

**LATE TESTIMONY**

February 5, 2013

TESTIMONY SUBMITTED IN OPPOSITION TO HOUSE BILL 1073

Aloha Kākou!

Aloha Chair Choy, Vice Chair Ichiyama and Representatives of the State House Committee on Higher Education:

My name is Bonnyjean Manini. I am a product of this 'āina and Hawai'i's public school system. I grew up from humble beginnings on a pot-holed, dirt road in Waimea Valley on the island of Kaua'i and today I sit before you, humbly, as a citizen who also happens to be a faculty member at the University of Hawai'i at Mānoa. Currently I am the elected Chair of the 2012-2013 Mānoa Faculty Senate Executive Committee. This also makes me the Chair of the Mānoa Faculty Senate. I share this with you to disclose the perspectives I bring with me in this testimony. I do not speak on behalf of the University.

HB1073 is of concern to me as an individual citizen. It is also a concern to the Mānoa Faculty Senate Executive Committee. Yesterday, at our regularly scheduled weekly meeting, we voted to oppose HB1073. I bring the message of opposition to you on behalf of myself as well as this group of faculty representatives.

As an individual faculty member carrying out the duties of teaching, research and service, I have utilized the services provided by the team of lawyers in the Office of the General Counsel. A few faculty and staff members in my department have also utilized their services. As clients, we required quick, efficient access to legal advice specialized in the types of contracts and work common in higher education settings. This includes but is not limited to consultation on issues of due process for our students (academic and conduct related) as well as contract reviews. We do this in the interest of completing proper risk management assessment and ensuring we are following the law, as not to put the University and State of Hawai'i at greater risk or liability than necessary.

As a student back in the times when we did not have the Office of the General Counsel, I remember an incident that took place while I was a resident advisor in Student Housing Services. We needed to work with the Office of the Attorney General. Truth be told, due to the distance of this office from the daily operations of the University, we spent a lot of time trying to educate the lawyers about our functions, operations and policies before even getting to the actual issue at hand. It was not an efficient process.

The recent *Blunder* has magnified mistakes made by leaders and employees of the University of Hawai'i at Mānoa and the University of Hawai'i system. What it has not done is shined the light on the successes we have had in handling

business properly and the proactive efforts taken throughout our ranks to prevent losses and inefficiencies.

Due to offices such as the Office of the General Counsel being at the University and our ability to utilize the services provided by their internal team of attorneys and/or externally contracted attorneys, we are able to run a 365 day operation where *Blunders* such as what you, our elected leaders, and the general public have witnessed, are not occurring regularly. I understand that these types of mistakes should not happen at all. However, human errors occurred, we have definitely been held accountable in the most public manner, our weak areas exposed and we are working to pick up the pieces as a system and to address our internal shortcomings. This is our duty as employees of a public institution of higher learning here to serve Hawai i.

Through HB1070 mandatory training for our Regents is being considered. As an educator and citizen, this makes a lot of sense. I believe the intention of HB1070 and not that of HB1073 will assist us the most in the area of accountability to the citizens of this state and the students we serve. To restrict our Board through other legislation and restrict the members from making decisions such as HB1073 seeks to do is not the answer. It would cause more layers of bureaucracy, which usually drives up cost more during implementation and does not necessarily increase efficiency. It would also disempower our Regents, who are established individuals in our community, appointed by our Governor with approval of our state Senate because of the qualities and expertise they offer our state-funded University system.

I would ask you to encourage our Regents to attain the orientation and development they require. I would also ask you to provide them with adequate time to work on the challenges we have internally, through their selected President and Chancellors. Please allow our Regents the authority to determine our need for legal advisors and where they should be situated in the University organizational structure. Removing authority from our Regents related to decisions around legal needs does not allow them to meet our needs within the University community.

Restricting us to one legal advisor, legislating where this position sits in the organizational structure, and requiring us to utilize the State Attorney General's office will create bottle-necks, reduce efficiency, hurt the University and decrease our service to our students and the citizens of this state.

Mahalo for your time and consideration of my testimony.



**ASUH**

Associated Students of the University of Hawai'i

YOUR STUDENT GOVERNMENT

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### Testimony in Opposition for HB 1073: Relating to the University of Hawaii

Aloha Chair Choy, Vice Chair Ichiyama, and Representatives of the State House Committee on Higher Education:

Thank you for allowing me to provide testimony regarding House Bill 1073: Relating to the University of Hawaii. My name is Richard Mizusawa, and I serve as the President of the Associated Students of the University of Hawaii at Manoa (ASUH), the undergraduate student government representing all full-time, classified students at the University of Hawaii at Manoa. I do not speak on behalf of the University of Hawaii. It is my duty to be the voice of the undergraduate students at the University, and I really had to think hard about the different pieces of legislation that are going through both the House and Senate this year. On behalf of the Office of the ASUH President, I would like to oppose this bill as it stands. According to the bill, if passed, it will amend section 304A-1005, HRS, to: "(1) Limit the board of regents to appointing only one university general counsel." I believe the University of Hawaii should not be limited to appointing only one university general counsel, because eventually the work that one appointed person will have to do in the long run will require the help/assistance of outside, independent attorneys. I truly believe that one person alone cannot handle all of the various cases the University will have, and limiting the board of regents to appointing just one person would have long-term effects on our University.

In the case that we do not have adequate, legal advisors, it can lead to unwanted consequences to the students of the University. In my student government, we are always on a daily basis working with other students, faculty, and administration, but also people out in the community and state. Thus, sometimes we will have to go to our general counsel to move forward with the various things we do. Because they are currently based right here on our campus, they understand the types of events, programs, and initiatives we do. They are able to be personable and help us immediately. As students, it is important for us to have a resource where we are so we can access these services and be educated on these types of matters in a quick and efficient way. However, if we had to seek an outside attorney's help for something we do here at the University, it may prolong what we do as compared to the time it would take asking for help of our own general counsel. This also gives students like myself the opportunity to work with a legal advisor right on our campus, instead of going through the additional, numerous steps of getting in touch with someone from outside of the University.

I understand the mistakes that the University has gone through may be causing hesitation and skepticism, but I believe we shouldn't restrict the Board of Regents of the duties and responsibilities they need to get us back to where we need to be: serving the students of the University and providing us an exceptional educational experience here in our Hawaiian place of learning. Thank you for your time and consideration.