

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

Karl Fujii, Chair  
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THE HONORABLE SENATOR CLAYTON HEE, CHAIR  
Senate Committee on Judiciary and Labor  
Hawaii State Legislature  
Regular Session of 2013  
State of Hawaii

February 21, 2013

LEGISLATIVE TESTIMONY IN OPPOSITION TO  
S. B. 452, S.D. 1  
RELATING TO THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII

Hearing Date:  
Friday, February 22, 2013, 11:30 a.m., Conference Room 016

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

Chair Hee, Vice-Chair Shimabukuro, and members of the Senate Committee on Judiciary and Labor:

The officers of the Regent Candidate Advisory Council of the University of Hawaii (RCAC) submit testimony in opposition to S. B. 452, S.D.1.

This proposed legislation calls for amending Article X, Section 6, of the Hawaii State Constitution to repeal the RCAC. Passage of this constitutional amendment would abolish the enabling authority of the RCAC and re-establish the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents of the University of Hawaii.

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 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 of view 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.

#### Board of Regents Leadership

In 2010, there was an amendment to HRS Section 304A-104 to elect the officers of the BOR at a meeting preceding July 1<sup>st</sup> of each year. We propose that the election of officers be held after July 1<sup>st</sup>, when the new appointees begin their terms.

In closing, we strongly urge the Committee to table this bill.

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