



UH Systemwide Policies and Procedures Information System (PPIS)

Board of Regents Policy 1.202

Title

Relationship of the Board to Administration and University

Header

Regents Policy Chapter 1, General Provisions

Regents Policy RP 1.202, Relationship of the Board to Administration and University

Effective Date: Oct. 17, 2003

Prior Dates Amended: Nov. 27, 1941; Sept. 12, 1942; Sept. 17, 1942; Oct. 1, 1942; Oct. 20, 1944; Nov. 9, 1961; Oct. 18, 2002; Oct. 31, 2014 (recodified)

Review Date: August 2017

I. Purpose

To set forth policy regarding the rules of conduct and communication protocol.

II. Definitions

“Government” may be thought of as the establishment of the principles, laws and policies, and “administration” as the carrying out and execution of these principles, laws and policies once approved by the board.

The term “through proper channels” refers to the obligation of the board members to

secure detailed information or information requiring careful compilation, either through the secretary or through the executive officer.

III. Board of Regents Policy

A. Principles and Rules of Conduct.

1. Principles. With respect to the duties and functions of the board and the president, the following are the applicable principles:

a. It is recognized that the board has been granted full legal power and authority to manage and control the affairs of the university, and the responsibility for the successful operation of the university and the achievement of the purposes as prescribed in the statutes rests exclusively with the board.

b. It is recognized that a distinction must be made between what may, for convenience, be called the “government” of the university, and the “administration” thereof. “Government” may be thought of as the establishment of the principles, laws and policies, and “administration” as the carrying out and execution of these principles, laws and policies once approved by the board. Therefore, the interpretation of all board policies shall rest exclusively with the board and may be rendered, as necessary, through its designee(s).

c. The functions of the board are concerned with the government of the university; and its duties, in nature, are legislative and at times quasi-judicial. The execution of the policies authorized and established by the board is entrusted to the president, vice presidents, chancellors, and other officers of administration of the university. The regents must not concern themselves directly with the administration of the university, or individually or take part collectively, in administration, provided that it is the responsibility of the board to satisfy itself, through proper channels, that the principles, laws and policies established by the board are, in fact, being administered and that the administration is adequate.

The term “through proper channels” refers to the obligation of the board members to secure detailed information or information requiring careful compilation, either through the secretary or through the executive officer. It is not intended to place any restriction upon members of the board conversing freely and frankly with any officers or other employees of the university. Any extended or detailed investigation or inquiry on the basis of which it is proposed to predicate board action should, however, be carried on in a formal, orderly manner with the approval of the board and the knowledge of the president. Ordinarily where assistance is sought of the faculty in major matters of educational policy, the board will act through the president; and such assistance will come through the relevant academic senate for the affected campus(es) or some committee thereof.

Likewise, the administration shall communicate with the board through the secretary and only with permission of the chairperson may the administration deal directly with a member of the board. This is to ensure that all regents have equal access to information and are given equal regard for their time and contributions.

d. No member of the board shall serve on committees of the university concerned with curriculum and educational problems when a matter is to eventually require the board’s consideration, nor on any selection committees.

e. The primary duty of the board is first to determine and set forth the objectives of the university, and second, to provide the means, in the form of adequate budget, personnel and materials, to achieve these objectives. In determining the objectives of the university, the assistance of the faculty will be sought and obtained through proper channels.

2. Rules of Conduct. The rules of conduct between members of the board and administration personnel shall be as follows:

a. In carrying out any policy established by the board, except in so far as the method shall be defined by the board, the method of execution shall be within the discretion of the president.

b. Except as specifically authorized by formal action, no member of the board can represent the board within the university and no member shall interfere, engage in, or interact directly with the campuses without prior authorization from the chairperson. All meetings between board members and any member of the administration, including the president, shall be authorized by the board's chairperson and arranged through the secretary and/or with the full knowledge of the secretary. In addition, no unilateral action of a member of the board has the authorization nor support of the board; and the authority of the board reposes in the board as a whole. Likewise, all communication from the president and any members of the administration to the members of the board must flow through the secretary unless otherwise authorized.

c. The board members shall make written request through the secretary for any detailed information with reference to actions of the president, particularly where it is desired to challenge such actions as inconsistent with the established policy of the board.

d. The interpretation of all board policies rests exclusively with the board. Where no policy has been established by the board, the president shall consult with the board prior to taking action; however, the president shall be free to exercise his/her judgment in taking action on emergency matters of major importance provided that in consultation with the chairperson, it is determined that a special meeting of the board cannot be held in time to address the emergency. Therefore, every attempt shall be made to have the board convened in special session as soon as possible. The president shall inform the chairperson of such circumstances, advising him/her prior to taking any action(s) where board policy is silent.

e. The president shall, by appropriate memoranda either to the secretary or by information circulated to all board members, promptly advise board members as to how specific orders of the board have been carried out.

f. The determination of what correspondence of the president, if any, shall be sent to the board for its files shall rest in the sole discretion of the president unless the board, by appropriate action, shall otherwise direct.

g. These rules may be amended from time to time by action of the board.

B. Procedures Relating to Communication to and from the Board and its Members

1. All communications involving advice, recommendations, instructions, etc., written or oral, from any board member individually or as a representative of a board committee, shall first receive the approval of the chairperson and thereafter be transmitted through the executive officer. This action does not preclude discussion or exchange of opinion or similar dealings between board members and staff members. All formal inquiries shall be made through the secretary and all meetings between board members and other members and members of the administration shall be arranged through and/or with the full knowledge of the secretary, with such meetings subject to Hawai'i Revised Statutes Chapter 92 (sunshine laws).

2. Communications and notifications emanating from official board action and relating to specifically or generally to university affairs, internal or external, instructional and administrative, should be transmitted through the executive officer. Whenever legally necessary, or in cases specific by the board, communications and notifications emanating from board action shall be handled by the secretary.

3. Correspondence addressed to the board or to the secretary or to the university shall go to that officer under whose jurisdiction the correspondence shall be handled. A certain latitude of judgment in matters of correspondence is granted to the secretary. The work of the secretary and of the executive officer should be coordinated through mutual agreement.

4. Shortly after each meeting of the board, the secretary shall furnish the executive officer with an abstract of board action in order that the executive officer may handle correspondence as soon as possible and involve the appropriate units for publicity.

5. Copies of all board related correspondence handled by the executive officer shall be filed with the secretary in the office of the regents and, likewise, copies of all board

related correspondence handled by the secretary shall be sent to the executive officer.

IV. Delegation of Authority

The execution of the policies authorized and established by the board is entrusted to the president, vice presidents, chancellors, and other officers of administration of the university.

V. Contact Information

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

VI. References

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

B. http://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0092F/HRS_0092F-.htmList associated executive policies

VII. Exhibits and Appendices

No Exhibits and Appendices found

Approved

Approved as to Form:

October 31, 2014

Cynthia Quinn

Date

Executive Administrator and Secretary of the Board of Regents

Topics

No Topics found.

Attachments

None