

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

ON THE FOLLOWING MEASURE:

S.B. NO. 2636, RELATING TO CIVIL RIGHTS.

BEFORE THE:

SENATE COMMITTEES ON EDUCATION AND ON HIGHER EDUCATION

DATE: Friday, February 11, 2022 **TIME:** 3:15 p.m.

LOCATION: State Capitol, Room 229, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Lori N. Tangiawa, Deputy Attorney General

Chairs Kidani and Kim and Members of the Committees:

The Department of the Attorney General provides the following comments.

This bill (1) defines the scope and application of chapter 368D, Hawaii Revised Statutes, and sets forth requirements with which covered entities must comply; and (2) requires 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 Hawai'i, and other relevant information.

Section 6 of article X of the Hawai'i State Constitution gives the Board of Regents of the University of Hawai'i "exclusive jurisdiction over the internal structure, management, and operation of the university." Section 6 further provides: "[t]his section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern." If the Committee decides to pass this bill, we recommend an amendment that adds a statement identifying this bill as a law of statewide concern.

Thank you for the opportunity to provide these comments.



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

Date: 02/11/2022
Time: 03:15 PM
Location: CR 229 & Videoconference
Committee: Senate Education
Senate Higher Education

Department: Education

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

Title of Bill: SB 2636 RELATING TO CIVIL RIGHTS.

Purpose of Bill: 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 1/1/2023. Requires annual reports to Legislature.

Department's Position:

The Hawaii State Department of Education (Department) supports the intent of SB 2636, 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 requires annual reports to the Legislature. However, the Department 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 have 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 of the Hawaii Administrative Rules (Chapter 19) is used primarily for situations where both the

complainant and the respondent are students; Chapter 89 of Title 8 of the Hawaii Administrative Rules (Chapter 89) and Board of Education Policy 305-10 is 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 understands that this bill proposes that covered entities adopt a written policy to address complaints covered under the proposed bill, including definitions, as necessary to interpret and apply the policy. The definitions proposed in this bill vary from the definitions included in Chapter 19 and Chapter 89. Therefore, interim procedures would need to be drafted and created while Chapter 19 and Chapter 89 are revised to reflect the proposed definitions.

The Department supports the intent of reporting requirements covered under the proposed bill to the Legislature. However, it currently handles data relating to an employee complainant and a student respondent as misconduct and disciplinary issue against the student respondent under Chapter 19. Therefore, such incidents are currently inputted for the respondent only. This proposed data requirement would necessitate changes to be made in the Chapter 19 forms and the Department's student information system.

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.

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

FOR: SB 2636 Relating to Civil Rights
DATE: February 11, 2022
COMMITTEE: Senate Committee on Education and
Senate Committee on Higher Education
ROOM: Conference Room 229 & Videoconference
FROM: Yvonne Lau, Interim Executive Director
State Public Charter School Commission

Chair Kidani, Chair Kim and members of the Committees:

The State Public Charter School Commission (“Commission”) appreciates the opportunity to submit this testimony in **SUPPORT of SB 2636** 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 respectfully requests that the committee provide funding for a Title IX position as had been provided to the Hawaii Department of Education in past legislative sessions in order to meet the compliance, training and reporting requirements of this bill. 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.

Due to the way funding is distributed between the Hawaii Department of Education and our public charter schools this requirement along with any additional mandated training or compliance monitoring is added to each public charter school’s long list of requirements but are often financially difficult to meet. The ability of the Department of Education to centralize these types of requirements cannot be found in the public charter school model. The Commission asks for consideration of these operational and capacity issues to be address for our public charter schools so that the intent of this bill can be met.

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.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Education and
Senate Committee on Higher Education
February 11, 2022 at 3:15 p.m.

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

SB 2636 – RELATING TO CIVIL RIGHTS

Chairs Kidani and Kim and members of the committees:

Thank you for the opportunity to present testimony on SB 2636 – Relating to Civil Rights. The University of Hawai'i ("University") supports the intent of this bill and provides the following comments.

SB 2636 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 the Legislature.

The University appreciates its long-standing, collaborative relationship with the Women's Legislative Caucus to uphold the spirit and intent of Title IX and to create an educational environment that enhances safety and advances gender equity. The University also shares the Legislature's desire to implement policies and procedures that prevent and address sex discrimination and gender-based violence. To that end, the collegial partnership with the Caucus has positively impacted the University's policy development and programmatic efforts over the years.

As Title IX celebrates its 50th year of existence in June 2022, the framework and scope of the landmark federal legislation continues to evolve and expand. We have learned that educational institutions must be nimble yet robust in their own organizational infrastructure and programmatic goals in addressing sex discrimination and sexual misconduct. The swiftly-changing landscape necessitates vigilant attention to these critical issues as they impact policy, procedures and programmatic initiatives. Accordingly, the University appreciates the bill's intent to avoid a conflict of laws by providing that, "If any conflict arises between applicable mandatory federal requirements under Title IX (20 U.S.C. 1681 et seq.) and any state law requirements, the federal requirements shall prevail."

Given the potential for the landscape to change over time in this area, however, we believe a better long-term strategy is for educational institutions to be given the flexibility to continuously update their policies and procedures, while remaining compliant with applicable laws and regulations, through engagement with stakeholders and community

members. To this end, the University believes legislation should focus on recognizing the objectives of written policies adopted by institutions in this area, while permitting them to develop the specific details of policies and procedures as part of their internal governance structure. This will allow the University to further refine its policies and procedures over time, to align with the best practices of today and tomorrow.

While the University shares the Legislature's desire to have public data available related to the University's Title IX efforts, it respectfully suggests its current work to present robust and transparent data is accomplished through the University's Annual Report on Campus Safety and Accountability submitted to the Legislature in accordance with HRS section 304A-120. This report incorporates the results of the University's Student Campus Climate Survey on Sexual Harassment and Gender-Based Violence, which measures students' attitudes, behaviors and standards in the context of preventing and addressing sexual harassment and gender-based violence. This comprehensive survey is conducted biennially systemwide and administered through a third-party vendor in accordance with best practices. More specifically, the University survey gathered information from students about:

- The overall campus environment related to sexual harassment and gender-based violence.
- How well the University responds to and addresses their concerns.
- Awareness of resource and reporting options for those experiencing sexual violence, sexual harassment, stalking, and interpersonal violence (domestic and dating violence).
- Prevalence (*e.g.*, how widespread) and incidence (*e.g.*, how often) of sexual violence, sexual harassment, stalking, and interpersonal violence on campus.

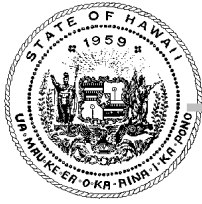
The results of the recurring survey which are regularly reported to the Legislature and the general public provide transparency as to the prevalence and perception of sexual harassment and gender-based violence and continue to inform the University's action plans. Instead of additional reporting requirements, the University's resources may be better served by continuing to work on the implementation of campus-based action plans, consistent with the Climate Survey data and towards preventing gender-based violence and sexual harassment. At a minimum, the University is concerned that requiring additional data as described in SB 2636 may have broader privacy implications for the individuals involved in the University's internal investigatory process. This is especially true for smaller campuses, where lower numbers of cases could lead to privacy issues even in aggregate reporting.

The University is appreciative of the long-standing support of the Legislature and the Women's Legislative Caucus and its generous appropriation of funds to establish the University's first-ever systemwide office to build infrastructure and improve institutional responses to Title IX-related allegations. To meet the continued demand for expertise in the ever-expanding legal arena of Title IX, the University respectfully requests three (3.0) position counts for its Equity Assurance Office (EAO). These position counts would restore the three positions that were abolished pursuant to Act 9, Session Laws of Hawai'i 2020, as part of a larger, unrelated initiative to abolish vacant positions at the University.

The EAO plays a critical role in ensuring competency and consistency systemwide in the implementation of all state and federal laws related to sex discrimination. At a high level, these positions would provide support for our ten-campus system as new rules are promulgated, necessitating new infrastructure and policy revisions. These positions would also provide leadership in the areas of data collection/reporting, prevention and risk reduction.

The University looks forward to continuing our work with the Legislature and the Women's Legislative Caucus to further refine the provisions of the bill, in support of a safe and nondiscriminatory campus environment.

Thank you for the opportunity to testify on SB 2636.



HAWAI‘I CIVIL RIGHTS COMMISSION

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

Friday, February 11, 2022
Via Videoconference, 3:15 p.m.
Conference Room 229

To: The Honorable Michelle N. Kidani, Chair
The Honorable Donna Mercado Kim, Vice Chair
Members of the Senate Committee on Education

The Honorable Donna Mercado Kim, Chair
The Honorable Michelle N. Kidani, Vice Chair
Members of the Senate Committee on Higher Education

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

Re: S.B. No. 2636

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 S.B. No. 2636 which 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, and amends § 368D-1 to specify additional forms of discrimination and other prohibited conduct under Chapter 368D. 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. S.B. No. 2636 provides a framework for enforcement of the state Title IX corollary.

S.B. No. 2636 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.

S.B. No. 2636 provides organizations and associations standing to file complaints alleging violations of Chapter 368D with covered entities. It also provides that nothing in Chapter 368D precludes a student 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 attorney's 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 HCRC supports S.B. No. 2636.



To: Senate Committee on Education and Senate Committee on Higher Education
Hearing Date/Time: February 11, 2022 3:15PM
Re: Testimony in STRONG SUPPORT of SB2636

Dear Chair Kidani, Chair Kim, and the Members of Committees,

Members of AAUW of Hawaii thank you for this opportunity to testify in strong support of SB2636 which specifies additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS, prohibited discrimination in state educational programs and activities. SB2636 would also require schools and educational programs receiving 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.

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.

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 pass this important measure to ensure "no person in the state of Hawaii shall, based on sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving state financial assistance", as our late congresswoman Patsy T Mink intended. Mahalo.



Sincerely,

A handwritten signature in blue ink, appearing to be "Y. Overly".

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

Executive Director
Cindy Shimomi-Saito

ADVISORY BOARD

President
Mimi Beams

Joanne H. Arizumi

Andre Bisquera

Kristen Bonilla

Dawn Ching

Monica Cobb-Adams

Donne Dawson

Donalyn Dela Cruz

Dennis Dunn

Steven T. Emura, M.D.

David I. Haverly

Linda Jameson

Lindsay Norcross Mist

Nadine Tenn Salle, M.D.

Joshua A. Wisch

Date: February 10, 2022

To: Senator Michelle Kidani
Senator Donna Mercado Kim
Members of the Education Committee and Higher Education Committee

From: Lynn Costales Matsuoka, Associate Director
The Sex Abuse Treatment Center
A Program of Kapi'olani Medical Center for Women & Children

RE: Testimony on HB 2636
Relating to Civil Rights

Hearing: February 11, 2022, via video conference 2:00pm

Good Morning Chair Kidani, Vice Chair Kim and Members of the Education and Higher Education Committee:

The Sex Abuse Treatment Center (SATC) is in support of SB 2636 relating to Civil Rights under Title IX. Title IX protections are important to all students who may become victims of domestic violence, sexual harassment, sexual assault and gender discrimination. Our universities are in a unique position to provide protections to enhance the safety and wellbeing of all students. This bill goes a long way in developing and implementing the process in which students and employees of our higher education systems are protected against sexual violence. We welcome and applaud the expansion and clarity to include all forms of sexual violence, on and off campus properties, providing wider protection to victims. We support this Title IX legislation.

Thank you for your consideration.

SB-2636

Submitted on: 2/10/2022 8:06:06 AM

Testimony for EDU on 2/11/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Younghee Overly	Individual	Support	Yes

Comments:

My name is Younghee Overly and I am a resident of Ala Moana neighborhood. Thank you for this opportunity to testify in a strong support of SB2636 which would specify additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS to partially codify the Title IX rules which existed prior to August 2020. SB2636 would also require state funded schools and programs to written policies and undertake other specified enforcement actions and annaul collect data on Title IX cases. All students deserve protection from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence, and stalking in our schools and universities. They should be able to study without the fear of harassment and assault from their peers nor school staff including teachers & faculty members.

Please pass this important measure.



February 8, 2022

Senator Michelle N. Kidani, Chair
Senate Committee on Education

Senator Donna Mercado Kim, Chair
Senate Committee on Higher Education

Re: S.B. 2636 Relating to Civil Rights

Hearing: Thursday, February 10, 2022, 3:15 PM, Via Videoconference

Dear Chair Nakashima, Chair Kim, and Members of the Committees on Education and Higher Education:

Hawaii Women Lawyers submits testimony in **strong support of S.B. 2636**, which specifies additional forms of discrimination and other prohibited conduct under Chapter 368D, Hawaii Revised Statutes, and 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 certain enforcement actions by no later than January 1, 2023.

The mission of Hawaii Women Lawyers is to improve the lives and careers of women in all aspects of the legal profession, influence the future of the legal profession, and enhance the status of women and promote equal opportunities for all.

HWL is proud to be a part of the legacy of the Patsy T. Mink Equal Opportunity in Education Act, otherwise known as Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) or more commonly, "Title IX". In 2018, HWL supported the passage of Act 110, which created a state corollary to Title IX by prohibiting discrimination on the basis of sex, including gender identity or expression, or sexual orientation, in any state educational program or activity, or in any educational program or activity that receives state financial assistance. In 2021, HWL also supported the Senate Resolution relating to convening a task force to address implementation of the state law corollary to Title IX in light of recent changes to Federal Title IX regulations under the Trump administration.

S.B. 2636 appears to be the culmination of those efforts in providing a critical framework towards actually implementing the state corollary to Title IX, as well as taking steps to properly address and meet the needs of victims of unlawful sex-based discrimination. It is well-documented that sexual misconduct creates an unsafe and unwelcoming educational environment, which in turn interferes with a student's ability to learn, as well as severely impacting their mental and physical well-being. S.B. 2636 reflects a legitimate and viable effort to combat those issues.

For the above reasons, we strongly support S.B. 2636 and respectfully request that the Committees pass this measure.

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



Hawaii Women's Coalition

To: Senate Committee on Education and Senate Committee on Higher Education
Hearing Date/Time: February 11, 2022 3:15PM
Re: Testimony in STRONG SUPPORT of SB2636

Dear Chair Kidani, Chair Kim, and the Members of Committees,

Members of Hawaii Women's Coalition thank you for this opportunity to testify in strong support of SB2636 which would specify additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS; require schools to adopt written policies and undertake enforcement actions; and require schools to submit annual reports on Title IX cases.

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.**

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. Please 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



Hawaii Women's Coalition

To: Senate Committee on Education and Senate Committee on Higher Education
Hearing Date/Time: February 11, 2022 3:15PM
Re: Testimony in STRONG SUPPORT of SB2636

Dear Chair Kidani, Chair Kim, and the Members of Committees,

Members of Hawaii Women's Coalition thank you for this opportunity to testify in strong support of SB2636 which would specify additional forms of discrimination and other prohibited conduct under Chapter 368D, HRS; require schools to adopt written policies and undertake enforcement actions; and require schools to submit annual reports on Title IX cases.

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.**

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. Please 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

SB-2636

Submitted on: 2/8/2022 9:32:16 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Caroline Kunitake	Individual	Support	No

Comments:

Dear Chair Michelle N. Kidani, Vice Chair Donna Mercado Kim, Committee on Education, Chair Donna Mercado Kim, Vice Chair Michelle N. Kadani and the Committee on Higher Education,

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.

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. 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, grandchildren, cousins and friends.

Mahalo,
Caroline Kunitake

SB-2636

Submitted on: 2/9/2022 3:25:47 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Anna Ezzy	Individual	Support	No

Comments:

Aloha, my name is Anna Ezzy, I am a resident of Hā‘iku, Maui and a student. All students deserve protection from gender-based discrimination, harassment, sexual assault, dating violence, domestic violence, and stalking in our schools and universities. I urge you to please SUPPORT SB2636.

In Hawai‘i, according to the 2019 UH climate survey, 12.7% of students experienced sexual harassment and 21.3% experienced dating or domestic violence. These numbers represent an increase from the 2017 UH climate survey and pose a serious threat to our haumana and next generation of leaders. This bill will allow us to catch key data points on how the Title IX system is currently functioning by requiring annual reporting on the number and types of cases.

2022 is the 50th anniversary of the Patsy T. Mink Equal Opportunity in Education Act - also known as Title IX - co-written by our own leader, Patsy Mink. While great strides have been made for women and girls for equal access in education, the lack of enforcement of Title IX maintains widespread gender-based harassment, sexual assault, dating violence, domestic violence, and stalking in our public schools and universities. Passing this bill will move our state closer to fully realizing Patsy Mink’s legacy.

Mahalo for hearing this important bill and please pass it.

Signed,



Anna Ezzy

Testimony in support of SB2636/HB1775, Hawaii State Title IX

Good day.

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.

Mahalo for hearing this important legislation. I ask for your vote in support.

Renee Rabb

District 4, Precinct 1

SB-2636

Submitted on: 2/9/2022 9:43:18 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
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 SB2636 because it is a first step in addressing some of the systemic difficulties that we are facing.

Mahalo for hearing this important bill and please pass it.

Hearing Date: February 11, 2022
2:00 pm, Room, 309 – Via Videoconference

To: Senate Committee on Education
Chair, Senator Michelle N. Kadani
Vice Chair, Senator Donna Mercado-Kim

Senate Committee on Higher Education
Chair, Senator Donna Mercado-Kim
Vice Chair, Senator Michelle N. Kadani

From: Jean Evans, MPH (Individual, jevans9999@yahoo.com,
808-728-1152, 99-1669 Hoapono Pl., Aiea, HI 96701)

Re: TESTIMONY IN SUPPORT OF SB 2636, 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 of SB 2636 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.

I believe this bill will help assure that Hawaii continues to remain a leader in civil rights and follow in the footsteps of Patsy T. Mink in this 50th 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.

Bill Number - SB 2636

Committees: Senate Committee on Education and Senate Committee on Higher Education

Chairs: Senator Michelle N. Kidani and Senator Donna Mercado Kim

Vice Chairs: Senator Donna Mercado Kim and Senator Michelle N. Kadani

Hearing Date, Time, Room: Friday, February 11, 2022, 3:15 pm, Rm. 229 via Videoconference

Dear Committee chairs, vice chairs and members of the Senate Committees on Education and Higher Education:

I am writing in support of HB 1775, which will codify protections and enforcement of Title IX.

Rules adopted in 2020 by the Department of Education significantly diminished the rights and protections for students and employees under Title IX.

One rule limits the application of federal Title IX policies to persons in the United States. This means that students participating in international study abroad programs are no longer protected under federal Title IX rules.

This rule struck me on a personal level because my daughter, a Kailua High School graduate, spent time abroad in a school sponsored program during her sophomore year in college. She was not the victim of a sexual attack, though she did have a somewhat scary experience in London when her tour guide grabbed her from behind in imitation of Jack the Ripper.

I support HB1775 because I think that students like my daughter should have the protections of Title IX while participating in covered education activities at home or abroad.

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.

Mahalo for hearing this important bill and please pass it.

Janet Morse, Kailua

SB-2636

Submitted on: 2/10/2022 2:32:02 PM

Testimony for EDU on 2/11/2022 3:15:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sharde Freitas	Individual	Support	No

Comments:

Support