



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
House Committee on Higher Education
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HB 1556 HD1 – RELATING TO THE UNIVERSITY OF HAWAII

Chair Choy, Vice Chair Ichiyama, and Members of the House Committee on Higher Education:

Thank you for the opportunity to provide testimony on this measure. HB 1556, HD1, prohibits the University of Hawai'i (UH) from prohibiting a person from certain employment at UH solely because that person is a candidate for, or person elected to, a non-statewide public office.

The University of Hawai'i Board of Regents Policy 9.205 restricts employees of the University of Hawai'i from political campaigning for themselves and employment as elected officials while also being a University of Hawai'i employee. The intent of the policy is to reduce any appearance of conflict in interests and the public perception of conflicts of interest. Being a legislator, county council member, etc., are inherently political positions and the University has previously been criticized in its hiring practices.

Board of Regents Policy 9.205 underscores the importance of exercising political rights, but balances that individual's interest along with that of other University employees. Campaigning or serving in elected offices takes dedication and is acknowledged as time consuming. Similarly, employees of the University of Hawai'i need to recognize their public responsibilities to: (1) perform their duties; and (2) be careful not to attribute their own personal political opinions to the University. In keeping with that balance, the policy requires that an employee request leave of absence without pay while campaigning for political office, but resign from university service when elective office is assumed. Furthermore, the policy and its requirements are cited and incorporated by reference in the current contract between the University of Hawai'i Professional Assembly and the University of Hawai'i (Article III Section G).

The policy has been challenged, and has been affirmed. In Alcon vs. Harlan Cleveland, et al., the Circuit Court of the First Circuit, State of Hawai'i, issued a decision in 1970 upholding the Regents policy requiring a faculty member to resign upon being elected to

the State legislature. And the Department of the Attorney General (ATG) affirmed in 1992 and 1994 the incompatibility of certain employees at the UH holding legislative office.

UH defers to the State Attorney General's Office on whether the Hawai'i Constitution would allow legislators to be employed at both the legislature and UH as a regular employee. Employment for legislators with other state departments is already restricted, and carving out university employment would clearly be an exception. The University of Hawai'i has the right and duty to establish policies and guidelines that ensure the integrity and appropriate operations of the University.

The intent of HB 1556, HD1, is understandable. It could be beneficial for UH to have employees who are also elected officials so that they could have a more direct support of UH perspectives on matters concerning the University. However, it is for this very reason that Regent Policy 9.205 seeks to avoid compromising the integrity of the University or raising questions to the conflict in interests of the individual in elected office. As currently drafted this measure would require wholesale revision by the Board of Regents longstanding University policy, possible amendment to the State Constitution, and deviation to the current UH philosophy of conflicts in interest by its public employees.

Thank you for your time and consideration on this matter.