

Association of Emeritus Regents

University of Hawaii

James Lee, Chair
Andres Albano, Jr. Vice-Chair
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THE HONORABLE REPRESENTATIVE ANGUS L. K. McKELVEY, CHAIR
Committee on Higher Education
House of Representatives
Hawaii State Legislature
The Twenty-Ninth Legislature, Regular Session of 2018

LEGISLATIVE TESTIMONY IN **OPPOSITION** TO PORTIONS OF
SB2319.SD2
RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS

Hearing Date:
2:00 PM
Tuesday, March 13, 2018
Conference Room 309

Submitted by:
ASSOCIATION OF EMERITUS REGENTS
UNIVERSITY OF HAWAII

Chair McKelvy, Vice-Chair Hashem, and members of the House Committee on Higher Education:

The Association of Emeritus Regents (AER) of the University of Hawaii hereby submits testimony in opposition to portions of SB2319.SD2.

The AER respectfully ask that this committee reject portions of SB 2319.SD2 that deals with the elimination of the Candidate Advisory Council (CAC). AER also respectfully ask this committee to incorporate language that was in HB2093 and SB2543 that proposes further enhancements that improve the governance operations of the CAC.

SB2319.SD2 proposes to eliminate the Candidate Advisory Council (CAC) from the Board of Regent selection process. The Association of Emeritus Regents opposes the elimination of the CAC for the reasons noted below.

AER believes it is premature to consider passing language in SB2319.SD2 that reestablishes the governor's authority to nominate and, with the advice and consent of the senate, appoint the members of the board of regents to the University of Hawaii, and not exclusively select from a list of candidates provided by the CAC. Only after a majority of Hawaii voters approved a Constitutional Amendment to modify the appointment process of the board of regents of the University of Hawaii should such legislation be considered. We believe only then, it would be appropriate for the legislature to consider legislation modifying the Board of Regent appointment process.

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 during the 2004 Legislative Session. 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 which is 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 on the CAC 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, an ex-officio nonvoting member is appointed by the AER.

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. A flow chart of the candidate vetting process is attached to this testimony as Exhibit "1". We have also attached a summary of the work performed by the CAC from 2007 to 2016. In the 2015/2016 year, the CAC reviewed 46 applications of which 21 were interviewed which resulted in 14 names being submitted to the Governor.

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. 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. It has worked well. Eliminating the CAC will be a disregard of the voter's mandate.

The only flaw with the current operation of the CAC is the fact that the AER appointee does not have a vote. House Bill 2093 and Senate Bill 2543 proposes to provide the AER appointee on the CAC with the right to vote in the candidate selection process. 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. The AER member actively participates and contributes many hours in the candidate recruiting, screening and selection process. It is only fitting that all members on the CAC have a voting voice.

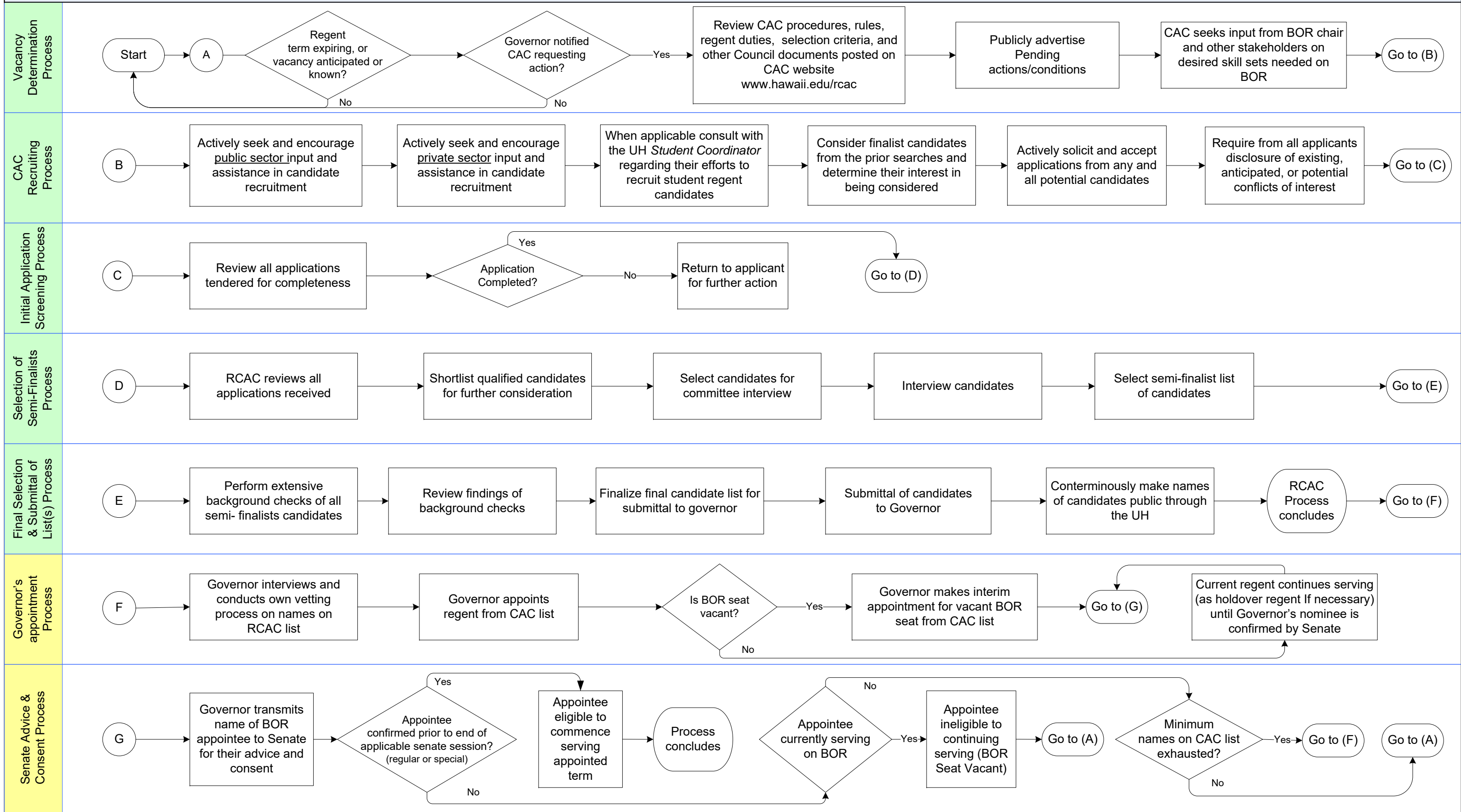
The AER respectfully asks that this committee reject portions of SB2319.SD2 that deals with the elimination of the CAC and amend the bill by including language as set forth in HB 2093 and SB 2543 that restores the vote of the AER appointee on the CAC.

Enclosures
Exhibit 1
Attachments

EXHIBIT 1

University of Hawaii Candidate Advisory Council Workflow Process

LEGEND CAC Process External Process



ATTACHMENTS

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

**Summary of Work Product
2007 through 2015**

November 2015

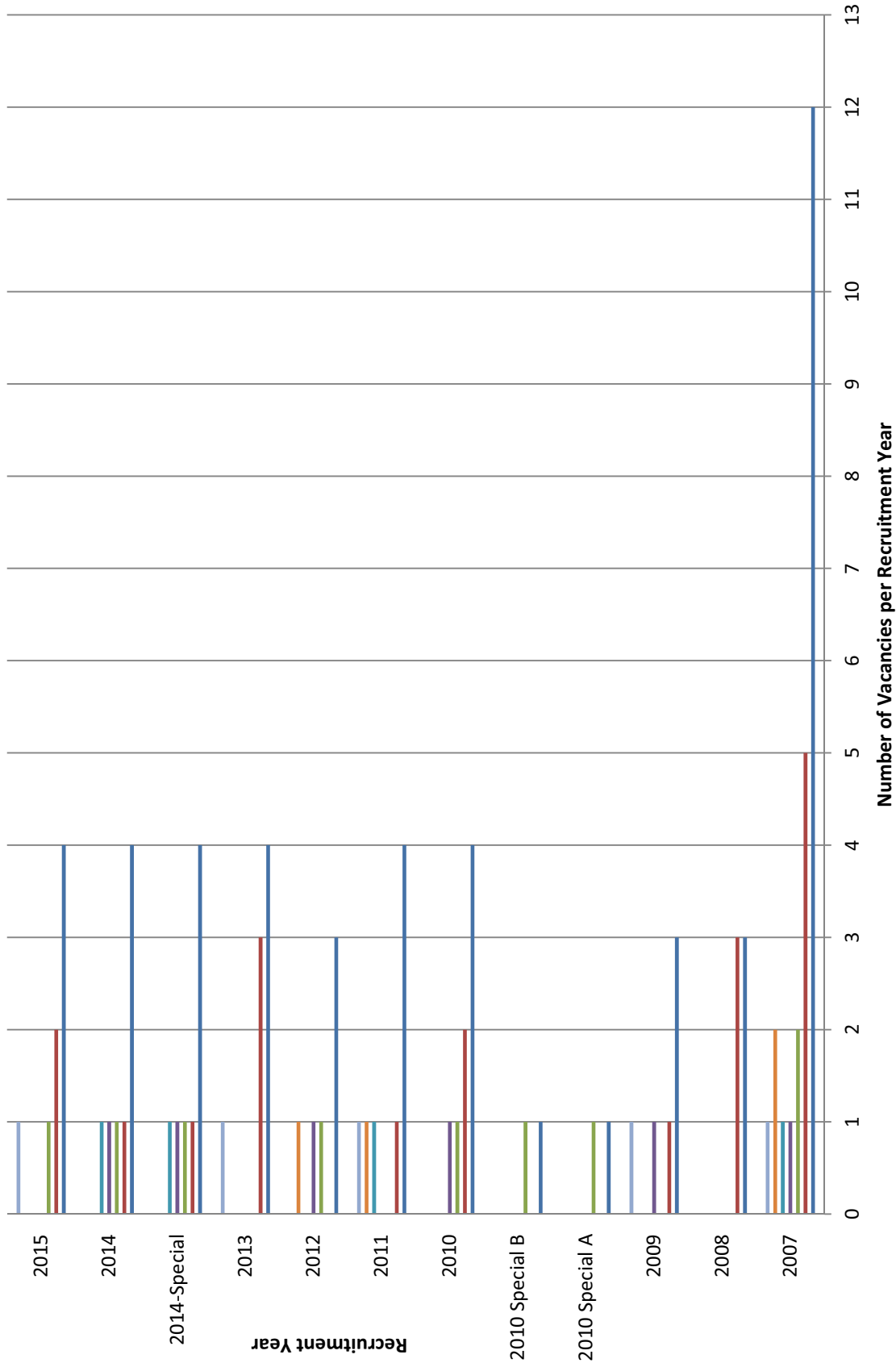
**BOARD OF REGENTS
CANDIDATE ADVISORY COUNCIL (CAC)
UNIVERSITY OF HAWAII**

**Recruitment Summary by Year
2007 (CAC Inception) through 2015**

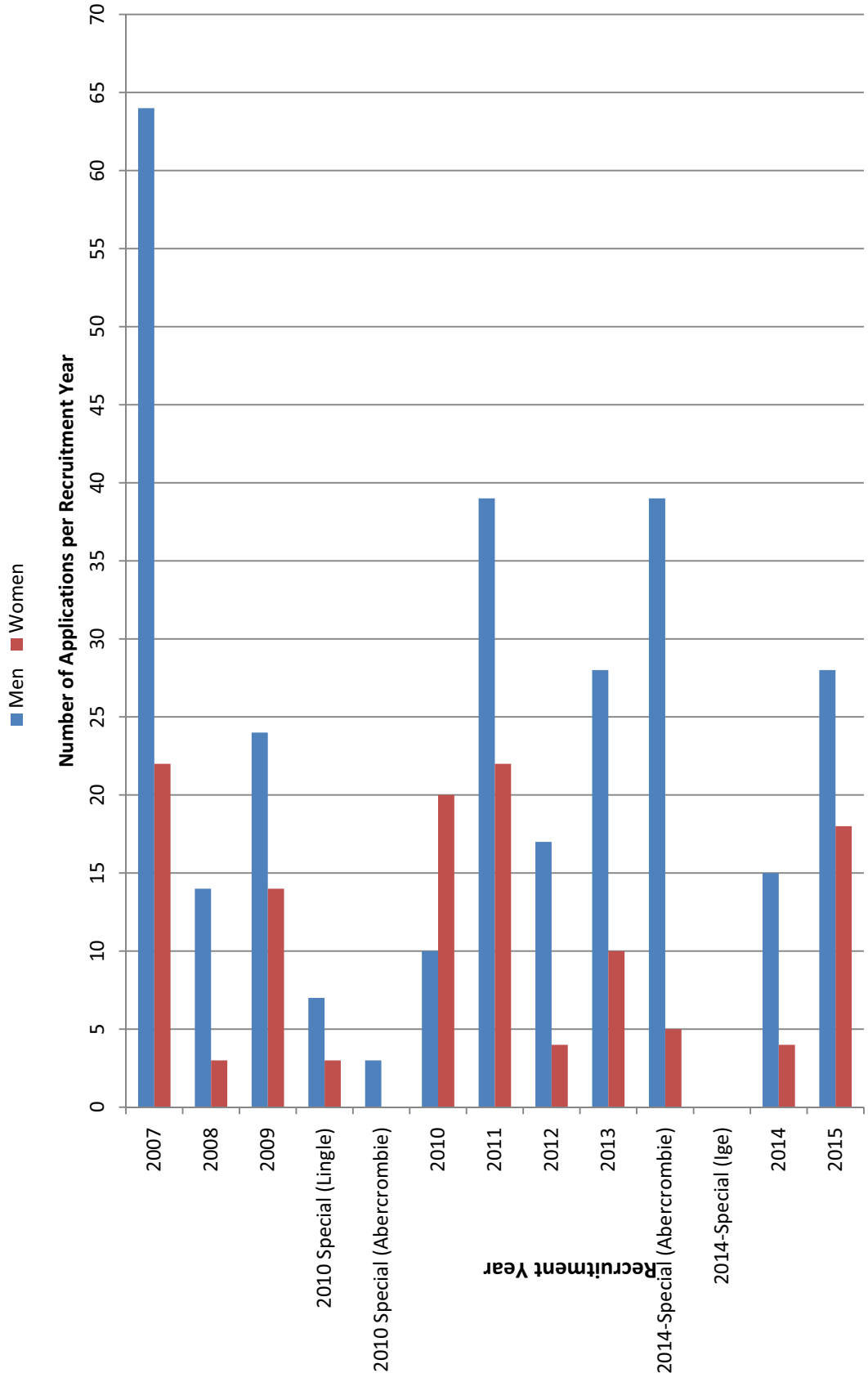
RECRUITMENT YEAR & APPOINTING GOVERNOR	# OF VACANT SEATS	# OF APPLICATIONS RECEIVED	# OF APPLICANTS INTERVIEWED	# OF FINALISTS	APPOINTED & CONFIRMED
2007-08 Lingle	(12) Oahu-5, Hawaii-2, Maui-1, Kauai-1, At-Large-2, Student-1	86 (22 women)	37 (11 women)	22 (5 women)	♦Baxa♦Carlson♦Dahilig ♦de la Pena♦Fukunaga♦Gee ♦Horota♦Karr♦Martinson ♦Rasmussen♦Tajiri♦Teichman
2008-09 Lingle	(3) Oahu-3	17 (3 women)	7 (1 woman)	5 (1 woman)	♦Holzman♦Lee♦Martinson
2009-10 Lingle	(3) Oahu-1, Maui-1, Student-1	38 (14 women)	19 (10 women)	7 (3 women)	♦Gee♦Ota♦Williams
SPECIAL RECRUITMENT DUE TO RESIGNATION					
2010-11 Lingle	<i>Tajiri vacancy</i> (1) Hawaii-1	10 (3 women)	5 (2 women)	2 (0 women)	♦Dias interim appointment only 4/10-5/11
2010-11 Abercrombie	Abercrombie requests new candidate list	3 (0 women)	3 (0 women)	2 (0 women)	♦Mizuno
2010-11 Abercrombie	(4) Oahu-2, Maui-1, Hawaii-1	30 (20 women)	15 (8 women)	11 (7 women)	♦Carlson♦Matayoshi ♦Ota♦Sullivan
2011-12 Abercrombie	(4) At-Large-1, Oahu-1, Kauai-1, Student-1	61 (22 women)	27 (9 women)	12 (2 women)	♦Acido♦Dean ♦Kudo♦Shigemoto
2012-13 Abercrombie	(3) At-Large-1, Maui-1, Hawaii-1	21 (4 women)	14 (3 women)	8 (1 woman)	♦Mizuno♦Ball III♦Moore
2013-14 Abercrombie	(4) Oahu-3, Student-1	38 (10 women)	27 (6 women)	13 (4 women)	♦Yuen♦Putnam ♦Portnoy♦Tagorda
SPECIAL RECRUITMENT DUE TO RESIGNATIONS					
2014 Abercrombie	<i>Carlson; Dean; Ota; Shigemoto vacancies</i> (4) Hawaii-1, Oahu-1, Maui-1, Kauai-1	44 (5 women)	22 (5 women)	15 (3 women)	♦Acoba♦Hoffmann ♦Bal III, ♦Nielsen 10/14 - 05/15 (interim appointments only)
2014 Ige	Ige selects different candidates on list				♦Acoba♦Higaki ♦Iha♦Nielsen
2014-15 Ige	(2) Oahu-1, Maui-1	19 (4 women)	11 (4 women)	9 (3 women)	♦McEnerney♦Wilson
2015-16 Ige	(4) Oahu-2, Hawaii-1, Student-1	46 (18 women)	21 (9 women)	14 (6 women)	To be determined

BOR Vacancies per Recruitment Year

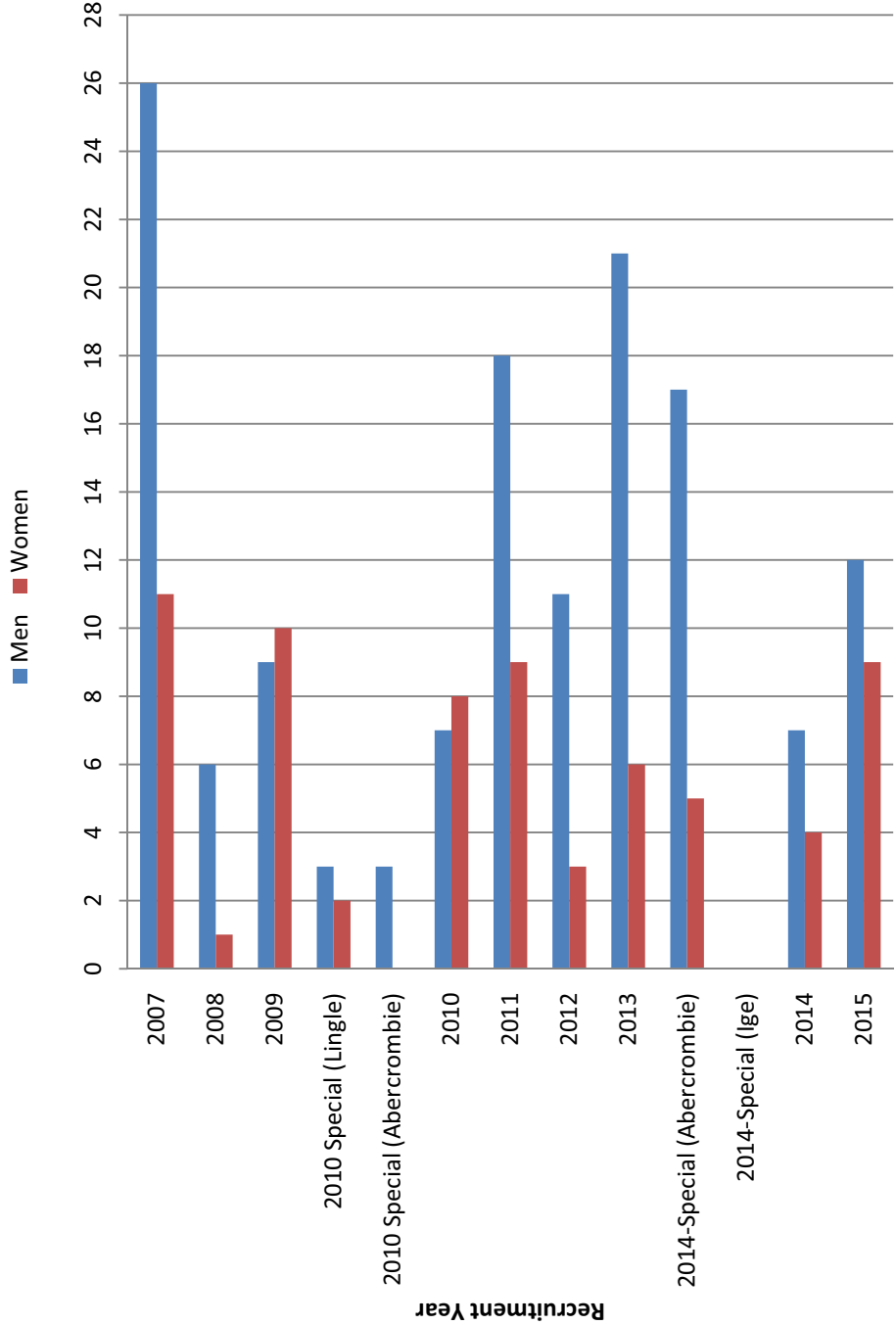
■ Student ■ At-Large ■ Kauai ■ Maui ■ Hawaii ■ Oahu ■ Total Vacancies



Candidate Applications Received

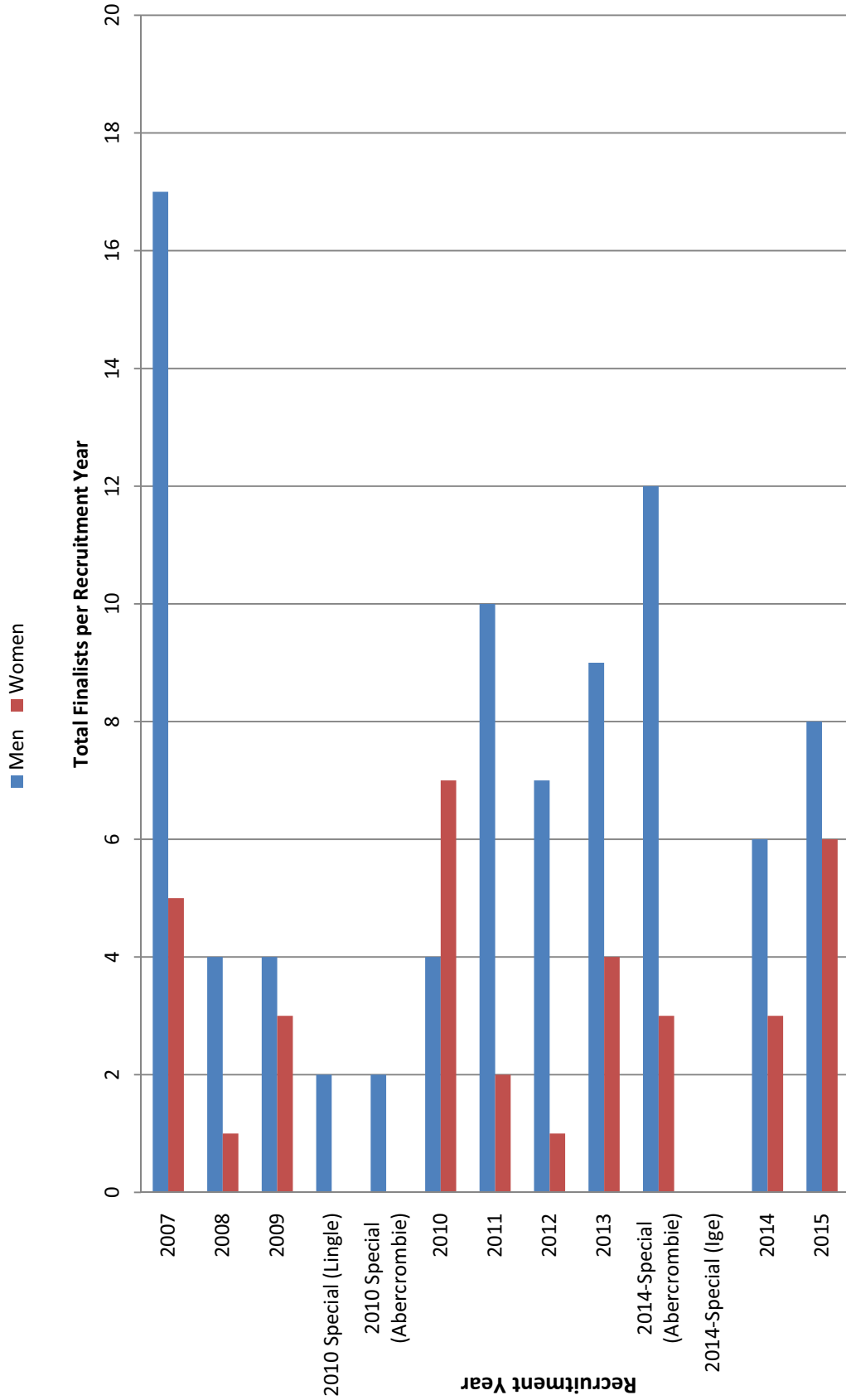


Candidates Selected for Interview

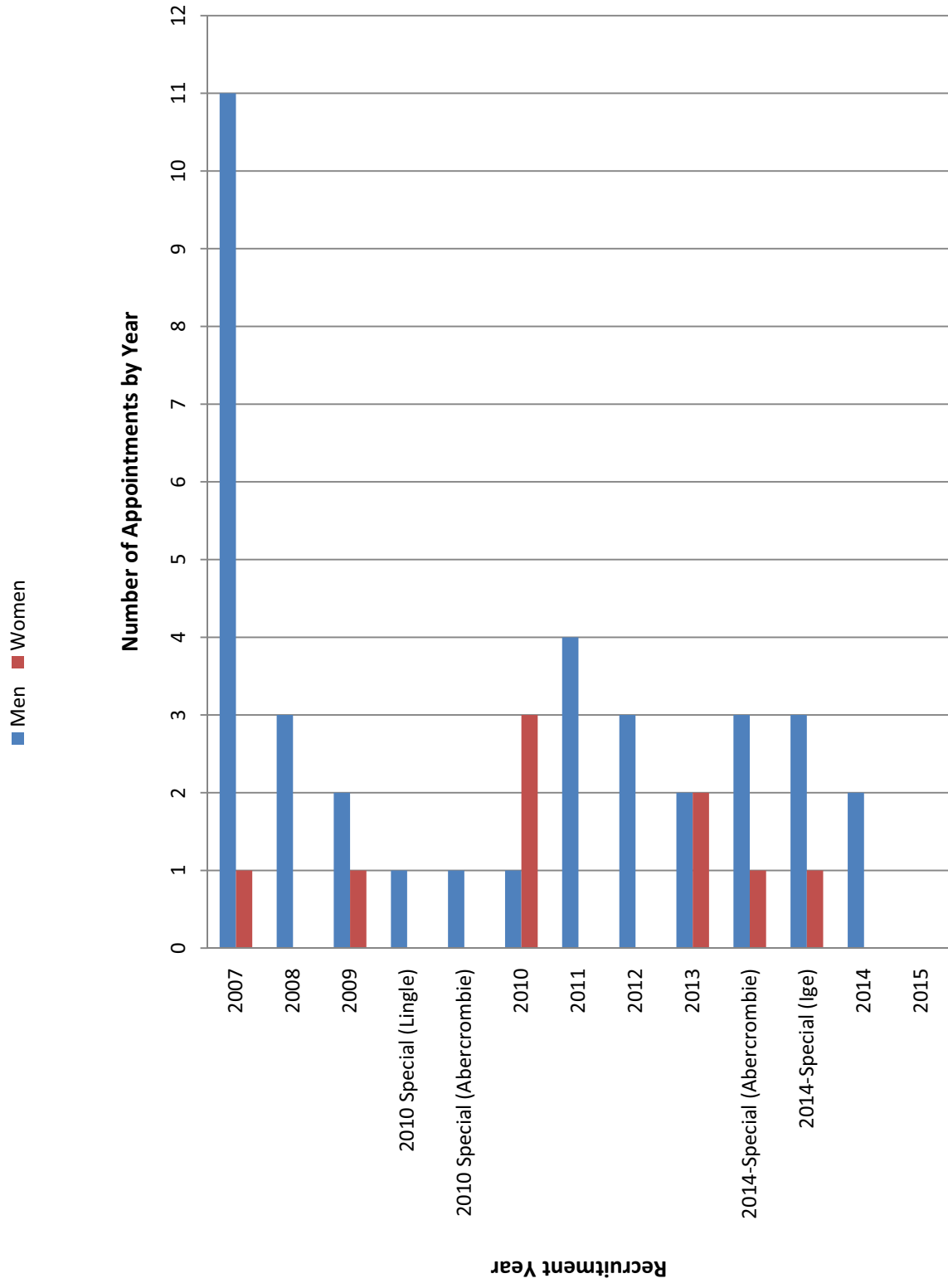


of conducted interviews (45-60 minutes each)

of Finalists Presented to the Governor

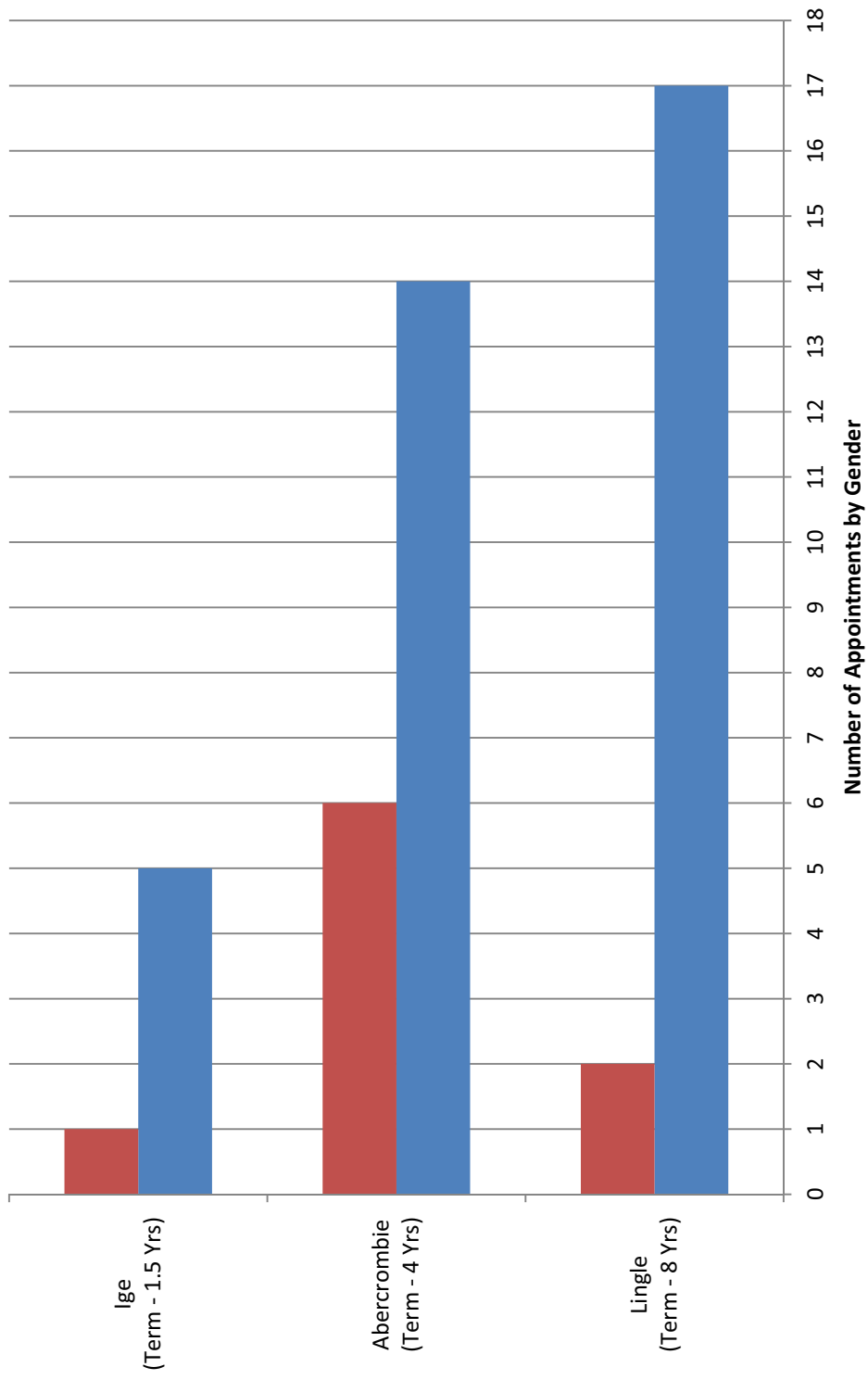


Governor Appointments to the BOR



Gender Appointments by Governor

■ Women ■ Men



LATE



SB2319 SD2
RELATING TO THE UNIVERSITY OF HAWAI'I BOARD OF REGENTS
House Committee on Higher Education

March 13, 2018

2:00 p.m.

Room 309

The Office of Hawaiian Affairs (OHA) **SUPPORTS** the proposed inclusion of an at-large seat on the University of Hawai'i (UH) Board of Regents with demonstrated expertise in Native Hawaiian traditional and customary practices, as proposed by SB2319 SD2. OHA does not take a position on the other provisions in this measure.

An at-large member with expertise in Native Hawaiian traditional and customary practices will provide the UH Board of Regents with invaluable and relevant insight in its academic and extracurricular decisionmaking. For example, UH's Strategic Directions for 2015-21 identify four priorities developed by the UH Board of Regents for the university; one such priority is UH's commitment to being a foremost indigenous-serving institution, by embracing its unique responsibilities to Hawai'i's indigenous Native Hawaiian people. Accordingly, having an individual with expertise in Native Hawaiian traditional and customary practices would help UH advance this priority.

In addition, UH also administers lands and resources of particular significance in Hawaiian culture, and for Native Hawaiian traditional and customary practices. Most notably, Maunakea, a place with great historical and cultural significance to the Native Hawaiian people, has been subject to UH control and management for decades; the failure of UH to ensure the cultural and environmental integrity of Maunakea, including through the protection of traditional and customary rights and practices, has led to significant controversy in the Native Hawaiian community. The administration of other UH-controlled lands and programs may also impact, positively and negatively, Native Hawaiian traditional and customary practices and underlying cultural sites and resources. An individual with expertise in Native Hawaiian traditional and customary practices, and familiarity with issues of importance to the Hawaiian community, will help to ensure that UH operations better recognize the cultural significance of places such as Maunakea, and protect the cultural practices associated with such places.

Accordingly, OHA urges the Committee to **PASS** SB2319 SD2 with regards to the proposed at-large seat and attendant qualifications on the UH Board of Regents. Mahalo nui for the opportunity to testify on this measure.



UNIVERSITY OF
HAWAII
STUDENT CAUCUS

LATE

To: House Committee on Higher Education (HED)
Rep. Angus L.K. McKelvey, Chair
Rep. Mark J. Hashem, Vice Chair

Date: Tuesday, March 13, 2018
Time: 2:00 PM
Place: Conference Room 309

Re: OPPOSITION TO SB 2319 SD 2 – RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS.

Chair Angus L.K. McKelvey, Vice Chair Mark J. Hashem and members of the committee:

My name is Jannah Lyn Dela Cruz, and I am the Chairperson of the UH Student Caucus, the UH system wide association of all campus student governments. We represent over 50,000 students in the University of Hawaii System. The UH Student Caucus (UHSC) stands in **strong opposition to SB 2319 SD 2**, that amends the composition and term limit of the board of regents of the University of Hawaii, reestablishes 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, requires the governor to fill a vacancy on the board of regents within ninety days, abolishes the regents candidate advisory council for the board of regents of the University of Hawaii and requires the governor to nominate new members to the board of regents.

SB 2319 SD 2 as currently written does not revise the current selection process and qualifications to serve on the Board of Regents for the University of Hawaii to be effective or efficient. The proposed language in SB 2319 SD 2 instead creates the process to be unfair and makes the opportunity to serve on the BOR inequitable to students in the University of Hawaii System.

Like any election process to serve on campus student governments or organizations, anyone who is a qualified student can be nominated and elected or appointed to be a representative in that group. The opportunity to serve and be a voice for others, should not be restricted. Roles like these should be passed onto or offered to those who are supported by their peers amongst the related constituency or by those that are most objective, yet also most familiar with the organization. All Regent positions on the BOR are similar of that they are voluntary positions that are filled with people who want to share their voice, and in particular, the Student Regent position is similar of that to being a representative of students wanting to represent student perspectives in discussions and decision making.

By shifting full authority of the selection of Regents to the Governor, eliminates the opportunity for many qualified students to be selected to serve on the BOR. Opportunities to serve on the Board of Regents should be equally accessible for students. Students who are willing to serve, willing to take time out of their own personal and academic schedules to commit, should not be turned away due to specific qualifications that are pre-determined. Students who are interested in serving on the Board of Regents deserve to be listened to or recognized in the selection process.

Without processes such as referencing names provided by the Candidate Advisory Council (CAC), or most importantly utilizing the CAC to specifically review all nominations, we lose out on the additional layer that would at least review all nominations of qualified students. This additional layer of review provides equal opportunity for students to move forward for selection by a group that is familiar with the University. The proposed changes in SB 2319 SD 2 to the current processes also severely impacts the quality of the candidate pool, most importantly the candidate pool for the Student Regent position.

Furthermore, the Candidate Advisory Council historically had student representation to vet through the nominations for the Board of Regents. Back then, student candidates got the recognition and consideration they deserved as a qualifying applicant. Currently, there is no student representation on the CAC. The UHSC would like for the Candidate Advisory Council to remain, and in the future, we would like to see student representation on the council again. For now, to repeal the CAC would take away the opportunity for students to be equally considered in being selected as a regent.

While the UHSC feels that the oversight of the University System by the Board of Regents can become more efficient, we support the current processes in place to appoint Board of Regents members. The current process is much more selective than previously, and members of the Regents Candidate Advisory Council (CAC) are often informed in UH's governance, facilities, students, faculty, and education. This makes the CAC best qualified to recommend candidates to serve on the Board of Regents.

The UHSC urges you to defeat SB 2319 SD 2 so that our students have the equal opportunity to serve on the Board of Regents and to ensure the consideration of quality of the candidates in the appointment process. We thank you for the opportunity to testify.

Jannah Lyn Dela Cruz
Chairperson
UH Student Caucus
jldc2@hawaii.edu