



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 1105, RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL.

BEFORE THE:

HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY

DATE: Wednesday, February 17, 2021 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 309, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**
(For more information, contact Lori N. Tanigawa,
Deputy Attorney General, at 586-0618)

Chair Takayama and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments.

The purposes of the bill are to (1) require the Candidate Advisory Council for the Board of Regents of the University of Hawaii to present candidates for the Board of Regents who reflect the diverse student population, counties, and higher education-related stakeholders; (2) amend the various appointing authorities of members of the Candidate Advisory Council; and (3) amend the terms of members of the Candidate Advisory Council.

The bill provides that the member appointed by the Governor shall serve a term of four years that runs concurrently with the term of the appointing Governor. The bill further provides that the Secretary of the Board of Regents shall be responsible for ensuring that appointing authorities make appointments within one hundred twenty days prior to the end of the term of the previously appointed member. As such, the bill appears to require that the member appointed by the Governor must be appointed one hundred twenty days prior to the beginning of the next appointing Governor's term. The Department does not believe that this is possible because the identity of the next appointing Governor would not be known one hundred twenty days prior to the

beginning of his/her term. The Governor is elected at a general election in November and commences a four-year term on the first Monday in December following the Governor's election. The Department therefore recommends that the bill be amended to provide that the member appointed by the Governor is appointed only after the Governor has been elected.

Thank you for the opportunity to provide these comments.

To: House Committee on Higher Education & Technology
Representative Gregg Takayama, Chair
Representative Lynn DeCoite, Vice-Chair

Date: Wednesday, February 17, 2021
Time: 2:00 PM
Place: Conference Room 309 & Videoconference

Re: IN SUPPORT OF HB1105: RELATING TO THE UNIVERSITY OF HAWAI‘I BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL.

My name is Donovan Kamakani Albano, and I am an ASUH Mānoa delegate to the University of Hawai‘i Student Caucus, the representative organization of the University of Hawai‘i System as chartered by the Board of Regents that represents over 50,000 students. The UH Student Caucus (UHSC) stands in **strong support of HB1105 and we urge you to vote YES on this bill.**

Pursuant to Article X, Hawai‘i State Constitution, and Chapter 304A, Hawai‘i Revised Statutes, the University of Hawai‘i Board of Regents, the governing body of the University of Hawai‘i system, “formulates policy and exercises control over the university through its executive officer, the university president, and has exclusive jurisdiction over the internal structure, management and operation of the university.” The decisions that are made by the BOR will, in many ways, impact student experiences and the operation of the University of Hawai‘i as we pursue this important journey in our lives. Students make the university what it is.

As the UHSC comprise of delegates from the 11 student governments across the UH system, it is imperative that we be a part of the conversation that will impact operations and governing of the University, and one step can be through affording the Student Caucus with the ability to appoint one member to the Regents Candidate Advisory Council. The bill would amend that candidate advisory council candidates should “reflect the diversity of the student population, the counties of the State, and a broad representation of higher education-related stakeholders,” of which includes but is not limited to “current and former University of Hawaii faculty, staff, and students; National Board Certified public school teachers, and members of communities historically and contemporarily underserved by and underrepresented in public higher education in Hawaii.” This is critically important, and the UHSC feels that amending the Revised Statutes to provide student leaders with the opportunity to appoint a member to the advisory council is one positive way to amplify student voices and ensure that those who serve on the candidate advisory council will effectively serve our interests, as the Regents should.

We strongly support HB1105 and urge you to vote YES on this measure. Mahalo nui for the opportunity to submit testimony.

Donovan Kamakani Albano
UH Mānoa Delegate, UH Student Caucus
albanodc@hawaii.edu



OFFICE OF HAWAIIAN AFFAIRS

‘Ōlelo Hō‘ike ‘Aha Kau Kānāwai

HB1105

RELATING TO UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL

Ke Kōmike Hale o ka Ho‘ona‘auao Kulanui a me ka ‘Enehana

Pepeluali 17, 2021

2:00 p.m.

Lumi 309

The Office of Hawaiian Affairs (OHA) **SUPPORTS** HB 1105, which would add an OHA-appointed member to the University of Hawai‘i Board of Regents (UHBOR) Candidate Advisory Council, to help create a UHBOR that reflects and represents the diversity of UH as well as Hawai‘i. **An OHA-appointed Advisory Council member will provide a valuable and critical Native Hawaiian perspective in the selection of candidates for the UHBOR, the guiding body for an institution intended to serve as a “Hawaiian place of learning.”**

As Hawai‘i’s flagship university and the world’s only “Hawaiian place of learning”, the University of Hawai‘i has broad impacts on the Hawaiian community and maintains specific kuleana to its Native Hawaiian students and the Hawaiian community. UH is the only university providing dedicated programs in Hawaiian knowledge; both the University and the Hawaiian community mutually benefit from UH’s incubation of Hawaiian learning in the higher education context. Despite this pilina between UH and the perpetuation of Hawaiian ‘ike, Native Hawaiians remain underrepresented among the University’s student body, faculty, and executive administration. For example, although Native Hawaiians comprise over 20% of Hawai‘i’s population, they make up only approximately 15% of UH Mānoa’s student body and only about 5% of the faculty.¹ In order to best reflect and serve its Native Hawaiian students and continue to foster its growth as a Hawaiian place of knowledge, the University of Hawai‘i must expand its Hawaiian faculty and invest in Hawaiian leadership.

As the entity created to help guide other agencies in address the needs of Native Hawaiians, **OHA can help ensure that the UHBOR Advisory Council will reflect and represent the interests of the Hawaiian community and make candidate selections for the UHBOR who are similarly representative.** HB1105 marks a positive first step toward increasing Native Hawaiian representation among the UHBOR Selection Committee as well as the University administration, faculty, and student body.

¹ UNIVERSITY OF HAWAII‘I AT MĀNOA OFFICE OF STUDENT EQUITY, EXCELLENCE & DIVERSITY, MĀNOA’S RACIAL AND ETHNIC DIVERSITY PROFILE (2016) available at http://www.hawaii.edu/diversity/wp-content/uploads/2016/09/Manoa-Diversity-Profile_Mar30-2016.pdf. This source aggregated Native Hawaiians and Filipinos in reporting representation among administrators noting that 81% of executive hires at Mānoa were Caucasian and Japanese, while “Filipinos and Native Hawaiians together comprise about 8% of administrators”. *Id.* at 4.

Therefore, OHA urges the Committee to **PASS** HB1105. Mahalo for the opportunity to testify on this measure.



UNIVERSITY
of HAWAII
SYSTEM

**House Committee on Higher Education & Technology
Wednesday, February 17, 2021, 2:00 p.m.**

Testimony by:

Kendra Oishi, Executive Administrator and Secretary of the Board of Regents

**H.B. No. 1105 – RELATING TO UNIVERSITY OF HAWAII BOARD OF REGENTS
CANDIDATE ADVISORY COUNCIL**

Chair Takayama, Vice Chair DeCoite, and members of the Committee:

These comments are offered in my capacity as Executive Administrator and Secretary of the Board of Regents (“Board Secretary”) on H.B. No. 1105 which proposes changes to the composition of the Board of Regents of the University of Hawai‘i and also makes the Board Secretary responsible for ensuring that all appointing authorities make their appointment within 120 days prior to the end of the term of the previously appointed member.

While I take no position on the merits of H.B. No. 1105, I would respectfully request that the language on page 6, lines 1-4, be deleted, as the Board Secretary has no jurisdictional or enforcement authority over the appointing entities. There also may be a potential conflict of interest if the Board Secretary is involved in the Regent appointment process, as the Board Secretary is a direct report to the Regents.

Thank you for the opportunity to offer comments on H.B. No. 1105.

To: House Committee on Higher Education & Technology
Representative Gregg Takayama, Chair
Representative Lynn DeCoite, Vice Chair

RE: SUPPORT FOR HB 1105 RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL.

My name is Maura Stephens-Chu, and I am the University of Hawai‘i at Mānoa Graduate Student Organization (GSO) delegate to the University of Hawai‘i Student Caucus, the UH System-wide association of all campus student governments, representing over 50,000 students. The UH Student Caucus (UHSC) stands in **strong support of HB 1105**, which requires the Candidate Advisory Council for the Board of Regents (BOR) of the University of Hawai‘i to present candidates for the BOR who reflect the diverse student population, counties, and higher education-related stakeholders; amends the various appointing authorities of members of the Candidate Advisory Council; and amends the terms of members of the Candidate Advisory Council.

We strongly agree with the stated purpose of the bill: “to ensure that the recommendations of the candidate advisory council for the board of regents of the University of Hawaii help to support the creation of a board that represents the diverse interests of the people of the State of Hawaii” (Section 1, lines 8-12).

Regarding the proposed amendment to Section 304A-104.6, Hawaii Revised Statutes, to require the Candidate Advisory Council to present candidates who reflect the diversity of public university stakeholders: We wholeheartedly support this amendment and believe that the BOR, which “has exclusive jurisdiction over the internal structure, management, and operation of the university” (<https://www.hawaii.edu/offices/bor/>), should reflect the community that it and the university serve.

Regarding the proposed amendment of the appointing authorities of the Candidate Advisory Council: We strongly support this amendment and believe that it will ensure that diverse candidates are presented to the Governor for appointment to the BOR. The UHSC enthusiastically welcomes the opportunity to appoint a member of the Candidate Advisory Council.

Regarding the proposed amendment of the terms of the Candidate Advisory Council: We agree with the two-year term limit for all members except those appointed by the Governor, the President of the Senate, the Speaker of the House of Representatives, and the Board of Trustees of the Office of Hawaiian Affairs.

In conclusion, the UHSC strongly supports HB 1105, and we encourage you to support this bill as well. Thank you for the opportunity to testify.

Maura Stephens-Chu

Delegate, University of Hawai‘i Student Caucus

President, Graduate Student Organization

Ph.D. Candidate, Department of Anthropology

University of Hawai‘i at Mānoa

maura4@hawaii.edu

HB-1105

Submitted on: 2/16/2021 5:24:00 PM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Alex Miller	Academic Labor United	Support	No

Comments:

Aloha,

Thank you for the opportunity to submit testimony. My name is Alex Miller and I am the chair of Academic Labor United, the unrecognized union for graduate assistants at the University of Hawai'i. ALU stands in support of HB 1105 to amend the appointing authorities of the candidate advisory council for the Board of Regents of the University of Hawai'i and to include further guidance to the candidate advisory council in the selection of BoR candidates for recommendation to the Governor.

ALU is fighting to form a recognized labor union for graduate student workers because currently we do not have a seat at the table to determine our working conditions. This lack of workplace governance leads to poor working conditions for many of us, which negatively affects our quality of life's, well as our learning conditions and those of our undergraduate students. ALU supports this bill because, similarly a union, it would give students, workers, and other important stakeholders in public higher education in Hawai'i greater representation in university governance, which will assist the university in it's mission to serve the people of Hawai'i.

Hawaii Revised Statutes 304A-104 instructs the state senate to "consider whether the board reflects the diversity of the student population, the various counties of the State, and a broad representation of higher education-related stakeholders" when determining whether to confirm the Governor's appointees to the Board of Regents. We believe the spirit of this statute should be carried by this bill into the entire selection process for the Board of Regents because it reflects an understanding that the University of Hawai'i exists to serve all the people of Hawai'i and the people who live, work, and learn at the University's 10 campuses, both now and in future generations.

Currently, the power in the Regents selection process is held nearly entirely by the Governor's office. The Governor's appointees have a majority of positions on the Candidate Advisory Council, and then recommend candidates back to them. Essentially, the governor's office holds nearly all the power to select the people who will govern UH. We believe this power should be shared with the people it most affects—workers and students. By making UHPA and the Student Caucus appointing authorities, the interests of these groups are represented. Without a voice in university governance,

it is hard for workers to provide quality education and it is hard for students' needs to be considered when shaping the learning environment at UH.

We also believe in sharing the power of University governance not just with the people of Hawai'i, which exists to serve, but in explicitly centering members of communities who are most underserved both historically and currently by public education in Hawai'i. This is why we strongly support OHA as an appointing authority to the candidate advisory council, and in guiding the CAC to recommend members of these communities to the governor for appointment to the Board of Regents. They are higher education stakeholders we believe have been overlooked in the process of university governance.

Public education is a public good and should be a right for all of Hawai'i's people. The University of Hawai'i must provide quality education for all of Hawai'i's people. We believe that can only happen by sharing the power of university governance with workers, students, and the community. This is one step in that process.

HB-1105

Submitted on: 2/17/2021 10:50:39 AM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Michael Golojuch Jr	LGBT Caucus of the Democratic Party of Hawaii	Support	No

Comments:

Aloha Representatives,

The LGBT Caucus of the Democratic Party of Hawai'i, Hawaii's oldest and largest policy and political LGBTQIA+ focused organization, fully supports House Bill 1105.

Mahalo nui loa for your time and consideration,

Michael Golojuch, Jr.

Chair

LGBT Caucus of the Democratic Party of Hawai'i



Young Progressives Demanding Action
P.O. Box 11105
Honolulu, HI 96828

February 17, 2021

TO: HOUSE COMMITTEE ON HIGHER EDUCATION & TECHNOLOGY
RE: Testimony in Support of HB1105

Dear Representatives,

Young Progressives Demanding Action **strongly supports HB1105**. We stand in solidarity with Academic Labor United (ALU) in the belief that students should have a larger say in who runs the University and how. Students, and in particular student employees and laborers, are routinely maligned and excluded from the university's decision-making process. However, these decisions can have severe, even dire, implications on their academic careers, professional careers, mental health and quality of life.

This needs to end. Students deserve a seat at the table, and our organization will continue to advocate for expanded student power throughout the University of Hawai'i System.

Mahalo for the opportunity to testify,

Will Caron
Board President & Secretary
action@ypdahawaii.org

HB-1105

Submitted on: 2/16/2021 12:13:28 PM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Monisha Das Gupta	Individual	Support	No

Comments:

I strongly support this bill.

HB-1105

Submitted on: 2/16/2021 5:07:28 PM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Makanalani Gomes	Individual	Support	No

Comments:

Aloha mai kākou,

My name is Makanalani Gomes, I am a Hawaiian Studies graduate student at the University of Hawai'i at Mānoa under the school of Hawaiiinuiakea, the school of Hawaiian Knowledge. I am also the GSO representative for Kamakakāokalani the center for Hawaiian Studies. I strongly support this bill, please support and pass this measure out.

Mahalo,

Makanalani Gomes

HB-1105

Submitted on: 2/16/2021 5:51:05 PM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Justin Mark Hideaki Salisbury	Individual	Support	No

Comments:

I support House Bill 1105.

The University of Hawai'i is a vital part of our island community. We must leverage its power to shape our post-pandemic future.

As we strive for a thriving higher education system, we should also ensure that the composition of the UH Board of Regents reflects the diverse interests of the people of Hawai'i. In recent years, faculty and students have been raising their voices to demand more accountability, transparency, and representation on the BOR.

This bill seeks to support these demands by requiring the candidate advisory council for the Board of Regents of the University of Hawai'i to present candidates for the board regents who reflect the diverse student population, counties, and higher education-related stakeholders. It also amends the composition of the council to include members appointed by the UH Student Caucus, the UHPA, the UH Alumni Association, and OHA.

From Mauna Kea to graduate student unionization, UH students and faculty have all too often had to fight to be heard by the UH BOR. A more democratic BOR means a more democratic, economically-vibrant, skilled, and educated Hawai'i for all.

HB-1105

Submitted on: 2/17/2021 7:48:43 AM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Nanea Lo	Individual	Support	No

Comments:

Hello,

My name is Nanea Lo and I'm an alumni of the Univeristy of Hawai'i from LeewardCC and UH MÄ• noa. I'm writing in strong support of HB1105.

As a public university, the Unigersity of Hawai'i serves as a public good in the service of the people of Hawai'i, and falls under the purview pursuant to Article X, Section 6, of the constitution.

The compositon of the Board of Regents of the UH Hawai'i candidate advisory council has led to undermocratic outcomes.

HB1105 will help to modify the composition and term limits of the CAC, helping to create a BOR that properly represents the diverse interests of the people of Hawai'i.

Support this bill.

me ke aloha 'Ä• ina,

Nanea Lo

HB-1105

Submitted on: 2/17/2021 10:17:26 AM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Diliaur Tellei	Individual	Support	No

Comments:

Aloha Chair Takayama, Vice Chair DeCoite, and members of the HET committee:

My name is Diliaur Tellei and I'm a graduate of the University of Hawaii. During my time there I served on the Graduate Student Organization and was a member of Academic Labor United.

I write in support of HB 1105. I believe it makes good strides in diversifying representation of the broader community touched by UH, as well as its own students, in deciding who the decision makers are that sit on the Board of Regents. Thus, I urge you to pass this bill.

Thank you for your time.

Sincerely,
Diliaur Tellei

HB-1105

Submitted on: 2/17/2021 11:33:57 AM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Waynele Yu	Individual	Support	No

Comments:

Aloha kākou,

I am writing in support of HB1105 to change the appointing authorities for the University of Hawai'i Board of Regents to include:

- One member who shall be appointed by the University of Hawaii student caucus;
- One member who shall be appointed by the University of Hawaii professional assembly;
- One member who shall be appointed by the University of Hawaii alumni association; and
- One member who shall be appointed by the board of trustees of the office of Hawaiian affairs.

While Governing appointed boards tend to be more effective than elected boards (Novak as cited in Hebel, 2004), the current process structurally is not democratic. The Board of Regents have been appointed for their business and political connections rather than their expertise and commitment to public higher education. The proposed structure gives more governance to those who are the greatest stakeholders to the University of Hawai'i, the current students, alumni & faculty. In addition, giving authority to the Office of Hawaiian Affairs will help the university towards its mission fo becoming a native Hawaiian place of learning & teaching.

I submit this testimony as a member of all three stakeholder groups. I earned my bachelor's and master's degree from the University of Hawai'i at Mānoa. I have worked at the university for more than 15 years and am currently an instructor and PhD student. I am vested in the success and well-being of the university and am committed to supporting the heart of its mission "to afford all qualified people of Hawai'i an equal opportunity for quality college and university education at both undergraduate and graduate levels (Regent's Policy 4.201)."

Mahalo for hearing my testimony and for your consideration.

Waynele Yu

Instructor, Institute for Teacher Education

PhD Student, Learning Design & Technology

Hebel, S. (2004, October 15). *State regents: Should they be elected or appointed?* The Chronicle of Higher Education. <http://www.chronicle.com/article/state-regents-should-they-be-elected-or-appointed/>

HB-1105

Submitted on: 2/17/2021 12:09:27 PM

Testimony for HET on 2/17/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jennifer Noelani Ahia	Individual	Support	No

Comments:

I strongly support this bill.