



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
February 3, 2022 at 3:00 p.m.

by
David Lassner
President
University of Hawai'i

SB 3277 – RELATING TO THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM

Chair Kim, Vice Chair Kidani, and members of the committee:

Thank you for this opportunity to provide testimony in strong opposition to SB 3277, which proposes to legislate the internal structure of the University of Hawai'i (UH) by prohibiting the president of the University of Hawai'i from serving concurrently as a campus chancellor.

Technically, UH Mānoa no longer has a Chancellor. But we assume that the intent of this Bill is to render illegal the UH structure that has prevailed through most of the history of UH in which the President of the UH also leads the Mānoa campus. This bill would replace the judgment and decision of the Board of Regents (BOR) with that of the Legislature to impose a structure that has never been stable or successful over any sustained period in the entire history of the UH.

The BOR has discussed and thoroughly reviewed this very issue a number of times over the past 50 years. Most recently, the current structure was approved by the BOR in March 2019 along with the creation of the new Provost position at UH Mānoa. This matter was discussed and voted on at public meetings with testimony received on both sides of the issue.

A major consideration in the BOR's decision was to address the sustained instability of senior UH leadership under the separate Chancellor-President model that this Bill advocates.

From 1907-1972 the President of the University led the UH Mānoa campus, during which time the University of Hawai'i evolved into a multi-campus system. The position of UH Mānoa Chancellor was created in 1972 and from inception until 1983 six different individuals served in that role. Then during the period of 1984-2001 UH operated under a combined model in which the UH President also served as Chancellor of UH Mānoa. This single position was held by just two individuals over that entire 17-year period, providing UH and UH Mānoa with their greatest stability of leadership in modern times. Following the decision to separate the two positions effective in 2001, four UH

Presidents and seven UH Mānoa Chancellors served during just the 15 years from 2001-2016. In 2016 the President became Interim UH Mānoa Chancellor and in 2019 the UH Mānoa Chancellor position was abolished and a new Provost position created.

In addition to this clear evidence that the structure proposed in this bill is inherently unstable, other major considerations for the BOR included saving money on senior executives and their staffs as well as enabling more efficient streamlined UH administrative operations.

This is not to suggest that there was universal support to implement the current structure - as is the case with any difficult and complex issue. Testimony was received both in support and opposition. And while the vote of the regents to combine the positions was strongly in support of the current structure, it was not unanimous.

Ultimately, the BOR as a whole determined that the current structure would be best for the entire UH and the communities we serve. And in spite of the assertion in this Bill of "inevitable conflicts of interest," the current structure was discussed with and was supported by the heads of all campuses of the UH System.

Article X, Section 6 of the Constitution of the State of Hawai'i, provides that "The board [of regents] shall have the power to formulate policy, and to exercise control over the university through its executive officer, the president of the university, who shall be appointed by the board." Notwithstanding the constitutional authority of the Legislature to enact laws of statewide concern, the Constitution further states that "The board [of regents] shall also have exclusive jurisdiction over the internal structure, management, and operation of the university."

We urge that the Legislature not substitute its opinions on the internal structure of the University for the thorough and thoughtful conclusion reached by the BOR, which implemented the current structure in accord with its constitutional responsibilities through a reasoned and open process.

We strongly oppose this measure and request that it be deferred.

TESTIMONY IN SUPPORT OF SB3277

RELATING TO THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM

Hearing Date:

3:00 PM, Thursday, February 3, 2022
Conference Room 229 & Videoconference

Senator Donna Kim, Chair
Senator Michelle N. Kidani, Vice- Chair
Committee on Higher Education
State Senate
Hawaii State Legislature
Thirty-First Legislature, Regular Session of 2022

Dear Chair Kim, Vice-Chair Kidani and members of the Senate Committee on Higher Education:

SB3277 prohibits the University of Hawaii (UH) President from serving concurrently as a campus chancellor. A 2015 report prepared for the Board by the Western Interstate Commission for Higher Education supported maintaining two distinct and separate positions.

The role of a president as a "systems" leader is separate and distinct from the role of a chancellor as a "campus" leader. Chief among the roles of the UH President is that he or she must have skills and interests in leading and managing at the UH "systems" level and working to achieve UH's overall goals.

The President must be focused on the president's job, such as working with the Board of Regents on planning and policy development for the entire UH system. The president should not be running the 10-individual UH campuses. That is the job of each of the campus chancellors.

A chancellor must focus on academics and financing of each individual campus, including all academic programs, including athletics and campus budgeting.

It is no surprise that the recent controversy caused by Athletic Director Dave Matlin surrounding the hiring process of the new football coach was riddled with mishaps. It is because the current President and Chancellor, David Lassner, serves in both of these positions. A separate chancellor would have been more focused on overseeing the athletics program. One person serving in both positions has created an environment of dysfunction.

It is for these reasons, I strongly support SB3277.

Eleanor Rolark
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Ewa Beach, Hawaii

LATE

SB-3277

Submitted on: 2/3/2022 10:21:19 AM

Testimony for HRE on 2/3/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nathaniel Kinney	Testifying for Hawaii Regional Council of Carpenters	Support	No

Comments:

What about the President also serving as the Chief Procurement Officer? Given the fatal accident that occurred at Ching Field, we believe construction activities at the UH campus merit attention, especially when it comes to procurement and the hiring of unlicensed contractors.

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February 2, 2022

Via email
Senate Committee on Higher Education
Attn: Donna Kim, Chair



RE: SB 3277

Dear Chair Kim.

I am submitting this testimony in favor of SB 3277.

On January 18, 2022, several days before athletic director David Matlin interviewed June Jones for the UH football coaches job, I sent an E mail to President David Lassner warning him that Mr. Matlin was not objective and was biased against coach Jones. I also pointed out that the football program did not belong to David Matlin but belong to the people of the State of Hawaii because for most people in Hawaii, UH football is their main connection to the University of Hawaii.

I am enclosing a copy of my email to President Lassner and his response.

Because of Mr. Matlin's bias and because of the importance of the UH football program to the people of the State of Hawaii, I encouraged President Lassner to place the decision making in hiring the next UH football coach in the hands of the Board of Regents and the President and to take it solely out of the hands of Mr. Matlin.

President Lassner Did not pay attention to my warnings about Mr. Matlin bias Which came into full display with his negotiating in bad faith with the ridiculous contract offer to coach Jones and later engaging in character assassination of Coach Jones.

I believe the President did not have time or chose not to pay enough attention to this disaster in the making. A separate Office of the Chancellor would have resulted in better corporate governance and would have stepped in to prevent this disgusting series of events by Mr. Matlin, for which the President is ultimately responsible.

For these reasons, I support SB 3277.

Sincerely,

Kenneth K. P. Wong

Enclosure

Kenneth Wong

From: David Lassner <david@hawaii.edu>
Sent: Wednesday, January 19, 2022 5:20 AM
To: Kenneth Wong
Cc: Amy Luke
Subject: Re: UH football/Dvid Matlin/June Jones

Importance: High

Mahalo Mr. Wong. I appreciate the input and your passion for UH athletics.
Best regards,
David Lassner

On Jan 18, 2022, at 5:23 PM, Kenneth Wong <ken@kenwonglaw.com> wrote:

President Lassner and Amy,

I spoke to Amy today about the pressing issue concerning the next UH football coach. Thank you for giving me your time to speak to you.

I have held football and basketball season tickets for a long time but gave up my football tickets when I saw the direction of the program and became discouraged. I am extremely concerned about the selection process for the next UH football coach and the person heading that process, David Matlin.

In my talks with donors, former UH athletes and longtime fans, many of whom know Mr. Matlin personally, there is an overwhelming lack of confidence that Mr. Matlin will make the right choice of the next football coach. He got the football program in this mess with the hiring of Todd Graham and there is great trepidation about whom he will select next, given the list of publicly disclosed candidates.

The UH football program is on life support. The last time it was on life support was after coach Fred Von Appen Appen went 0-18. June Jones was hired and he immediately resurrected the football program with the greatest turn around in NCAA history. The NCAA had given the SMU football program the "death penalty" and shut down that program two years. SMU could not recover for 25 years until June Jones arrived and resuscitated that program.

Of the 4 leading publicly listed football candidates, only June Jones has been a head coach and only June Jones has resuscitated programs that

have been on life support. June Jones knows Hawaii and its culture and will inspire great confidence in the players, with the fans and the entire State of Hawaii. Young coaches, seek to use UH as a stepping stone to obtain a greater payday at another institution. That is not a concern with June Jones because he has already made his money; hiring him would bring stability instead of the revolving door of young coaches looking for greater financial security at other programs.

There are three older coaches, all of whom are or will be in the college Hall of Fame, that have built successful programs at their school and retired or left, and were brought back to resuscitate a once proud program. These coaches are Chris Ault at Nevada, Bill Snyder at Kansas State and Mack Brown at North Carolina and they all restored a winning tradition to the program on their second go around. Therefore, there is ample precedent for bringing back June Jones.

The choice of June Jones is a "no brainer". There is a groundswell of support for June Jones from donors, former athletes, fans, media and the public. However, we understand that Mr. Matlin has a built-in bias against Mr. Jones that clouds his judgment and is "tuning out" any donors, advisors, supporters and fans who are suggesting that he hire June Jones as the next coach.

The UH football program is the part of the University system with which the public is most familiar and has the closest connection. A successful football program brings pride to the University and pride to the State of Hawaii. It does not belong to the athletic director; it belongs to the people of the State of Hawaii.

Given the current state of the UH football program, the decision on the next football coach cannot be left to David Matlin to make. His last selection was a disaster of epic proportions. At most schools, the athletic director is let go after making such a serious mistake. Athletic director Jim Donovan was let go after the Stevie Wondergate debacle. This debacle with Todd Graham, allegations of abuse of student athletes and the failure of Matlin to thoroughly do a background check on Graham before hiring him is much more serious than Wondergate.

Time is of the essence as we understand that Mr Matlin may select the next football coach by tomorrow. We implore President Lassner and the Board of Regents to get involved, come to a consensus on selecting the next football coach and not just sit back and leave it up to one person. To many, the answer is obvious: June Jones.

Thank you for considering this appeal.

Aloha, Ken Wong

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