



UNIVERSITY OF HAWAI'I SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education and the
House Committee on Education
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by

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HB 624 – RELATING TO PUBLIC ACCOMMODATIONS

Chairs Chang and Takumi, Vice Chairs Nakashima and Berg, and members of the House Committee on Higher Education and Committee on Education. Thank you very much for this opportunity to testify on House Bill 624, relating to Public Accommodations and nondiscrimination.

HB 624 proposes to amend Hawaii Revised Statutes section 489-2 by defining any facility of a "state-operated school, library, community college, or university" as a place of public accommodation. The University of Hawaii appreciates the intent of HB 624 but strongly opposes the proposed change to the existing law for the following reasons:

- University programs for the general public are already covered by the nondiscrimination provisions of HRS 489.

HRS 489 defines a place of public accommodation as follows:

"Place of public accommodation" means a business, accommodation, refreshment, entertainment, recreation, or transportation facility of any kind whose goods, services, facilities, privileges, advantages, or accommodations are extended, offered, sold, or otherwise made available to the general public as customers, clients, or visitors.

[Emphasis added.]

In this regard, the University of Hawaii sponsors sports events, theater productions, concerts, food services, and other programs, activities, and services that are made available to the general public. These programs are public accommodations. Accordingly, the customers, clients, or visitors are protected from discrimination by HRS 489.

- The primary function of the University is to educate students and to conduct research. Defining University facilities as places of public accommodation would create an undue burden and obstruct services to students.

Students of the University of Hawaii must apply, meet certain admission standards, and pay tuition to be eligible for educational services offered by the University. In this regard, classrooms and other campus facilities that are used for these purposes are usually not open to the general public. The same is true for places of employment and research (e.g., offices, laboratories).

If University facilities are deemed to be “public accommodations” open to the general public, this would create an undue burden on the University by substantially interfering with its duty to serve students. For example, it would require new administrative proceedings and staff to handle complaints from members of the general public who are asked not to enter a class in session. It would also present safety and security concerns (e.g., campus child care, personnel records, student records, laboratories) and jeopardize federal funding for research.

All students, employees, applicants for admission, and job applicants are covered by appropriate civil rights statutes, federal contractor regulations, and University equal opportunity and nondiscrimination policies. E.g., the Civil Rights Act of 1964, the Education Amendments of 1972, federal Executive Order 11246 and implementing regulations, HRS 378, etc. These laws provide accessible complaint opportunities, legal enforcement, and penalties for noncompliance.

Thank you for this opportunity to testify on HB 624 and to express our concerns. We respectfully request your committee not to pass HB 624.