



UNIVERSITY OF HAWAI'I SYSTEM

TESTIMONY

SB 1256 PROPOSING A CONSTITUTIONAL AMENDMENT TO ARTICLE X,
SECTION 6, OF THE HAWAII CONSTITUTION TO MODIFY THE
APPOINTMENT PROCESS FOR THE BOARD OF REGENTS

and

SB 1257 SD2 HD1 RELATING TO THE UNIVERSITY OF HAWAII

Testimony Presented Before the
House Judiciary Committee

March 22, 2005

By

Linda Johnsrud
Interim Vice President for Academic Planning and Policy
University of Hawai'i System

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Chair Luke, Vice Chair Oshiro, and Members of the Committee,

The purpose of SB 1256 is to propose an amendment to Article X, section 6, of the Constitution of the State of Hawai'i to modify the University of Hawai'i board of regents' appointment process, and SB 1257, S.D. 2 H.D.1 provides the enabling legislation for the amendment.

Decisions made by the members of the UH Board of Regents have long term and consequential effects on the integrity and vitality of the University and its ability to serve the state of Hawai'i, and as such, any changes to the appointment process deserve careful consideration. This testimony is intended to provide the members of the Committee with common practice across the states and recommended practice for selecting the members of a statewide higher education governing body.

In 2002, the Education Commission of the States published a list of the statewide governance structures for higher education in each state, the number of members, and the appointment process.

To summarize the relevant common practices:

- Forty-nine states (including the District of Columbia) have statewide governance structures for higher education, only Michigan and Vermont have none.
- The average number of members of the boards is 13, with a range of 7 to 32.
- Of the forty-nine structures, the members are appointed by the governor in 40 states, by the legislature in two states, elected in two states, and for five structures, the means of appointment was not specified.

Although it is the norm across the states for the governor to appoint the members of the governance structures for higher education, it is not the norm for a screening body to provide names for the governor's consideration. In a policy brief from the Association for Governing Boards (AGB, #1, 2003) recommending the use of such bodies, the AGB indicates that only four states use a commission to help pick regents (Minnesota, Kentucky, North Dakota, and recently Virginia).

It is important to note that the Association for Governing Boards cautions against screening bodies that are composed of special interest representatives. On this

matter, Richard T. Ingram, President of AGB, stated in recent correspondence with Interim President McClain:

“Governing boards should not have any ‘designated slots,’ because such a practice contradicts what public, citizen trusteeship is supposed to be: outstanding citizens who are independent in their individual and collective judgment who are there to serve the people of Hawaii -- not segments of the society, not special interests of any kind. Their primary duty is to hold the university's assets in trust for the current and future generations. It follows, therefore, that [a screening] committee should not be composed of a collection of special interest representatives.”

Dr. Ingram also added that it is his recommendation that the governor should select the members of the screening committee. His rationale is that the process is politicized by involving more players. He also suggests that the screening committee members have renewable three-year terms, with a two-term limit, and that the committee should choose its own chair.

Although there is no recommendation for a change to the size of the Board of Regents in SB 1257 SD 2, HD1, Dr. Ingram, who has served as a consultant to the UH Board of Regents, recommends that the number of regents on the UH BOR be increased. He notes that a Board of at least 15, or preferably 21, would enable the Board to have a division of labor, through a committee system, to make their enormous responsibility more manageable. In Hawai'i, the Board of Regents serves not only as the governing board for each of the ten public campuses, but also it is responsible for statewide planning and coordinating functions, which in some states are performed by separate structures.

Thank you for the opportunity to testify on this important matter.