

# HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

Friday, February 25, 2022  
Via Videoconference, 11:00 a.m.  
Conference Room 308

To: The Honorable Sylvia Luke, Chair  
The Honorable Kyle T. Yamashita., Vice Chair  
Members of the House Committee on Finance

From: Liann Ebesugawa, Chair  
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 1775, H.D. 2

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. Art. I, Sec. 5.

**The HCRC supports H.B. No. 1775, H.D. 2, with a concern and suggested clarification discussed on pages 3-4 of this testimony.**

H.B. No. 1775, H.D.2, amends H.R.S. Chapter 368D, by adding a purpose section in Chapter 368D that clarifies the scope of the state law corollary to the Federal Title IX law. In Section 1 of the bill, the Legislature makes a finding that, “[p]ursuant to the exclusive jurisdiction of the legislature to identify laws of statewide concern, granted under article X, section 6, of the Hawaii State Constitution, the legislature ... finds that the prohibition of discrimination on the

basis of sex, including gender identity or expression, or sexual orientation, is a matter of statewide concern.”

The bill also adds new sections to Chapter 368D that require covered entities (entities that have an educational program or activity that receives state financial assistance, in any amount, for any purpose) to adopt written policies and undertake specified enforcement action, and for state educational programs or activities (UH, DOE, and public charter schools) to submit annual reports to the Legislature.

Act 110, L 2018, established a state corollary to Title IX by adding a new chapter to Title 20 of the Hawai‘i Revised Statutes, now HRS chapter 368D, prohibiting discrimination based on sex, including gender identity or expression, or sexual orientation in any state educational program and activity or educational program or activity that receives state financial assistance. H.B. No. 1775, H.D. 2, provides a framework for enforcement of the state Title IX corollary.

H.B. No. 1775, H.D. 2, provides students protection against sex discrimination, including sexual harassment and sexual assault, similar to the protections provided for employees under federal and state fair employment laws, Title VII and H.R.S. Chapter 378, Part I, respectively. In doing so, it provides needed protections for the most vulnerable to harm, for the purpose of providing a safe learning environment free of sex discrimination, that provides all with an equal opportunity to succeed without regard to sex, including gender identity or expression, or sexual orientation.

H.B. No. 1775, H.D. 2, maintains the standing of persons, organizations, and associations under H.R.S. § 368D-1 to file complaints alleging violations of Chapter 368D. It also continues to provide that nothing in Chapter 368D precludes an individual participating in a covered educational program or activity from filing a civil action in court. The HCRC suggests that the statute should also provide for the award of attorneys fees and costs to a prevailing complainant.

On March 8, 2021, President Biden signed an Executive Order expressing a policy commitment that all students should be guaranteed an educational environment free from discrimination on the basis of sex, including discrimination in the form of sexual harassment, which encompasses sexual violence, and including discrimination on the basis of sexual orientation or gender identity, and ordering a review of all regulations, orders, guidance documents, policies, and agency actions that are inconsistent with that commitment. To that effect, the USDOE is expected to release proposed amended regulations in 2022 to reverse Trump administration USDOE regulations that gutted such protections.

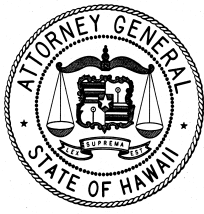
Shifting federal interpretation and enforcement of Title IX protections against sex discrimination, with about-face turns in conflicting rules, guidance, and executive actions and orders, serve to highlight the need for strong state law and the legislature’s wisdom in enacting the state law corollary to Title IX. Here, as a historical theme in Hawai‘i civil rights lawmaking, federal law is a “floor” beneath which state law protections against discrimination cannot drop, rather than a “ceiling” above which state law protections cannot rise. California Federal Sav. and Loan Ass’n v. Guerra, 479 US 272, 290-292 (1987).

The state Title IX corollary is only effective if it sets a high state standard protecting against discrimination, and the new, amended H.R.S. Chapter 368D should not automatically hew to shifting federal standards.

In this respect, the purpose/scope/construction language found in the new H.R.S. § 368D-\_\_ (b), at the beginning of Section 2 of the H.D.2 is cause for concern, where it states: “**(b) If any conflict arises between applicable mandatory federal requirements under Title IX and any state law requirements, the federal requirements shall prevail.**” This language regarding statutory construction is apparently meant to resolve conflicts between state law requirements and USDOE federal policy and procedure mandates under Title IX. In order to avoid confusion and

clarify the legislative intent to provide stronger state anti-discrimination protections (e.g., against discrimination on the bases of sex, *including gender identity or expression, or sexual orientation*), than has been expressly provided in federal Title IX statutory language, that legislative intent should be express both in the bill and the committee report(s). Not every difference between state law and federal law constitutes a conflict. **Note: The concerning new statutory language was first added in the H.D.2, without explanation.**

**With this concern and suggested clarification, the HCRC supports H.B. No. 1775  
H.D. 2.**



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1775, H.D. 2, RELATING TO CIVIL RIGHTS.

**BEFORE THE:**

HOUSE COMMITTEE ON FINANCE

**DATE:** Friday, February 25, 2022                      **TIME:** 11:00 a.m.

**LOCATION:** State Capitol, Room 308, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Anne T. Horiuchi, Deputy Attorney General

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Chair Luke and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The bill requires entities with state educational programs or activities, or that provide educational programs or activities and receive state funding in any amount and for any purpose, to adopt written policies and undertake other specified actions to ensure better compliance with chapter 368D, Hawaii Revised Statutes (HRS). This bill would broadly apply to any entities with state educational programs or activities or any entities that provide educational programs or activities and receive state financial assistance. The bill, however, does not define "educational program or activity" in terms of who is providing the educational program or activity (except for the defined "state educational programs or activities" of the University of Hawaii, the Department of Education, or Public Charter Schools), who is receiving the educational program or activity, or what content does or does not constitute an educational program or activity. Consequently, the bill may be construed to apply to a wide variety of private educational programs, as well as state departments and agencies, such as:

- Hawaii State Legislature, due to its participation in and/or sponsorship of the Hawaii Secondary Student Conference;
- Hawaii State Public Library System, due to its sponsorship of the Summer Reading Program, or due to individual branches hosting various types of events that may be viewed as educational programs or activities;

- Office of Information Practices, due to the trainings it conducts relating to Sunshine Law requirements;
- State Ethics Commission, due to the trainings it conducts for new state employees, or for board or commission members; or
- Department of the Attorney General, due to its provision of continuing legal education programs to its deputies.

Given that a purpose of the bill is to clarify the application of chapter 368D, HRS, which is meant to be a state corollary to Title IX of the Education Amendments of 1972, it appears that the bill, as currently drafted, may be overbroad and could be applied to departments and agencies for activities that fall beyond the purview of Title IX.

The Department respectfully asks the Committee to amend the bill to define "educational program or activity" to specify which entities would be mandated to comply with the requirements set forth in the bill.

Thank you for the opportunity to provide our comments.



STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/25/2022

**Time:** 11:00 AM

**Location:** 308 Via Videoconference

**Committee:** House Finance

**Department:** Education

**Person Testifying:** Keith T. Hayashi, Interim Superintendent of Education

**Title of Bill:** HB 1775, HD2 RELATING TO CIVIL RIGHTS.

**Purpose of Bill:** Requires entities with state education programs or activities, or that receive state funding for educational programs or activities, to adopt written policies and undertake other specified actions no later than 1/1/2023. Requires annual reports to legislature. Appropriates funds. Effective 7/1/2050. (HD2)

**Department's Position:**

The Hawaii State Department of Education (Department) supports the intent of HB 1775, HD2, which specifies additional forms of sex discrimination and other prohibited conduct as well as requires the Department to adopt written policies, undertake other specified enforcement actions, and submit annual reports to the Legislature, but respectfully offers comments on the proposed bill.

The Department is deeply committed to Title IX of the Educational Amendments of 1972 (Title IX) and the tenets that it upholds. The Department currently has in place interim procedures that reflect the 2020 revisions to the federal Title IX requirements to address reports and complaints of sexual harassment. The Department recognizes that the 2020 revisions to the federal Title IX regulations has raised the criteria for what types of conduct would constitute sexual harassment under Title IX and would be addressed per the due process steps indicated in the 2020 revisions.

To ensure that reports of sexually harassing conduct that do not fall within the federal Title IX regulations are appropriately addressed, the Department has utilized other applicable rules and policies. Specifically, Chapter 19 of Title 8, Hawaii Administrative Rules, is used primarily for situations where both the complainant and the respondent are students; Chapter 89 of Title 8, Hawaii Administrative Rules, and Board of Education Policy 305-10 are utilized for situations where the complainant is a student and the respondent is an employee; and Board of Education Policy 900-1 is utilized for situations where both the complainant and the respondent are employees.

The Department supports the intent of reporting requirements covered under the proposed bill and appreciates the delayed effective date. The delay will provide the Department time to research and procure a secure case management system and make any changes necessary to the Department's current Student Information System to address the data reporting proposed by the bill.

The Department appreciates the Legislature's efforts to ensure that all reports of sexual harassment are appropriately addressed and looks forward to working with the Legislature to achieve this goal.

Thank you for this opportunity to provide testimony on this measure.





# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
House Committee on Finance  
February 25, 2022 at 11:00 a.m.

By  
Jan Gouveia  
Vice President for Administration  
University of Hawai'i

### HB 1775 HD2 – RELATING TO CIVIL RIGHTS

Chair Luke, Vice Chair Yamashita, and members of the committee:

Thank you for the opportunity to present testimony in support of HB 1775 HD2 – Relating to Civil Rights. HB 1775 HD2 requires covered entities to designate a Title IX coordinator and adopt written policies no later than January 1, 2023; requires annual reports to the Legislature; and establishes three positions (3.0 FTE) within the University System to assist with the implementation of the provisions of this bill.

The University shares the Legislature's desire to implement policies and procedures that prevent and address sex discrimination and gender-based violence and create an educational environment that enhances safety and advances gender equity. As Title IX celebrates its 50th year of existence in June 2022, the framework and scope continue to evolve and expand. Accordingly, the University appreciates the overall policy guidance and objectives provided by this bill, which will allow educational institutions to develop the specific details of policies and procedures as part of their internal governance structure and through engagement with stakeholders and community members. This allows the University to further refine its policies and procedures over time and continue to align with best practices. Additionally, the University appreciates the three positions (3.0 FTE) established by this bill to meet the continued demand for expertise in the ever-expanding legal arena of Title IX. These positions will assist with ensuring competency and consistency systemwide in the implementation of all state and federal laws related to sex discrimination.

Thank you for the opportunity to testify on HB 1775 HD2. The University looks forward to continuing our work with the Legislature and the Women's Legislative Caucus in support of a safe and nondiscriminatory campus environment.

DAVID Y. IGE  
GOVERNOR



JOHN S.S. KIM  
CHAIRPERSON

STATE OF HAWAII  
**STATE PUBLIC CHARTER SCHOOL COMMISSION**  
**(‘AHA KULA HO‘ĀMANA)**

<http://CharterCommission.Hawaii.Gov>  
1111 Bishop Street, Suite 516, Honolulu, Hawaii 96813  
Tel: (808) 586-3775 Fax: (808) 586-3776

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FOR: HB1775 HD2 Relating to Civil Rights  
DATE: February 25, 2022  
TIME: 11:00 A.M.  
COMMITTEE: Committee on Finance  
ROOM: Conference Room 308 & Videoconference  
FROM: Yvonne Lau, Interim Executive Director  
State Public Charter School Commission

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Chair Luke, Vice Chair Yamashita, and members of the Committee:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in **SUPPORT of HB 1775 HD2** which specifies additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS. Requires covered entities to adopt written policies and undertake other specified enforcement actions no later than January 1, 2023, and requires annual reports to Legislature.

The Commission appreciates the inclusion of funding for a Title IX position that would work in the Commission to monitor and ensure that the compliance, training and reporting requirements of this bill are met by public charter schools. Our public charter schools currently do not have access to the Department of Education’s Civil Rights Compliance Branch for training, compliance monitoring or investigations into such matters. Each public charter school is expected to meet these requirements individually and often rely on the advice of their Deputy Attorney Generals for assistance.

Title IX is an extremely important law that must be followed to ensure equity and access to girls and women in our public charter schools, however, the funding to ensure this has not been included for our public charter schools.

The Commission is available to work with this committee, the DOE, the Department of Budget and Finance, and public charter schools in moving this legislation forward. Thank you for the opportunity to provide this testimony.

**HB-1775-HD-2**

Submitted on: 2/23/2022 1:53:37 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Golojuch Jr	Stonewall Caucus of the Democratic Party of Hawaii	Support	Yes

Comments:

Aloha Representatives,

The Stonewall Caucus of the Democratic Party of Hawai'i (formerly the LGBT Caucus) fully supports HB 1775 HD 2.

We hope you all will support this important piece of legislation.

Mahalo nui loa,

Michael Golojuch, Jr.  
Chair and SCC Representative  
Stonewall Caucus for the DPH



House Committee on Finance  
Chair Rep Sylvia Luke, Vice Chair Rep Kyle T. Yamashita

February 25, 2022 11am Room 308  
HB1775 Relating to Civil Rights

TESTIMONY

Dear Chair, Vice Chair and Committee Members,

**The League of Women Voters of Hawaii supports BILL NUMBER HB 1775**

All students deserve protection from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence and stalking in our schools and universities. While we are excited that the bill is moving along, we are concerned that without the expansion of what sexual harassment is under the new Title IX rules, many sexual harassment reports will be ignored. Please request that the definition section be put back into the bill.

Thank you for the opportunity to submit testimony.

With Aloha

Rosemarie Muller

Legislative Committee, League of Women Voters of Hawaii



To: Representative Luke, Chair  
Representative Yamashita, Vice Chair  
House Committee on Finance

Re: **HB 1775 HD2, relating to civil rights**  
11:00 AM, February 25, 2022

Chair Luke, Vice Chair Yamashita, and committee members,

On behalf of HCAN Speaks!, thank you for the opportunity to **testify in support of House Bill 1775 HD2, relating to civil rights. We also respectfully request that the measure be amended to include the definitions sections of the original draft to ensure protection from various forms of harassment.**

While we celebrate the 50<sup>th</sup> anniversary of the Patsy T. Mink Equal Opportunity in Education Act, also known as Title IX, it is appropriate that we move forward to adopt and implement the activities in this bill to uphold the intention of that landmark legislation.

Specifically, this bill:

- Requires educational institutions and programs receiving state fund to adopt written policies and undertake other specified enforcement actions no later than 1/1/2023
- Require annual reporting to the legislature on the number and types of Title IX cases received by the department of education, public charter schools, and the University of Hawaii and other relevant information

Hawai'i should ensure a student has the ability to learn and have access to educational programs without fear of violence or bias. For many students, school is a safe place. Let's make it a safe place for all students.

**For these reasons, HCAN Speaks! respectfully requests the Committee to amend and support this measure.**

Thank you,

Kathleen Algire  
Director of Early Learning and Health Policy



To: House Committee on Finance  
Hearing Date/Time: February 25, 2022 11:00AM  
Re: Testimony in SUPPORT of HB1775 HD2

Dear Chair Luke, Vice Chair Yamashita, and the Members of Committees,

Members of AAUW of Hawaii thank you for this opportunity to testify in support of HB1775 HD2 which would require schools and education programs that receive state funds to adopt written policies and undertake other specified enforcement actions; require annual reporting to the legislature on the number and types of Title IX cases and other relevant information.

While we appreciate that this measure is moving along, we are concerned that without specifying additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS, many sexual harassment and assault reports will be ignored, violating equal access to education, violating Title IX. For example, harassment from faculty advisors too often leads to students dropping out of PhD programs. **Please restore the "Definition" section in the original language OR at least expand the definition of sexual harassment under Chapter 368D, HRS, as California did in 2019 with California Senate Bill 493.**

On June 23, 2022, we will celebrate the 50th anniversary of the Patsy T. Mink Equal Opportunity in Education Act also simply known as Title IX. Since the passage of this landmark civil rights law, opponents have sought to weaken it. In 2017, the U.S. Department of Education rescinded multiple important guidance documents, including those that had clarified what Title IX requires schools to prevent and address sexual harassment and violence and to protect transgender students. In 2018, Hawaii passed Act 110 which prohibits discrimination on the basis of sex, including sexual orientation, gender identity, or gender expression, in any state educational program or activity. We are especially proud that Hawaii was the first state to do so. Then, in May 2020, the Department of Education announced changes to Title IX rules, rolling back important protections for student survivors of sexual harassment and assault. These new rules went into effect in August 2020. **Hawaii needs to codify the protections for student survivors of sexual harassment and assault. Hawaii needs to codify the enforcement of Title IX.**



According to AAUW's research "Crossing the Line":

- o Two out of three college students and nearly half of the students in grades 7-12 experience sexual harassment
- o More than 11% of all students experience sexual assault but only 20% of female students report to the authorities.

According to the 2019 UH climate survey,

- o 12.7% of students experienced sexual harassment
- o 10.6% experienced stalking
- o 21.3% experienced dating or domestic violence
- o and 7.2% experienced non-consensual sexual contact

**Note that there was a 37% increase in sexual harassment between 2015 and 2019 according to UH climate surveys.**

These numbers unfortunately represent an increase over the responses from the 2017 UH climate survey.

According to the 2019 CDC Youth Risk Behavior Survey,

- o 13.1% of high school students were electronically bullied
- o 17% were bullied on school property
- o 10.8% experienced non-consensual sexual contact,
- o and 8.6% experienced physical dating violence.

We need Hawaii State Corollary providing Title IX enforcement for all students and protections for student survivors of harassment and violence.



The American Association of University Women (AAUW) of Hawaii is an all volunteer, statewide chapter of a national organization and is made up of six branches: Hilo, Honolulu, Kaua'i, Kona, Maui, and Windward Oahu. UH Hilo, UH Manoa, UH Maui College, and Windward Community College are also AAUW partners. AAUW's mission is to advance gender equity for equal opportunities in education, at workplace and for economic security, and in leadership.

Please restore the "Definition" section in the original language OR at least expand the definition of sexual harassment under Chapter 368D, HRS, as California did in 2019 with California Senate Bill 493. Please do so so no student needs to drop out of school because of sexual harassment or assault by their peers and their faculty.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Younghee Overly".

Younghee Overly  
Public Policy Chair, AAUW of Hawaii  
publicpolicy-hi@aauw.net





## Hawaii Women's Coalition

To: House Committee on Finance  
Hearing Date/Time: February 25, 2022 11:00AM  
Re: Testimony in SUPPORT of HB1775 HD2

Dear Chair Luke, Vice Chair Yamashita, and the Members of Committee,

Members of Hawaii Women's Coalition thank you for this opportunity to testify in support of HB1775 HD2 which would require schools and education programs that receive state funds to adopt written policies and undertake other specified enforcement actions; require annual reporting to the legislature on the number and types of Title IX cases and other relevant information.

While we appreciate that this measure is moving along, we are concerned that without specifying additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS, many sexual harassment and assault reports will be ignored, violating equal access to education, violating Title IX. For example, harassment from faculty advisors too often leads to students dropping out of PhD programs. **Please restore the "Definition" section in the original language OR at least expand the definition of sexual harassment under Chapter 368D, HRS, as California did in 2019 with California Senate Bill 493.**

In May 2020, the federal Department of Education announced changes to Title IX rules, rolling back important protections for student survivors of sexual harassment and assault. These new rules went into effect in August 2020. **Hawaii needs to codify the protections for student survivors of sexual harassment and assault. Hawaii needs to codify the enforcement of Title IX.**

Please restore the "Definition" section in the original language and pass this important measure to ensure Title IX protects all students in Hawaii from discrimination, harassment and assault based on their sex as our late congressman Patsy T Mink intended.

The Hawai'i Women's Coalition is a catalyst for progressive, social, economic and political change through action on critical issues facing Hawaii's women and girls. Members currently include 29 organizations and agencies (private, public, membership) as well as individuals. The coalition encourages the inclusion of interested parties and in achieving equitable representation.

Thank you and with Aloha,

Members of Hawaii Women's Coalition



To: House Committee on Finance  
Hearing Date/Time: February 25, 2022 11:00 AM  
Re: Testimony in SUPPORT of HB1775 HD2

Dear Chair Luke, Vice Chair Yamashita, and the Members of Committees,

Members of Hawaii State Democratic Women's Caucus thank you for this opportunity to testify in support of HB1775 HD2 which would require schools and education programs that receive state funds to adopt written policies and undertake other specified enforcement actions; require annual reporting to the legislature on the number and types of Title IX cases and other relevant information.

While we support HB1775 HD2, we are concerned that without specifying additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS, many sexual harassment and assault reports will be ignored, violating equal access to education, violating Title IX. For example, harassment from faculty advisors too often leads to students dropping out of PhD programs. **Please restore the "Definition" section in the original language OR at least expand the definition of sexual harassment under Chapter 368D, HRS, as California did in 2019 with California Senate Bill 493.**

On June 23, 2022, we will celebrate the 50th anniversary of the Patsy T. Mink Equal Opportunity in Education Act also simply known as Title IX. Since the passage of this landmark civil rights law, opponents have sought to weaken it. In 2017, the U.S. Department of Education rescinded multiple important guidance documents, including those that had clarified what Title IX requires schools to prevent and address sexual harassment and violence and to protect transgender students. In 2018, we were so proud that Hawaii passed Act 110 which prohibits discrimination on the basis of sex, including sexual orientation, gender identity, or gender expression, in any state educational program or activity. We are so proud that Hawaii was the first state to do so.

Then, in May 2020, the U.S. Department of Education announced changes to Title IX rules, rolling back important protections for student survivors of sexual harassment and assault. These new rules went into effect in August 2020. **Hawaii needs to codify the protections for student survivors of sexual harassment and assault. Hawaii also needs to codify the enforcement of Title IX.**



Please restore the “Definition” section from the original language and pass this important measure to ensure Title IX protects all students in Hawaii from discrimination, harassment and assault based on their sex as our late congressman Patsy T Mink intended.

Thank you for your consideration.

Sincerely,

Members of Hawaii State Democratic Women’s Caucus

The Hawai’i State Democratic Women’s Caucus is a catalyst for progressive, social, economic, and political change through action on critical issues facing Hawai’i’s women and girls.

**HB-1775-HD-2**

Submitted on: 2/24/2022 9:23:23 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Lisa Humes-Schulz	Planned Parenthood Alliance Advocates - Hawai'i	Support	No

Comments:

Planned Parenthood Alliance Advocates supports HB 1775 to ensure compliance with Title IX and provide Hawaii's students with safe campuses and non-discriminatory treatment.

**HB-1775-HD-2**

Submitted on: 2/23/2022 1:17:44 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Luke, Vice Chair Yamashita and Committee on Finance,

My name is Caroline Kunitake and I am a resident on Honolulu, HI. All students deserve protection from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence and stalking in our schools and universities.

I am concerned that without the expansion of what sexual harassment is under the new Title IX rules, many sexual harassment reports will be ignored. Harassment from faculty advisors too frequently leads to students dropping out of PhD programs. Please consider putting the expansion of definition back into the bill.

During graduate school at Loma Linda University in California, I was stalked by a mentally ill gentleman for over five months. He left gifts at the dorm front desk. He constantly called the phone in my room and I requested to have my phone number changed. He sent love letters stating that "God destined us to be together." Although I had issued a temporary restraining order against him, he didn't understand what the temporary restraining order was for and continued to visit the dorm where I resided. You can't stop a crazy person from stalking you because they aren't afraid of guards, police officers, prison or the law.

It was an eye opening experience. I found it challenging to maintain a high GPA while being physically safe on campus. I needed to adjust my routine (change up my schedule so that he couldn't predict when I would be walking back to the dorm), make sure that all the routes that I took on foot had other people present and that I constantly carried a charged cell phone so that I could contact someone if I was in trouble. I was relieved emotionally, physically and mentally when the stalking stopped. I'm so grateful for the friends, instructors and community leaders who helped me while I was his target. I was away from home and I didn't have family members for support. My graduate program was only a year long, so I hustled as much as I could to make friends and find allies to act as my temporary family. I was incredibly lucky that I was not sexually or physically assaulted and I graduated with honors from the graduate program.

Later I learned that my stalker had sexually harassed and stalked other women. I wasn't his first target, but I was the only target that had enough courage to report him to the police so that he would have some sort of police records. I'm sure that the majority of the sexual assaults, sexual harassments and stalkings go unreported on campus because it takes a lot of time an energy away

from study. Also there's a lot of fear, shame and potential retribution if the aggressor has a position of authority and/or significant resources to fight a legal battle.

While attending college, I did have a roommate who was sexually assaulted in our dorm room at Frear Hall at the University of Hawaii at Manoa. The experience was traumatizing for her. After the sexual assault, I would find her in our room banging her head against the wall, struggling with post traumatic stress disorder and deciding whether or not to continue with school. She was an out of state student and longed to be near her family. By the end of the semester, she decided to attend school in her home state. Before she was sexually assaulted, she was a very carefree. After the sexual assault, her personality and perspective changed to adapt to her new reality as a sexual assault survivor. I have no doubt that she was haunted by the violent attack.

Please support HB1775 HD2. We need to improve the Hawaii State Corollary providing Title IX enforcement and protections for student survivors of sexual harassment and assault. One day, these laws will be protecting your spouse, children, cousins and friends.

Mahalo,

Caroline Kunitake

Hearing Date: February 25, 2022  
11:00 am, Room, 308 – Via Videoconference

To: House Committee on Finance  
Chair, Representative Sylvia Luke  
Vice Chair, Representative Kyle T. Yamashiya

From: Jean Evans, MPH (Individual, [jevans9999@yahoo.com](mailto:jevans9999@yahoo.com),

**Re: TESTIMONY IN SUPPORT OF HB 1775, HD2 Relating to Civil Rights**

My name is Jean Evans. I retired after 40 years holding executive positions in several Hawaii non-profit agencies and received both my baccalaureate and graduate degrees from the University of Hawaii at Manoa.

**I am in strong support (with modification detailed in the second paragraph below) of HB 1775, HD2 which will codify the protections for student survivors of sexual harassment and assault and the enforcement of all aspects of Title IX.**

The previous federal administration's decision to reverse the federal government's active stance on upholding the investigation of campus sex assaults and harassment was very troublesome. Discrimination based on sexual orientation and gender identity can lead to overt bullying, and ultimately unequal educational opportunities. The college experience is a time where students expand their knowledge and prepare for careers. It can also be a stressful time especially if young women and transgender students are fearful. While the current administration has made strides to stand by the Title IX requirements, there is not guarantee that future administrations will do so.

However, modification to the current HB 1775, HD2 is needed. I worry that without the expansion of the definition of sexual harassment as it appears in the new Title IX rules, numerous sexual harassment reports will be discounted. Harassment from faculty advisors too frequently leads to students dropping out of PhD programs. Please restore the "Definition" section of the original language or at least expand the definition of sexual harassment as California did with their Senate Bill 493.

I believe this bill with the inclusion of the full sexual harassment definition will help assure that Hawaii continues to remain a leader in civil rights and follow in the footsteps of Patsy T. Mink in this 50<sup>th</sup> anniversary year of the passing of Title IX. It is imperative that Hawaii puts into law the protections of Title IX.

Mahalo for allowing me to submit my testimony today.

**HB-1775-HD-2**

Submitted on: 2/23/2022 6:52:40 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Elizabeth Hansen	Individual	Comments	No

Comments:

Dear Legislators:

While I'm excited that this bill is moving along, I am concerned that without the expansion of what sexual harassment is under the new Title IX rules, many sexual harassment reports will be ignored. Harassment from faculty advisors too frequently leads to students dropping out of PhD programs. Please restore the "Definition" section of the original language or at least expand the definition of sexual harassment as California did with Senate Bill 493.

Mahalo

Elizabeth Hansen

registered voter, Hakalau HI 96710



**HB-1775-HD-2**

Submitted on: 2/23/2022 6:54:06 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Rodger Hansen	Individual	Comments	No

Comments:

Dear Legislators:

While I'm excited that this bill is moving along, I am concerned that without the expansion of what sexual harassment is under the new Title IX rules, many sexual harassment reports will be ignored. Harassment from faculty advisors too frequently leads to students dropping out of PhD programs. Please restore the "Definition" section of the original language or at least expand the definition of sexual harassment as California did with Senate Bill 493.

Mahalo

Rodger Hansen

registered voter, Hakalau HI 96710

**HB-1775-HD-2**

Submitted on: 2/23/2022 7:03:34 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Michael Press	Individual	Support	No

Comments:

My name is Michael Press. I am a teacher at Ilima Intermediate in Ewa Beach on Oahu. Please support and pass this bill. Mahalo!

**HB-1775-HD-2**

Submitted on: 2/23/2022 8:17:22 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Beth Anderson	Individual	Support	No

Comments:

Aloha,

I support the revisions to Title IX that strengthen this landmark civil rights law such as the need to codify the protections for student survivors of sexual harassment and assault. Hawaii does need to codify the enforcement of Title IX. I'm glad this is moving along, but I'm concerned that without the expansion of what sexual harassment is under the new Title IX, many sexual harassment reports will be ignored.

Two out of three college students and nearly half of students in grades 7-12 experience sexual harassment. Harassment from faculty advisors too frequently leads to students dropping out of PhD programs. A 2019 survey indicated 12.7% of students experienced sexual harassment. 10.6% experienced stalking. 21.7% experienced dating or domestic violence. There was a 37% increase in sexual harassment between 2015 and 2019.

These statistics are not good and they need to be addressed by strengthening and expanding Title IX, not weakening it. Please restore the "Definition" section to the original language or at least expand the definition of sexual harassment as California did with Senate Bill 493.

Thank you for hearing this important bill. Please pass it on.

**HB-1775-HD-2**

Submitted on: 2/23/2022 9:09:55 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Gerard Silva	Individual	Oppose	No

Comments:

Sounds to much like Comunist Control. We the people are against this type of control!

**HB-1775-HD-2**

Submitted on: 2/24/2022 10:09:46 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Renee Rabb	Individual	Support	No

Comments:

My name is Renee Rabb and I live in Hawaii Paradise Park on Big Island. I am appreciative that the legislature is creating additional state protections to shield people from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence and stalking. Patsy Mink would be proud.

As we continue to learn, each state must develop state-level safeguards against discrimination as we cannot depend upon national mandates that may be subject to the whims of an unstable President. Young women in particular merit our attention as Title IX was designed to level the playing field and allow women to develop their full potential. Survivors of sexual harassment and assault deserve to know that the state of Hawaii is on their side.

I am concerned, however, that without the expansion of what sexual harassment is under the new Title IX rules, many sexual harassment reports will be ignored. Please put back the definition section in the bill. Let's do everything we can to stop the sexual harassment of students.

**HB-1775-HD-2**

Submitted on: 2/24/2022 10:52:15 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Janet Morse	Individual	Support	No

Comments:

HB 1775, HD2,

Committee: House Committee on Finance

Chair: Representative Sylvia Luke

Vice Chair: Representative Kyle T. Yamashita

Hearing Date, Time, Room: Friday, February 25, 2022, 11:00 am, Rm. 308 via Videoconference

My name is Janet Morse and I am a resident of Kailua. My children attended Kailua and Kalaheo high schools in Kailua.

I support HB 1775 because I believe that all students deserve protection from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence, and stalking in our schools and universities.

In Hawaii, according to the 2019 CDC Youth Risk Behavior Survey:

13.1% of high school students were cyberbullied

17% were bullied on school property

10.8% experienced non-consensual sexual contact,

and 8.6% experienced physical dating violence.

Rules adopted in 2016 and 2020 by the U.S. Department of Education rescinded multiple important guidance documents, including those that had clarified what Title IX requires schools to prevent and address sexual harassment and violence and to protect transgender students.

While I'm happy that this bill is being heard by the House Committee on Finance, I am concerned that HD2 does not include expansion of what sexual harassment is under the new Title IX rules. That omission could result in many sexual harassment reports being ignored and victims of sexual harassment continuing to be silenced.

Please restore the "Definition" section of the original language or at least expand the definition of sexual harassment as California did with Senate Bill 493.

Mahalo for hearing this important bill. I urge you to pass it with the inclusion of definitions of what sexual harassment is under the law, that will provide protection for all Hawaii students.

**HB-1775-HD-2**

Submitted on: 2/24/2022 12:02:20 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ronja Steinbach	Individual	Support	No

Comments:

My name is Ronja Steinbach and I am a student at the University of Hawai‘i at Mānoa. All students deserve protection from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence, and stalking in our schools and universities.

I know too many friends who have not been adequately protected and I myself have experienced Title IX-qualifying situations without receiving the support that I needed. It is alarming that the number of reported cases of sexual harassment have increased, according to the campus climate survey, but sadly I am not surprised. The changes to Title IX during the Trump administration also severely weakened this important Law. Therefore, I am in favor of HB1775 because it is a first step in addressing some of the systemic difficulties that we are facing.

However, I would like to express my deepest disappointment that the broadened definition of sexual harassment has been taken out and would request that it is added back to the bill. By broadening the definition, more cases can qualify as Title IX issues and perhaps even hold perpetrators accountable earlier on. It is imperative that we address Title IX issues at their root and that demands for the definition to be broader.

Mahalo for hearing this important bill and please pass it, with the new definition added back.



**HB-1775-HD-2**

Submitted on: 2/24/2022 6:53:33 PM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Amy Monk	Individual	Support	No

Comments:

Aloha Finance Chair Luke and committee members,

This bill is much needed, but would be much better with thie original definitions from the oirignal version restored. Thank you,

Amy Monk

**HB-1775-HD-2**

Submitted on: 2/25/2022 4:34:33 AM

Testimony for FIN on 2/25/2022 11:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Ann S Freed	Individual	Support	No

Comments:

Aloha Chair Luke, Vice Chair Yamashita and members,

While I support this measure, I and my fellow advocates have concerns about the HD2 changes to the original bill. Without the expansion of what constitutes sexual harassment under the new Title IX rules, many sexual harassment reports will be ignored. Harassment from faculty advisors too frequently leads to students dropping out of PhD programs. Please restore the "Definition" section of the original language or at least expand the definition of sexual harassment as California did with Senate Bill 493.

Having a state Title IX law that has no clear comprehensive definitions will have no teeth. Women and LGBTQ people will continue to suffer harm on our campuses.

Mahalo,

Ann S. Freed, Life-time Feminist In Mililani