

STAND. COM. REP. NO.

1072

Honolulu, Hawaii

MAR 23 2021

RE: S.R. No. 8
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committees on Education and Higher Education, to which was referred S.R. No. 8 entitled:

"SENATE RESOLUTION CONVENING A TASK FORCE TO ADDRESS IMPLEMENTATION OF HAWAII'S STATE LAW COROLLARY TO TITLE IX IN LIGHT OF RECENT CHANGES TO FEDERAL TITLE IX REGULATIONS,"

beg leave to report as follows:

The purpose and intent of this measure is to convene a task force to address implementation of Hawaii's state law corollary to Title IX in light of recent changes to federal Title IX regulations.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, AAUW of Hawaii, Every Voice Coalition, Democratic Party of Hawai'i Women's Caucus, Democratic Party of Hawai'i Education Caucus, Hawaii's Women's Coalition, Hawai'i Women Lawyers, Imua Alliance, and one individual.

Your Committees find that Title IX of the federal Education Amendments of 1972, renamed in 2002 as the Patsy T. Mink Equal Opportunity in Education Act in honor of its principal author, former Hawaii Congresswoman Patsy Takemoto Mink, states that "[n]o person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or



activity receiving Federal financial assistance". In response to the intended policy changes announced by the United States Department of Education (USDOE) on the scope of Title IX's application, the Hawaii Legislature passed House Bill No. 1489, H.D. 1, S.D. 2, C.D. 1, which ultimately became Act 110, Session Laws of Hawaii 2018 (Act 110). Act 110 established a state law corollary to Title IX that prohibits sex-based discrimination in state-administered or state-funded educational programs or activities, including discrimination based on sexual orientation, gender identity, and gender expression. Your Committees further find that after receiving more than one hundred twenty-four thousand public comments on the proposed Title IX regulations, the USDOE formally published the final Title IX regulations (also known as the "Final Rule") in the Federal Register on May 19, 2020. This measure creates a task force to work together to ensure that the State remains in compliance with Title IX.

Your Committees have amended this measure by:

- (1) Changing the title to convening a task force to address implementation of Hawaii's state law corollary to Title IX to strengthen Hawaii's effort to end campus-based sexual violence and gender discrimination;
- (2) Specifying that according to the Rape, Abuse, and Incest National Network, one in ten students across the United States will experience sexual violence while attending an institution of higher education;
- (3) Specifying that according to the United States Department of Justice, an estimated ninety percent of survivors of campus-based sexual violence do not report such violence through official institutional or legal protocols;
- (4) Specifying that according to the University of Hawaii systemwide campus climate survey of 2019, 12.7 percent of students have reported experiencing sexual harassment, 10.6 percent have experienced stalking, 21.3 percent have experienced dating violence, and 7.2 percent have experienced nonconsensual sexual contact, all of which represent significant increases from the



University of Hawaii's campus climate survey results of 2017;

- (5) Expanding the task force to include a representative from the Prevention, Awareness, and Understanding Program of the University of Hawaii; Hawaii Coalition to End Domestic Violence; The Sex Abuse Treatment Center; and Every Voice Coalition;
- (6) Specifying that the task force is requested to consider in its deliberations the:
 - (A) Availability of resources for survivors of campus-based sexual violence;
 - (B) Adequacy of evidence-based and trauma-informed training regarding sexual violence for faculty, staff, and students;
 - (C) Sufficiency of information provided to students about gender violence;
 - (D) Legislation enacted in other states to strengthening protections for survivors of campus based sexual violence;
 - (E) Recommendations contained in "The Complexities of Enforcing Title IX and Related Laws: Past History, Current Status, and Future Directions", which was published by the Legislative Reference Bureau in 2019; and
 - (F) Strategies for improving protections for transgendered students in Hawaii's public schools; and
- (7) Specifying that the task force is requested to work with student organizations to obtain feedback from survivors of campus-based sexual violence in the course of its deliberations;
- (8) Clarifying that the certified copies of the resolution be transmitted to the System Coordinator for the



Prevention, Awareness, and Understanding Violence Program of the University of Hawaii; Executive Director of the Hawaii Coalition to End Domestic Violence; the Executive Director of the Sex Abuse Treatment Center, and Co-Executive Directors of the Every Voice Coalition; and

- (9) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Education and Higher Education that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 8, as amended herein, and recommend that it be referred to your Committee on Judiciary, in the form attached hereto as S.R. No. 8, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Education and
Higher Education,



DONNA MERCADO KIM, Chair



MICHELLE N. KIDANI, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Higher Education
HRE

Bill / Resolution No.:*	Committee Referral:	Date:		
SR 8	EDU/HRE, JDC	3/19/2021		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KIM, Donna Mercado (C)	✓			
KIDANI, Michelle N. (VC)	✓			
KEITH-AGARAN, Gilbert S.C.				✓
WAKAI, Glenn				✓
FEVELLA, Kurt	✓			
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Michelle N. Kidani</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes