

University of Hawai'i  
**Regents Candidate Advisory Council**

THE HONORABLE SENATOR DAVID Y. IGE, CHAIR  
Senate Committee on Ways and Means  
Hawaii State Legislature  
Regular Session of 2013  
State of Hawaii

March 27, 2013

LEGISLATIVE TESTIMONY IN OPPOSITION TO  
HB 1071, H.D. 1, S.D. 1  
RELATING TO THE UNIVERSITY OF HAWAII

Hearing Date:  
Thursday, March 28, 2013, 9:05 a.m., Conference Room 211

Submitted by:  
OFFICERS OF THE REGENTS CANDIDATE ADVISORY COUNCIL  
UNIVERSITY OF HAWAII

Chair Ige, Vice-Chair Kidani, and members of the Senate Committee on Ways and Means:

The officers of the Regent Candidate Advisory Council of the University of Hawaii submit testimony in opposition to HB 1071, H.D. 1, S.D. 1

Before proceeding with our testimony, however, we would like to posthumously recognize and acknowledge Mr. Frank Boas, who passed away on Saturday, March 16, 2013. Mr. Boas was an internationally renowned lawyer and philanthropist, who was instrumental in the establishment of the Regents Candidate Advisory Council. He was a strong proponent of university autonomy and de-politicizing the Board of Regents selection process. In an interview to a *Civil Beat* reporter last year, Mr. Boas said that "giving the governor more control over the Board of Regents would only politicize it, interfere with the university's autonomy and make private donors less likely to give money."

This proposed legislation amends the original bill by deleting its contents and inserting the contents of S.B. No. 563, S.D. 3, which reconstitutes the form and processes of the Advisory Council. The House Higher Education Committee has further amended this bill by House Draft #1.

We call to the committee's attention language that was contained in this committee's Standing Committee Report #317, dated February 14, 2007 which specifically stated that

the creation of the RCAC was:

*“the Senate's efforts to address the concerns raised by Hawaii's voters, through their approval of a constitutional amendment regarding the composition of the Board of Regents of the University of Hawaii and other related provisions of the law. Through this measure, the Senate endeavors to ensure that the law reflects the spirit of the constitutional amendment that was approved by the people of Hawaii. The public has called for change, and we must see to it that the change is real, meaningful, and productive.”*

The proposed legislation goes against the clear mandate Hawaii's voters overwhelmingly approved in 2006 and is an abrupt and total change to the position this committee and the 2007 Legislature took when it passed legislation to create the RCAC. The Legislature also went through the extraordinary effort to override Governor's Lingle's veto and her objections that the RCAC should be under the administrative control of the Governor's office. The Legislature fully concurred with the Senate Higher Education Committee's that the Governor should not be solely responsible for appointing a separate body that qualifies and presents candidates for appointment to the Board of Regents.

The Association of Governing Boards of Universities and Colleges (AGB), the only national association that serves the interests and needs of academic governing boards on issues related to higher education governance and leadership, strongly believes that an essential best practice is to engage independent screening bodies to assist with the nominating process to identify outstanding citizens to serve as regents.

Further, the Western Association of Schools and Colleges (WASC) and the Accrediting Commission for Community and Junior Colleges (ACCJC) have gone on record to say their focus on accreditation is how the Board is functioning. The issue of how UH Regents are selected, or the qualifications of members of the Board of Regents was never raised as an issue in any UH campus accreditation.

In addition to the RCAC screening process, the governor remains the appointing authority for the Board of Regents. The Senate also continues to provide the important role of advise and consent on the Governor's nominee.

The assertions raised in public testimony that the RCAC process has had an adverse impact on qualified candidates applying is without merit. The RCAC selection process involves seeking out university regent candidates who are broadly representative of the public interest and public good, bring diverse skill sets and points or views to the board, and have the commitment and qualifications to serve. The Council's selection process is comprehensive, transparent, well balanced, and solely and exclusively merit-based. The compilation of candidate regents lists occurs only after the RCAC completes its comprehensive review and selection process. It is significant that for the first time in the

UH's 100 year existence, the RCAC process encourages all UH stakeholders to participate in the selection process by submitting BOR candidates for consideration.

It is important to distinguish between the selection of regent candidates and how the Board of Regents governs. How the Board of Regents governs is solely an internal leadership issue between the Board and the President. Rather than single out the regent selection process, we suggest what is more constructive and needed is for the committee to question the current board members on their practices governing the University.

In closing, we strongly urge the Committee to restore HB 1071, H.D. 1 in its original form.

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L. Thomas Ramsey, Secretary

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