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STATE OF HAWAII
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January 7, 2019

The Honorable Ronald D. Kouchi,
President and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, HI 96813

The Honorable Scott K. Saiki, Speaker
and Members of the House of
Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, HI 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

For your information and consideration, I am transmitting two (2) copies of the Department of Labor and Industrial Relations (DLIR) Hawaii Civil Rights Commission 2017-2018 Annual Report for the fiscal year ending June 30, 2018, as required by sections 368-3(7), 368-4(e), and 515-9(a)(6), Hawaii Revised Statutes (HRS).

In accordance with section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://labor.hawaii.gov/find-a-report/>.

Sincerely,

Leonard Hoshijo
Director

Enclosure



HAWAI'I CIVIL RIGHTS COMMISSION

2017-2018 Annual Report

David Y. Ige, Governor

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Department of Labor & Industrial Relations

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Mission Statement

The mission of the Hawai'i Civil Rights Commission is to eliminate discrimination by protecting civil rights and promoting diversity through enforcement of anti-discrimination laws and education.

Overview

The State of Hawai'i's Constitutional Civil Rights Mandate

Article I, Section 5 of the Hawai'i Constitution is the foundation of our state civil rights laws. It provides that: "No person shall ... 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." There is no counterpart to this civil rights mandate in the U.S. Constitution.

Looking Forward: Strengthening Civil Rights Law Enforcement and Expanding the HCRC Mediation Program

In Fiscal Year (FY) 2018-2019 and going forward, the Hawai'i Civil Rights Commission (HCRC) will continue to focus its efforts on strategic use of resources to strengthen civil rights law enforcement. To the extent possible, more enforcement resources will be dedicated to investigation, conciliation, and litigation of strong "cause" cases, where there is reasonable cause to believe that unlawful discrimination has occurred.

From 2008-2015, the HCRC focused on rebuilding capacity after losing 8 of 30 permanent positions and 3 of 11 permanent investigator positions due to the recession, budget cuts, and reduction in force (RIF). During this period, loss of staffing directly resulted in loss of capacity to timely and effectively investigate discrimination complaints. The investigation caseload grew from 271 cases at the end of FY 2007 to a high of 527 at the end of FY 2012. The size and age of the investigation caseload had a negative effect on timely and effective investigation and enforcement. Older cases are more difficult to investigate, conciliate, and litigate.

While lost capacity not been restored, an emphasis has been placed on better use of available resources. Concerted efforts have been made to reduce the size of the investigation caseload, to be in a better position to dedicate more resources to strong cases that should be investigated, with issuance of notices of reasonable cause to believe unlawful discrimination has occurred, conciliated, and litigated.

For most of FY 2018, the HCRC faced staffing challenges, with 3 of 8 investigator positions vacant due to experienced investigators leaving either for attorney jobs or to relocate out of state, and a fourth investigator was out on an

extended leave. As a result, the HCRC operated at a 50% investigation capacity for much of the year. By the end of the fiscal year, the three vacancies were filled and the fourth investigator returned, restoring full capacity entering FY 2019, contingent on orientation and training of the new investigators.

Despite the challenges imposed by lower investigation capacity due to vacancies during FY 2018, the HCRC continued efforts to maintain and develop strong enforcement, with a strategic emphasis on dedicating resources to priority cases, taking incremental steps toward strengthening civil rights law enforcement, allowing for better use of finite resources for effective and efficient investigation, conciliation, and litigation of discrimination complaints. Faced with turnover in staffing, the HCRC worked toward an integrated investigation process, with all investigators able to handle investigations from intake through disposition. This improves efficiency and continuity in investigation, with more well-rounded and supported investigators.

This continued emphasis on strengthened enforcement yielded 29 reasonable cause recommendations in FY 2018, up from 13 in FY 2017, and 25 in FY 2016, with 29 conciliation settlement agreements in cause cases in FY 2018 with monetary settlements totaling \$391,485. In addition to these conciliation settlements in cause cases, the HCRC closed 59 cases based on settlements prior to an investigative finding in FY 2018 with monetary relief totaling \$464,211. In addition to monetary relief, the HCRC seeks and obtains non-monetary affirmative relief in all settlements to which the HCRC is a party, to stop discriminatory conduct, prevent future harm, and avoid future violations of law.

Going forward, the HCRC will continue to build on these efforts, to increase, marshal, and dedicate staff time and resources on strong cause cases to the extent possible, in order to strengthen civil rights law enforcement.

During FY 2018, HCRC enforcement efforts were bolstered by planning for and initiation of an HCRC Fair Housing Mediation Pilot Program.

Since 1999 the Hawaii Civil Rights Commission ("HCRC") has had a very successful voluntary mediation program, through which mediators help complainants and respondents discuss, clarify, and settle HCRC discrimination complaints. All types of complaints filed with the HCRC were eligible for voluntary mediation, except for fair housing complaints, due to stringent case processing requirements imposed by a cooperative agreement with the Department of Housing and Urban Development (HUD).

In 2016 the HCRC began to explore the possibility of expanding its mediation program to include fair housing complaints. Drawing on HUD's guidance and utilizing HUD training funds, the HCRC conducted extensive research on a number of model fair housing mediation programs, including making site visits to sister agencies in Arizona and California. After much deliberation and planning, the HCRC launched its housing mediation pilot program, with the first mediation taking place in March 2017. In contrast to the HCRC's existing procedure of

referring non-housing complaints to third-party mediators, it was decided that fair housing mediations in the pilot program would be conducted in-house by the HCRC mediation program specialist.

The fair housing mediation pilot program has been a great success, allowing parties to achieve just resolution without resort to enforcement (investigation, conciliation, and litigation). During FY 2019, the HCRC plans continued development of the fair housing mediation program, establishing it as an ongoing program that is no longer a “pilot” program, while increasing capacity to effectively coordinate and expand the existing mediation program for non-housing cases. This will result in just resolution of more cases through mediation, and increase effective and efficient use of existing enforcement resources.

Fair and Effective Enforcement – History and Structure of the HCRC

The HCRC was organized in 1990 and officially opened its doors in January 1991. For twenty-eight years the HCRC has enforced state laws prohibiting discrimination in employment (HRS Chapter 378, Part I), housing (HRS Chapter 515), public accommodations (HRS Chapter 489), and access to state and state-funded services (HRS §368-1.5). The HCRC receives, investigates, conciliates, and adjudicates complaints of discrimination.

The HCRC currently has four (4) uncompensated volunteer Commissioners, with one vacancy. They are appointed by the Governor, with the consent of the Senate, based on their knowledge and experience in civil rights matters and commitment to preserve the civil rights of all individuals. The HCRC is attached to the Department of Labor & Industrial Relations (DLIR) for administrative purposes.

An Effective and Uniform Enforcement Scheme

Prior to the establishment of the HCRC, jurisdiction over state anti-discrimination laws was split among several state departments. Enforcement was limited and sporadic. State prosecution of discrimination complaints was virtually non-existent. Nearly all aggrieved were left with litigation of individual lawsuits as their only recourse. For complainants who could not afford private attorneys to seek remedies in court, there was no administrative process to adjudicate their claims. As a result, few employment discrimination cases were brought to court under state law, and there were few court interpretations of state law.

The intent of the legislature in creating the HCRC was “...to establish a strong and viable commission with sufficient ... enforcement powers to effectuate the State’s commitment to preserving the civil rights of all individuals.”¹

¹ 1989 House Journal, Standing Committee Report 372

The cornerstone of the HCRC statutory scheme was the establishment of a uniform procedure "...designed to provide a forum which is accessible to anyone who suffers an act of discrimination."²

A Fair Administrative Process

The HCRC is committed to, and its procedures are structured to ensure fairness to both complainants and respondents. The HCRC is divided into two separate and distinct sections: a) the enforcement section, which receives, investigates, and prosecutes discrimination complaints; and b) the adjudication section, which conducts hearings, issues orders and renders final determinations on discrimination complaints filed with the HCRC.

The Commissioners have delegated HCRC enforcement authority to the Executive Director. The Commissioners have authority to adjudicate and render final decisions based on the recommendations of their hearings examiners, and oversee the adjudication section through their Chief Counsel.

The Commissioners, Chief Counsel, and hearings examiners are not involved in or privy to any actions taken by the Executive Director in the investigation and pre-hearing stages of the HCRC process. Likewise, the Executive Director and enforcement section are not permitted to communicate *ex parte* with the Commissioners, Chief Counsel or hearings examiners about any case.

The HCRC investigates discrimination complaints as a neutral fact-gatherer. At the conclusion of an investigation, a determination is made whether or not there is reasonable cause to believe unlawful discrimination has occurred.

The law requires filing of a complaint with the HCRC in most (but not all) cases before filing a discrimination lawsuit in state court.³ Otherwise, the state courts will dismiss a lawsuit for failure to exhaust administrative remedies. This requirement reduces court caseloads by eliminating claims which are non-jurisdictional, or non-meritorious, or complaints that are closed or settled through the HCRC administrative process. As a result, the great majority of cases filed with the HCRC are resolved, reach disposition, and are closed without resort to the courts.

Civil Rights Law Enforcement: State & Federal Law

Federal fair employment and fair housing laws are enforced by the U.S. Equal Employment Opportunity Commission (EEOC) and U.S. Department of Housing

² *Id.*

³ Pursuant to HRS § 378-3(10) an employee may file a direct civil action for sexual harassment. Similarly, pursuant to HRS § 515-9(b), an aggrieved person may file a direct civil action for fair housing complaints. While the statutes allow these direct civil actions in these cases, only a small number are filed; the great majority of complaints are still filed with the HCRC.

and Urban Development (HUD) Office of Fair Housing and Equal Opportunity (FHEO), respectively. Pursuant to work share and cooperative agreements, both EEOC and HUD rely on the HCRC to investigate complaints filed under both state and federal law (“dual-filed” complaints). Both EEOC and HUD contracts require maintenance of state effort and dedication of state resources for investigation of dual-filed complaints.

While Hawai‘i and federal fair employment and fair housing laws are similar, they are not identical. Hawai‘i has more protected bases than federal law, and there are substantial differences in the definition of “employer” and the statute of limitations for filing charges of employment and housing discrimination. In addition to these jurisdictional differences, Hawai‘i law provides stronger protections against pregnancy discrimination and sexual harassment in employment.

The greater protections in Hawai‘i law are attributable to the strong civil rights mandate contained in the Hawai‘i State Constitution, HCRC statutes, HCRC rules, HCRC Commission and state court decisions. In contrast, federal court interpretations of federal civil rights laws have historically resulted in narrower protections against discrimination. The issue of state versus federal standards is an important one, particularly in states like Hawai‘i that have a strong commitment to equal opportunity and non-discrimination.

Mediation Program

The HCRC's voluntary mediation program completed its nineteenth full year on June 30, 2018. The program enjoyed a productive year, with much focus on the successful growth of the HCRC's new pilot program for the mediation of housing complaints.

Complainants, respondents and the HCRC, with the strong support of the Commissioners, want prompt and fair resolutions to discrimination complaints. To help accomplish this goal, the HCRC developed its voluntary mediation program, a process in which neutral third persons (often a team of two co-mediators with at least one attorney-mediator) help the parties discuss, clarify and settle complaints.

The HCRC voluntary mediation program uses trained community mediators who are unbiased and do not rule on the merits of the complaint. The HCRC provides the mediators with the basic facts of each case needed to understand the dispute. The mediators then assist the parties to reach voluntary agreements. These agreements may include apologies, policy changes, monetary settlements, or other appropriate solutions. Mediation can save time, money and resources. It also can eliminate the stress of litigation and allow the parties to explain their side of the case and to control the process of resolving the disputes in a non-adversarial manner.

The HCRC works with trained, senior mediators from the Mediation Centers of Hawai'i (MCH), a statewide network of community non-profit mediation centers. MCH utilizes a facilitative approach to mediation. MCH mediators receive training on civil rights laws and settling disputes by HCRC and MCH staff on a regular basis. The HCRC Program Specialist - Mediation Coordinator facilitates the process by explaining, encouraging, referring, and reviewing mediation and its benefits to the parties. There are mediation centers on Oahu (Mediation Center of the Pacific), Maui (Mediation Services of Maui), east Hawai'i (Ku'ikahi Mediation Center in Hilo), the West Hawai'i Mediation Center in Kailua-Kona, and Kauai (Kauai Economic Opportunity, Inc. Mediation Program). The centers charge fees on a sliding scale for the sessions, which can be waived or reduced if there is financial hardship.

Private mediation is also available if the parties choose. Private mediations generally utilize an evaluative approach, in which the law and possible damages are emphasized. Private mediation is an important part of the HCRC mediation program. Parties are free to select commercial private mediators who charge market rates or private mediators from the Access ADR program, a reduced fee program of the MCP.

Mediation can occur at any stage of the intake, investigation, conciliation, or hearing process. Mediation is first offered when the complaint is accepted. At this early stage disputes are often easier to resolve because the facts are fresh, damages may not have accumulated, and the positions of the parties may still be fluid. However, parties may voluntarily choose mediation at any time during the HCRC investigative, conciliation or hearing process.

Since the inception of the HCRC's mediation program, all types of complaints have been eligible for voluntary mediation except for housing complaints. After much research and planning, at the end of FY 2017 the HCRC launched a pilot program to offer the mediation of housing complaints for the first time. This pilot program has flourished during FY 2018 under the leadership of the HCRC's Program Specialist - Mediation Coordinator, who personally conducted in-house mediation of a significant number of housing complaints.

The HCRC's in-house mediator mediated her first housing complaint in March 2017, and from that date through the end of FY 2018, she mediated a total of 20 housing complaints. Of those 20 housing complaints, 13 were successfully resolved through mediation, and 10 of those were closed within 100 days of filing. Thus far, the results of the pilot program have been very positive. The HCRC will continue to evaluate the program in the coming fiscal year and make appropriate adjustments to further its development.

In viewing all the mediation-related events throughout FY 2018, 40 cases were referred into mediation, and 46 mediations were completed (dispositions). Of the 46 dispositions, 28 resulted in mediated settlements (60.9%), and 18 cases resulted in no agreement (39.1%). Of the mediated settlements, 21 were in employment cases, and 18 of those were dual-filed with the EEOC. The 7 other

mediated settlement were in housing cases, all of which were dual-filed with HUD.

The total disclosed monetary value of mediated agreements was \$173,321 with a wide variety of affirmative relief as well. During this period the HCRC in-house mediator had 8 mediation settlements; Mediation Center of the Pacific had 14 settlements; and Ku'ikahi Mediation Services (Hilo) had 2 settlements. There were also 4 settlements with private mediators.

The primary bases of discrimination of the 28 settlements were as follows: Disability - 8; Arrest and Court Record - 4; National Origin - 4; Retaliation - 4; Sex - 3 (including 2 based on pregnancy); Age - 2; Ancestry - 1; Familial Status - 1; and Sexual Orientation - 1. Many of the completed mediations also included charges on other protected bases.

Although monetary settlements were achieved in most agreements, almost all mediated agreements also involved some form of non-monetary affirmative relief. Examples of non-monetary relief include:

- 1) frank discussion of disputes, which often lay the groundwork for eventual settlement or restoration of the prior employment relationship;
- 2) reinstatement and/or restoration of employee benefits;
- 3) formal or informal apologies (by either or both sides);
- 4) increasing hours for part-time employees;
- 5) providing neutral or positive references for former employees;
- 6) removal of inappropriate negative comments in employee records;
- 7) provision of reasonable accommodations;
- 8) changing shifts when practicable;
- 9) policy revisions and postings; and
- 10) clarification of communications between employer and employee, leading to more productive working environments.

Public Education & Outreach

In addition to enforcing anti-discrimination laws, the HCRC is committed to preventing and eliminating discrimination through public education. HCRC Commissioners and staff maintain or assist in a number of civil rights public education efforts, working with civil rights, business, labor, professional, and non-profit organizations, on new and continuing initiatives.

During FY 2018 the HCRC continued to be an active participant in a fair housing committee comprised of representatives from the housing departments of each county and the State, HUD Honolulu Field Office, Hawai'i Public Housing Authority, Hawai'i Housing Finance and Development Corporation, Legal Aid Society of Hawai'i, Hawai'i Disability Rights Center, and other housing-related private and public entities. The committee met to learn and discuss the latest fair

housing cases, legal issues, and recent developments in fair housing from a federal, state and local perspective, to corroborate on local fair housing issues and concerns, and to work together to promote fair housing throughout the islands.

During FY 2018 the HCRC continued to work with HUD, state and county housing agencies, community fair housing organizations, non-profit and for-profit organizations, and businesses to co-sponsor fair housing trainings on the Islands of Hawai'i, Kauai, Maui, and Oahu. Representative trainees in the housing area have included members of the Board of Realtors, Property Managers Association, National Association of Residential Property Managers, Community Associations Institute (CAI) Hawai'i, Hawai'i Center for Independent Living (HCIL), landlords, tenants, homeless veterans, emergency shelter and transitional housing management/staff, case management staff, housing assistance/referral management/staff, and various property management companies and community associations. An estimated 500+ people took advantage of these informative and free trainings.

During FY 2018 the HCRC also conducted outreach and/or participated in the following:

- U.S. Equal Employment Opportunity Commission (EEOC) Technical Assistance Program Seminar (TAPS)
- Association of Real Estate License Law Officials (ARELLO) annual conference
- Hawai'i State Bar Association training for Government Lawyers
- Hawai'i Council of Community Associations fair housing seminar
- Moloka'i Disability Fair
- Various classes, panels, and programs at the William S. Richardson School of Law, University of Hawai'i
- Pro Bono Fair at the William S. Richardson School of Law, University of Hawai'i
- Honolulu Pride Parade and Celebration
- Annual Martin Luther King, Jr. Holiday Parade and Festival
- Statewide Fair Housing Month events, including proclamations by the offices of Governor Ige and Mayor Caldwell
- Local radio, television, and online media appearances

The HCRC website is part of a consolidated website that includes all divisions of the Department of Labor & Industrial Relations. The website continues to attract broad public interest, particularly to those pages on administrative rules, case decisions, and the mediation program.

Caseload Statistics

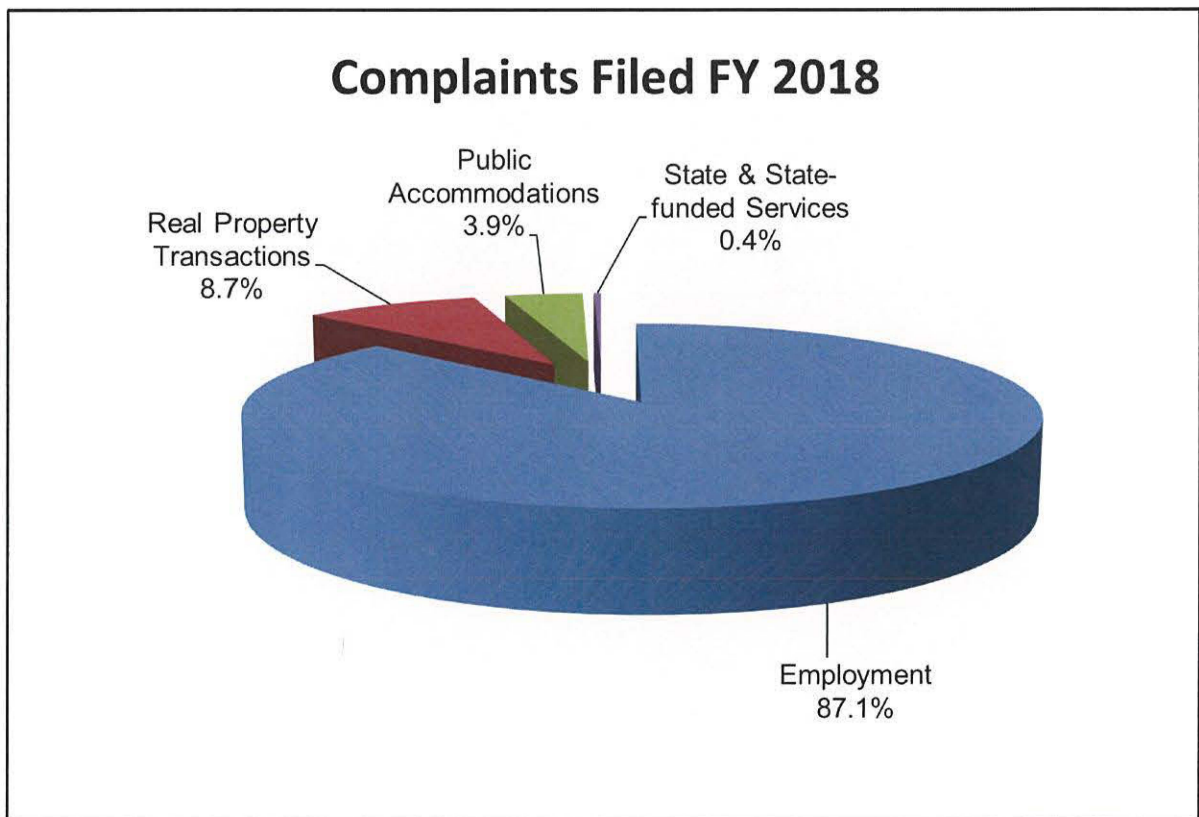
During FY 2018, the HCRC continued its emphasis on maintaining efficiency without sacrificing effective law enforcement.

Intake

During FY 2018, the HCRC received 2429 telephone and walk-in inquiries. HCRC investigators completed 557 intakes, and 541 discrimination complaints were filed with the HCRC, an average of 45.1 complaints a month.

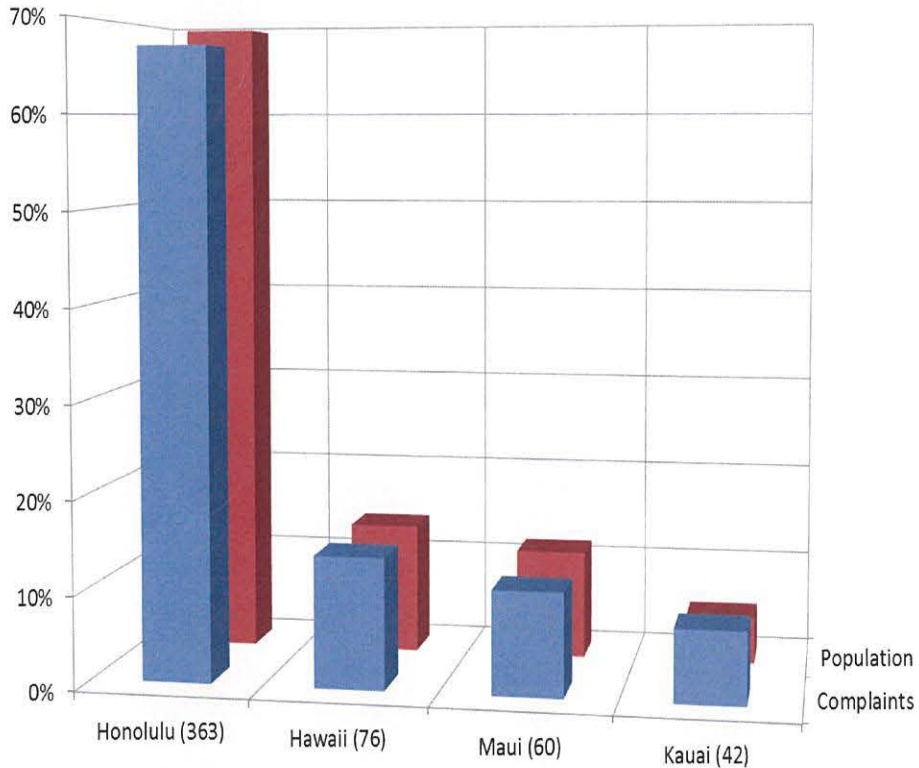
Of the 541 complaints that were filed with the HCRC, 290 complaints originated with HCRC investigators (averaging 24.2 per month), and another 251 cases originated with the federal EEOC or HUD. These 251 cases were dual-filed under state law with the HCRC.

The 541 cases included 471 employment cases, 21 public accommodations cases, 47 real property transactions (housing) cases, and 2 access to state and state-funded services complaints. The other inquiries and intake interviews did not lead to filed charges due primarily to: a) lack of jurisdiction; b) failure to correlate the alleged act(s) with the protected bases; or c) the complainant's decision not to pursue the complaint.



The 541 complaints accepted by the HCRC consisted of 363 Honolulu County complaints, 76 Hawai'i County complaints, 60 Maui County complaints, and 42 Kauai County complaints. The number of complaints filed from each county was consistent with its proportion of resident population in the state (Honolulu County 69.3%; Hawai'i County 14.0%; Maui County 11.7%; and Kauai County 5.1%).

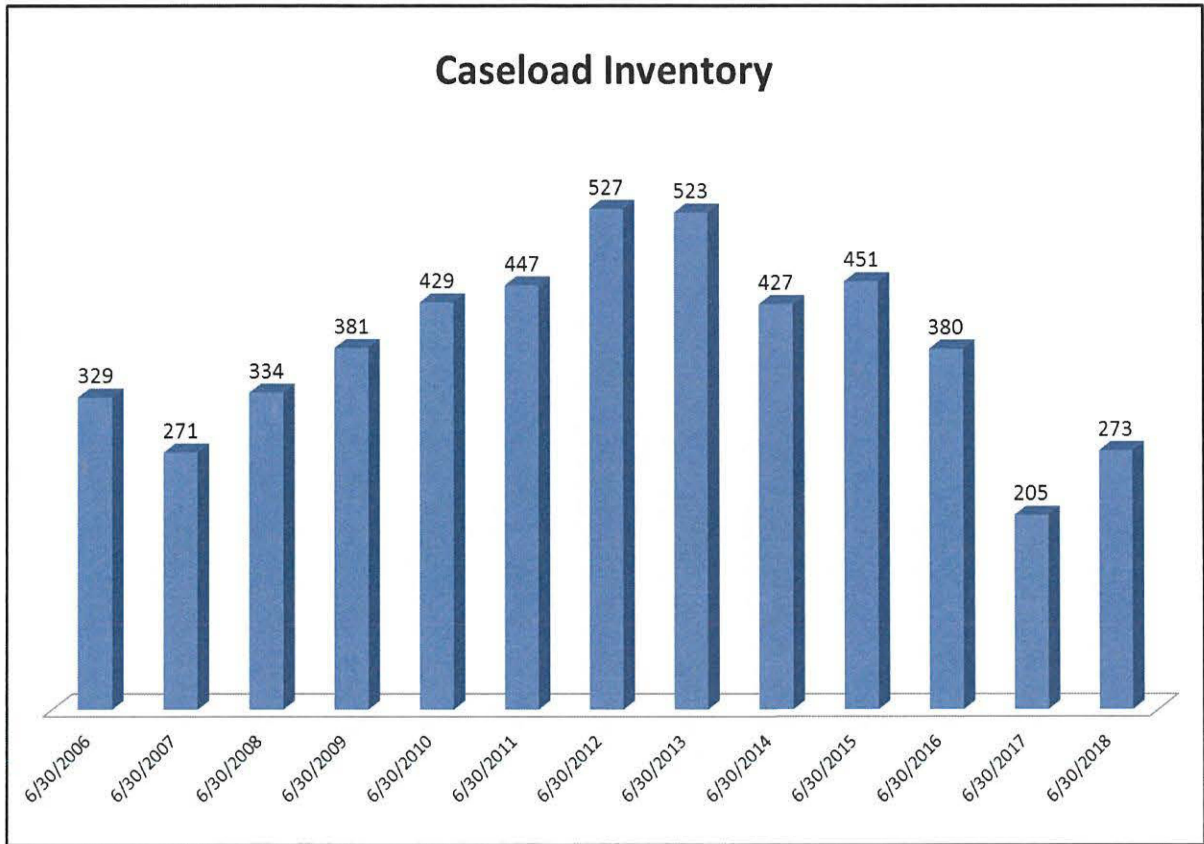
Complaints Filed by County FY 2018



	Honolulu (363)	Hawaii (76)	Maui (60)	Kauai (42)
Complaints	67.1%	14.0%	11.1%	7.8%
Population	69.3%	14.0%	11.7%	5.1%

Closures

HCRC investigators and attorneys closed 258 cases during FY 2018 (a decrease of 222 cases from FY 2017) for an average closure rate of 21.5 cases per month, down from 40 cases per month in FY 2017. HCRC investigations resulted in cause determinations in 29 cases, up from 13 cause determinations in FY 2017. As of June 30, 2018, there were 273 cases pending with HCRC investigators; on June 30, 2017, there were 205 pending cases.



The average period for case closure by investigators was 329 days, as compared to 405 days for FY 2017, 473 days for FY 2016, and 498 days for FY 2015. A review of this fiscal year shows the following reasons for investigative closures:

Merit Closures	No. of Cases	% of Subtotal	% of Total Closures
Resolved by Parties	38	16.74%	14.73%
Pre-Determination Settlements	21	9.25%	8.14%
Cases Resolved by Attorneys	29	12.78%	11.24%
No Cause Determinations	<u>139</u>	<u>61.23%</u>	<u>53.88%</u>
Subtotal	227	100.0%	87.98%
Non-merit Closures	No. of Cases	% of Subtotal	% of Total Closures
Complainant Elected Court Action	13	41.94%	5.04%
No Jurisdiction	4	12.90%	1.55%
Complaint Withdrawn	4	12.90%	1.55%
Complainant Not Available	2	6.45%	0.78%
No Significant Relief Available	2	6.45%	0.78%
Complainant Failed to Cooperate	<u>6</u>	<u>19.35%</u>	<u>2.33%</u>
Subtotal	31	100.00%	12.02%
 Total Number of Closures	 258		 100.00%

Employment Cases

H.R.S. Chapter 378, Part I prohibits discriminatory employment practices based on race, sex (including gender identity or expression), sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, domestic or sexual violence victim status, credit history or credit report, assignment of income for child support obligations, National Guard participation, and breast feeding/expressing milk. Examples of such practices are outlined in H.R.S. §378-2. A complaint can contain more than one basis for the alleged discriminatory conduct, but for statistical purposes each complaint is identified by only one designated “primary basis”.

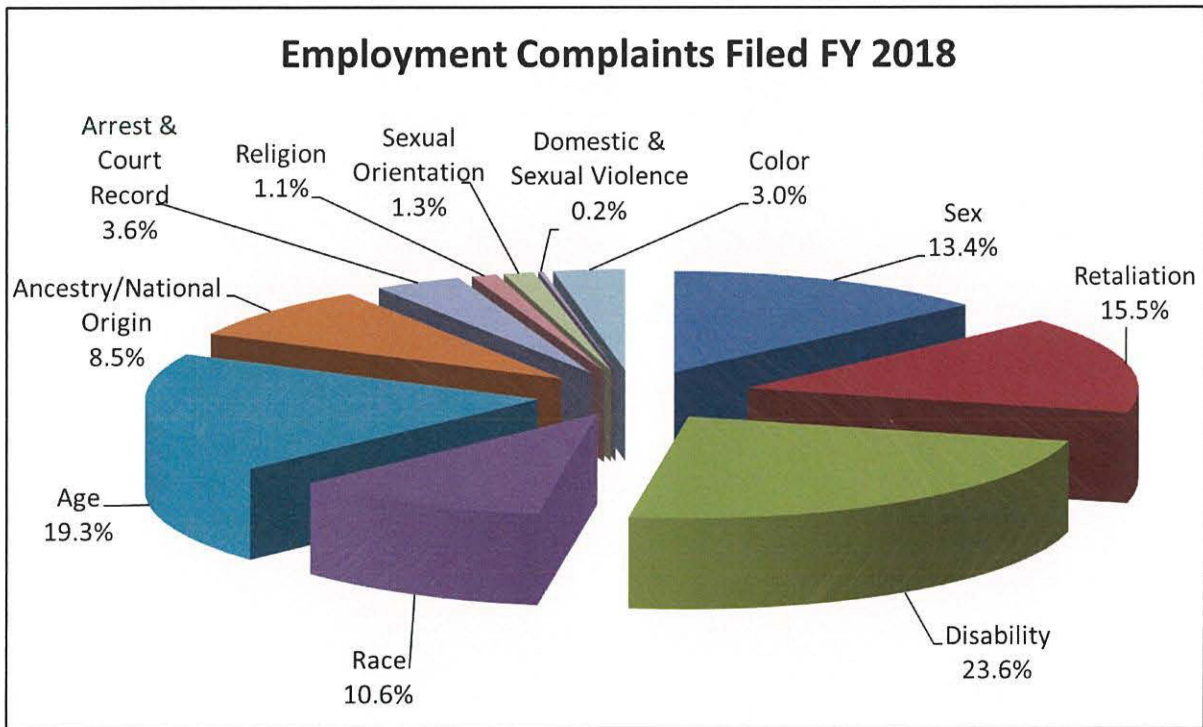
The HCRC has a work-share agreement with the EEOC. Under the work-share agreement, a case is filed with both agencies where there is concurrent jurisdiction. However, only the intake agency conducts the investigation, thereby eliminating duplicate enforcement activity. During the fiscal year a total of 471 employment cases were accepted by the HCRC. The HCRC was the intake

agency for 220 of these cases, and the HCRC dual-filed another 251 cases originating with EEOC. Of the HCRC-originated cases, 81.8% were also filed with EEOC.

Of the 471 employment complaints filed, the primary bases most cited were disability, in 111 cases (23.6%); age, in 91 cases (19.3%); retaliation, in 73 cases (15.5%); and sex, in 63 cases (13.4%). Of the sex discrimination complaints, 15 (23.8% of all sex cases) alleged sexual harassment as the primary basis and 18 (28.6% of all sex cases) were primarily based on pregnancy.

The next most cited primary bases were race, in 50 cases (10.6%); ancestry/national origin, in 40 cases (8.5%); arrest and court record, in 17 cases (3.6%); color, in 14 cases (3.0%); sexual orientation, in 6 cases (1.3%); religion, in 5 cases (1.1%); and domestic or sexual violence victim status, in 1 case (0.2%). There were no cases primarily based on breastfeeding, child support obligations, credit history or credit report, marital status, or National Guard participation.

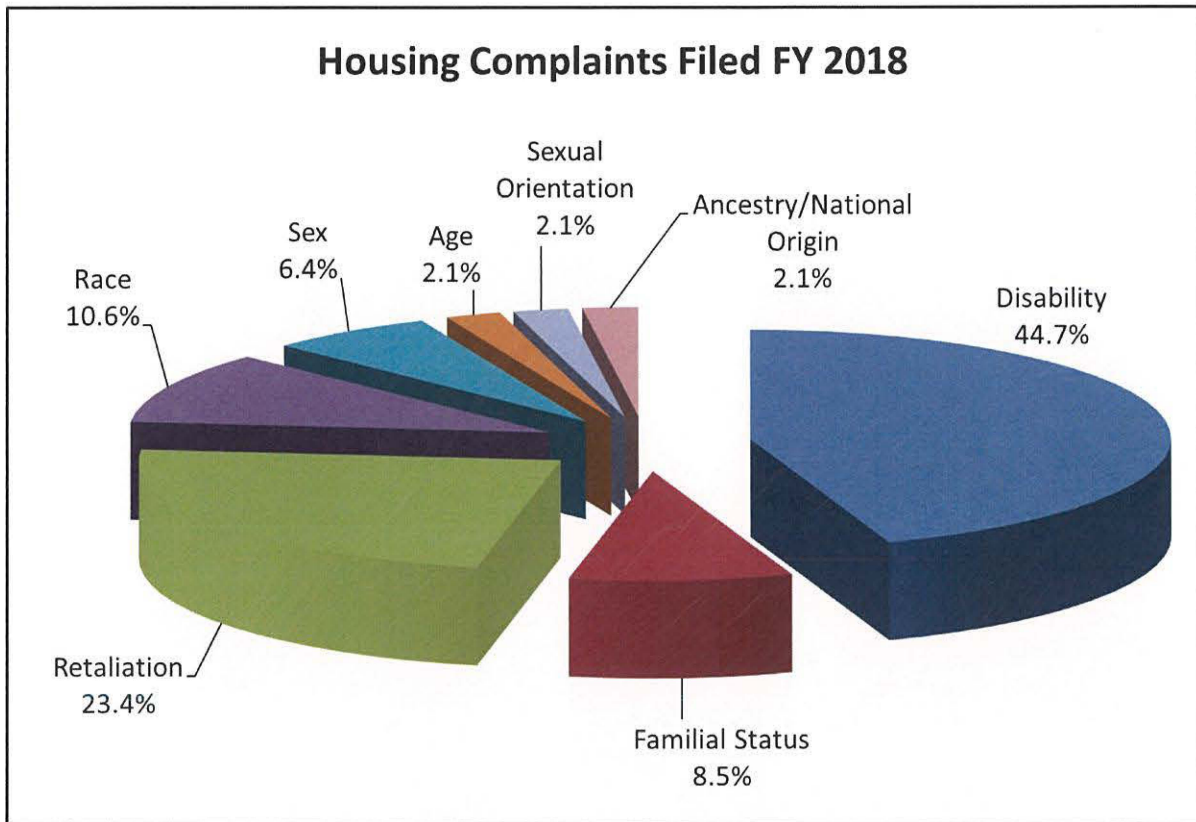
The case closure period averaged 325 days for the 205 employment cases that were closed or caused by HCRC investigators during FY 2018.



Real Property Transactions (Housing) Cases

During FY 2018, the HCRC accepted 47 cases of housing discrimination. The primary basis most cited was disability, in 21 cases (44.7%); followed by retaliation, in 11 cases (23.4%); race, in 5 cases (10.6%); familial status, in 4 cases (8.5%); sex, in 3 cases (6.4%); and age, ancestry/national origin, and sexual orientation, in 1 case each (2.1%). There were no cases primarily based on color, HIV infection, marital status, or religion.

Housing case closures averaged 198 days for the 29 cases closed or caused during FY 2018.

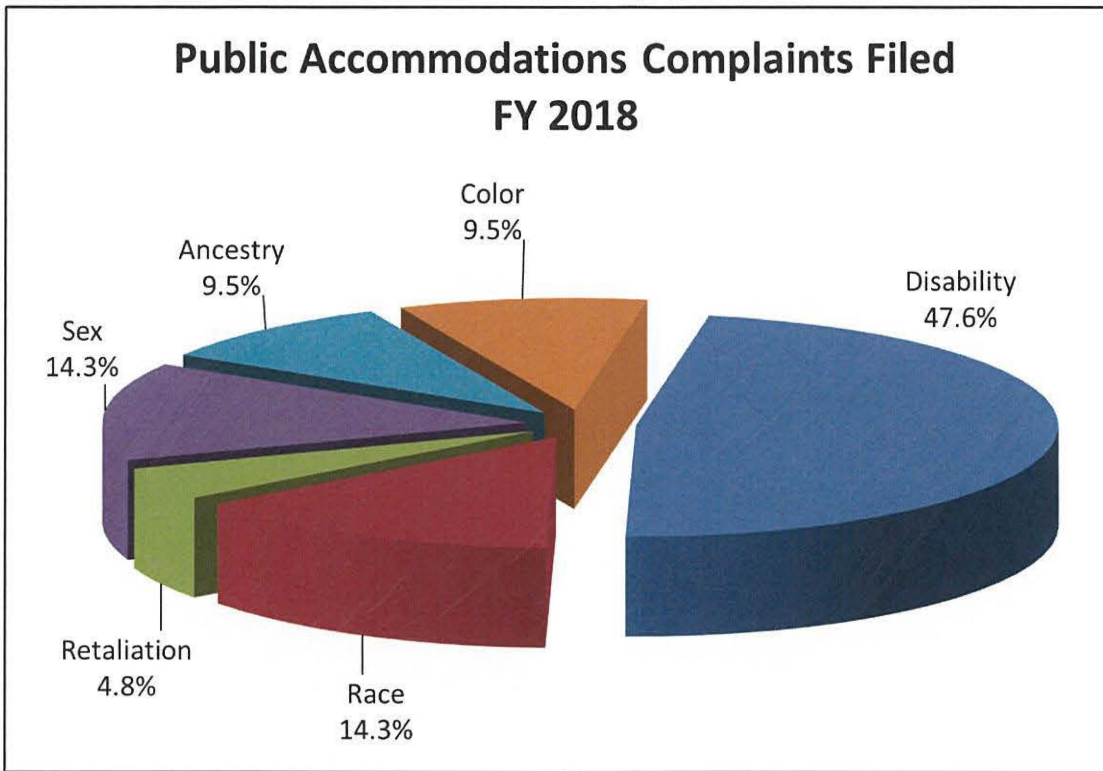


Public Accommodations Cases

H.R.S. Chapter 489 prohibits unfair discriminatory practices that deny, or attempt to deny a person the full and equal enjoyment of the goods, services, facilities, privileges, advantages or accommodations of a place of public accommodation on the basis of race, sex, sexual orientation, color, religion, ancestry, or disability. Public accommodations include retail stores, restaurants, theaters, sports arenas, public transportation, healthcare providers, hotels, and banks.

During the fiscal year, 21 new cases of public accommodations discrimination were accepted. Of these, the primary basis most cited was disability, in 10 cases (47.6%); followed by race and sex, in 3 cases each (14.3%); ancestry and color, in 2 cases each (9.5%); and retaliation, in 1 case (4.8%). There were no cases primarily based on religion or sexual orientation.

Public accommodations case closures averaged 550 days for the 19 cases closed or caused during FY 2018.



Access to State and State-Funded Services Cases

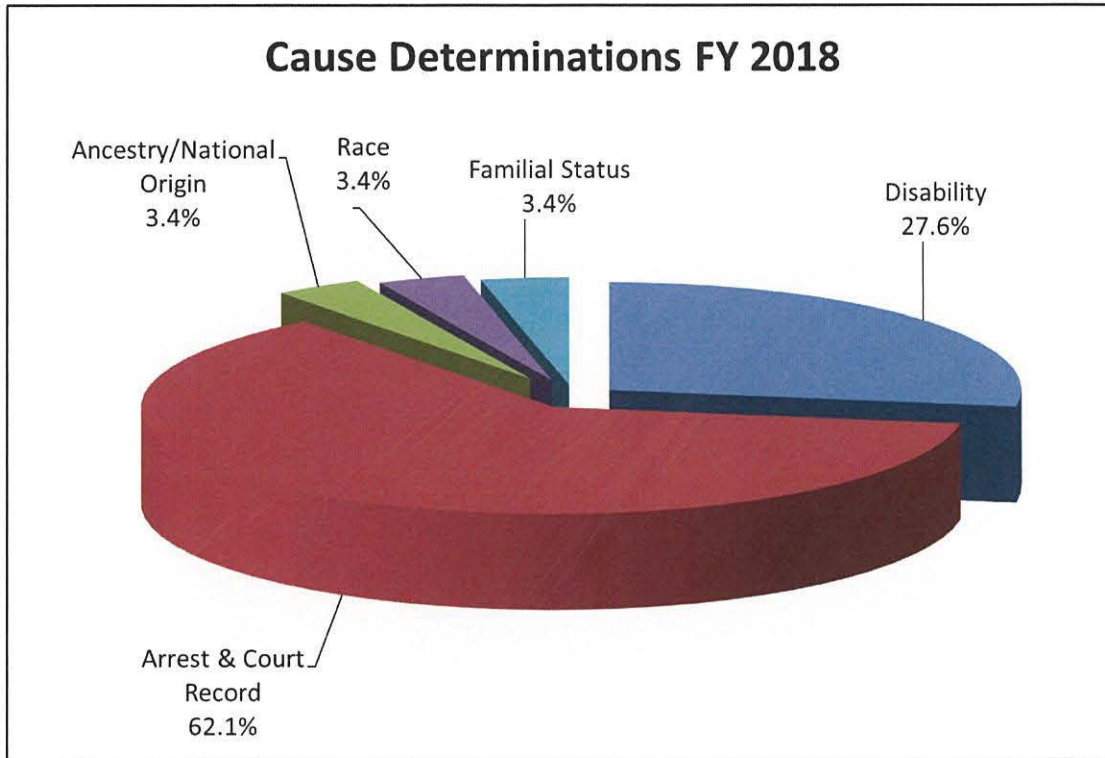
H.R.S § 368-1.5 prohibits state agencies, or any program or activity receiving state financial assistance from excluding from participation, denying benefits or otherwise discriminating against persons with disabilities (the only protected class under this statute).

During FY 2018, there were 2 cases filed under § 368-1.5. There were 5 cases filed under § 368-1.5 that closed during the fiscal year, averaging 387 days per closure.

Cause Cases

When an investigation results in a recommendation that there is reasonable cause to believe that discrimination has occurred, the case is assigned to an HCRC enforcement attorney for legal action. In FY 2018, 29 recommendations for cause were brought forward for legal action. Of these cases, 22 (75.9%) were employment cases, 4 (13.8%) were housing cases, and 3 (10.3%) were public accommodations cases.

Of the 29 investigations with a cause recommendation, the primary basis most cited was arrest and court record, in 18 cases (62.1%); followed by disability, in 8 cases (27.6%); and ancestry/national origin, familial status, and race, in 1 case each (3.4%).



Case Settlements

The HCRC promotes and encourages settlement during all stages of the complaint process. Through pre-determination settlements, mediation, and conciliation, the HCRC obtains relief and resolves complaints while avoiding unnecessary litigation. These settlements provide closure for the parties and conserve HCRC investigation and litigation resources for complex or precedent setting cases.

During FY 2018 the HCRC continued to successfully obtain monetary relief through settlement of complaints. In the 29 cause cases that were settled, HCRC attorneys obtained monetary settlements totaling \$391,485. Of the 59 cases settled prior to an investigative finding, 13 of those cases involved confidential settlements, the terms of which were not disclosed to the HCRC. Of the remaining 46 cases settled prior to an investigative finding, monetary relief totaled \$464,211. This figure includes pre-determination settlements obtained through HCRC investigators and settlements between the parties (\$239,590), as well as investigative settlements obtained through the HCRC mediation program (\$224,621). Collectively the HCRC's known monetary settlements for FY 2018 totaled \$855,696. Since the settlement terms are unknown for 13 closed cases, the actual total figure for all monetary settlements in FY 2018 is probably significantly higher than \$855,696.

In addition to monetary relief, significant affirmative relief was obtained. The HCRC seeks affirmative relief for four basic reasons: to enforce civil rights laws, stop discriminatory conduct, prevent future harm to complainants, and assist respondents in avoiding future violations. HCRC settlements and conciliation agreements routinely contain various types of affirmative relief including the development and implementation of non-discrimination policies, employee and supervisor training on non-discrimination policies, posting non-discrimination policies, and publishing notices informing the public of the HCRC's role in enforcing state non-discrimination laws.

In some instances, non-monetary relief can be an important element of a settlement. For example, some complainants have received a letter of apology pursuant to the terms of a settlement. A simple apology sometimes goes a long way towards healing the rift between a complainant and respondent, and this form of relief is often not available as a court ordered remedy. Some cases were resolved when an employer, housing provider, or public accommodation corrected an unlawful discriminatory policy or practice after notice of the violation. During FY 2018, a significant number of employers, housing providers, and public accommodations voluntarily agreed to correct unlawful employment applications, leave policies, or house rules.

The following are illustrative of the HCRC cases that were resolved through conciliation or mediation and describe the relief obtained during FY 2018:

- The complainant in a public accommodations case alleged that she was denied accommodations and services on the basis of her disability. Specifically, she alleged that the respondent hotel refused to honor her reservation for a one-night stay and forced her to leave because she had a service animal that was necessary due to her disability. The case was resolved prior to an investigative finding through a pre-determination settlement. The terms included payment of \$2,250 to the complainant and the respondent's adoption and dissemination of a non-discrimination policy.
- The complainant in an employment case had worked for a local branch of the respondent, a major international retailer. He alleged that he had been subjected to harassment, unequal terms and conditions of employment, and termination on the basis of his sex, ancestry/national origin, and disability. The case was resolved prior to an investigative finding through a pre-determination settlement. The terms included payment of \$48,000 to the complainant and mandatory non-discrimination training for all management personnel at all of the respondent's retail locations on Oahu.
- The complainant in an employment case had worked for the respondent, a large restaurant, and alleged that its General Manager had subjected her to various forms of sexual harassment. The HCRC investigated the case and issued a Notice of Cause. Thereafter, the case was settled for a payment of \$120,000 to the complainant, the respondent's review, adoption, and posting of a

non-discrimination policy, and mandatory non-discrimination training for all employees.

- The complainant in an employment case alleged that the respondent employer failed to provide her a requested reasonable accommodation for a pregnancy-related impairment and consequently forced her to quit. The HCRC investigated the case and issued a Notice of Cause. Thereafter, the case was settled for a payment of \$20,000 to the complainant, a review of the respondent's policies, the respondent's posting of a non-discrimination flyer on an employee bulletin board, and mandatory non-discrimination training for the respondent's managers.
- The complainant in a housing case rented a room in a house owned by the respondent couple and alleged that they subjected her to discriminatory practices based on her sex. The HCRC investigated the case and issued a Notice of Cause, finding that the respondent husband had threatened and intimidated the complainant by subjecting her to physical sexual conduct and pervasive emails of a sexual nature; that the respondents had created a hostile housing environment that forced the complainant to move off the property; that the respondents had retaliated against and threatened the complainant; and that the respondents had published a discriminatory advertisement. Thereafter, the case was settled for payment of \$20,000 to the complainant, the respondents' adoption of a non-discrimination policy, non-discrimination training for the respondents, and monitoring of the respondents' rental activity for a year.
- In a housing case the complainant—a mother with a young child—alleged that the respondent housing provider refused to rent to her on the basis of her familial status. Prior to an investigative finding the case was successfully mediated through the HCRC's housing mediation pilot program. The terms of the mediated settlement included a payment of \$3,800 to the complainant, a letter of apology, training for the respondents, and the respondents' creation of a non-discrimination policy.
- The complainant in an employment case alleged that he was subjected to unequal terms and conditions, suspended, and terminated, all on the basis of his arrest and court record. The case was resolved prior to an investigative finding through a pre-determination settlement. The terms included payment of \$12,500 to the complainant and the respondent's posting of a non-discrimination policy on the employee bulletin boards at its place of business.

HCRC Warning Letters

In an effort to prevent future or recurring problems, the HCRC provides respondents with "warning letters" advising them of potentially unlawful practices that the HCRC discovers during the course of its investigation of claims against the respondent. In those instances when the HCRC investigation does not result in a recommendation of reasonable cause on the

claims filed, and the HCRC investigator finds evidence of other unlawful practices (such as a discriminatory written policy, employment application, or conduct in the workplace that could rise to the level of unlawful harassment if repeated), the HCRC will advise the respondent of the potential violations and provide the respondent information about how it can correct the possible violation of the law. Warning letters have resulted in policy and application form changes, as well as discrimination prevention training for employees and managers.

Case Decisions

Contested Cases

During FY 2017-2018 five cases were docketed for contested case hearings. Three cases were settled in FY 2018, and one was settled the following fiscal year, after July 1, 2018. Two cases alleged discrimination in housing, and three involved employment discrimination including sexual harassment and pregnancy discrimination.

On June 27, 2018 a contested case hearing was held in *Hoshijo on behalf of the complaint filed by Kiona E. Boyd vs. Jeffrey David Primack*, Docket No. 18-001-H-S. Complainant alleged she was evicted from her housing based on her gender identity, and that Respondent made discriminatory statements. The Hearings Examiner issued Proposed Findings of Fact, Conclusions of Law and a Recommended Order, in FY 2019, and the Commission has not yet issued a final order.

Appeals

In 2017, the Hawai'i Supreme Court ruled on a declaratory relief petition regarding the Hawai'i Civil Rights Commission's jurisdiction over state agencies, and state funded services, pursuant to HRS § 368-1.5.

HRS § 368-1.5 prohibits exclusion of any person by state agencies or any program or activity receiving state financial assistance based on disability. When enacted, it was meant to be a state corollary to Section 504 of the Rehabilitation Act (P.L. 93-112).

In *Hawaii Technology Academy and the Department of Education vs. L.E. and Hawaii Civil Rights Commission*, 141 Hawaii 147, 407 P. 3d 103 (2017), the Court held that the legislature intended HRS § 368-1.5 to provide the HCRC with jurisdiction over disability discrimination claims only when Section 504 of the federal Rehabilitation Act of 1973 does not apply, thus limiting HCRC jurisdiction to state agencies and programs or activities which do not receive federal funds.

In *Cervelli v. Aloha Bed & Breakfast*, 142 Hawaii'i 177, 415 P.3d 919 (2018), the Hawai'i Intermediate Court of Appeals rejected a religious justification by the owner of a bed and breakfast who refused to rent a room to a lesbian couple.

In an interlocutory appeal, the Intermediate Court of Appeals affirmed a lower court ruling against a Hawai'i bed and breakfast that denied a room to a lesbian couple because of their sexual orientation. The opinion made clear that a business run out of one's own home is still a business, and therefore a public accommodation.

The lawyers for Aloha Bed & Breakfast argued throughout the case that the religious views of the business owner permitted the business to refuse to rent a room to a same-sex couple. They also argued that a bed and breakfast is not a public accommodation but should be considered housing. The intermediate Court of Appeals rejected this reasoning, holding that a public accommodation may not rely on a religious belief to reject service to a protected class. (In July, 2018 the Hawai'i Supreme Court denied certiorari, and a petition for certiorari is pending before the United States Supreme Court).

Morning Hill Foods, LLC, dba MANA BU'S v. The Hawaii Civil Rights Commission, CAAP-18-0000573 is on appeal to the Intermediate Court of Appeals from a Circuit Court decision which affirmed in part and modified in part the Commission's final decision. On December 12, 2017, the Commission issued a final decision in the underlying contested case and held that Respondent was liable for age discrimination in violation of Hawai'i Revised Statutes § 378-2. The Commission found that Respondent's advertisements, a Craigslist advertisement and an in-store posting, requesting college student applicants were in violation of H.A.R. §§ 12-46-131 and 12-46-133, which prohibit age discrimination in employment, and in advertising for a preference for individuals of a particular age. The rule allows an exception for a bona fide occupational qualification, which allows discriminatory conduct in specific situations, such as advertising for a specific characteristic for a part in a play. The Commission found that there was no bona fide occupational qualification for young people in the current case. This was affirmed by the Circuit Court, which held that the applicable rule, H.A.R. 12-46-133, is constitutional. The Court upheld the Commission award of lost wages for \$1,080 and lowered the Commission's award for emotional distress from \$2,500 to \$1,000. Morning Hill Food, LLC appealed to the Intermediate Court of Appeals.

Legislation

Three bills and two resolutions relating to civil rights were passed during the 2018 Legislative Session and enacted into law.

Act 108, SB 2351, Relating to Equal Pay, adds a new section to HRS Chapter 378 and amends the existing equal pay provisions of HRS § 378-2.3. The new statutory section prohibits prospective employers from requesting or considering a job applicant's wage or salary history as part of an employment application process or compensation offer, except that an employer may consider salary history if an applicant discloses salary history voluntarily and without prompting. The amendment to the current statute prohibits enforced wage

secrecy and retaliation or discrimination against employees who disclose, discuss, or inquire about their own or coworkers' wages.

Act 110, HB 1489, Relating to Civil Rights, establishes a state corollary to Title IX of the Education Amendments of 1972, renamed the Patsy T. Mink Equal Opportunity in Education Act in 2002. It does so by adding a new chapter to Title 20 of the Hawai'i Revised Statutes, 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. Since its enactment, Title IX increased academic and athletic opportunities for females in schools, and required schools to take prompt and effective action in response to reports of sexual harassment of students. Act 110 requires the legislative reference bureau to conduct a study regarding how other jurisdictions oversee Title IX enforcement.

Act 217, SB 2461 Relating to Service Animals, amends several sections of the Hawai'i Revised Statutes, establishes a civil penalty for "fraudulently representing a dog as a service animal", and conforms Hawai'i law with the definition of "service animal" under the Americans with Disabilities Act of 1990. Act 217 also amends Chapter 489 to specify that discrimination in public accommodations based on disability includes a prohibition against discrimination based on use of a service dog. However, the use of an **assistance animal** as reasonable accommodation in housing is not governed by the Americans with Disabilities Act (ADA), nor is it affected by this new law.

SR 92 urges the United States Congress to pass legislation to correct and clarify the status of migrants under the Compact of Free Association (COFA) for the purposes of the Real ID Act of 2005. Enactment of such clarifying legislation would relieve the burden on Hawai'i residents who are citizens COFA nations, who have an unlimited duration of stay in the United States, from the requirement that they be issued only a one-year driver's license that has to be renewed annually. This would help COFA Hawai'i residents avoid unnecessary cost and inconvenience and reduce the burden on state and county resources.

HCR 109 Urging the President of the United States and the United States Congress to Grant Full Veterans Benefits to Filipino Veterans Who Fought in WW II But Were Subsequently Denied the Benefits to Which They Were Entitled. This resolution asks the United States to pay a debt of gratitude and justice to remedy a history of injustice, broken promises, and discriminatory treatment suffered by a now dwindling generation of heroic Filipino Veterans who served under US command, who were promised citizenship and veteran's benefits, and to this day continue to suffer the consequences of broken promises and belated remedies.

Appendix

Overview

The Hawai'i Civil Rights Commission (HCRC) was established under Act 219, L. 1988, and Acts 386 and 387, L. 1989.

The HCRC's enabling statute, H.R.S. Chapter 368, declares that discrimination because of race, color, religion, age, sex (including gender identity and expression), sexual orientation, national origin, ancestry, or disability in employment, housing, public accommodations, or access to services receiving state financial assistance is against public policy. Certain bases are not protected under all HCRC laws.

The HCRC exercises jurisdiction over Hawai'i's laws prohibiting discrimination in employment (H.R.S. Chapter 378, Part I), housing (H.R.S. Chapter 515), public accommodations (H.R.S. Chapter 489), and access to state and state-funded services (H.R.S. § 368-1.5). Under its statutory mandate, the HCRC receives, investigates, conciliates, litigates, and adjudicates complaints of discrimination, providing a uniform procedure for the enforcement of the state's discrimination laws.

The HCRC has five (5) uncompensated volunteer Commissioners (one position is currently vacant) who are appointed by the Governor, with the consent of the Senate, based on their knowledge and experience in civil rights matters and their commitment to preserve the civil rights of all individuals.

The HCRC is attached to the Department of Labor & Industrial Relations (DLIR) for administrative purposes. During FY 2018 the HCRC had 27 positions (23 permanent and 4 temporary), divided into separate enforcement and adjudication sections.

Administrative Procedure

Before the HCRC accepts a complaint of discrimination, a complaining person must allege that:

- 1) She or he has been subjected to unlawful discrimination⁴ because of a protected basis,⁵ and,
- 2) The unlawful discrimination occurred within the previous 180 days.⁶

⁴ "Unlawful discrimination" may occur in any of the following ways:

- a. Disparate Treatment – this is the usual form of discrimination; it occurs when individuals are treated in an unequal manner because of a "protected basis." Examples of disparate (unequal) treatment include: firing an employee because of her race, her age, or because she is pregnant; refusing to serve a person because of his race or his disability; refusing to rent to a person because of her race; or refusing to rent to a family because it has young children.
- b. Reasonable Accommodation – this is the second most common way that discrimination appears; it occurs when an individual is denied a "reasonable accommodation" designed to allow an individual to have equal access or equal benefits. Examples of failure to accommodate include: refusing to allow a seeing impaired customer into a taxicab because he is accompanied by a seeing-eye dog; refusing to allow a pregnant cashier to sit on a stool so that she can work while pregnant; or refusing to make exceptions to a condominium association's "no pets" house rule to allow a disabled resident to keep a service animal.
- c. Disparate Impact -- the least common way that discrimination appears; however, when discrimination occurs in this form, it may impact the greatest number of people. Disparate impact occurs when a policy, practice, or test that has a "disparate impact" on persons with a particular "protected basis." Examples of disparate impact include: a pre-employment test that includes a number of questions that are not job related but have the effect of disqualifying a large number women, or men, or any other protected basis.

⁵ "Protected basis" is the criteria upon which it is unlawful for a respondent to discriminate. Protected bases vary depending on the statute involved:

- a. State Funded Services (HRS Chapter 368) The only protected basis is disability.
- b. Employment (HRS Chapter 378, Part I) The protected bases on which an employer, employment agency, or labor organization may not discriminate are: race, sex (which includes gender identity and expression), sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, domestic or sexual violence victim status, credit history or lactating employees.
- c. Public Accommodations (HRS Chapter 489) The protected bases on which a public accommodation may not discriminate are: race, sex (which includes gender identity and expression), sexual orientation, color, religion, ancestry, or disability.
- d. Housing (HRS Chapter 515) The protected bases on which an owner, a real estate broker or any person engaging in a real estate transaction, may not discriminate are race, sex (which includes gender identity and expression), sexual orientation, color, religion, marital status, familial status, ancestry, disability, age or HIV (human immunodeficiency virus) infection.

⁶ Complaints filed with the HCRC usually involve a discrete act, such as termination, eviction, demotion, or involve acts that are ongoing and constitute a continuing violation. An example of a "continuing violation" is sexual harassment that began more than 180 days before the complaint is filed, but continued or ended less than 179 days before the complaint is filed. When

Where appropriate, after a complaint is filed with the HCRC, the parties are offered an opportunity to voluntarily mediate the complaint through the HCRC Mediation Program. If the parties agree to mediate, the HCRC mediation coordinator refers the parties to a community mediation center, which schedules and holds mediation sessions. Parties may alternatively choose to hire a private mediator.

In cases not referred to mediation, or those in which mediation is unsuccessful, an HCRC investigator conducts an objective, fact-finding investigation. HCRC investigators are impartial and gather evidence to allow the Executive Director to make a determination in each case. The HCRC investigator collects, reviews, analyzes documents, and contacts and interviews witnesses. Some witnesses may be identified by the complainant or by the respondent, and some are independent witnesses, including experts, who are identified by the investigator, by other witnesses, or are discovered during the course of the investigation. In many cases, the investigator also attempts to settle the complaint prior to an investigative determination (pre-determination settlement).

After an HCRC investigation is completed, H.R.S. 368-13(b)-(c) requires the Executive Director to determine whether reasonable cause exists to believe that discrimination has occurred. Where no reasonable cause is found, the Executive Director dismisses the complaint and issues a right to sue letter to the complainant. Where a determination of reasonable cause is recommended, the complaint is assigned to an HCRC enforcement attorney for legal review and final recommendation to the Executive Director.

Upon the issuance of a finding of reasonable cause to believe that unlawful discrimination has occurred, the HCRC enforcement attorney attempts to conciliate or settle the complaint.⁷ If conciliation is unsuccessful, the complaint is docketed for a contested case hearing. An HCRC enforcement attorney presents the case in support of the complaint before an impartial hearings examiner. The respondent (represented by themselves or by counsel or representative of their choice) is also given the opportunity to present his/her case at the hearing. Generally, a complainant may intervene in the contested case process as a party and also be represented by counsel or other representative of their choice.

After the completion of the contested case hearing, the hearings examiner issues a proposed decision based on the evidence. The five-member Commission Board then reviews the proposed decision and the hearing record. The parties may file

discrimination involves a discrete act, such as termination, the HCRC can only accept a complaint within 180 days of that complained action.

⁷ During FY 2018, of all 258 investigative and attorney case closures, 5.0% (13) were closed on the basis of the complainant electing court action. The remaining cases (245) were closed on the following bases: in 53.9% of the cases (139), the Executive Director found no cause and dismissed the complaint, 22.9% (59) of the investigation cases were settled prior to a cause determination or were resolved by the parties, 11.2% (29) of the cases were resolved by staff attorneys, and the remaining 7.0% of the cases (18) were closed because there was no jurisdiction, the complaint was withdrawn, the complainant was unavailable and could not be located, the complainant failed to cooperate, no significant relief was available, due to bankruptcy of the respondent, or due to administrative closure.

written exceptions and support statements and present oral arguments to the Board. The Commission Board then accepts, rejects, or modifies the proposed decision, issues a final decision and order, and awards remedies, if appropriate. This decision is legally binding. If any party disagrees with the decision, she/he has 30 days to file an appeal to the State Circuit Court. Furthermore, a Respondent who appeals a decision of the Commission Board is entitled to a jury trial on any claims that form the basis for an award of common law damages.⁸

The HCRC enforcement and administrative hearing process is more cost effective than litigation in court. It provides for the investigation of complaints and access to justice for those who lack the resources to pursue their claims in court. This is particularly important in employment discrimination cases, where employees have often lost their source of income through termination and have little or no control over the evidence needed to prove discrimination.

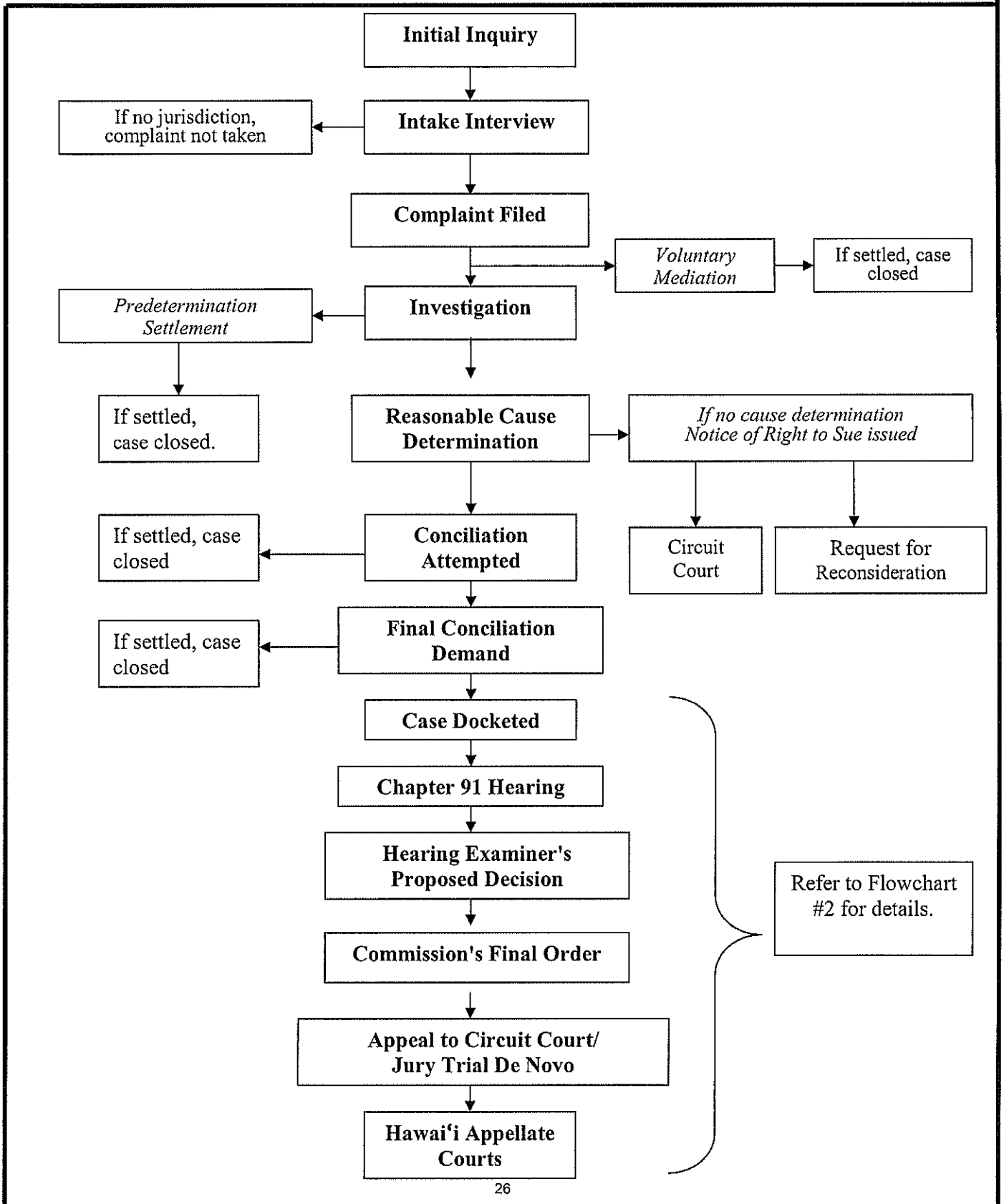
The HCRC enforcement and adjudication process also funnels cases away from the courts, saving judicial resources and associated costs. Complainants who file suit in court must first exhaust administrative remedies by filing a complaint with the HCRC. The primary reason for this requirement is to prevent the courts from being overburdened with non-jurisdictional or non-meritorious complaints, or with complaints that can be closed or settled in the HCRC's administrative process. In fact, the great majority of complaints filed with the HCRC are resolved or disposed of without resort to the courts.⁹

Although only a small number of cases are brought to administrative hearing and result in final Commission decisions, these cases are important because they create a body of legal precedent. Case law precedents, in Hawai'i and across the United States, provide the basis for anti-discrimination principles, such as the doctrine of sexual harassment. Case law also establishes standards that define the rights and protections under civil rights laws, and give guidance to employers, landlords, and businesses on how to prevent and eliminate discrimination.

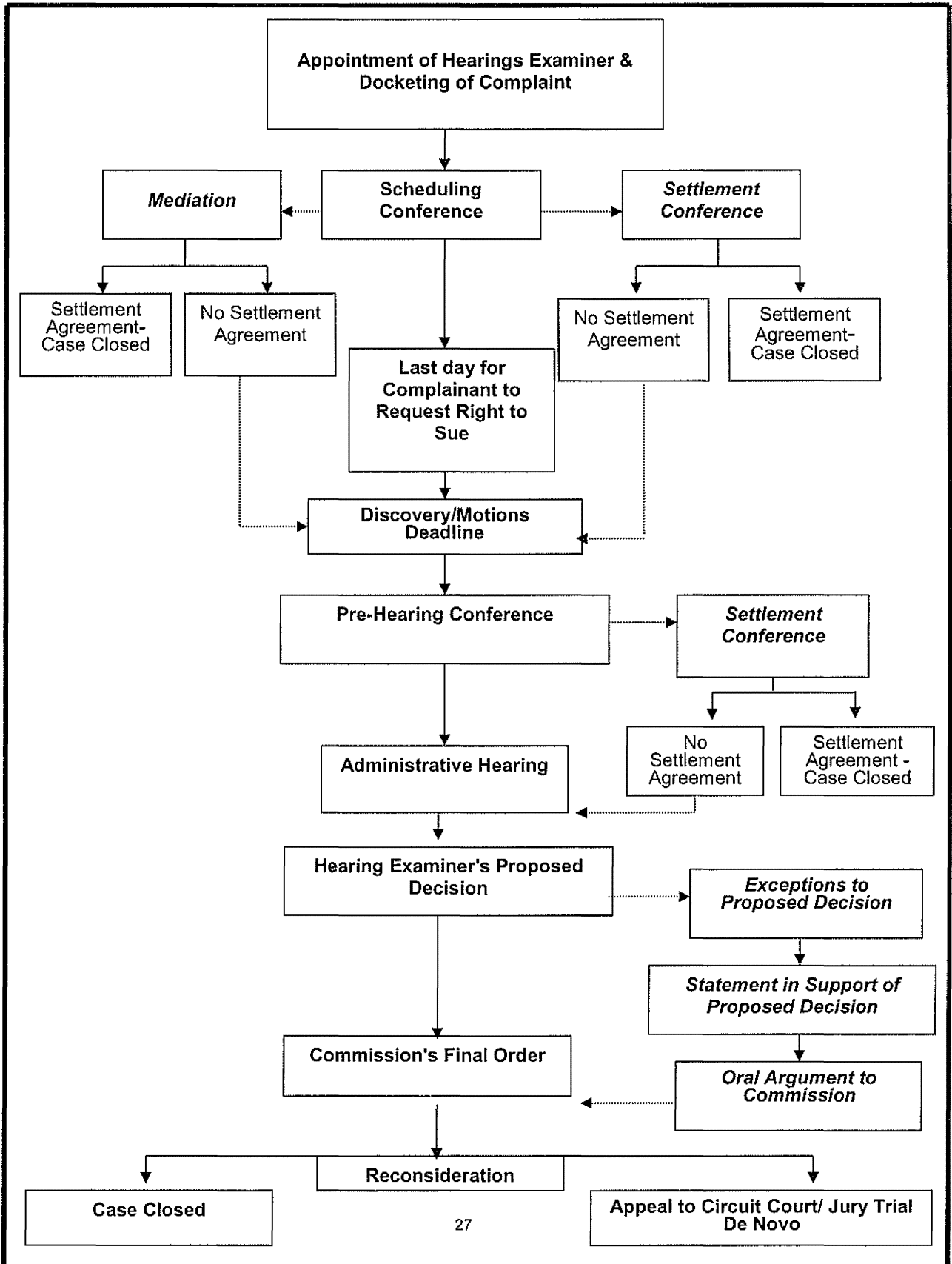
⁸ The HCRC enforcement, hearing and appeal procedures are illustrated in Flowchart # 1. In *SCI Management Corporation, et. al. v. Darryllynne Sims, et. al.*, 101 Hawai'i 438, 71 P.3d 389 (2003), the Hawai'i Supreme Court held that "a respondent who appeals a final order of the HCRC, pursuant to HRS § 368-16, is entitled to a jury trial on any claims that form the basis for an award of common law damages by the HCRC." This does not apply to respondents in housing cases, who can elect to take the case to circuit court after a finding of reasonable cause under HRS §515-9.

⁹ HCRC contested case procedures are illustrated in Flowchart # 2.

HCRC Procedural Flowchart #1



HCRC Contested Case Flowchart #2



HCRC Commissioners

Linda Hamilton Krieger Chair (term 2011-2019)

Linda Hamilton Krieger grew up in Hawai'i and returned home in 2007 to join the faculty at the William S. Richardson School of Law as a Professor of Law. Professor Krieger received a BA degree from Stanford University and is a graduate of New York University Law School. Prior to teaching, Professor Krieger worked for 13 years as a civil rights lawyer. From 1980-1986 she was a Staff Attorney and Director of Clinical Programs at the Employment Law Center of the Legal Aid Society of San Francisco, and from 1985-1991 she was a Senior Staff Attorney for the EEOC, San Francisco Regional Office. During that period, she litigated a number of significant state and federal sex and race discrimination cases in the areas of pregnancy discrimination and sexual harassment. She also played a significant role in drafting state and federal legislation in these subject matter areas. Professor Krieger served as an Acting Associate Professor of law at the Stanford Law School from 1992 to 1995, and as a professor of law at the University of California at Berkeley (Boalt Hall) from 1996 to 2009. She has also published numerous articles on Title VII of the Civil Rights Act of 1964, disability discrimination, affirmative action, international comparative equality law and policy, and theories of law and social change.

Liann Ebesugawa (term: 2017-2020)

Ms. Ebesugawa is Assistant General Counsel for Hawaiian Electric Industries, Inc. Previously she served as an Associate General Counsel for Hawaiian Electric Company, Inc. where she provided legal support to personnel and management and advice in obtaining regulatory approvals for various projects. She also served as Executive Director of the Hawai'i State Board of Education, where she provided legal and administrative services for matters before or involving the Board of Education.

Ms. Ebesugawa is currently the Second Vice President of the Honolulu Chapter of the Japanese American Citizens League's Board of Directors. During her tenure as the JACL's past Board President, she addressed issues related to marriage equality, homelessness, Native Hawaiian self-determination, and other civil rights issues that face the community. She also currently serves on the Board of Directors of the National Asian Pacific American Bar Association and has coauthored several academic publications and presentations regarding privacy in the workplace, Japanese American redress, and racial discrimination.

Joan Lewis (term: 2017-2020)

Joan Lewis is a 29 year Hawai'i public school teaching veteran and a long time education advocate. Ms. Lewis has been a part of the teaching staffs of Nānākuli High and Intermediate School and Kapolei High School where her work with Native Hawaiian

and Pacific Island students shaped her approach to teaching and learning. Ms. Lewis is one of the founders of the Hō'ola Leadership Academy, a 9-12th grade academy within the Kapolei High School community that provides a safe learning space for students that face many obstacles that can undermine their success. Graduation rates for students in this program have been in the upper 90 percentile.

Ms. Lewis has also served as a school, district and state leader for the Hawai'i State Teachers' Association. Her work as part of the HSTA has provided culturally sensitive training and support for teachers in the Leeward District of the DOE, the development and delivery of courses to support students of diverse economic backgrounds, and the expansion of the teacher voice in support of Hawai'i's students. Ms. Lewis' other experiences include service as: a foster parent for Hale Kipa Inc.; an educational staff member for Palama Settlement's In-Community Treatment Program; a house parent for Child and Family Services Ila Humphrey home for girls recovering from sexual assault; and as a trustee for the Hawai'i Employer-Union Health Benefits Trust Fund. These have been instrumental in developing Ms. Lewis' belief that we must work together to provide the Aloha that all citizens, but especially the most vulnerable among us, need to survive and thrive. Ms. Lewis earned her Bachelor's degree at Drake University (B.S. in Education) and her Master's degree from the University of Hawai'i at Mānoa.

Joakim Peter (term: 2017-2019)

Dr. Joakim Jojo Peter is a Senior Specialist at Pacific Resources for Education and Learning (PREL) focusing in family and school engagement for migrant families of children with significant disabilities in Hawai'i. He received a Ph.D. from the Special Education program at the College of Education, University of Hawai'i at Mānoa (UHM), and has also received two Master degrees from UHM in Pacific Islands Studies and History. Originally from Chuuk in the Federated States of Micronesia, Dr. Peter attended Xavier High School. After serving as director and faculty member at the College of Micronesia-FSM Chuuk Campus for 15 years, he returned to UHM to pursue his doctorate, which focused on immigrant families of children with special needs in Hawai'i.

In 2011, JoJo and fellow community advocates founded COFA CAN, a community advocacy network that provides awareness and support for crucial legislative and legal initiatives that affect the lives of the Freely Associated States citizens living in Hawai'i and the United States. JoJo has lectured at UHM and Kapi'olani Community College. In 2012 and 2014, JoJo worked with the Department of Ethnic Studies and the Center for Pacific Islands Studies to organize two symposia - "Micronesian Connections" and "Oceanic Connections" - that sought to bring together community members, educators, and students to develop strategies for empowerment and sharing among Oceanic peoples. He has been a community advocate for COFA Community Advocacy Network (COFACAN), Micronesian Health Advisory Coalition (MHAC), and We Are Oceania (WAO). Recently, the Micronesian groups have been conducting outreach to collect stories of healthcare issues and challenges among the COFA populations in Hawai'i.

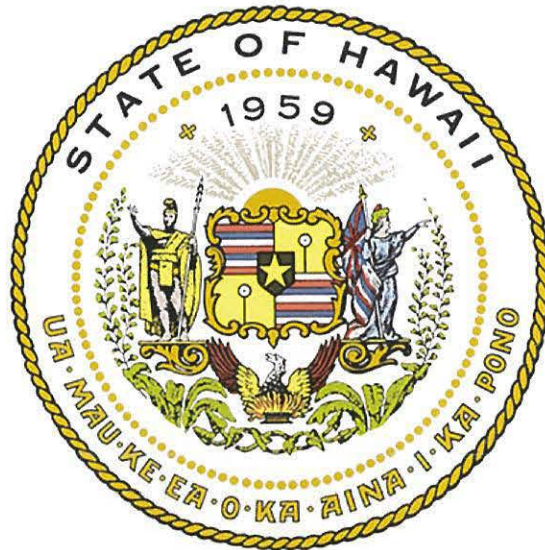
HCRC Staff

During FY 2018 the HCRC staff consisted of 27 positions:*

- Enforcement Staff:
 - Executive Director
 - Deputy Executive Director
 - Enforcement Attorneys (4)
 - Program Specialist – Mediation Coordinator
 - Legal Clerk
 - Investigator-Supervisors V (2)
 - Investigator IV (8)
 - Investigator III-IV (temporary) (2)
 - Secretary III
 - Office Assistants (III-IV) (4)

- Adjudication Staff:
 - Chief Counsel
 - Secretary II

* Staffing levels reflect permanent (23) and temporary (4) positions which were either filled or vacant during FY 2018.



HAWAI'I CIVIL RIGHTS COMMISSION

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E-Mail: DLIR.HCRC.INFOR@hawaii.gov

Oahu

Telephone: 586-8636
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Neighbor Islands call (toll-free)
Kaua'i: 274-3141, ext. 6-8636#
Maui: 984-2400, ext. 6-8636#
Hawai'i: 974-4000, ext. 6-8636#
Lana'i & Moloka'i: 1-800-468-4644, ext. 6-8636#