

STATE OF HAWAII
DEPARTMENT OF EDUCATION
KA 'OIHANA HO'ONA'AUAO
P.O. BOX 2360
HONOLULU, HAWAII 96804

OFFICE OF THE SUPERINTENDENT

October 2, 2023

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

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

Re: Hawaii State Department of Education Annual Report on Title IX Complaints

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

For your information and consideration, I am transmitting a copy of the annual report, Title IX Complaints, pursuant to Act 242, Session Laws of Hawaii 2022. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at: <http://www.hawaiipublicschools.org/VisionForSuccess/SchoolDataAndReports/StateReports/Pages/Legislative-reports.aspx>.

Should you have any questions, please contact Ken Kakesako, Director of the Policy, Innovation, Planning, and Evaluation Branch, via email at ken.kakesako@k12.hi.us or by phone at (808) 282-3430.

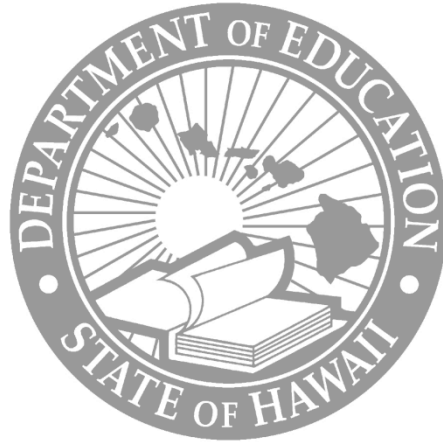
Sincerely,

A handwritten signature in blue ink, appearing to read "Keith T. Hayashi", is written over a light blue horizontal line.

Keith T. Hayashi
Superintendent

KTH:bs
Attachment

c: Legislative Reference Bureau
Hawaii State Public Library System
University of Hawaii
Office of Talent Management



State of Hawaii
Department of Education

Annual Report on Title IX Complaints

October 2023

Section 368D-4, Hawaii Revised Statutes, requires the Hawaii State Department of Education to annually report on the number and types of Title IX complaints.

ANNUAL LEGISLATIVE REPORT

The Hawaii State Department of Education (Department) is committed to Title IX of the Educational Amendments of 1972 (Title IX), and the tenets that it upholds. In 2020, the federal Title IX regulations were heavily revised to include a specific grievance process that must be complied with, should the alleged sexually harassing conduct meet certain criteria. As a result of the 2020 revisions, the Department drafted and implemented the Interim Grievance Procedures for Sexual Harassment (Interim Procedures). The Interim Procedures delineate a specific grievance process, which reflects the federal requirements, to address reports and complaints of sexual harassment.

The Department understands that the 2020 revisions “raised the bar” as to what types of conduct would constitute “sexual harassment” under Title IX. The Department also agrees with the Hawaii State Legislature that “ensuring the prohibition of discrimination on the basis of sex, including gender identity or expression, or sexual orientation, is a matter of statewide concern.”¹ To this end, the Department continues to address reports of sexual harassment that do not meet the requirements of Title IX through other applicable Department policies and procedures.

This report provides data for School Year (SY) 2022-2023, on both Title IX and non-Title IX complaints of sexual harassment. The data is further disaggregated by complex area and type. The information reflected in this report is based on the data requirements contained in Act 242.

- 1. The total number of complaints alleging a violation of this chapter or Title IX that were received by the Department, and the number of complaints received in each of the following categories:**
 - A. The number of complaints received at each Department complex area as applicable; and**
 - B. The types of complaints, including but not limited to sexual harassment, gender-based harassment, sexual assault, domestic violence, or stalking**

Non-Title IX Sex-Based Complaints

Student Respondent Data

Sex-based complaints that do not fall under the Title IX process, and involve a student as the alleged respondent, are addressed by school administrators through applicable rules and policies. The process generally used to address such reports is Hawaii Administrative Rule Chapter 19 *Student Misconduct, Discipline, School Searches and Seizures, Reporting Offenses, Police Interviews and Arrests, and Restitution for Vandalism* (Chapter 19). Chapter 19 governs student misconduct and discipline. Chapter 19 includes a process for student misconduct based on a protected class, including, but not limited to bullying and cyberbullying, discrimination, and harassment, as well as definitions for what is prohibited protected class conduct.

Student misconduct incidents are input in the Department’s student information system, which is referred to as Infinite Campus. Administrators input information regarding the type of misconduct, a summary of alleged conduct, the individuals involved, and disciplinary actions taken. For incidents that are considered discrimination, harassment, bullying, and/or retaliation,

¹ See Act 242 (2022)

Chapter 19 requires that a written notice and summary of the incident be sent to the complainant(s) and respondent(s).

During SY 2022-2023, there were a total of 336 non-Title IX sex-related cases that were input into Infinite Campus. The Baldwin-Kekaulike-Kulanihakoi-Maui complex had the most cases of sexual harassment with 49 cases. Next, the Kau-Keaau-Pahoa complex followed with 34 cases of sexual harassment, and the Honokaa-Kealakehe-Kohala-Konawaena complex followed with 25 cases. The Aiea-Moanalua-Radford complex and the Hana-Lahainaluna-Lanai-Molokai complex had the least cases of sexual harassment cases, with seven cases each. The remaining ten complexes ranged from eight to 22 cases of sexual harassment.²

Regarding gender-based harassment, the Farrington-Kaiser-Kalani complex and Pearl City-Waipahu complex both had three cases of gender-based harassment. Both the Kailua-Kalaheo complex and the Kapaa-Kauai-Waimea complex had two cases each of gender-based harassment. There were five complexes that had one case of gender-based harassment.³ The remaining six complexes did not have gender-based harassment cases.⁴

The Hilo-Waiakea complex had the most cases of sexual exploitation with three cases. The Baldwin-Kekaulike-Kulanihakoi-Maui complex and the Honokaa-Kealakehe-Kohala-Konawaena complex both had two cases of sexual exploitation. The following three complexes had one case, each, of sexual exploitation: the Kapaa-Kauai-Waimea complex, the Leilehua-Mililani-Waialua complex, and the Nanakuli-Waianae complex. The remaining nine complexes had no cases of sexual exploitation.⁵

Only the Baldwin-Kekaulike-Kulanihakoi-Maui complex reported a stalking case. The remaining 14 complexes did indicate cases of stalking.

The Baldwin-Kekaulike-Kulanihakoi-Maui complex had the most cases of sexual assault at five cases. The Leilehua-Mililani-Waialua complex followed with three cases of sexual assault. The Hilo-Waiakea complex, Kaimuki-McKinley-Roosevelt complex, and the Nanakuli-Waianae complex each had two cases of sexual assault. Seven complexes had one case of sexual assault⁶, and the remaining three complexes indicated no cases of sexual assault.⁷

² These ten complexes were: Castle-Kahuku, Campbell-Kapolei, Farrington-Kaiser-Kalani, Hilo-Waiakea, Kailua-Kalaheo, Kaimuki-McKinley-Roosevelt, Kapaa-Kauai-Waimea, Leilehua-Mililani-Waialua, Nanakuli-Waianae, and Pearl City-Waipahu.

³ These five complexes were: Baldwin-Kekaulike-Kulanaihakoi-Maui, Campbell-Kapolei, Hana-Lahainaluna-Lanai-Molokai, Honokaa-Kealakehe-Kohala-Konawaena, and Leilehua-Mililani-Waialua.

⁴ These six complexes were: Aiea-Moanalua-Radford, Castle-Kahuku, Hilo-Waiakea, Kaimuki-McKinley-Roosevelt, Kau-Keaau-Pahoa, and Nanakuli-Waianae.

⁵ These nine complexes were: Aiea-Moanalua-Radford, Campbell-Kapolei, Castle-Kahuku, Farrington-Kaiser-Kalani, Hana-Lahainaluna-Lanai-Molokai, Kailua-Kalaheo, Kaimuki-McKinley-Roosevelt, Kau-Keaau-Pahoa, Pearl City-Waipahu

⁶ These seven complexes were: Campbell-Kapolei, Castle-Kahuku, Farrington-Kaiser-Kalani, Kailua-Kalaheo, Kapaa-Kauai-Waimea, Kau-Keaau-Pahoa, and Pearl City-Waipahu.

⁷ These three complexes were: Aiea-Moanalua-Radford, Hana-Lahainaluna-Lanai-Molokai, and Honokaa-Kealakehe-Kohala-Konawaena.

Table 1 illustrates the data for the cases that were input into Infinite Campus.

Table 1: Student Respondent – Cases Input

Complex Area	Sexual Harassment	Gender-Based Harassment	Sexual Exploitation	Stalking	Sexual Assault	Total Cases
Aiea-Moanalua-Radford	7	0	0	0	0	7
Baldwin-Kekaulike-Kulanihakoiki-Maui	49	1	2	1	5	58
Campbell-Kapolei	20	1	0	0	1	22
Castle-Kahuku	8	0	0	0	1	9
Farrington-Kaiser-Kalani	24	3	0	0	1	28
Hana-Lahainaluna-Lanai-Molokai	7	1	0	0	0	8
Hilo-Waiakea	13	0	3	0	2	18
Honokaa-Kealakehe-Kohala-Konawaena	25	1	2	0	0	28
Kailua-Kalaheo	13	2	0	0	1	16
Kaimuki-McKinley-Roosevelt	22	0	0	0	2	24
Kapaa-Kauai-Waimea	14	2	1	0	1	18
Kau-Keaau-Pahoa	34	0	0	0	1	35
Leilehua-Mililani-Waialua	22	1	1	0	3	27
Nanakuli-Waianae	12	0	1	0	2	15
Pearl City-Waipahu	19	3	0	0	1	23
Overall Totals	289	15	10	1	21	336

Employee Respondent Data

The Department's Civil Rights Compliance Branch (CRCB) is responsible for ensuring the Department's overall compliance with federal and state civil rights laws, as well as internal policies and procedures that focus on protected class conduct. As such, one of the CRCB's responsibilities is to address reports and complaints of discrimination, harassment, bullying, and retaliation on the basis of a protected class, where an employee is the alleged respondent. Protected class conduct includes conduct on the basis of an individual's sex, gender identity, gender expression, and sexual orientation.

The Department has two board policies that address such conduct: (1) Board of Education Policy 305-10 (BOE Policy 305-10); and (2) Board of Education Policy 900-1 (BOE Policy 900-1). BOE Policy 305-10 is the Department’s anti-harassment, anti-bullying, and anti-discrimination against student(s) by employee’s policy. BOE Policy 900-1 is the Department’s applicant and employee non-discrimination policy.

As explained above, sex-based complaints must meet certain criteria for the Title IX grievance process to apply. Where the Title IX criteria is not met, sex-based complaints are addressed via BOE Policy 305-10 or BOE Policy 900-1, for situations where the alleged respondent was an employee. During SY 2022-2023, the CRCB received 33 BOE Policy 305-10 complaints and nine BOE Policy 900-1 complaints at the school and/or complex level, resulting in a total of 42 non-Title IX sex-based complaints that concerned an employee respondent.⁸ Of the 33 BOE Policy 305-10 complaints, all 33 concerned sexual harassment, while one complaint also concerned conduct on the basis of sexual orientation. Of the nine (9) BOE Policy 900-1 complaints, six concerned sexual harassment, two concerned sexual orientation, three concerned gender identity, and two concerned gender expression. None of the non-Title IX sex-based complaints that concerned an employee respondent included allegations of sexual violence or stalking. For both the BOE Policy 305-10 and BOE Policy 900-1 complaints, both types of cases included complaints that included more than one type of protected class. For example, a single case may have indicated sexual harassment, gender identity, and gender expression.

Table 2 illustrates the data for BOE Policy 305-10 complaints. Table 3 illustrates the data for BOE Policy 900-1 complaints. Both tables further categorize the data by complex area.

Table 2: BOE Policy 305-10 – Student Complainant v. Employee Respondent (Totals & Case Types)⁹

Complex Area	Sex	Sexual Orientation	Gender Identity	Gender Expression	Sexual Violence	Stalking	Total Cases*
Aiea-Moanalua-Radford	1	0	0	0	0	0	1
Baldwin-Kekaulike-Kulanihakoi-Maui	5	0	0	0	0	0	5
Campbell-Kapolei	4	0	0	0	0	0	4
Castle-Kahuku	3	0	0	0	0	0	3
Farrington-Kaiser-Kalani	6	0	0	0	0	0	6
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0	0	0	0
Hilo-Waiakea	0	0	0	0	0	0	0

⁸ There were an additional three BOE Policy 900-1 cases that were reported at the state level, resulting in the CRCB having a total of 12 BOE Policy 900-1 cases. Two concerned allegations of sexual harassment. The third report concerned multiple allegations, including “being a victim of domestic or sexual violence.” As this report focuses on data aggregated by complex areas, such information was excluded from the tables indicated in the body of the report, but is being included here.

⁹ One complaint could include multiple protected classes, e.g., gender identity, gender expression, sexual harassment.

Honokaa-Kealakehe-Kohala-Konawaena	1	0	0	0	0	0	1
Kailua-Kalaheo	1	0	0	0	0	0	1
Kaimuki-McKinley-Roosevelt	3	0	0	0	0	0	3
Kapaa-Kauai-Waimea	0	0	0	0	0	0	0
Kau-Keaau-Pahoa	4	0	0	0	0	0	4
Leilehua-Mililani-Waialua	3	0	0	0	0	0	3
Nanakuli-Waianae	1	0	0	0	0	0	1
Pearl City-Waipahu	1	1	0	0	0	0	1
Overall Totals	33	1	0	0	0	0	33

*NOTE: Cases may have more than one protected class.

Table 3: BOE Policy 900-1 – Employee Complainant v. Employee Respondent (Totals & Case Types)¹⁰

Complex Area	Sex	Sexual Orientation	Gender Identity	Gender Expression	Sexual Violence	Stalking	Total Cases*
Aiea-Moanalua-Radford	0	0	0	0	0	0	0
Baldwin-Kekaulike-Kulanihako-Maui	1	1	1	1	0	0	2
Campbell-Kapolei	0	0	0	0	0	0	0
Castle-Kahuku	1	0	0	0	0	0	1
Farrington-Kaiser-Kalani	1	0	1	1	0	0	1
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0	0	0	0
Hilo-Waiakea	2	0	0	0	0	0	2
Honokaa-Kealakehe-Kohala-Konawaena	0	0	0	0	0	0	0
Kailua-Kalaheo	1	0	0	0	0	0	1
Kaimuki-McKinley-Roosevelt	0	0	0	0	0	0	0
Kapaa-Kauai-Waimea	0	0	0	0	0	0	0
Kau-Keaau-Pahoa	0	0	1	0	0	0	1
Leilehua-Mililani-Waialua	0	1	0	0	0	0	1
Nanakuli-Waianae	0	0	0	0	0	0	0
Pearl City-Waipahu	0	0	0	0	0	0	0
Overall Totals	6	2	3	2	0	0	9

*NOTE: Cases may have more than one protected class.

¹⁰One complaint could include multiple protected classes, e.g., gender identity, gender expression, sexual harassment.

Title IX Sex-Based Complaints

During SY 2022-2023, the CRCB determined that 51 reports of sex-based complaints either initially met the criteria for the Title IX. The Kapaa-Kauai-Waimea complex has the most complaints that met the Title IX criteria, at ten complaints. The Farrington-Kaiser-Kalani and Honokaa-Kealakehe-Kohala-Konawaena complexes both had eight complaints each. The Baldwin-Kekaulike-Kulanihakoi-Maui complex followed with seven complaints that met the criteria. The Hana-Lahainaluna-Lanai-Molokai, Hilo-Waiakea, Kailua-Kalaheo, and Nanakuli-Waianae complexes did not have any complaints that met the Title IX criteria. The remaining seven complex areas ranged from having one to five Title IX complaints.¹¹

The majority of the allegations concerned sexual assault (40). Sexual harassment, where the conduct was severe, pervasive, and objectively offensive (15), dating violence (1), and stalking (1) made grievance process or was initially submitted to the CRCB as a formal complaint under the Title IX process made up the remaining types of allegations. No complaints of “quid pro quo” or domestic violence reports were made. There were no complaints of gender-based harassment that met the Title IX criteria.

Table 4 illustrates the data for Title IX complaints, further categorized by each complex area.

Table 4: Title IX (Totals & Case Types)^{12,1314}

Complex Area	Type: Sexual Harassment: Quid Pro Quo	Type: Sexual Harassment (Severe, Pervasive, & Objectively Offensive)	Type: Sexual Assault	Type: Dating Violence	Type: Stalking	Type: Domestic Violence	Total
Aiea-Moanalua-Radford	0	2	2	0	0	0	4
Baldwin-Kekaulike-Kulanihakoi-Maui	0	2	5	0	0	0	7

¹¹ These seven complexes were: Aiea-Moanalua-Radford, Campbell-Kapolei, Castle-Kahuku, Kaimuki-McKinley-Roosevelt, Kau-Keaau-Pahoa, Leilehua-Mililani-Waiialua, and Pearl City-Waipahu.

¹² The definition of sexual harassment under Title IX is a three-part definition, where “sexual harassment” means conduct on the basis of sex that satisfies one or more of the following: (1) an employee of the Department conditioning the provision of an aid, benefit, or service of the Department on an individual’s participation in unwelcome sexual conduct; (2) Unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectively offensive, that it effectively denies a person equal access to the Department’s education program or activity; or (3) “sexual assault,” “dating violence,” “domestic violence,” or “stalking.” NOTE: part (1) of the definition is often referred to as “quid pro quo” situations. 34 CFR §106.30(a)

¹³ Instances of gender-based harassment that met the Title IX criteria would have been categorized under part (2) of the Title IX definition of sexual harassment (where the conduct is severe, pervasive and objectively offensive). For the SY 2022-2023, there were no instances of gender-based harassment that met the Title IX criteria.

¹⁴ As noted below Table 4, some cases may have met more than one part of the Title IX definition of sexual harassment, where one complaint may have been counted for multiple Title IX sexual harassment categories (e.g., the same case counted for both sexual assault and the severe, pervasive, and objectively offensive categories). The total number of Title IX cases during SY 2022-2023 was 51 cases. The totals by complex is as follows: Aiea-Moanalua-Radford: 3; Baldwin-Kekaulike-Kulanihakoi-Maui: 7; Campbell-Kapolei: 3; Castle-Kahuku: 1; Farrington-Kaiser-Kalani: 7; Hana-Lahainaluna-Lanai-Molokai: 0; Hilo-Waiakea: 0; Honokaa-Kealakehe-Kohala-Konawaena: 8; Kailua-Kalaheo: 0; Kaimuki-McKinley-Roosevelt: 3; Kapaa-Kauai-Waimea: 9; Kau-Keaau-Pahoa: 5; Leilehua-Mililani-Waipahu: 2; Nanakuli-Waianae: 0; Pearl City-Waipahu: 3

Campbell-Kapolei	0	2	3	0	0	0	5
Castle-Kahuku	0	1	0	0	0	0	1
Farrington-Kaiser-Kalani	0	2	6	0	0	0	8
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0	0	0	0
Hilo-Waiakea	0	0	0	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	0	0	8	0	0	0	8
Kailua-Kalaheo	0	0	0	0	0	0	0
Kaimuki-McKinley-Roosevelt	0	0	3	0	0	0	3
Kapaa-Kauai-Waimea	0	5	5	0	0	0	10
Kau-Keaau-Pahoa	0	0	4	1	0	0	5
Leilehua/Mililani-Waialua	0	0	2	0	0	0	2
Nanakuli-Waianae	0	0	0	0	0	0	0
Pearl City-Waipahu	0	1	2	0	1	0	4
Overall Totals	0	15	40	1	1	0	57

*NOTE: Cases may have met more than one part of the Title IX definition of sexual harassment.

2. Of the total number of complaints reported for each complex area, the number of complaints involving:

- A. A student complainant and a student respondent**
- B. A student complainant and an employee respondent**
- C. An employee complainant and an employee respondent**
- D. An employee complainant and a student respondent**

Non-Title IX Sex-Based Complaints

Student Respondent Data¹⁵

There were 289 non-Title IX student-to-student cases, and 16 non-Title IX cases involving an employee victim and student respondent. Furthermore, there were 31 cases where it was unclear who the victim was, resulting in the role of the “victim” unable to be determined. Examples of these situations included a student writing explicit language on a sidewalk, as well as a student making an explicit gesture during a career day presentation.

Table 5 illustrates the data regarding the parties’ statuses for non-Title IX sex-based complaints, where a student was identified as the respondent, further categorized by complex area.

¹⁵ For some of the cases concerning student respondents, the role of the “victim” was not input. For these cases, the incident summaries were manually reviewed to determine whether the “victim” was another student or an employee. The totals included in Table 5 were based on the manual review.

Employee Respondent Data

As stated above, there were 33 non-Title IX complaints where a student was identified as the complainant and an employee was the identified respondent. The Farrington-Kaiser-Kalani complex had the most complaints of this type with six complaints, followed by the Baldwin-Kekaulike-Kulanihakoi-Maui complex with five complaints. The Campbell-Kapolei and Kau-Keaau-Pahoa complexes each had four complaints. The Hana-Lahainaluna-Lanai-Molokai, Hilo-Waiakea, and Kapaa-Kauai-Waimea complexes each had zero complaints of this type. The remaining eight complexes ranged from one to three complaints.¹⁶

There were nine non-Title IX complaints where both the complainant and respondent were identified as employees.¹⁷ The Baldwin-Kekaulike-Kulanihakoi-Maui and Hilo-Waiakea complexes had the most complaints of this type, with two complaints each. There were five complexes that had one of these types of complaints¹⁸, while the remaining eight complexes had none of this type of complaint.¹⁹

Table 5 illustrates the data regarding the parties' statuses for non-Title IX sex-based complaints, further categorized by complex area.

Table 5: Non-Title IX Sex Based Cases (Party Status)^{20 21}

Complex Area	Student v. Student*	Student v. Employee	Employee v. Employee	Employee v. Student*	Total
Aiea-Moanalua-Radford	4	1	0	0	5
Baldwin-Kekaulike-Kulanihakoi-Maui	47	5	2	4	58
Campbell-Kapolei	20	4	0	0	24
Castle-Kahuku	9	3	1	0	13
Farrington-Kaiser-Kalani	28	6	1	0	35
Hana-Lahainaluna-Lanai-Molokai	6	0	0	2	8

¹⁶ These eight complexes were: Aiea-Moanalua-Radford, Castle-Kahuku, Honokaa-Kealakehe-Kohala-Konawaena, Kailua-Kalaheo, Kaimuki-McKinley-Roosevelt, Leilehua-Mililani-Waialua, Nanakuli-Waianae, and Pearl City-Waipahu.

¹⁷ There were an additional three BOE Policy 900-1 cases that were at the state level, resulting in the CRCB having a total of 12 BOE Policy 900-1 cases. As this report focuses on data aggregated by complex areas, such information was excluded from the tables indicated in the body of the report, but such information is being included here. See note 2 above.

¹⁸ These five complexes were: Castle-Kahuku, Farrington-Kaiser-Kalani, Kailua-Kalaheo, Kau-Keaau-Pahoa, and Leilehua-Mililani-Waialua.

¹⁹ These eight complexes were: Aiea-Moanalua-Radford, Campbell-Kapolei, Hana-Lahainaluna-Lanai-Molokai, Honokaa-Kealakehe-Kohala-Konawaena, Kaimuki-McKinley-Roosevelt, Kapaa-Kauai-Waimea, Nanakuli-Waianae, and Pearl City-Waipahu.

²⁰ Not all cases inputted into Infinite Campus indicated the role of the "victim." For those cases, a manual review of the incident summary was conducted to determine the role of the "victim." Upon this review, there were 31 cases where the role of the "victim" could not be determined. e.g., the conduct was not directed towards a specific individual(s).

²¹ The following complexes had cases where the role of the "victim" could not be determined: Aiea-Moanalua-Radford, Baldwin-Kekaulike-Kulanihakoi-Maui, Campbell-Kapolei, Hilo-Waiakea, Honokaa-Kealakehe-Kohala-Konawaena, Kailua-Kalaheo, Kapaa-Kauai-Waimea, Kau-Keaau-Pahoa, Leilehua-Mililani-Waialua, Nanakuli-Waianae, and Pearl City-Waipahu.

Hilo-Waiakea	14	0	2	1	17
Honokaa-Kealakehe-Kohala-Konawaena	25	1	0	1	27
Kailua-Kalaheo	13	1	1	2	17
Kaimuki-McKinley-Roosevelt	24	3	0	0	27
Kapaa-Kauai-Waimea	15	0	0	2	17
Kau-Keaau-Pahoa	30	4	1	2	37
Leilehua/Mililani-Waiialua	23	3	1	1	28
Nanakuli-Waianae	12	1	0	1	14
Pearl City-Waipahu	19	1	0	0	20
Overall Totals	289	33	9	16	347

*Note: The totals for both of these columns account for ALL cases input in Infinite Campus and include incidents of sexual harassment, gender-based harassments, sexual exploitation, stalking, and sexual assault.

Title IX Sex-Based Complaints

Of the 51 Title IX complaints received, 48 of the complaints involved situations where both the complainant and the respondent were students. Two complaints concerned situations where a student was the complainant and an employee was the respondent. One report concerned a situation where the respondent could not be identified. There were no complaints that involved situations where both the complainant and respondent were employees, or situations where the complainant was an employee and the respondent was a student. It should be noted that there were several complaints where either parties, or the respondent could not be identified, so no investigation was commenced, and the situations were monitored.

Table 6 illustrates the data regarding the parties’ statuses for Title IX complaints, further categorized by complex area.

Table 6: Title IX (Party Status)

Complex Area	Student v. Student	Student v. Employee	Employee v. Employee	Employee v. Student	Student v. Unknown ²²	Total
Aiea-Moanalua-Radford	3	0	0	0	0	3
Baldwin-Kekaulike-Kulanihakoi-Maui	6	1	0	0	0	7
Campbell-Kapolei	2	0	0	0	1	3

²² For this case, the identity of the respondent – whether it was a student or an employee was unable to be determined.

Castle-Kahuku	1	0	0	0	0	1
Farrington-Kaiser-Kalani	7	0	0	0	0	7
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0	0	0
Hilo-Waiakea	0	0	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	8	0	0	0	0	8
Kailua-Kalaheo	0	0	0	0	0	0
Kaimuki-McKinley-Roosevelt	3	0	0	0	0	3
Kapaa-Kauai-Waimea	9	0	0	0	0	9
Kau-Keaau-Paho	5	0	0	0	0	5
Leilehua-Mililani-Waialua	2	0	0	0	0	2
Nanakuli-Waianae	0	0	0	0	0	0
Pearl City-Waipahu	2	1	0	0	0	3
Overall Totals	48	2	0	0	1	51

3. Of the total number of complaints, for each complex area, the number of complaints in which:
- A. An investigation was commenced but a decision has not yet been rendered;
 - B. An investigation was completed and a decision was rendered; and
 - C. A party has filed an appeal, and the appeal is pending

Non-Title IX Sex-Based Complaints

Student Respondent Data

As previously stated, there were 336 cases input into Infinite Campus during SY 2022-2023. A decision was rendered for 329 of the cases. There were seven cases where the information in Infinite Campus indicated that the investigation was still in progress. The data indicated that no appeals were submitted for any of the cases.

Table 7 illustrates the data of non-Title IX sex-based complaints for student respondents, further categorized by complex area.

Table 7: Non-Title IX Sex-Based Cases (Student Respondents)

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Totals
Aiea-Moanalua-Radford	0	7	0	7
Baldwin-Kekaulike-Kulanihakoi-Maui	0	58	0	58
Campbell-Kapolei	0	22	0	22
Castle-Kahuku	0	9	0	9
Farrington-Kaiser-Kalani	0	28	0	28
Hana-Lahainaluna-Lanai-Molokai	0	8	0	8
Hilo-Waiakea	0	18	0	18
Honokaa-Kealakehe-Kohala-Konawaena	3	25	0	28
Kailua-Kalaheo	1	15	0	16
Kaimuki-McKinley-Roosevelt	0	24	0	24
Kapaa-Kauai-Waimea	0	18	0	18
Kau-Keaau-Pahoa	2	33	0	35
Leilehua-Mililani-Waialua	0	27	0	27
Nanakuli-Waianae	0	15	0	15
Pearl City-Waipahu	1	22	0	23
Overall Totals	7	329	0	336

Employee Respondent Data

Of the combined 42 complaints, where an employee was the identified respondent, 38 complaints were still in the investigation portion of the process. There were four complaints where a decision was rendered. No requests for appeals were submitted.

Table 8 illustrates the data for the non-Title IX sex-based complaints, further categorized by complex area.²³

Table 8: Non-Title IX Sex-Based Complaints (Employee Respondents) (Grievance Process Status)

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Combined 305-10 and 900-1 Totals
Aiea-Moanalua-Radford	1	0	0	1
Baldwin-Kekaulike-Kulanihakoi-Maui	7	0	0	7
Campbell-Kapolei	4	0	0	4
Castle-Kahuku	3	1	0	4
Farrington-Kaiser-Kalani	6	1	0	7
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0
Hilo-Waiakea	2	0	0	2
Honokaa-Kealakehe-Kohala-Konawaena	1	0	0	1
Kailua-Kalaheo	1	1	0	2
Kaimuki-McKinley-Roosevelt	3	0	0	3
Kapaa-Kauai-Waimea	0	0	0	0
Kau-Keaau-Pahoa	5	0	0	5
Leilehua-Mililani-Waiialua	4	0	0	4
Nanakuli-Waianae	0	1	0	1
Pearl City-Waipahu	1	0	0	1
Overall Totals	38	4	0	42

Title IX Sex-Based Complaints

Of the 51 Title IX complaints, 21 are still in progress and are either in the investigation or decision-making portion of the Title IX grievance process. Five complaints are considered “complete,” where a final determination was rendered and either no request for an appeal was submitted, or where an appeal was submitted, the appeal was completed. The remaining cases

²³ There were three BOE Policy 900-1 (employee v. employee) cases that were at the state level. For all three of these cases, an investigation has been initiated, but a decision has not yet been rendered. This information is not reflected in Table 8.

were either dismissed for various reasons²⁴; or the Title IX process was not initiated, e.g., complainants declined to submit a formal complaint, such request was honored; or the identity of one or both parties could not be determined.

Table 9 illustrates the data for Title IX complaints, further categorized by complex areas.

Table 9: Title IX (Grievance Process Status)

Complex Area	Investigation Commenced, Decision NOT Rendered	Investigation Completed, Decision Rendered	Appeal Submitted and Pending	Total
Aiea-Moanalua-Radford	0	2	0	3 ²⁵
Baldwin-Kekaulike-Kulanihako-Maui	2	0	0	7 ²⁶
Campbell-Kapolei	0	0	0	3 ²⁷
Castle-Kahuku	0	1	0	1
Farrington-Kaiser-Kalani	4 ²⁸	1	0	7 ²⁹
Hana-Lahainaluna-Lanai-Molokai	0	0	0	0
Hilo-Waiakea	0	0	0	0
Honokaa-Kealakehe-Kohala-Konawaena	0	0	0	8 ³⁰
Kailua-Kalaheo	0	0	0	0
Kaimuki-McKinley-Roosevelt	2	0	0	3 ³¹

²⁴ When applicable, the case was reassigned to be addressed via other applicable policies and/or procedures.

²⁵ For one case, the identity of the student respondent could not be determined, so the Title IX process was not initiated for this case.

²⁶ Three of these cases were dismissed for purposes of Title IX (two cases were reassigned to be addressed via other applicable policies and/or procedures. For the third case, the respondent student dis-enrolled completely from the Department via the 4140 process). For two cases, the Title IX process was not initiated (e.g., honored complainant's request not to go forward with a formal complaint).

²⁷ For one case, the identity of the respondent could not be determined. For two cases, the Title IX process was not initiated (e.g., honored complainant's request not to go forward with a formal complaint).

²⁸ One case is in the decision-making portion of the Title IX process, but no decision has yet been rendered.

²⁹ For one case, the identity of the respondents could not be determined, therefore, the Title IX process was not initiated. For one case, the Title IX process was not initiated (e.g., honored complainant's request not to go forward with the formal complaint).

³⁰ Seven of these cases were dismissed for purposes of the Title IX process (they were all referred to be addressed via other applicable policies and/or procedures). For one case, the Title IX process was not initiated (e.g., honored complainant's request to not go forward with a formal complaint).

³¹ For one case, the student respondent dis-enrolled completely from the Department and transferred to a private school.

Kapaa-Kauai-Waimea	7 ³²	0	0	9 ³³
Kau-Keaau-Pahoa	4	0	0	5 ³⁴
Leilehua-Mililani-Waialua	1 ³⁵	0	0	2 ³⁶
Nanakuli-Waianae	0	0	0	0
Pearl City-Waipahu	1 ³⁷	1	0	3 ³⁸
Overall Totals	21	5	0	51

4. The percentage of teachers, counselors, principals, and vice-principals, disaggregated by complex area, who have completed a training course on the Department’s Title IX policies and procedures, and on any other policies and procedures adopted by the Department in accordance with this chapter.

During SY 2022-2023, the Kau-Keaau-Pahoa (KKP) administrators were trained on the Department’s Interim Grievance Procedures for Sexual Harassment, during the November 2022 complex vice-principals’ meeting, and the December 2022 complex principals’ meeting. Each session was approximately two hours in length and included a brief overview of Title IX and a detailed explanation of the requirements of the 2020 revisions to the federal Title IX regulations, as well as the grievance process the Department is required to follow when addressing reports and complaints of sexual harassment. Attendees for each session included a mixture of school level administrators, and complex District Education Officers. The total number of KKP administrators that were trained were 34.

No other Department administrators were trained during this timeframe. Teachers and counselors were also not provided training this past school year.

Table 10 illustrates the training dates and participation numbers for the trainings that were held for the Kau-Keaau-Pahoa complex.

Table 10: Training – Participation Numbers

Kau-Keaau-Pahoa Complex	
Date	Total
November 29, 2022	19
December 1, 2022	15
Overall Total	

The CRCB is currently working with TNG Consulting/ATIXA (Association of Title IX Administrators) to provide web-based training on Title IX to the Department’s employees, as well as charter school employees. Briefly, the training is comprised of learning modules that will provide an overview of Title IX, Title IX’s scope, the Title IX definitions of sexual harassment, as

³² One case is the decision-making portion of the Title IX process, but no decision has yet been rendered.
³³ For one case, the student respondent dis-enrolled from the Department and started homeschool before a formal complaint was submitted. For one case, the Title IX process was not initiated.
³⁴ For one case, the Title IX process was not initiated.
³⁵ This case is in the decision-making portion of the TIX process, but no decision has yet been rendered.
³⁶ For one case, the Title IX process was not initiated.
³⁷ This case is in the decision-making portion of the Title IX process, but no decision has yet been rendered.
³⁸ One case was dismissed for purposes of the Title IX process (the case was referred to be addressed via other applicable policies and/or procedures).

well as speak to how employees should initially respond to reports of sexual harassment, and reporting requirements. The training length of the training is approximately 90-120 minutes, where employees will have access to the training link for a period of at least nine months to complete the learning modules at their own pace. ATIXA's learning module system will also allow the Department to track employees' progress in completing the learning modules. Department employees, as well as charter school employees, will have an opportunity to access this training.