



UNIVERSITY
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SYSTEM

**Senate Committee on Higher Education
Thursday, February 2, 2023, 3:00 p.m.**

Testimony by:

Jamie Go, Interim Executive Administrator and Secretary of the Board of Regents

**S.B. No. 960 – RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS
CANDIDATE ADVISORY COUNCIL.**

**S.B. No. 631 – PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE
HAWAII STATE CONSTITUTION TO MODIFY THE APPOINTMENT
PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY
OF HAWAII.**

Chair Kim, Vice Chair Kidani, and members of the Committee:

These comments on S.B. No. 960 and S.B. No. 631 are offered in my capacity as the Interim Executive Administrator and Secretary of the Board of Regents.

The Board of Regents of the University of Hawai'i (Board) has not yet had the opportunity to discuss these measures. Discussion is expected to occur at the Board's next meeting on February 16, 2023.

Thank you for the opportunity to offer comments on S.B. No. 960 and S.B. No. 631.



The Committee on Higher Education
Thursday, February 2, 2023
Room 229 & Videoconference
3:00 pm

RE: **SB 960 Relating to the University of Hawai'i Board of Regents Candidate Advisory Council**

Attention: Chair Donna Mercado Kim, Vice Chair Michelle Kidani and Members of the Committee

The University of Hawaii Professional Assembly (UHPA) **strongly opposes the intent and purpose of SB 960**. The Candidate Advisory Council (CAC) serves an important purpose and function to ensure the best qualified candidates emerge and are vetted prior to submitting their name to the Governor for consideration.

SB 960 supports the removal of the vetting process that is currently governed by The Senate President, Speaker of the House and Governor who appoint the members of the CAC respectfully. This body is charged to perform a comprehensive review of candidates for one of the most important higher education positions in the state, that of Regent. The ability to search out, interview and recommend the best candidates is vital to the overall success of quality candidates for the Governor to select from and the Senate to confirm as outlined in §304A-104.6, Hawai'i Revised Statutes.

Under the premise of an open and transparent government, the process proposed runs contrary to and does not allow multiple stakeholders to participate in the vetting process and in fact actually reduces the quality of stakeholders from participation. This bill makes no substantive change to the Governor appointing or the Senate confirmation process in the final determination of who becomes a Regent. The current process should remain intact.

UHPA strongly opposes the intent and purpose of SB 960.

Respectfully submitted,

Christian L. Fern
Executive Director
University of Hawaii Professional Assembly

University of Hawaii
Professional Assembly

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Association of Emeritus Regents

James H.Q. Lee, Chair
Andres Albano, Jr. Vice-Chair
J. F. Blanco, Secretary-Treasurer

LEGISLATIVE TESTIMONY RE SB960
RELATING TO PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6 OF THE HAWAII CONSTITUTION
TO REPEAL THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL

Hearing Date:

2:00 pm on February 2, 2023

Conference Room 229 & Videoconference

Submitted by:

ASSOCIATION OF EMERITUS REGENTS
UNIVERSITY OF HAWAII

Senator Donna Mercado Kim, Chair
Senator Michelle N. Kidani, Vice Chair
Senate Committee on Higher Education
The Senate
Hawaii State Legislature
Thirty-Second Legislature, Regular Session of 2023

Senator Kim, Chair, Senator Kidani, Vice-Chair, and members
of the Senate Higher Education Committee:

The Association of Emeritus Regents (AER) of the University of Hawaii respectfully submits testimony in **opposition to SB 960** proposing an amendment to Article X, Section 6 of the Hawaii Constitution to eliminate the University of Hawaii Board of Regents Candidate Advisory Council ("CAC"). The Association of Emeritus Regents opposes the elimination of the CAC for the reasons noted below.

The CAC was created in 2006 after an overwhelming majority of voters voted to ratify an amendment to the State Constitution to change the selection process for Board of Regent members. The legislation to create the CAC was proposed by the State Legislature in 2004 in its ultimate wisdom. The legislature and the voters recognized the importance of the University of Hawaii as the major institution of higher education in Hawaii and mandated a process to select regents similar to the process to select judges and justices in the Hawaii Court system.

The CAC process is transparent and comprehensive. There are eight members on the CAC. Five voting members are appointed by the Governor, one voting member is appointed by the Speaker of the House, one voting member is appointed by the Senate President, and the AER appoints the ex-officio non-voting member.

The members of the CAC are not compensated and devote countless hours to find the three most qualified candidates for each open seat on the Board of Regents to submit to the Governor. The CAC works tirelessly to perform its duty.

The Board of Regent candidate process has worked well. Since its inception, the CAC process has generated lists of stellar BOR candidates for the Governor to select from. All interested candidates are invited to apply, and the Governor and any member of the legislature can nominate candidates they each believe should be considered by the CAC and a university regent. Most importantly, the vetting process is grueling and no stones are left unturned. Only the most qualified candidates are sent to the Governor. The Governor makes his selection and then sends the name of his selection to the Senate for vetting and confirmation.

There is no logical reason to do away with the CAC. Eliminating the CAC will be a disregard of the voter's mandate.

We also call to the Committee's attention that the only flaw with the current operation of the CAC is the fact that the AER appointee does not have a vote. The AER appointee, as a former regent, provides a unique perspective of the inner workings of the BOR decision-making process. The appointee is able to probe candidates from a unique perspective as a former BOR member. The AER member actively participates and contributes many hours in the candidate recruiting, screening and selection process. Towards that end, we ask this Committee to restore the AER appointee as a full voting member of the CAC. Former AER appointees to the CAC were Emeritus Regents Roy Takeyama, Joseph Blanco, Andres Albano, and Capsun Poe. Emeritus Regent Brandon Marc Higa is the AER's current appointee on the CAC.

In closing, the AER respectfully asks the Committee NOT to pass this legislation which would abolish the CAC and add language that restores the AER appointee on the CAC as a full voting member.

Committee on Higher Education
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: OPPOSE SB 960 & 631

January 31, 2023

Dear Chair Kim, Vice Chair Kidani, and esteemed members of the Higher Education Committee,

I am writing to ask that you OPPOSE BILLS [SB 960](#) and [SB 631](#), which seek repeal and eliminate the University of Hawai'i Board of Regents (BOR) Candidate Advisory Council.

As an educator in higher education that is impacted by all choices the Board of Regents makes, I find it of extreme importance that we choose BOR members that are qualified and non-biased, support the mission of our State University system, and are not unduly influenced by politics.

Allowing legislative interference to the degree this bill suggests would threaten the UH-System institutions' accreditation status. Both the Western Association of Schools and Colleges (WASC) and Accrediting Commission for Community and Junior Colleges (ACCJC) accreditation are reliant on institutions of higher education being protected from undue influence or political pressure. The [WASC Standard on Integrity and Transparency Criteria for Review \(CFR\) 1.5](#) states:

Even when supported by or affiliated with governmental, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.

Guidelines: The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.

And the [ACCJC Standard IV.C.4](#) states:

The governing board is an independent, policy-making body that reflects the public interest in the institution's educational quality. It advocates for and defends the institution and protects it from undue influence or political pressure.

For all these reasons and more, I strongly support OPPOSING BILLS [SB 960](#) and [SB 631](#) and help secure the quality of higher education on our islands for years to come. Mahalo nui!

Sincerely,



Erika Molyneux
Instructor, New Media Arts
Leeward Community College

Testimony Presented Before the
Senate Committee on Higher Education
Conference Room 229 & Videoconference
Thursday, February 2, 2023
3:00 PM
by Brandon Marc Higa

**Testimony in Opposition of Senate Bills 960 & 631
Re: Proposing An Amendment to Article X, Section 6, of the Hawai'i Constitution
to Repeal the University of Hawai'i Board of Regents Candidate Advisory Council**

Chair Kim, Vice Chair Kidani, and Committee on Higher Education Members:

Thank you for the opportunity to submit testimony in response to Senate Bill 960, Relating to the University of Hawai'i Board of Regents Candidate Advisory Council and Senate Bill 631, Proposing An Amendment to Article X, Section 6, of the Hawai'i Constitution to Repeal the University of Hawai'i Board of Regents Candidate Advisory Council. I am submitting my testimony **in opposition to B. 960 and S.B. 631** in my personal capacity and not in an official capacity as a member of the Candidate Advisory Council.

The Candidate Advisory Council (CAC) was created following public support of a constitutional amendment in 2006 to facilitate a transparent and comprehensive vetting process for qualified candidates to serve on the University of Hawai'i Board of Regents. The volunteers appointed to the CAC are intended to represent various communities and professions to provide perspective in recruiting and recommending candidates that have the right qualifications, *and more importantly, motivation, temperament, and fit* to serve as Regents. The eight CAC members will represent a broader, more diverse cross section of community supporters of the University than a single elected official, if the Governor is provided with the sole appointing authority.

Given the University of Hawai'i's commitment to shared governance with its faculty, students, and other stakeholders, the CAC has made efforts to engage with internal governance organizations in support of transparency and inclusion. In particular, I have prioritized my engagement with the UH Student Caucus in encouraging student leaders to consider serving as the Student Regent and have nominated individuals who would otherwise not have had a direct conduit to the Governor's Office for consideration for appointment. By eliminating the CAC, the progress toward inclusion of the University's shared governance organizations will be undone.

I respectfully ask the Committee vote "no" to S.B. 960 and S.B. 631 to refrain from eliminating the University of Hawai'i Board of Regents Candidate Advisory Council.

Respectfully submitted,
s/Brandon Marc Higa
Regent Emeritus ('19)

Stanford J. Fichtman

796 Isenberg St., #11G, Honolulu, HI 96826 ♦ sjfhawaii@gmail.com ♦ 808-295-4630

Testimony in Opposition of Senate Bill No. 960

Re: Repealing the University of Hawaii Board of Regents Candidate Advisory Council, upon passage of a Constitutional Amendment

By: Stanford J. Fichtman

Aloha Chair Kim, Vice Chair Kidani, and Members of the Senate Higher Education Committee

Mahalo for the opportunity for the public to submit testimony regarding Senate Bill 960, Repealing the University of Hawai'i Board of Regents Candidate Advisory Council (CAC), upon passage of a Constitutional Amendment that is outlined in SB 631.

My testimony is **in opposition** to the measure.

Most of my thoughts on opposing any repeal of the CAC can be found in my testimony in opposition to SB 631, which you will hear later today. However, the item of why such measures were introduced in the first place, stands. I believe there has not been a sufficient explanation to the public as to why this measure must be passed. While I understand that this is a "follow-on" piece of legislation that will come into effect once Senate Bill 631, which proposes an amendment to article X, section 6, of the Hawaii State Constitution to modify the appointment process for the Board of Regents of the University of Hawai'i, an explanation about why the CAC needs to be repealed in the first place should be clearly stated before this bill is acted upon by the committee.

And until that explanation is made, by the introducer of this bill, that passes the muster of the public, I ask the committee to defer action on this bill. The public has a right to be told why the CAC be eliminated.

Thank you for allowing me to provide testimony **in opposition to SB 960**.

Reverently submitted,



Stanford J. Fichtman