

ANNUAL REPORT

JULY 1, 1998 – JUNE 30, 1999

HAWAII CIVIL RIGHTS COMMISSION

BENJAMIN CAYETANO,
Governor

LORRAINE AKIBA,
Director, Department of Labor & Industrial Relations

HARRY YEE,
Commission Chair

WILLIAM HOSHIJO,
Executive Director

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MISSION STATEMENT

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

INTRODUCTION

Article I, Section 5 of the Hawaii Constitution provides that "no person shall...be denied the enjoyment of...civil rights or be discriminated against in the exercise thereof because of race, religion, sex or ancestry".

The Hawaii Civil Rights Commission (HCRC) was established by the Legislature under Act 219, L. 1988 and Acts 386 and 387, L. 1989. The HCRC began its operations on January 2, 1991.

H.R.S. § 368-1 declares that discrimination because of race, color, religion, age, sex, sexual orientation, national origin, ancestry, or disability in employment, housing, public accommodations, or access to services receiving state financial assistance is against public policy*. The HCRC has enforcement jurisdiction over Hawaii's laws prohibiting discrimination in employment (H.R.S. Chapter 378), 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). The Commission is mandated to receive, investigate, conciliate, litigate, and adjudicate complaints of discrimination, providing a uniform procedure for the enforcement of the state's discrimination laws.

The Commission Board is comprised of five (5) members who are volunteers 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. The Commission Board oversees a staff of twenty-nine (29) persons who are divided into two separate sections, enforcement and adjudication, to carry out its functions.

* certain bases are not protected under all laws.

During FY 1998-1999, the HCRC implemented a priority charge processing system, a voluntary mediation program and expanded its public education and outreach programs. These changes were designed to strengthen civil rights law enforcement, while at the same time providing an alternative dispute resolution process and preventative education.

The HCRC will continue to make improvements in all aspects of case processing, including complaint intake and investigation, voluntary mediation, litigation, and adjudication. This should result in improved efficiency and effectiveness. The HCRC will also continue to expand its public education activities in order to raise public awareness and prevent unlawful discrimination.

ACTION PLANS FOR THE FUTURE:

1. Reduce complaint backlog and maintain case inventory through specialization and prioritization in the investigation process, allowing for more timely investigation of complaints and commitment of resources to complex and meritorious complaints.
2. Expand of HCRC voluntary mediation program to include housing cases and cases at all stages of investigation. The HCRC will pursue discussions with the Hawaii State Bar Association Section on Alternative Dispute Resolution on establishing a pool of private attorney mediators to supplement the current pool of mediators from the Mediation Centers of Hawaii.
3. Expand HCRC public education activities, including: presentations by staff and commissioners; adding information on the HCRC website such as pre-complaint questionnaire and links to federal civil rights agency websites; and exploring the production of multi-use videos on civil rights and anti-discrimination laws. Public education is largely

an unfunded priority, so the HCRC must continue to seek out co-sponsorship of these activities from the private sector, government, and educational institutions.

The accompanying report is submitted pursuant to H.R.S. §§ 368-4 and 515-9.

ADMINISTRATIVE PROCEDURE

Two requirements that must be fulfilled before the HCRC can accept a complaint of discrimination under the anti-discrimination laws it enforces are:

- 1) A person must allege that she/he has been treated in an unequal manner because of a "protected basis" (race, sex, ancestry, disability, etc.).
- 2) The complaint must be filed with the HCRC within 180 days of the alleged incident (or the most recent incident if there is a recurring pattern of discrimination).

After a **complaint** is filed, in most cases the parties are offered an opportunity to voluntarily **mediate** the complaint. If the parties agree to mediate, the HCRC mediation coordinator refers them 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 begins a neutral, fact-finding **investigation**, collecting documents and contacting witnesses from both the complainant's and respondent's sides. The investigator also explores the possibility of settling the complaint prior to a determination of reasonable cause as to whether discrimination has occurred (**pre-determination settlement**).

If the evidence is insufficient or shows that there is no reasonable cause to believe that discrimination has occurred, the case is closed and a right-to-sue letter is issued. The right-to-sue letter can also be issued to complainants at any time if they wish to file their own civil suit.

If **reasonable cause** is determined, the HCRC enforcement staff attempts to **conciliate** or settle the complaint. If conciliation is unsuccessful, then the complaint is docketed for a **contested case hearing**. An HCRC enforcement attorney presents the case in support of the complaint before an impartial hearing examiner. The respondent (represented by themselves or counsel of their

choice) also presents its case at the hearing. Generally, a complainant may intervene as a party and be represented by counsel or other representative. The hearing 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 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.

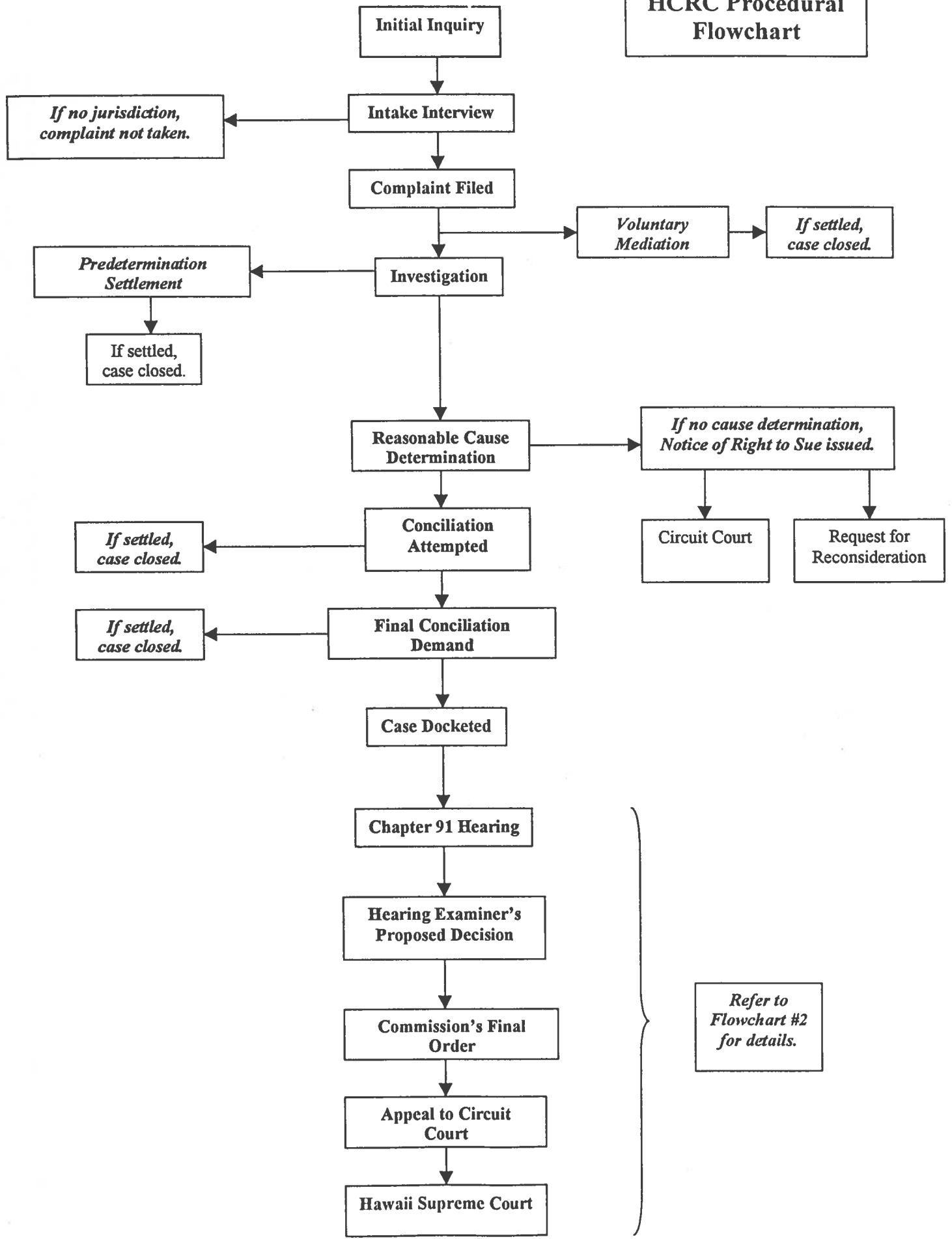
If any party feels that the decision is legally erroneous, she/he has 30 days to file an **appeal** to the State Circuit Court. The HCRC administrative procedure is illustrated in the flow charts.

The HCRC enforcement and administrative process is more cost effective than litigation in court. It provides for the investigation of complaints and access to justice for those who would otherwise have no recourse to the legal system. This is particularly important in employment discrimination cases, where employees often have little or no control over the evidence. The HCRC enforcement and administrative process also funnels cases away from the court system, saving judicial resources and associated costs. A complainant who wants to file a 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 cases, or with cases that can be closed or settled in the administrative process. In fact, the great majority of complaints filed with HCRC are resolved or disposed of without resort to the courts.

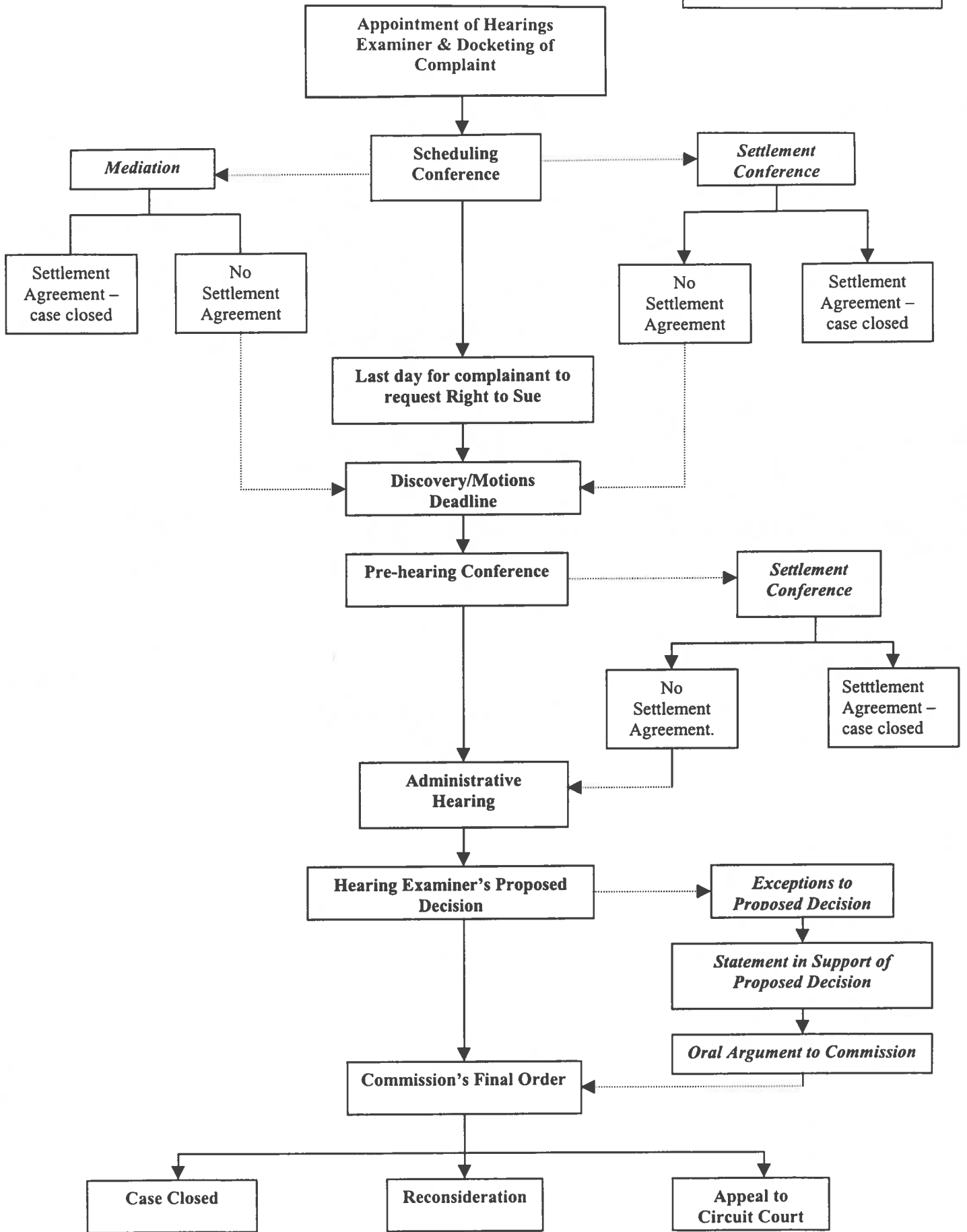
Although only a small number of cases are brought to administrative hearing and result in final Commission decisions, these cases are particularly important in creating a body of legal

precedent. Such precedents are the basis for many anti-discrimination principles, such as the doctrine of unlawful sexual harassment. These precedents also establish standards that provide definition of rights and protections under our civil rights laws, and offer guidance to employers, landlords, and businesses on how to prevent and eliminate unlawful discrimination. To date, on appeal to the circuit courts and to the Hawai'i Supreme Court, the HCRC has not been reversed in any case.

**HCRC Procedural
Flowchart**



HCRC Hearing Relief Flowchart



CASELOAD DEMOGRAPHICS

There were 3,657 telephone and walk-in inquires at the HCRC during FY98-99. This led to 1,004 intake interviews between investigators and complainants. 492 or 49.0% of those interviewed were women and 512 or 51.0% were men.

644 charges of discrimination were accepted by the HCRC¹, averaging 53.67 new cases per month. The charges included: 537 employment cases, 68 public accommodations cases, 31 housing cases, and 8 cases involving state and state funded services. The primary reasons that the other inquiries did not lead to filed charges included: lack of jurisdiction; failure to correlate the alleged act(s) with the protected base(s); and the complainant's decision not to pursue the complaint.

HCRC investigators closed 632 cases during this period, for an average monthly closure rate of 52.67. There were 21 cause determinations during the fiscal year. As of June 30, 1999, the active caseload for the agency had been reduced to 415 cases as compared to 623 cases at the end of the previous fiscal year. This 33.38% reduction in caseload was the result of proactively focusing investigative resources on older cases.

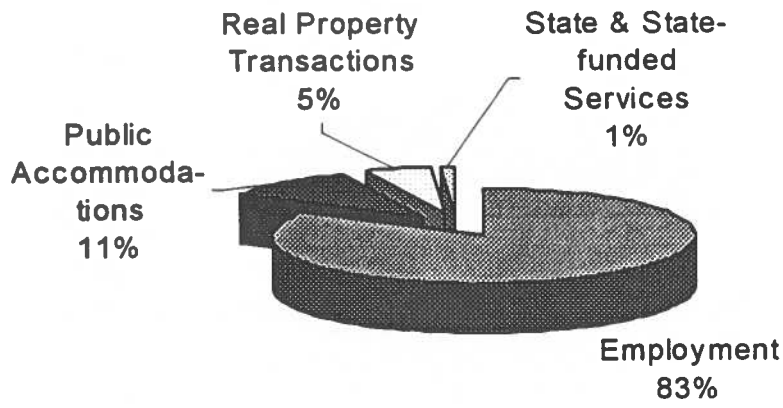
Because of the emphasis on resolving older cases, the average case closure rate rose slightly to 319 days, as compared to 297 days in the previous fiscal year. In the future the Commission and the Executive Director intend to further reduce the backlog of active cases, and to further reduce the average closure period of pending cases.

¹ Includes 182 dual-filed charges assigned for investigation by the EEOC.

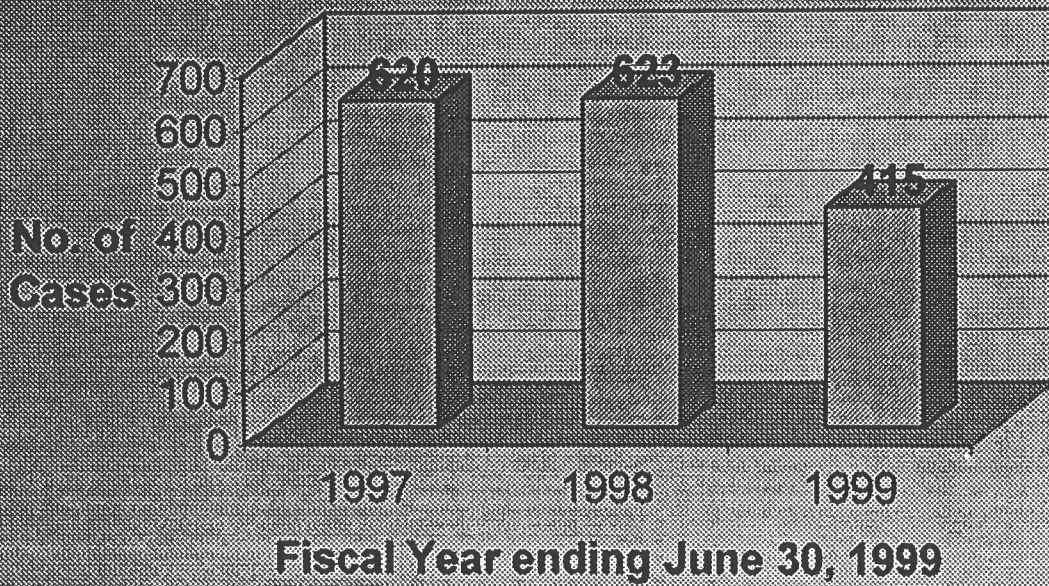
A review of case closures for this fiscal year shows the following reasons for closures:

Type of Closure	Number	Percentage
No Jurisdiction	6	0.95%
Complaint Withdrawn	2	0.32%
Complainant Not Available	2	0.32%
Complainant Failed to Cooperate	14	2.21%
Complainant Elected Court Action	179	28.32%
Resolution by Parties or Settled	46	7.28%
No Cause Determination	353	55.85%
Already Investigated by Other Agency	1	0.16%
Administratively Closed	8	1.27%
Cause Determinations	21	3.32%
TOTAL	632	100.00%

Complaints Filed



Active Caseload



EMPLOYMENT DISCRIMINATION

H.R.S. Chapter 378, Part I prohibits discriminatory employment practices based on race, sex, sexual orientation, age, religion, color, ancestry, disability, marital status, arrest and court record, assignment of income for child support obligations, or National Guard participation. Examples of such unlawful practices are outlined in H.R.S. § 378-2.

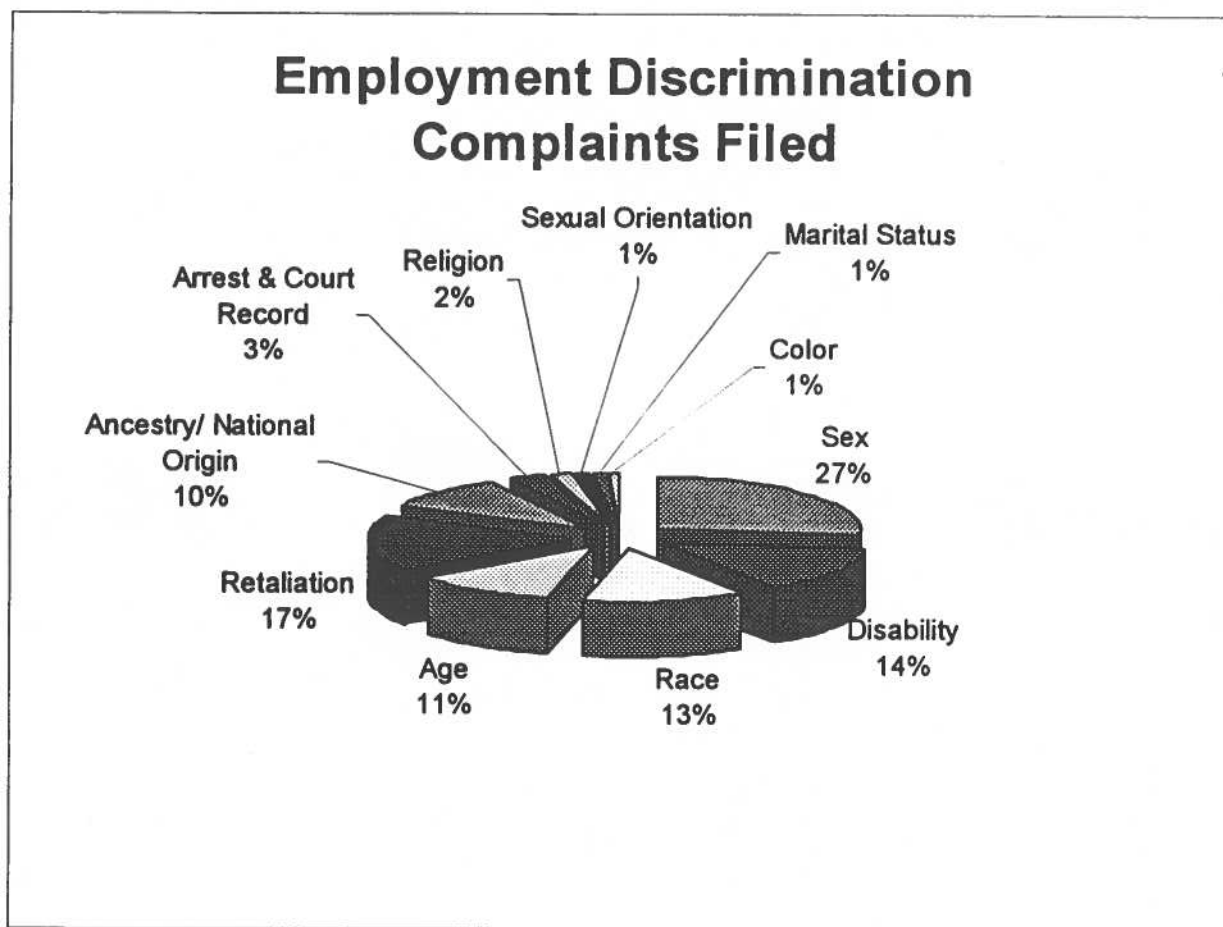
The HCRC has a work share agreement with the federal Equal Employment Opportunity Commission (EEOC). Where there is concurrent jurisdiction, the case is dual-filed with both agencies, but only the intake agency conducts the investigation, thereby eliminating duplication of enforcement activities. During the fiscal year 537 employment cases were accepted by the HCRC, of which 460 (85.7%) were dual-filed with EEOC.

Of the employment cases accepted during the fiscal year, sex was the largest category with 142 cases, accounting for 26.4% of all employment discrimination cases. Within the sex category, 46 cases alleged sexual harassment (32.4% of all sex cases) and 32 cases were based on pregnancy (22.5% of all sex cases). Only 12 cases based on pregnancy had been filed in the previous fiscal year.

Retaliation was the second largest basis with 93 cases, representing 17.3% of accepted employment cases. Disability was next with 77 cases, representing 14.3% of accepted employment cases, followed by race discrimination with 69 cases (12.8%).

There were 61 age discrimination cases (11.4%); 55 cases of ancestry/national origin discrimination (10.2%); 14 cases based on arrest & court record (2.6%); 9 cases based on religion (1.7%); 6 cases based on sexual orientation (1.1%); 6 cases based on marital status (1.1%); and 5 cases based on color (0.9%).

Case closures averaged 356 days for the 491 employment cases that were closed by HCRC investigators during FY98-99.

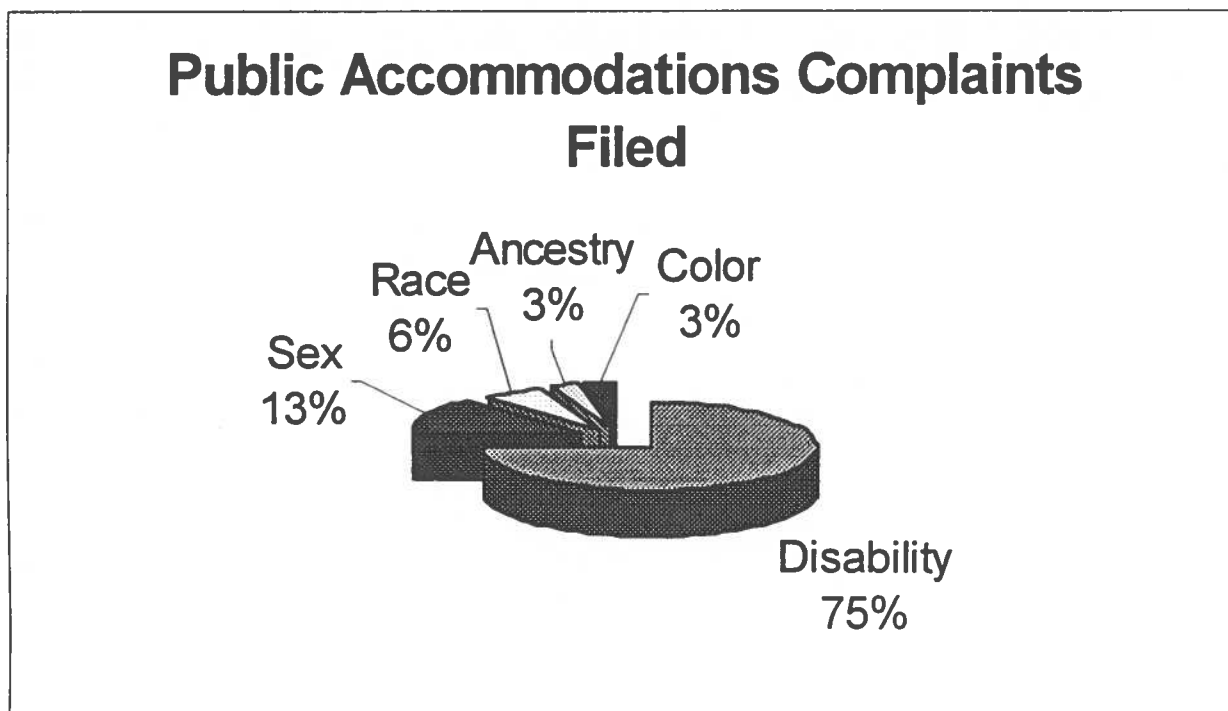


DISCRIMINATION IN PUBLIC ACCOMMODATIONS

H.R.S. Chapter 489 prohibits unfair discriminatory practices which 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, color, religion, ancestry, or disability.

During the fiscal year, 68 new cases of public accommodation discrimination were accepted. There were 51 cases based on disability discrimination which accounted for 75.0% of the public accommodation cases; 9 cases based on sex discrimination (13.2%); 4 cases of race discrimination (5.9%); 2 cases based on color (2.9%); and 2 cases based on ancestry (2.9%);

These complaints alleged discrimination by banks, shopping centers and malls, retail stores, hotels, time-share companies, and government agencies. Public accommodation case closures averaged 136 days for 80 cases closed during FY98-99.



DISCRIMINATION IN REAL PROPERTY TRANSACTIONS

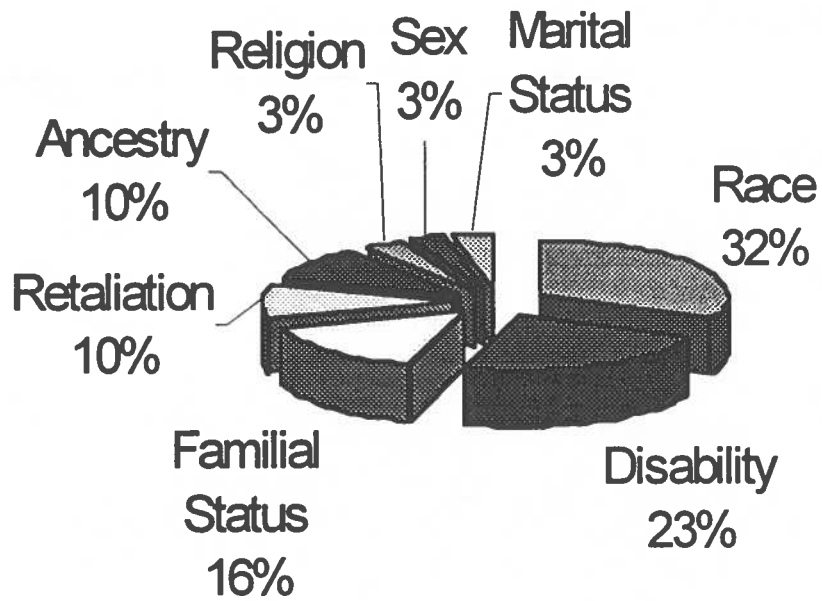
H.R.S. Chapter 515 is Hawaii's fair housing law. It prohibits discriminatory real estate practices based on race, sex, color, religion, marital status, familial status, ancestry, disability, age, or HIV infection. Examples of such unlawful practices are listed in H.R.S. § 515-3 and include actions such as refusing to rent, sell, or enter into financial transactions with an individual because of one or more of the above bases.

When state law is substantially equivalent to federal law, state agencies can apply to enter into a work share agreement with the Department of Housing & Urban Development (HUD). The HCRC has such an agreement and HUD now refers most of the complaints it receives to the HCRC for investigation.

During FY97-98, the HCRC accepted 31 cases of housing discrimination. There were 10 cases alleging race discrimination (32.2%); followed by 7 cases based on disability status (22.6%); 5 cases based on familial status (16.1%); 3 retaliation cases (9.7%), 3 alleging ancestry/national origin discrimination (9.7%), and 1 case each based on sex and marital status.

Housing case closures averaged 260 days for the 57 cases closed during FY98-99.

Real Property Complaints Filed



ACCESS TO STATE & STATE-FUNDED SERVICES

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 in this area of jurisdiction).

During the fiscal year, there were 8 cases filed under § 368-1.5.

3 cases were closed during FY98-99 averaging 254 days for closure.

CASE SETTLEMENTS

During FY98-99, the total of monetary relief obtained through settlements was \$536,216. Settlements after a finding of reasonable cause exceeded \$232,500. Settlements obtained during the investigation stage and prior to a finding of reasonable cause to believe discrimination occurred exceeded \$303,716.

In addition to monetary relief, other significant affirmative relief was obtained through settlements. The HCRC believes that education and training are the best means of preventing future discrimination. In this context, affirmative relief included letters of apology, reinstatement, development and implementation of anti-discrimination policies, employee and supervisor training on anti-discrimination policies, posting of these policies, and publication of notices informing the public of the HCRC's role in enforcing state anti-discrimination laws.

The following are illustrative of the cases settled by HCRC attorneys and the relief obtained:

EMPLOYMENT:

- A female employee in the food services industry alleged discrimination based on her pregnancy status. The case was settled for \$5,000 and affirmative relief.
- A female employee of a store in the automobile industry alleged discrimination and harassment based on sex. Settlement included a monetary payment and affirmative relief.
- A female employee in the trucking industry alleged harassment based on her sex. The case was settled for \$10,000 and affirmative relief.
- A disabled employee of a restaurant alleged harassment based on disability. Settlement included the adoption of a anti-harassment policy and training of supervisors on policy.
- A male employee was subjected to a pre-employment inquiry into his conviction record on his employer's job application form and was subsequently terminated for allegedly lying about his conviction record when he answered that he had no convictions. Case was settled for \$35,000 and policy changes and training.

- A male employee was denied transfer to a position for which he had the most seniority and was most qualified. The employer denied the transfer because the employee was married to a woman whose position in the same department could occasionally be subordinate to him. The employer settled by having the employee transfer into the position, by payment of \$5,000 and by policy changes and training.
- A female employee of a real estate company alleged that a sales agent sexually harassed her. The case was settled for \$5,000 and affirmative relief.

HOUSING:

- Parents of two minor children alleged discrimination in the rental of a housing accommodation based on familial status. Settlement included payment of \$3,500 and affirmative relief.
- Homeowners were threatened with fines and eviction after they refused an order by the homeowner association to remove a mezuzah, a Jewish religious object, from the exterior doorframe of their home. The homeowners refused to remove the mezuzah and were then threatened by the association with a civil lawsuit if they were not silent about their complaints of housing discrimination on the basis of religion. The case was settled for changes in the association's house rules and policies, for training of the association's employees, for an agreement that the homeowners could maintain the mezuzah on their doorframe, and for a payment of \$10,000.
- Tenant alleged discrimination in the rental of a housing accommodation based on disability. Settlement included payment of \$35,000 and affirmative relief.
- The Executive Director filed a complaint against time share operator alleging discrimination in the sale and marketing of time share based on race, familial status, marital status, age, and ancestry. Settlement included payment of \$6,000 and affirmative relief.
- Family alleged that their children were subjected to unequal treatment because of house rules which limited the use of facilities by children and families with children where such limitations were not justified by legitimate safety or other concerns. Settlement included policy changes and training, and a payment of \$10,000.
- The Executive Director filed a complaint against time share operator alleging discrimination in the sale and marketing of time share based on race, familial status, marital status, age, and ancestry. Settlement included payment of \$13,000 and affirmative relief.

LITIGATION & RULINGS

ADMINISTRATIVE HEARINGS:

During FY 98-99, nine cases were docketed; three were settled and one was mediated before their scheduled hearings, and five administrative hearings are pending. One Petition For Declaratory Relief was also filed and decided.

On August 13, 1998 the Commission Board issued a final decision in Hoshijo on behalf of the Complaint filed by Shawn Smith vs. Taberu Management, Inc., Docket No. 97-009-E-P. This case involved allegations of pregnancy discrimination. The Commission held that Respondent Taberu Management, Inc. violated H.R.S. § 378-2 when it refused to reinstate Ms. Smith to her position as a restaurant general manager after she completed her maternity leave and then terminated her. The Commission awarded Ms. Smith \$27,438.94 in back pay and \$60,000 in compensatory damages for emotional distress.

On September 15, 1998 the Commission Board issued an Order Summarily Granting Petition for Declaratory Relief in DR 98-013. In this case a complainant filed a petition for declaratory relief as to whether he was a party entitled to be heard and represented by his counsel in a contested case hearing, or whether he should be allowed to intervene as a party. The Commission held that ordinarily, a complainant is not required to be a party or to retain counsel to represent his or her interests in a contested case. However, the Commission also held that pursuant to H.A.R. § 12-46-25, a complainant has a clear and direct interest in the contested case proceedings and should be freely granted party status if he or she files a timely application for intervention.

CIRCUIT COURT:

Respondents, University of Hawaii and Rob Wallace, appealed the Commission's Final Decision in Hoshijo on behalf of the Complaint filed by White vs. State of Hawaii, University of Hawaii and Rob Wallace, Docket No. 97-0-8-PA-R. The Final Decision found that respondents had violated H.R.S. Chapter 489 when Wallace, a student manager of the UH men's basketball team, made racial insults to Eric White, a spectator at a UH game. White was awarded compensatory damages of \$30,000, Respondents were ordered to issue a public apology and pay a civil penalty, and UH was ordered to adopt a policy against discrimination in public accommodations and conduct training for its employees and athletes.

On the appeal, the Circuit Court in State of Hawai'i, University of Hawai'i; and Rob Wallace vs. Hoshijo and Civil Rights Commission, Civil No. 98-2810-06, affirmed the Commission's Final Decision and all of its factual findings. The Court concluded that Wallace was an agent of UH and was acting within the scope of his agency when he made the racial insults. The Court held that Wallace was not an employee of UH. UH was held liable for Wallace's conduct and for its failure to take immediate corrective action when White complained to UH officials. The Court also held that the public accommodation law did not violate Wallace's First Amendment rights.

In Aloha Islandair, Inc. vs. Hoshijo and Pied, Civil No. 98-4490-10, the Circuit Court affirmed the Commission's declaratory ruling that a complainant has the right to intervene in a contested case hearing pursuant to H.A.R. § 12-46-25 if a timely application for intervention is filed.

HAWAII SUPREME COURT:

UH and Rob Wallace appealed the Circuit Court's decision in State of Hawai'i, University of Hawaii; and Rob Wallace vs. Hoshijo and Civil Rights Commission, Civil No. 98-2810-06 to the Hawai'i Supreme Court. The Commission filed a cross appeal of the Circuit Court's decision, which concluded that Wallace was not an employee of UH. After the parties filed briefs, Wallace settled with the Commission and was dismissed from the appeal. As part of the settlement, Wallace published a public apology to Complainant Eric White in the Sunday sports section. UH's appeal and the Commission's cross appeal are still pending before the Supreme Court.

LEGISLATIVE HIGHLIGHTS

In Act 172, the Legislature amended the employment discrimination law, H.R.S. Chapter 378, Part I, to add that employers cannot prohibit employees from expressing breast milk during any meal period or break period required by law or a collective bargaining agreement. Also, employers cannot refuse to hire or employ, bar or discharge from employment, or withhold pay, demote, or penalize a lactating employee because an employee breastfeeds or expresses breast milk at the workplace.

Section 4 of Act 172 directs the HCRC to accumulate, compile and publish data concerning incidences of discrimination involving breastfeeding or expressing breastmilk in the workplace, and to report its findings to the 2000 Legislature. To date, no incidences of such discrimination have been reported to the HCRC.

MEDIATION PROGRAM

Mediation is a voluntary and confidential process where a neutral third party (mediator) helps the parties come together to talk and decide how to end their dispute. The mediator does not take sides or make a decision on the merits for the parties. The mediator enables and empowers the parties to reach an agreement that will work for them.

HCRC utilizes trained mediators provided by the Mediation Centers of Hawaii (MCH), a statewide network of community non-profit mediation centers. Private mediators are also available by agreement between the parties. MCH mediators received training in civil rights laws from HCRC attorneys and investigation staff. An HCRC staff member coordinates the efforts of HCRC staff and the mediation centers.

HCRC's voluntary mediation program was implemented in September 1998. As of June 30, 1999, mediated settlements were reached in five cases prior to reasonable cause determinations. The monetary value of these settlements exceeded \$50,000. In addition, two cases set for hearing were settled through the Commission's new mediation program:

- A female employee alleged discrimination and harassment based on sex. Settlement included a monetary payment and affirmative relief.
- A male employee of a company providing transportation services alleged he was subjected to discrimination based on his age. The parties agreed to settle for monetary and affirmative relief.

The Commission's mediation program is strongly supported by the Commission Board and the program continues to grow rapidly.

PUBLIC EDUCATION & OUTREACH

Pursuant to its mission statement, one of the Commission's highest priorities is to educate the public about its rights and responsibilities under state discrimination laws. During the 1998-99 fiscal year, HCRC public education plans and activities included: a speakers bureau program; public education forums and campaigns; development of an HCRC website; and updating, reprinting and broader distribution of printed materials.

The Commission and staff participated directly in numerous public education and outreach activities. The following are illustrative:

- Made staff presentations in a number of forums for a variety of groups, including a radio appearance on "Price of Paradise", discussing issues of discrimination in public accommodations; participation in a panel on immigration and welfare reform; a presentation on preventing unlawful discrimination for managers through the Big Island Visitor Security Association; a series of neighbor island fair housing presentations; lectures on race and gender discrimination for University of Hawaii classes; presentations to the Society of Human Resources management; presentations on employment discrimination law to the ILWU and AFL-CIO; participation in a "You and the Law" educational panel on employment law; participation in a UH Industrial Relations Center panel discussion on mediation and arbitration with members of the judiciary and bar; participation in a workshop panel on sexual harassment sponsored by the Hawaii Employee Assistance Service; participation on an EEOC panel on "National Origin Discrimination -- English Only, accent, harassment;" participation on a panel discussion on "Language Discrimination" as part of a week-long Pidgin conference at the University of Hawaii; training for the National Employment Lawyers Association on sexual harassment; and numerous training sessions on employment discrimination law provided for state, city, and private sector employers.
- Sponsored and co-sponsored numerous programs, including: "Eliminating Racism and Hate Violence" with the Oahu YWCA in October 1998 as part of its "Week Without Violence"; a lunch program on "Eliminating Sex Discrimination and Racism;" a "Girl Power!" conference with the UH Women's Center at the University of Hawaii; and a series of public education workshops on each island with the federal Department of Housing and Urban Development.
- Updated all HCRC informational flyers, which traditionally serve as the primary medium for dissemination of information to the public.

- Added a new comprehensive website (www.state.hi.us/hcrc), which greatly increases public access to HCRC statutes, rules, case law, procedures, commission meeting agendas, and press releases.
- Provided for public communication with the Commission through e-mail (info@hicrc.org).
- Widely disseminated information on new voluntary mediation program through the press, the Hawaii State Bar Association, staff presentations, and the HCRC website.
- Upgraded office hardware and technology to improve public accessibility and the quality of presentations, through the acquisition of a new telephone system, computers and a digital projector.
- Hosted and planned EEOC Acting Chair Igasaki's visit to Hawaii, which included meetings with governmental, civil rights, business, and community leaders.

During FY 1998-99 the Commission also convened a Special Advisory Committee on Diversity, whose mission is "to ensure student safety, equity and respect for diversity, by working primarily with schools in partnership with community groups."

HCRC STAFF

The HCRC staff consists of 29 individuals in the following positions:

Executive Director

Enforcement Staff:

Deputy Executive Director

Enforcement Attorneys (4)

Administrative Services Assistant

Investigator-Supervisors V (2)

Investigator III-IV (11)

Secretary III

Legal Stenographer I

Clerk Typists (4)

Adjudication Staff:

Chief Counsel

Hearings Examiner

Secretary II

COMMISSION BOARD MEMBERS

The HCRC is guided by its five-member Commission Board. Commissioners are appointed for staggered terms by the Governor with the advice and consent of the State Senate. The following Commissioners served during FY98-99.

HARRY YEE

Chair (Term 1997-2001)

Mr. Yee is an attorney in private practice in Honolulu. He is President of the Asian American Publishing Group, Ltd. and is on the boards of the National Asian Pacific American Bar Association and the Hawaii chapter of the Federal Bar Association. He is one of four trainers for state and local law enforcement on hate and bias crimes for the U.S. Department of Justice. Formerly, he was an Assistant Attorney General with the Civil Rights Division of the Massachusetts Office of the Attorney General and a member of the Greater Boston Civil Rights Coalition. Mr. Yee was appointed Chair of the Commission in December 1998.

JACK LAW

Commissioner (Term 1996-2000)

Mr. Law was educated at the University of Hawai'i at Manoa. He was first appointed in 1994 to serve the remaining term of a vacancy on the Commission, and in 1996 was to a second term. He is co-owner and manager of two restaurants and nightclubs. A founding member of the Life Foundation, he has served on that organization's board for over nine years. Mr. Law is also the co-founder and President of the Honolulu Gay & Lesbian Cultural Foundation.

FAYE KENNEDY

Commissioner (Term 1997-2001)

Ms. Kennedy is a former New York social worker. She is a past member of the Martin Luther King, Jr. Commission and the Commission on the Status of Women. She is also member of the U.S. Civil Rights Commission's Hawaii Advisory Committee and the Board of the American Civil Liberties Union of Hawaii. Appointed in 1995 to serve out the remaining term caused by a vacancy on the Commission, she was appointed to her second term in 1997. Ms. Kennedy coordinates the Commission's participation in Martin Luther King, Jr., Holiday Commemoration events and activities.

ALLICYN HIKIDA TASAKA

Commissioner (Term 1996-2000)

Ms. Hikida-Tasaka is the Executive Director of the Hawaii Commission on the Status of Women. Formerly she was the Chair for the Commission on the Status of Women and President of the Honolulu Chapter of the Japanese American Citizens League (JACL), and continues to serve on the Board of the JACL. She was also on the board of the American Civil Liberties Union of Hawaii and is active with the Women's Coalition and the Coalition for Equity and Diversity.

JUNE MOTOKAWA

Commissioner (term 1999-2003)

Ms. Motokawa is a special education teacher at Kaimuki Middle School, and has been a teacher in Hawaii public Schools for 29 years. She is the immediate past president of the Hawaii State Teachers' Association and a current member of the Board of Directors of the Hawaii Education Association. She served on the Commission on the Handicapped in the 1980's and formerly served as Congresswoman Patsy T. Mink's Big Island liaison. Ms. Motokawa was appointed in October 1998 to serve the remainder of Commissioner Suyat's term. She was appointed to her second term in 1999. Ms. Motokawa chairs the HCRC Special Advisory Committee on Diversity.

CLAUDIO SUYAT

Chair (Served 1996-1998)

Claudio Suyat was appointed by Governor Benjamin J. Cayetano to serve on the Hawai'i Civil Rights Commission, first as a commissioner in January 1997, then as its chair in July 1997. He dedicated his life to public service, with a distinguished career in education, followed by service as chair of the Hawai'i Paroling Authority and then the Hawai'i Civil Rights Commission. Mr. Suyat's leadership was instrumental in the Commission's efforts to promote justice, focus its mission, improve effectiveness of its enforcement efforts, implement more openness in the conduct of its business, and build and maintain legislative and administrative support for the Commission and civil rights and fairness for all Hawai'i's people. Mr. Suyat passed away on September 12, 1998. Attached is a resolution by the Commission recognizing his many contributions.

RESOLUTION

WHEREAS, Claudio Suyat was a leader of unsurpassable integrity and commitment to equal opportunity and the rights of Hawai'i's people; and

WHEREAS, Claudio Suyat dedicated his life to public service, with a distinguished career in education, followed by service as Chair of the Hawai'i Paroling Authority and then the Hawai'i Civil Rights Commission; and

WHEREAS, Claudio Suyat was appointed by Governor Benjamin J. Cayetano to serve on the Hawai'i Civil Rights Commission, first as a Commissioner in January 1997, then as its Chair in July 1997; and

WHEREAS, Claudio Suyat's leadership was instrumental in Commission efforts to promote justice, focus its mission, improve effectiveness of its enforcement efforts, implement more openness in the conduct of its business, and build and maintain legislative and administrative support for the Commission and civil rights and fairness for all Hawai'i's people; and

WHEREAS, Claudio Suyat maintained his strong sense of fairness and compassion in adjudication of cases and in his daily interaction with Commissioners, staff, and the public; and

WHEREAS, the Commissioners and staff of the Hawai'i Civil Rights Commission came to admire and love Claudio Suyat for his dedication, dignity, and strength of character in the face of adversity and ill health; and

WHEREAS, the Hawai'i Civil Rights Commission 'Ohana was deeply saddened by Claudio Suyat's passing on Saturday, September 12, 1998; now, therefore,

BE IT RESOLVED that the Hawai'i Civil Rights Commission sends its condolences, thoughts, and prayers to the family of Claudio Suyat in this difficult time; and

BE IT FURTHER RESOLVED that the Hawai'i Civil Rights Commission joins the Suyat family in celebration and appreciation of the time this remarkable man spent with us, because we are all richer for it; and

BE IT FURTHER RESOLVED that the Hawai'i Civil Rights Commission bids fond aloha to Claudio Suyat, a true champion of justice and one of Hawai'i's best.

Jack Law

Faye Kennedy

Allicyn C. Hikida-Tasaka

Harry Yee



**HAWAII
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