



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 3354, PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO ESTABLISH A HAWAII COMMUNITY COLLEGE SYSTEM THAT IS SEPARATE FROM THE UNIVERSITY OF HAWAII.

BEFORE THE:

SENATE COMMITTEE ON HIGHER EDUCATION

DATE: Tuesday, February 1, 2022 **TIME:** 3:00 p.m.

LOCATION: State Capitol, Room 229, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Lori N. Tanigawa, Deputy Attorney General

Chair Kim and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of the bill is to propose amendments to article X of the Constitution of the State of Hawaii to establish a Hawaii community college system, which shall be separate from the University of Hawaii.

Inasmuch as the public community colleges are currently a part of the University of Hawaii system, we recommend that the ballot question in section 6 of the bill on page 5, lines 16 to 19, be amended to clarify that the community colleges are being removed and will be established as a separate system:

“Shall the public community colleges of the State of Hawaii be ~~administered~~ removed from the University of Hawaii system and established as a separate Hawaii Community College System, which shall be independent from the University of Hawaii and administered by a separate board of regents?”

Thank you for the opportunity to provide these comments.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Higher Education
February 1, 2022 at 3:00 p.m.

by
David Lassner
President
and
Erika Lacro
Vice President for Community Colleges
University of Hawai'i

SB 3354 – PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO ESTABLISH A HAWAII COMMUNITY COLLEGE SYSTEM THAT IS SEPARATE FROM THE UNIVERSITY OF HAWAII

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

The University of Hawai'i (UH) respectfully but strongly opposes SB 3354, which, without explanation or identification of any problem that this bill seeks to address, proposes a constitutional amendment to establish a Hawai'i Community College System that is separate from the UH. After spending the last several decades deeply integrating the work of the UH campuses to better serve all students across the islands, it would be tragic to reverse this progress and reduce opportunities for Hawai'i's students statewide. It would further create substantial and unnecessary administrative duplication and expense. And at this point-in-time of declining enrollment in community colleges nationwide, creating a separate governance structure, administrative organization and system community college campuses would likely introduce competition and conflict among higher education systems that would be unlikely to advantage Hawai'i community colleges, Hawai'i universities or our collective students.

As a system of campuses with distinct missions -- research, regional comprehensive and community colleges -- UH provides a rich array of opportunities to the students of Hawai'i. UH policies, practices and systems enable Hawai'i to benefit from the synergies presented by this highly integrated system. UH provides multiple entrance and exit points for students to complete their degrees. Students may choose to start their education at a UH community college where they may benefit from open admissions and lower tuition or they can begin at a UH university to pursue a four-year degree. UH has multiple curricular pathways for students who start at a community college to move to a university to complete a bachelor's degree. As a result, more than half of UH four-year students begin their college education at a community college.

UH currently operates a common student information system as well as the award-winning STAR Guided Pathway System (GPS) to serve all credit students at all UH

campuses. This enables students at UH universities to seamlessly register for courses at community colleges and increasingly, UH community college students may register for courses at UH universities to advance their educational goals. STAR has a new process called “pinning” that allows students planning to transfer from a UH community college to a UH university to identify the optimal point of transfer based on their own academic record, major and graduation requirements. Dismantling Hawai‘i’s integrated public higher education system would create multiple barriers to student progress.

Our other major business and data systems -- human resources, finance, procurement, online learning, institutional data repositories -- are also all managed system-wide, This creates substantially improved economies of scale and enables comprehensive statewide reporting that would be lost if the UH System were dismantled. Our major support functions are also operated systemwide, including but not limited to legal services, collective bargaining and the statewide data network that services all UH campuses and facilities across the islands.

Duplicating or coordinating these services across two systems would reduce efficiency and increase the administrative costs of public higher education in Hawai‘i. Those costs would need to be borne by the taxpayers through increased appropriations and/or by students and their parents through increased tuition. Either would be unnecessary, inappropriate and financially burdensome to the people of Hawai‘i.

The unified and highly integrated University of Hawai‘i System (System) is a model for public higher education across the country and is working ever day to do even better across all dimensions. This System maximizes opportunity for students and keeps administrative costs low. The current structure of UH reflects the reasoned and informed work of the Board of Regents, which approved the current highest-level organizational structure for UH on March 28, 2019 after substantial review and input. This work reflects the current charge to the Board of Regents in the Constitution of the State of Hawai‘i:

The board 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. The board shall also have exclusive jurisdiction over the internal structure, management, and operation of the university.

- Hawaii State Constitution: Article X, Section 6

Thank you for the opportunity to provide this testimony in strong opposition to this measure.



UNIVERSITY
of HAWAII®
SYSTEM

**Senate Committee on Higher Education
Tuesday, February 1, 2022, 3:00 p.m.**

Testimony by:

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

S.B. No. 3354 – PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO ESTABLISH A HAWAII COMMUNITY COLLEGE SYSTEM THAT IS SEPARATE FROM THE UNIVERSITY OF HAWAII.

S.B. No. 3355 – RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES.

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

These comments on S.B. No. 3354 and S.B. No. 3355 are offered in my capacity as the Executive Administrator and Secretary of the Board of Regents.

The Board of Regents of the University of Hawai'i (Board) has not yet had the opportunity to discuss these measures. Discussion is expected to occur at the Board's next meeting on February 17, 2022.

Thank you for the opportunity to offer comments on S.B. No. 3354 and S.B. No. 3355.



The Committee on Higher Education
February 1, 2022
Video Conference Room 229
3:00 pm

RE: **SB 3354 Proposing Amendments to the Hawaii Constitution to Establish A Hawaii Community College System That Is Separate From The University of Hawaii**

Attention: Chair Donna Mercado Kim, Vice Chair Michelle Kidani and Members of the Committee

The University of Hawaii Professional Association (UHPA) **opposes SB 3354**. UHPA represents the collective voice of nearly 3,200 faculty from all 10 University of Hawai'i campuses. We have been an advocate of upholding the three primary professional responsibilities of all faculty members, high standards of research, teaching and community service, which are critical to advancing the mission of the University of Hawai'i.

UHPA **opposes SB 3354** because there is no justification for creating a separate governance structure for the community colleges independent of the existing University of Hawai'i system. The proposed bill does not define the issue it is seeking to resolve. This solution-seeking-a-problem approach to policy making is yet another example of legislative over-reach that has created dissatisfaction and diminished respect for Hawai'i's state senators.

To our knowledge, no one has raised any concerns about the need to establish more autonomy for the seven community colleges. The UH administration, UH faculty members, UH students, and others in the community have not expressed any issues that show there are inherent challenges to the existing system that has been in place since 1965.

Students have a better chance of completing programs or obtaining degrees when there is a comprehensive educational system of support. The UH and UHPA continually strive to make public higher education accessible for more Hawai'i residents and to ensure they successfully make it to the finish line. After graduating from high school, many students enter community college as an affordable transition. If these students choose to obtain a four-year degree, they are able to seamlessly transfer to the Mānoa flagship campus or UH West O'ahu or Hilo. As part of this comprehensive system, the UH also operates three university centers and five education centers.

The proposal to dismantle the existing UH system by changing the Hawai'i State Constitution is ill timed and frivolous. We should instead be focused on building on our strengths and streamlining government bureaucracy and not creating new governing bodies.

University of Hawaii
Professional Assembly

1017 Palm Drive ♦ Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 ♦ Facsimile: (808) 593-2160
Website: www.uhpa.org



There are much more important real issues that we should focus our attention and energy on to better position the UH system, now and into the future. This is the time to build; not tear down. Instead of attempting to divide and conquer, we all need to work together for the greater good of our state.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'C. Fern'.

Christian L. Fern
Executive Director
University of Hawaii
Professional Assembly

University of Hawaii
Professional Assembly

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Association of Emeritus Regents

James H.Q. Lee, Chair
Andres Albano, Jr. Vice-Chair
J. F. Blanco, Secretary-Treasurer

LEGISLATIVE TESTIMONY IN OPPOSITION OF SB 3354

PROPOSING AMENDMENTS TO THE HAWAII CONSTITUTION TO ESTABLISH A
HAWAII COMMUNITY COLLEGE SYSTEM THAT IS SEPARATE FROM THE UNIVERSITY OF HAWAII

Hearing Date
3:00 PM, Tuesday, February 1, 2022
Conference Room 229 & Videoconference
Submitted by
ASSOCIATION OF EMERITUS REGENTS
UNIVERSITY OF HAWAII

This testimony is being submitted by the Association of Emeritus Regents of the University of Hawaii (AER). The University's Board of Regents (BOR) established the AER on January 13, 1995. Our members include all former University Regents appointed by Governors Ariyoshi, Waihee, Cayetano, Lingle, and Ige.

This testimony is being submitted by the Association of Emeritus Regents University of Hawaii in opposition to SB 3354, which seeks to remove the community colleges from the University of Hawaii system and provide the community colleges with its own president and governing board of regents.

Under the Constitution of the State of Hawaii, whether or not there is a need to separate the community colleges from the University of Hawaii is a matter for the Board of Regents of the University of Hawaii to decide. The applicable language from Section 5 states:

"The board 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. The board shall also have exclusive jurisdiction over the internal structure, management, and operation of the university."

AER believes SB 3354 violates the Hawaii State Constitution and asks SB 3354 to be held in committee.

Committee on Higher Education
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: SB 3354 and 3355 Testimony

January 31, 2022

Dear Chair Kim, Vice Chair Kidani, and esteemed members of the Higher Education Committee,

I am writing to ask that you OPPOSE BILLS SB 3354 and SB 3357, which seek to separate the University of Hawai'i (UH) from its associated community colleges, instead establishing each as separate entities with their own Board of Regents (BOR), BOR Candidate Advisory Board, and President.

As an instructor in the University of Hawai'i Community College (UHCC) System that takes part in my campus faculty senate and curriculum committee, I see a few benefits to your proposal, such as allocating separate budgets for the UHCCs and four-year UH institutions. However, the number and seriousness of problems arising from this proposed segregation eclipse any perceived benefits. If this proposed separation occurs, union representation will be problematic with the need to represent two separate entities, workers that split time between our four-year and two-year campuses risk losing benefits, and articulation among campuses would suffer. Additionally, this act introduces additional bureaucracy by means of a second BOR and President, and invites additional legislative micromanagement of college and university affairs that are currently the kuleana of campus and university governing bodies, faculty, our union, and students. It is imperative to make sure policy and management of the university system remains in the hands of those that have a background in academia in order to ensure academic freedom, rigor, student support, and the ability to continually serve all university stakeholders.

As someone who has worked professionally both within and outside academia, I can assure you that fully understanding the intricacies of academic operations takes time, effort, and experience. Making large structural and policy decisions without discussing them with university leadership, faculty, and students within the University System or understanding the far-reaching implications of implementation endangers the quality of education and service we provide to our students and communities and will have multiple unintended negative consequences.

For all these reasons and more, I ask that you OPPOSE BILLS SB 3354 and 3355 and instead proceed with restructuring and large scale changes to the university only after holding discussions with UHCC leadership, faculty, students, and other stakeholders. Mahalo nui!

Sincerely,



Erika Molyneux
Instructor, New Media Arts
Leeward Community College

LATE

SB-3354

Submitted on: 2/1/2022 1:05:57 AM

Testimony for HRE on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan Jaworowski	Individual	Oppose	No

Comments:

I am a faculty member at Kapi'olani Community College, and I am writing in my personal capacity to oppose this proposed constitutional amendment. This was sprung on the Community Colleges without consultation or agreement. I see no reason why the State should spin up a second, expensive bureaucracy to duplicate the existing board of regents. While some of the programs at the Community Colleges are vocational and lead directly to the workforce, many others are designed as the first two years of a four year education, with the student transferring after two years to UH Manoa, West Oahu, Hilo, or Maui College. Some of the vocational programs, such as the one I teach in, also articulate to the four-year institutions, so our student can earn a four year degree if they choose. While the transition between Community Colleges and four-year institutions is not always smooth as courses at the CCs are not always accepted at the four-year institutions, creating a schism between the two year and four year institutions would make this situation worse, leading to even more separation between the two, which would be adverse to student interests. All ten UH campuses are designed to be part of a unified higher education system and any legislation should only strengthen those ties, not divide them.

Sometimes it appears as though the Legislature forgets that the Community Colleges are part of the UH system, such as in the recent bill, SB 3269, proposing to eliminate tenure, which does not even mention the Community Colleges' C classification. However, just because there is some sloppy thinking and inadequate research when discussing the UH system doesn't mean that the Legislature should drop the Community Colleges out of it. Rather, it means that Legislators should educate themselves about the whole system, realizing that the Community Colleges are a vital part of the whole University of Hawaii system. Please do not support this bill.

LATE

SB-3354

Submitted on: 2/1/2022 8:28:54 AM

Testimony for HRE on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Reyes	Individual	Oppose	No

Comments:

The junior colleges work closely with UH to create bridge programs. This fosters the matriculation of students from junior colleges to the othe UH colleges. Introducing this bill would be detrimental to that relationship that is in place.

LATE

SB-3354

Submitted on: 2/1/2022 8:42:25 AM

Testimony for HRE on 2/1/2022 3:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kelli Y. Nakamura	Individual	Oppose	No

Comments:

This bill is yet another effort by the legislature and certain legislators to weaken the university system and the broader vision of ensuring open door access and equity in higher education. The community colleges play a critical role in the community and within the UH system providing certifications, training, and a solid educational foundation to support future academic goals. As we are creating transfer pathways and agreements to support and integrated UH System, this bill will weaken this goal by pitting 2 year and 4 year institutions against one another and this is beyond the purview of the legislature. Please oppose this bill as yet another thinly veiled attempt to weaken the autonomy of UH that is motivated by political interests. Thank you.