



Regents Policy Chapter 2, Administration
Regents Policy RP 2.206, Policy on Regents as Employees
Effective Date: Feb. 23, 2017
Prior Dates Amended:
Review Date: August 2018

I. Purpose

To set forth policy on regents who are also employees of the University of Hawai'i ("Employee Regents") to minimize misunderstandings and perceived or actual conflicts of interest that may arise when a regent is also an employee of the university. It is the policy of the Board of Regents to manage those conflicts in a manner that allows employees of the university to serve on the Board of Regents, while ensuring that the employee's service on the Board of Regents does not interfere with the employee's performance of his duties and responsibilities as employee. Employee Regents shall at all times, as both employee and as regent, conduct themselves in a manner that preserves the integrity of the University of Hawai'i, its regents and its employees.

II. Definitions:

No policy specific or unique definitions apply.

III. Policy:

- A. As employees of the university and as regents of the university, Employee Regents are subject to and shall abide by (1) Section 78-4(b) of the Hawai'i Revised Statutes ("Haw. Rev. Stat.") permitting service on state boards and commissions where service does not interfere with the duties and responsibilities of their employment, and (2) the State code of ethics set forth in Haw. Rev. Stat. Chapter 84, including but not limited to the requirements re confidential information, fair treatment, conflicts of interest, and disclosures. In assuming the duties of employee and Regent, the Employee Regent understands that the dual role is assumed voluntarily by Employee Regents, and that it is the Employee Regent's responsibility to comply with the provisions of state law.
- B. Employee Regents are also required to abide by the provisions of Article X regarding "Conflicts of Interest" in the Bylaws of the Board of Regents of the University of Hawai'i, as amended ("Bylaws").

1. Members of the board are expected to place the welfare of the university above personal interests, the interests of family members or others who may be personally involved in affairs affecting the university. All decisions of the board shall be made solely on the basis of a desire to promote the best interests of the university and the public good [Article X, Section B. re "Fiduciary Responsibility"].
 2. In the event the board must consider any matter which also directly impacts an Employee Regent's personal financial interest or bargaining units 1, 2, 3, 4, 7, 8, 9, and/or 10, or which creates a clear appearance of conflict of interest with his/her employment, the Employee Regent shall either (a) fully disclose the precise nature of the interest or involvement in writing to the Secretary who, together with the University General Counsel, shall be responsible for resolving questions about addressing the conflict, and if unsuccessful, for bringing the questions to the full board to be resolved by majority vote at a board meeting in compliance with Haw. Rev. Stat. Chapter 92 [Article X, Sections C. and D. re "Disclosures" and "Determination of Conflicts", respectively]; or (b) declare the conflict of interest and recuse himself/herself from consideration of the matter before the Board [Article X, Section C. re "Disclosures"].
 3. Any board action favorable to an Employee Regent obtained in violation of this provision is voidable on behalf of the board, and the board may pursue all legal and equitable remedies and/or sanctions through the university's legal counsel [Article X, Section E. re "Sanctions and Remedies"].
- C. Employee Regents are required as employees to comply with all policies and procedures applicable to all employees of the university, and not allow service on the board to interfere with the duties and responsibilities of employment with the university.
1. Employee Regents are expected to adhere to applicable policies and procedures regarding outside employment and appointments, including but not limited to RP 9.207.
 2. When an Employee Regent is required by board service to be away from work during regular work hours, the Employee Regent must obtain prior supervisory approval for absences. When an Employee Regent is required by board service to be away from work during regular work hours for more than the equivalent of two (2) days or sixteen (16) hours in any given pay period, in accordance with Haw. Rev. Stat. Section 78-4(c), it is expected that the

Employee Regent will use available vacation hours for any additional time required for board service during that pay period, unless otherwise specifically prohibited by applicable collective bargaining agreement. Best efforts should be made to document time spent on Board of Regent duties during regular work hours. No time spent on Board of Regent business shall be considered as time worked for purposes of overtime calculation.

3. Board of Regent duties should be performed to the extent possible, in a secure environment not accessible to the public or other employees. Email and/or other communication for work should be kept separate and apart from email and/or other communication for Board business, and Employee Regents should make clear in their communications in which capacity they are communicating, i.e., as regent, or as employee.
4. Travel expenses relating to Board of Regent business shall be processed by the Office of the Board of Regents, in accordance with its travel reimbursement policies and procedures; collectively bargained benefits shall not apply to travel for Board of Regent business.
5. Any employment issues arising from the Employee Regent's employment shall be addressed with and by the human resources personnel in the Employee Regent's employing unit. Any issues arising from service on the Board of Regent shall be addressed with and through the Office of the Board of Regents.

IV. Delegation of Authority

There is no policy specific delegation of authority.

V. Contact Information

Office of the Board of Regents, 956-8213; bor@hawaii.edu

VI. References

- <http://www.hawaii.edu/offices/bor/>

VII. Exhibits and Appendices

No Exhibits and Appendices found

Approved as to Form:

/S/
Cynthia Quinn
Executive Administrator and
Secretary of the Board of Regents

02/23/2017
Date

Topics:

Board of Regents; conflicts of interest