

University of Hawai'i
Regents Candidate Advisory Council

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

February 21, 2013

LEGISLATIVE TESTIMONY IN OPPOSITION TO
S. B. 453
PROPOSING A CONSTITUTIONAL 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.

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 submit testimony in opposition to S. B. 453.

This proposed legislation calls for 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; repeals reference to the candidate advisory council for the board of regents of the University of Hawaii.

We call to the committee's attention language that was contained in this committee's Standing Committee Report #317, dated February 14, 2007. The report called for the creation of the Regent Candidate Advisory Council (RCAC) after the passage of the Hawaii Board of Regents Candidates Act, a 2006 legislatively referred constitutional amendment regarding the selection process for the Board of Regents of the University of Hawaii.

The Committee Report 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 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.

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

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