813

Written Comments

HB483 RELATING TO CIVIL RIGHTS

Charlotte A. Carter-Yamauchi, Director
Legislative Reference Bureau

Presented to the House Committee on Legislative Management

Tuesday, February 5, 2019, 2:00 p.m.
Conference Room 312

Chair Cullen and Members of the Committee:

Good afternoon Chair Cullen and members of the Committee, my name is Charlotte Carter-Yamauchi and I am the Director of the Legislative Reference Bureau. Thank you for providing the opportunity to submit written comments on H.B. No. 483, Relating to Civil Rights.

The purpose of this measure is to:

- (1) Extend the deadline for the Bureau to complete its study of existing federal Title IX procedures and enforcement, in addition to examining Title IX corollaries in other jurisdictions; and
- (2) Serve as a means for implementing the recommendations in the study.

The Bureau takes no position on this measure, but submits the following comments for your consideration.

The Bureau acknowledges that the act requiring the study, Act 110, Session Laws of Hawaii 2018, established a report due date of no later than twenty days prior to the convening of the 2019 Regular Session, which was December 27, 2018. The Bureau also acknowledges that the January 24, 2019, deadline extension proposed in this measure has passed as well. Due to an extraordinary amount of additional work during this past interim

and the substantial complexity of this study's subject matter, the Bureau has been unable to complete the Title IX study in the time allotted to it. However, the Bureau is working diligently to complete the study as soon as possible in light of the challenges posed by, among other things; articulating the evolving nature of the federal Title IX enforcement process and the concomitant uncertainty that lies ahead; an unavoidable change to assigned Bureau personnel conducting the study during a critical time in the study process; and the Bureau's current heavy session workload.

Thank you again for the opportunity to submit written comments.

To: Hawaii State House of Representatives Committee on Legislative Management
Hearing Date/Time: Tuesday, February 5, 2019, 2:00 pm.
Place: Hawaii State Capitol, Rm. 312
Re: Testimony of Planned Parenthood Votes Northwest and Hawaii in strong support of H.B. 483, relating to Civil Rights

Dear Chair Cullen and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 483, which requires the Legislative Reference Bureau to submit by 1/24/2019 a report studying how other jurisdictions oversee Title IX enforcement.

Enforcement of Title IX is urgently needed in light of the current federal administration’s overt and concerted effort to dismantle federal anti-discrimination laws. The Trump administration has reversed the federal government’s previous interpretation of the prohibition against discrimination based on “sex” that included discrimination based on sexual orientation, and gender identity and expression. The administration also rescinded protections for transgendered students that had been put into effect by President Obama. In addition, USDOE rescinded its guidance on the investigation of campus sex assaults. As a result, those who have suffered sex-based harm must now contend with weaker protections from sex discrimination, including sexual harassment and sexual assault. This war on women, girls, and LGBT individuals calls upon all of us to take action.

The most recent University of Hawaii Climate Survey Report, which polled 44,671 adult students across ten UH campuses, further reveals the necessity for a state-level solution. For example, 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, while 1 in 4 felt that an off-campus, university-sponsored event incident was likely.¹ In addition, 1 in 16 UH survey participants system-wide reported non-consensual sexual contact at any time while enrolled at UH.²

Please pass H.B. 483 to take a step closer to ensuring that our state Title X law adequately protects victims of sexual assault and harassment on campus and provides them with the care and justice they deserve.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,
Laurie Field
Hawaii State Director

¹ Loui, P. “University of Hawaii Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary,” Sept. 11, 2017.

² *Id.*

HB-483

Submitted on: 2/1/2019 4:23:04 PM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawaii supports the passage of HB 483.

Mahalo for your consideration and for the opportunity to testify.

Mahalo,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawaii



of Hawaii

February 2, 2019

From: Hannah Liebreich, Title IX Specialist, Public Policy Committee, AAUW Hawaii
Younghee Overly, Public Policy Chair, AAUW Hawaii

To: Hawaii State House Committee on Legislative Management
Hearing Date/Time: February 5, 2019 2:00PM
Place: Hawaii State Capitol, Rm. 312
Re: Testimony in SUPPORT of HB483

Dear Chair Cullen, Vice-Chair Nakashima, and Members of the Committee,

Thank you for this opportunity to testify in in strong support of HB483, which would provide further protection to students based on sex and gender under Title IX.

- Despite overwhelming evidence of sexual harassment in schools, the Civil Rights Data Collection (CRDC) revealed that more than three-fourths (79) of all public school grades 7-12 reported zero incidents of sexual harassment. The math does not add up.¹
- According to the recent University of Hawai'i Climate Survey Report, which polled 44,671 adult students across 10 UH campuses:²
 - Native Hawaiian students are particularly vulnerable to all forms of gender violence on campus;
 - 1 in 10 students reported experiencing sexual harassment at any time while enrolled at UH;
 - 1 in 8 students felt that it was likely that they would experience sexual assault or sexual harassment while on campus, with 1 in 4 feel that an off-campus, university-sponsored event incident was likely;
 - Lesbian/gay/bisexual students had significantly higher rates of all forms of gender violence than those in other sexual orientation groups;
 - And, graduate students are most vulnerable to sexual harassment and non-consensual sexual contact by faculty.

Given these troubling findings, AAUW Hawaii humbly asks that the Committee consider:

- Hawaii State Corollary providing Title IX protection which were provided by 2011 and 2014 Title IX guidance from U.S. Department of Education (USDOE).
- Hawaii State Title IX Corollary, UH and Hawaii DOE regulation which would also provide:
 - More explicit process for notifying parties involved with complaints.

¹ Yuen, P., "Three-Fourths of Schools Report Zero Incidents of Sexual Harassment in Grades 7-12," Oct. 24, 2017.

² Loui, P. "University of Hawai'i Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence: Executive Summary," Sept. 11, 2017.

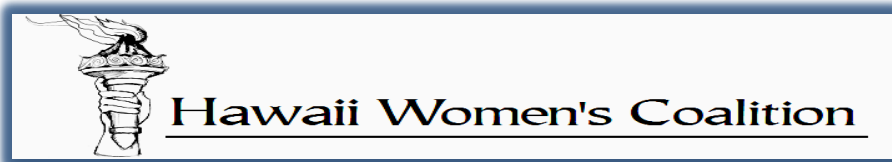
- More explicit directions regarding how to notifying students of their rights and resources... without being overly prescriptive.
- Better protections for vulnerable populations identified in 2017 UH Climate Survey Report.
- Clear definition of “notice” and expectations for reporting (responsible employees)
- Allocation of funds to create equitable locker rooms and other athletic related spaces at Hawaii DOE schools and across UH System.
- Allocation of funds for additional support services (i.e. mental health counselors, advocates and educators).

The American Association of University Women (AAUW) of Hawaii is a state-wide organization made up of six branches (Hilo, Honolulu, Kauai, Kona, Maui, and Windward Oahu) and includes just over 450 active members with over 1700 supporters statewide. As advocates for gender equity, AAUW of Hawaii promotes the economic, social, and physical well-being of all persons.

Thank you for your time and consideration regarding this important issue.

Sincerely,

A handwritten signature in blue ink, appearing to be the initials 'WJ' or similar, written in a cursive style.



COMMITTEE ON LEGISLATIVE MANAGEMENT

Rep. Ty J.K. Cullen, Chair

Rep. Mark M. Nakashima, Vice Chair

DATE: Tuesday, February 5, 2019

TIME: 2:00pm

PLACE: Conference Room 312

Strong Support for HB438 relating to a State Title IX enforcement.

Aloha Chair Cullen, Vice Chair Nakashima, and members,

The Hawaii Women's Coalition is in **Strong Support** of this measure that requires the Legislative Reference Bureau to submit by 1/24/2019, a report studying how other jurisdictions oversee Title IX enforcement.

The Patsy T. Mink act was passed into law in 1972! How many years does it take our schools to comply!

Act 110 directs the legislative reference bureau to conduct a study of existing federal Title IX procedures and enforcement in addition to examining Title IX corollaries in other jurisdictions. The LRB study would include:

- Detailed review of enforcement entities responsible for Title IX investigation/adjudication
- Issues related to the complaint filing process.
- Remedies for violations that may be available to reporting party, including alternate dispute resolution, injunctive relief, civil damages.
- Potential inconsistencies between state and federal compliance mandates.
- HB483/SB1042 extends the deadline for the legislative reference bureau study from twenty days prior to the convening of the regular session of 2019 to January 24, 2019.

We believe this a matter of some urgency as our Keiki and young adults are being put at MORE risk than they already suffer in our public schools – the risk of sex assault, sex harassment, bullying, from other students, teachers and professors. The Patsy Mink Act, Title IX, was designed to protect our precious students from these forms of sex violence that are patterns of discrimination creating a hostile education environment.

Why are they more at risk? Because the Trump-appointed Betsy Devos is systematically dismantling the act at the federal level. After withdrawing Title IX protection for transgender students in February 2017 and reversing 2011 and 2014 Title IX guidance in September 2017, the USDOE announced in November 2018 Notice of Proposed Rulemaking (NPRM), a plan to reverse the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation, and gender identity and expression. USDOE also rescinded its guidance on the investigation of campus sex assaults. Therefore we must act NOW at the state level.

Please pass this bill. Mahalo for the opportunity to testify,

Ann S. Freed

Co-Chair, Hawaii Women's Coalition

HB-483

Submitted on: 2/3/2019 7:34:24 PM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
elizabeth hansen	Individual	Support	No

Comments:

Aloha Legistors: As a social worker with a Masters Degree in Social Work, and have worked in the schools for 20 years, I have seen the need for IX protection for students. So this is a bill I support and hope you will also.

We need to have allocation of funds to create equitable locker rooms and other athletic related spaces at Hawaii DOE schools and across UH System.

Also needed is allocation of funds for additional support services (i.e. mental health counselors, advocates and educators).

Mahalo,

Elizabeth Hansen, Hakalau HI 96710

HB-483

Submitted on: 2/2/2019 5:19:56 AM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Caroline Kunitake	Individual	Support	No

Comments:

Please support HB483. We need to improve the efficacy of Title IX and implement recommendations determined by the study.

After being stalked at an out of state graduate school for five months, I learned how important it is for educational institutions to support and protect their students, faculty and staff in matters relating to sexual harassment, sexual violence and other unwanted behaviors.

We need the State of Hawaii to step up and support HB483 to protect victims and create a culture of transparency and accountability of those who are accused.

Mahalo,

Caroline Kunitake

HB-483

Submitted on: 2/3/2019 10:50:12 AM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mary Jo Morrow	Individual	Comments	No

Comments:

I worked for the DOE for 40 years. In the time I have seen administration use Title IX monies for purchase orders not used for Title IX purposes. These monies were very rarely used for womens' or girls' use. Only when Title IX teachers were in charge of the ordering were the monies appropriately used.

Mary Jo Morrow

258 Kuupua St.

HB-483

Submitted on: 2/3/2019 3:58:37 PM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Joy Marshall	Individual	Support	No

Comments:

HB-483

Submitted on: 2/3/2019 6:15:47 PM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

It is imperative we push toward upholding Title XI as originally intended, especially in light of the current DC administration pushing against Title XI and the protections and enforcement of the rights of our children.

HB-483

Submitted on: 2/4/2019 11:49:25 AM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Individual	Comments	Yes

Comments:

Dear Chair Cullen, Vice Chair Nakashima, and members of LMG Committee,

Thank you for this opportunity to submit a comment for HB483. As you know, Act 110 of Session Laws of Hawaii 2018 prohibits, effective January 1, 2020, discrimination on the basis of sex, including sexual orientation, gender identity, or gender expression, in any state educational program or activity, or in any educational program or activity that receives state financial assistance. Act 110 also directs the LRB to conduct a study of existing federal Title IX procedures and enforcement in addition to examining Title IX corollaries in other jurisdictions.

Meanwhile, the U.S. Department of Education (USDOE) is working to systematically dismantle Title IX protections. After withdrawing Title IX protection for transgender students in February 2017^[1] and reversing 2011 and 2014 Title IX guidance in September 2017^[2], the USDOE announced in November 2018 Notice of Proposed Rulemaking (NPRM), a plan to reverse the federal government's previous interpretation of the prohibition against discrimination based on "sex" that included discrimination based on sexual orientation, and gender identity and expression. USDOE also rescinded its guidance on the investigation of campus sex assaults.^[3]

On one hand, I am eager to see Hawaii's Title IX corollary to provide the protection our keiki need from sexual harassment and assault immediately. On the other hand, I am concerned that Act 110 would cause unnecessary confusion and delay without explicit process and support resources, especially given the new US DOE Title IX regulations. We need LRB's study as directed by Act 110, input from community (students, teachers, parents, etc), and then state corollary with explicit process and support.

Please delay the effective date of Act 110 to July 1, 2020 and please instruct LRB to complete the study by March 1, 2019.

Mahalo for your consideration.

[1] <https://www.ed.gov/news/press-releases/us-secretary-education-betsy-devos-issues-statement-new-title-ix-guidance>

[2] <https://www.ed.gov/news/press-releases/department-education-issues-new-interim-guidance-campus-sexual-misconduct>

[3] <https://www.aauw.org/article/the-attack-on-title-ix/>

To: House Committee on Legislative Management
Chair Ty Cullen, Vice Chair Mark Nakashima

Re: HB 483 LRB; Education; Civil Rights; Discrimination; Sex; Sexual Orientation; Gender Identity; Gender Expression; Study; Requires the Legislative Reference Bureau to submit by 1/24/2019, a report studying how other jurisdictions oversee Title IX enforcement.

February 5, 2019

Chair Cullen and Vice Chair Nakashima-

The National Association of Social Workers- Hawai'i is in strong support of HB 483. Watching the systematic dismantling of the Title IX protections by the US department of Education at the national level has made it abundantly clear that we need to institute protections on the state level. Gender based violence and discrimination continue to be prevalent, with data showing sexual harassment as young as middle school for nearly 48% of students (AAUW, 2011).

Discrimination and harassment continue through the college years, with 1 in 10 UH students experiencing harassment while enrolled, with Native Hawaiian and gender non-conforming students experiencing the highest rates of gender violence.

This is where we need your help. We are requesting an LRB report to study how other places enforce Title IX.

- Enforcement by the Hawaii State Corollary of the Title IX protections that were spelled out in the 2011 and 2014 Title IX guidance from the USDOE.

Hawaii State Title IX Corollary, UH and Hawaii DOE regulation which would also provide:

- More explicit process for notifying parties involved with complaints.
- More explicit directions regarding how to notifying students of their rights and resource, without being overly prescriptive.

- Better protections for vulnerable populations identified in 2017 UH Climate Survey Report.
- Clear definition of "notice" and expectations for reporting (responsible employees)



National Association of Social Workers

- Allocation of funds to create equitable locker rooms and other athletic related spaces
- Hawaii DOE schools and across UH System.
- Allocation of funds for additional support services (i.e. mental health counselors, advocates and educators).

Sonja Bigalke-Bannan, MSW, LSW
Executive Director
National Association of Social Workers- Hawaii

LATE

HB-483

Submitted on: 2/4/2019 7:28:31 PM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Midwives Alliance of Hawaii	Midwives Alliance of Hawaii	Support	No

Comments:

We strongly support HB483. We look forward to the report.

LATE

HB-483

Submitted on: 2/4/2019 7:29:53 PM

Testimony for LMG on 2/5/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Lea Minton	Individual	Support	No

Comments: