

MINUTES
BOARD OF REGENTS MEETING

NOVEMBER 16, 2017

I. CALL TO ORDER

Chair Jan Sullivan called the meeting to order at 9:33 a.m. on Thursday, November 16, 2017, at Windward Community College, 45-720 Kea'ahala Road, Hale Akoakoa 101 & 103, Kaneohe, Hawai'i 96744.

Quorum (14): Chair Jan Sullivan; Vice Chair Ben Kudo; Regent Simeon Acoba; Regent Eugene Bal; Regent Norma Doctor Sparks; Regent Brandon Marc Higa; Regent Wayne Higaki; Regent Michael McEnerney; Regent Jeffrey Portnoy; Regent Lee Putnam; Regent Douglas Shinsato; Regent Michelle Tagorda; Regent Ernest Wilson Jr.; and Regent Stanford Yuen.

Excused (1): Vice Chair: Randy Moore

Others in attendance: President/Interim UH-Mānoa (UHM) Chancellor David Lassner; Vice President for Administration Jan Gouveia; Vice President for Community Colleges John Morton; Vice President for Legal Affairs/University General Counsel Carrie Okinaga; Interim Vice President for Academic Planning & Policy Donald Straney; Vice President for Research & Innovation Vassilis Syrmos; Vice President for Information Technology/Chief Information Officer Garret Yoshimi; Vice President for Budget & Finance/Chief Financial Officer Kalbert Young; Interim UH-Hilo (UHH) Chancellor Marcia Sakai; UH-West O'ahu (UHWO) Chancellor Maenette Benham; UH-Maui College (UHMC) Chancellor Lui Hokoana; UHM Vice Chancellor for Research/Interim Vice Chancellor for Academic Affairs Michael Bruno; Leeward Community College (LeeCC) Chancellor Manual Cabral; Windward Community College (WinCC) Chancellor Douglas Dykstra; Executive Administrator & Secretary to the Board of Regents Kendra Oishi; and others as noted.

Chair Sullivan recognized Kendra Oishi, the new Executive Administrator & Secretary to the Board of Regents.

II. PUBLIC COMMENT PERIOD

Executive Administrator to the Board of Regents Kendra Oishi announced that the Board Office received written three pieces of written testimony and comment in support of the 2017-2018 supplemental budget request and the specifically proposed \$2.8 million in additional funds towards graduate assistant pay, but concerned over whether graduate students were involved in the budget process from Tom Iwanicki, UHM professor; Kystal Hope, UHM graduate student and graduate assistant; and Maxwell Bendes, UHM graduate student.

The following provided oral testimony:

1. Christine Sorensen Irvine, Chair of the UHM Faculty Senate Executive Committee, provided oral testimony summarizing her late written testimony regarding a resolution adopted by the UHM Faculty Senate last spring in support of strengthening undergraduate research opportunities; the various requests for funds in the supplemental operating budget to support student research and innovation projects, an undergraduate research showcase, provide additional student supports on UHM campus, enact the Native Hawaiian Affairs Action Plan, provide additional support for Graduate Assistants, support facilities maintenance and upkeep; establishment of a group to consider campus climate and free speech issues; potential administrative reorganizations for UHM; and the search for a new Director for the General Education Office and strengthening the General Education Program; and
2. Hannah Liebreich, Vice President of UHM Graduate Student Organization (GSO), and Taylor Lewis, President of UHM GSO provided oral testimony regarding the \$2.8 million request for funds in the supplemental budget to provide increased support for graduate assistants and expressing concern that salary increases were not enough to cover cost of living and needs of graduate students; graduate assistants not being part of the discussion regarding the salary increases; and the need for benefits such as sick and parental leave.

Chair Sullivan thanked everyone who provided testimony.

III. REPORT OF THE PRESIDENT

President Lassner provided a report highlighting the following. He indicated that his work over the year and major priorities are guided by the UH Strategic Directions and the Integrated Academic & Facilities Plan (IAFP):

Hawai'i Graduation Initiative (HGI)

UH has been working on strengthening enrollment management and developing distance learning programs across the System to enhance recruitment of traditional and non-traditional students, and also undergraduate persistence and retention.

- UH Mānoa received the 2017 Project Degree Completion Award from the Association of Public and Land-grant Universities (APLU) for increasing its 4-year graduation rate.
- On Veterans Day, the UHM Office of Veterans Services hosted an event on the Hawai'i Hall Lawn to honor veteran students and alumni, and recognize 13 students who received scholarships through a program in the School of Nursing & Dental Hygiene that helps bring veterans into the healthcare workforce in Hawai'i.
- LeeCC opened the Wai'anae Moku Education Center in Mā'ili, the first permanent facility on the Leeward Coast, which is one of the most underserved areas in the state.

- The U.S. Department of Education awarded UHWO a 7-year federal \$2.7 million GEAR UP partnership grant that will help more than 500 students prepare for and succeed in postsecondary education in the Wai'anae Coast area. UH has had remarkable success with this program in the past seven years, which helped in getting this next grant.

Hawai'i Innovation Initiative (HII)

UH is working on stemming the decline in extramural research and restoring growth, with today being the first day this fiscal year that the total extramural awards at UHM exceeded last year. UH is focusing in areas of competitive advantage and need for UH and Hawai'i. A new director has been hired for the Office of Technology Transfer—formerly the Office of Technology Transfer & Economic Development (OTTED)—who will be focusing on rebuilding OTT to be more engaged, responsive, and effective.

- The U.S. Department of Agriculture awarded UHM and UHWO \$1.7 million in agriculture grants as part of its work to strengthen the capacity of Alaskan and Native Hawaiian serving educational institutions to reach underserved students and prepare them for careers in food, agriculture, and natural resources.

21st Century Facilities

UH is very focused on planning guided by the IAFP. There is a particular need for holistic campus plans for UHM, UHWO, and HawCC to guide inspiring and cost-effective futures. These are the high priorities while continuing to address the condition of facilities through a holistic Renewal, Investment, and Modernization (RIM) program. At the same time, UH will be looking at how to leverage real estate assets, including through Public-Private Partnerships (P3), to address needs and generate revenue that can support requirements.

- Continuing work with the overall UH leadership team and broader community to implement the IAFP. The UH Strategic Directions are approaching the midpoint, so a refresh of both the tactics and metrics is under consideration, with the goal being to bring this before the board for review sometime this academic year.
- UH and Hawaiian Electric Companies have committed to collaborate on the development of an innovative energy initiative ("green tariff") to help the university achieve its net-zero energy goal and bring online more cost-effective, renewable energy resources to benefit the entire state, subject to approval by the Public Utilities Commission.
- A joint team of students and alumni from UHWO and HonCC placed third in a national Higher Ed Cybersecurity Competition.
- Beans from a UH cacao trial begun in 2005 were among the 18 International Cocoa Awards winners at the Salon du Chocolat in Paris, with beans from three locations in the College of Tropical Agriculture and Human Resources (CTAHR) field trial being selected as best in the Asia, Pacific and Australia category.

CTAHR Extension Specialist H.C. "Skip" Bittenbender established the trial, and has involved graduate students in this program.

High Performance Mission-Driven System (HPMS)

In his capacity as President and Interim UHM Chancellor, he is working hard at changes identified for UHM including the UHM campus organization. There is agreement that there needs to be a reorganization, but not what it should look like, so he has discussed this with the UHMFSEC, deans, and vice chancellors, and will be holding a public forum on campus to unveil some ideas. The idea is to have a formal proposal ready to be processed by spring; details have not been determined. The goal is to prepare the campus so the next non-interim chancellor can be successful.

- He met with all four members of Hawai'i's congressional delegation and their key staff to discuss tax reform legislation and the potential impact on higher education students and institutions; the various federal programs serving Native Hawaiians and underrepresented students, some of which are potentially at risk during the ongoing budget process; and defense-related programs, which are one of the major funding sources for extramural research and training. A meeting was also held with officials at the Pentagon.
- He is working with the board's UH-UH Foundation Task Force on strengthening the relationship with UHF to better address the university's needs through philanthropy and lessen reliance for growth on state appropriations, and not looking at tuition increases as a source of revenue growth.
- He is continuing to work on UH as a model indigenous-serving institution by focusing on strengthening the System-wide leadership of the Hawai'i Papa O Ke Ao, the partnerships with Kamehameha Schools, the Polynesian Voyaging Society, and others in the community including the Office of Hawaiian Affairs.
- Continuing to advance sustainability initiatives through the UH System Office of Sustainability and campus leaders (students, faculty, staff, and executives) who are advancing effective practices across the system.

He noted that the *Go for Broke* movie premiered at the Hawai'i International Film Festival recently, and Academy of Creative Media students and graduates were substantially involved in the production. The film features the Varsity Victory Volunteers, who were UHM ROTC students of Japanese descent who took up the call for action after the Pearl Harbor attack.

The president ended his report by announcing the passing of William "Billy" Richardson, an accomplished entrepreneur, lawyer, and teacher who passed away on November 10. He was a trustee of UHF, served as the interim director of OTTED for two years, and worked closely with XLR8UH. He was the son of the late Chief Justice William S. Richardson, the founder and namesake of the UH law school. Mr. Richardson will be deeply missed by those he touched at UH and across the state.

Report of the Host Campus

WinCC Chancellor Dykstra welcomed everyone to campus and provided a slide presentation highlighting enrollment initiatives and first year transition supports (e.g., early college program, online and distance learning, math summer bridge program, learning communities, and construction of the Hawaiian Immersion Childcare Center) which have helped WinCC stabilize its enrollment figures and helped promote persistence among students matriculating to WinCC.

Chancellor Dykstra introduced WinCC Faculty Senate Chair Jenny Webster, who reported on faculty-led initiatives they have focused including integrating principles of sustainability and expanding distance education. A Sustainability Curriculum Committee (SCC) was created that promotes creation and assessment of courses; incorporates sustainability themes into classes, tests and issues; and encourages the creation of learning communities to connect two classes across disciplines in order to build a learning community based on sustainability themes. The SCC committee is working on creating an Academic Subject Certificate in Sustainability, has sponsored campus events to build ecological awareness, and is working with community businesses and organizations to promote internships and volunteer opportunities for students. WinCC hopes in the near future to create part-time student employee positions to help implement sustainability plan. The Distance Education Committee (DEC) has started tailoring an online course and a peer evaluation system; establishing guidelines for quality control designs; and assisting administration in identifying critical courses students need to complete degrees. WinCC is close to getting 3 online AA degrees in liberal arts, Hawaiian studies, and an AS with concentration in computer sciences. The DEC committee is also actively working on three areas underrepresented in online courses (e.g., lab science, language, and performing arts), and is committed to online offerings that engage students.

IV. Update from University of Hawai'i Student Caucus

UH Student Caucus (UHSC) Chair Jannah Lyn Dela Cruz, along with GSO Vice President Hannah Liebreich, and UHSC Vice President and Bernie Garret gave a presentation regarding the UHSC; objectives for 2017-2018 and issues the UHSC will be focusing on (e.g., affordable textbooks, high student/counselor ratios, parking, Biki, bus pass fee, food insecurity, and housing), and associated standing committees (e.g., open educational resources, mental health, transportation, and affordability).

Questions were raised regarding the plan and next steps once the data and information from the surveys is received, and how to sustain efforts given the fairly short term students have at the university. The UHSC representatives explained that the information gathered will be shared with the various campuses to provide them with a better idea of how to serve their students. Some campuses have already incorporated open educational resources, but having workshops to train administrators on the benefits of open educational resources and how to make the best use of these in classes is also helpful. Information on food insecurity differs for each campus; campuses are sharing information on solutions (e.g., implementing food pantries) and

considering legislative advocacy to make it easier for students to apply for Supplemental Nutrition Assistance Program (SNAP) benefits. The outgoing student caucus trains the incoming student caucus and shares what leadership has been working on during their term, which is helpful in sustaining efforts. Each caucus is able to determine whether or not they want to continue working on efforts, or if there are other issues that they consider priorities and want to focus on.

V. Committee & Affiliate Reports

A. Report from the Committee on Budget and Finance

Committee Chair Higaki summarized the committee report. No additional comments or questions from the board were raised.

B. Report from the Committee on Personnel Affairs and Board Governance

Committee Vice Chair Bal summarized the committee report. No additional comments or questions from the board were raised.

C. Report from the Committee on Planning and Facilities

Committee Chair Yuen summarized the committee report. No additional comments or questions from the board were raised.

D. Report from the Committee on Research and Innovation

Committee Chair Bal summarized the committee report. No additional comments or questions from the board were raised.

E. Affiliate Reports

Career & Technical Advisory Council (CTEAC): Regent Tagorda reported that the CTEAC met last week at the same time as the Hawai'i Association for CTE held its statewide conference, and held preliminary conversations regarding options for how Perkins funding will be administered and allocated to the Department of Education and UH throughout the year.

Research Corporation of the University of Hawai'i (RCUH): Regent Bal reported that on October 30, 2017 RCUH held its annual Outstanding Employee of the Year Awards presentation. Twenty-three employees were recognized, and six awards made in the Outstanding Researcher/Project Manager/Professional, Outstanding Project Support Staff, and Outstanding Team categories.

UH-UH Foundation Task Group: Chair Sullivan reported that the task group met on September 22 and October 26 to begin discussions to identify issues and areas for improvement. Two additional meetings are being scheduled for November and December.

No additional affiliate reports were made and no additional comments or questions from the board were raised.

VI. ITEMS FOR DISCUSSION & APPROVAL

A. For Action

1. Consent Agenda:

- a. Minutes of the October 19, 2017 Meeting**
- b. Minutes of the October 31, 2017 Retreat**
- c. ASUH selected Investment Managers and Fund Investments for the ASUH stadium stock fund**
- d. FY19 Supplemental Budget Request**
- e. Supplemental FY 2019 CIP Budget Request**
- f. Tax Exempt Lease-to-Purchase (TELP) Resolution**
- g. 2017-18 UH Revenue Bond Resolution**

There were no objections to taking action on all seven consent agenda items.

Regent Higaki moved to approve the consent agenda, seconded by Regent Doctor Sparks, and the motion carried unanimously.

- 2. Request the Governor's final approval to simultaneously repeal Hawaii Administrative Rules ("HAR") Title 20, Chapter1, "Rules of Practice and Procedure", and adopt HAR Chapter 20-1.1, "Rules of Practice and Procedure"**
- 3. Request the Governor's final approval to amend 3 other chapters in HAR Title 20: (1) Chapter 8, "State Higher Education Loan Fund";(2) Chapter 10,"Delinquent Financial Obligations" and (3) Chapter 12, "Parking and Operation of Motor Vehicles"**

Associate VP for Legal Affairs Gary Takeuchi provided a presentation on the updating of Title 20, HAR, which included the process undertaken for adoption of the requested changes to HAR Chapters 20-1, 20-8, 20-10, and 20-12; the further technical, non-substantive changes proposed to Chapters 20-1.1, 20-10, and 20-12; and the actions being requested of the board.

Questions were raised as to whether the reference to "hearing officer" in Chapter 20-10 instead of "administrative hearing officer" would cause confusion over whether it was an administrative or court process; and clarification of the statute that allows the Board of Regents to delegate its role as hearing officer to the president, and the president in turn to designate someone else to sit in his place.

AVP Takeuchi explained that in the context of the rules it was clear that the reference to hearing officer is in an administrative context and not a court context. Section 304A-105(a)(3), Hawai'i Revised Statutes (HRS), allows the Board of Regents to delegate to the president or the president's designee the authority to render the final decision in contested case proceedings subject to Chapter 91, HRS, as it deems

appropriate.

Comments were made expressing concern over the board having no decision-making power over the president further designating; there being some ambiguity regarding whether the board has authority to determine the president's designee; general provisions on contested cases other than parking; and whether the board retains the power to determine declaratory judgments.

President Lassner indicated that if a matter the board cared deeply about was involved, then the board could retain that authority for itself, and administration was not aware of UH ever conducting a contested case hearing. AVP Takeuchi explained that in Chapter 20-12, HAR, the president was authorized to delegate any of the president's power to the chancellors of the respective campuses. The board retains the power to determine declaratory rulings.

Chair Sullivan clarified that there were two separate actions items, and the first item up for approval was on Chapter 20-1.1, HAR.

Additional discussions ensued regarding the need to clarify who designates or appoints the president's designee. AVP Takeuchi clarified that Chapter 1.1 did not contain any specific language concerning contested case proceedings and delegation of authority, those items are in another chapter. Chapter 1.1, if adopted as proposed, only concerns general rules for proceedings before the board, rulemaking hearings, and requests for declaratory rulings. The rules as proposed would allow rulemaking hearings to be conducted by a single person rather than the entire board. VP Okinaga added that the technical, non-substantive revisions in red in the presentation are the only ones the board had not taken up formally before, and were not about the board's delegation, or not, to other people. The purpose of the HAR revision process is to ensure the power of the board resides within board policy, which is where these issues are usually taken up in terms of president or president's designee, not in the HAR, which tend to not be flexible. If the board wants to make specific designations at the System or campus level, it can be done in board policy.

At 11:28 a.m., the board went into recess. The board reconvened at 11:35 a.m.

Regent Higaki made a motion to approve requesting the Governor's final approval to simultaneously repeal Hawaii Administrative Rules ("HAR") Title 20, Chapter 1, "Rules of Practice and Procedure", and adopt HAR Chapter 20-1.1, "Rules of Practice and Procedure", Regent Wilson seconded.

Regent Acoba stated for the record his appreciation that the board took the time for a recess in order to clarify things as it may be very important in the future where the board may be in a position where it would have to act as a hearing officer. Section 304A-105(a)(3), HRS, allows, but does not require, the board to delegate to the president or the president's designee the authority to render the final decision in contested case proceedings subject to chapter 91, as it deems appropriate. This is ambiguous as to whether board retains the discretion to delegate to whomever the

president would designate. His interpretation is that the board would still retain the discretion to determine who the designee should be and if that is the interpretation then he has no objection with this.

There being no further discussions and a motion having been moved and seconded, the motion was put to a vote and the motion carried unanimously.

Chair Sullivan clarified that the next action item up for approval of was on Chapters 8, 10 and 12.

Regent Higaki made a motion to approve requesting the Governor's final approval to amend 3 other chapters in HAR Title 20: (1) Chapter 8, "State Higher Education Loan Fund"; (2) Chapter 10, "Delinquent Financial Obligations" and (3) Chapter 12, "Parking and Operation of Motor Vehicles", Vice Chair Kudo seconded, and the motion carried unanimously.

4. Revisions to the Regents Policy 9.218, Delegation of Personnel Actions

Regent Putnam requested this item be withdrawn from the agenda and referred to the Committee on Academic & Student Affairs, as more extensive revisions need to be made to this policy. There being no objections from administration or the regents, this item was deferred and referred back to the Committee on Academic & Student Affairs for further discussion.

5. Request for Action to Approve the Establishment of the Endowed Professorship at the John A. Burns School of Medicine

President Lassner explained that this request to establish an Endowed Professorship of Medical Education in honor of Satoru Izutsu, PhD, requires board approval because it involved a commitment of a position number with this name.

An inquiry was made regarding the source of the \$500,000 and administration agreed to get back to the board with that information.

Regent Putnam commented that this was a highly appropriate honor for a person who has served in a very influential capacity at the university for many, many years, and was pleased to see Dr. Izutsu recognized in this way.

Regent Wilson moved for approval of the naming of an Endowed Professorship at UHF in honor of Dr. Satoru Izutsu in recognition of a \$500,000 commitment to the UHF, Regent Tagorda seconded, and the motion carried unanimously.

6. Approval to Indemnify Geisinger Clinic from Claims Arising from University of Hawai'i's Use of Patient Data and Biological Tissue Specimens Provided by Geisinger Clinic for UH Research Purposes

VP Symos requested approval of the indemnification. There being no discussion, Regent Higa moved to approval the indemnification of Geisinger Clinic from Claims

arising from UH's use of patient data and biological tissue specimens provided by Geisinger Clinic for UH research purposes, Vice Chair Kudo seconded, and the motion carried. Regent Portnoy was excused.

Chair Sullivan called for a motion for executive session.

VII. EXECUTIVE SESSION

Upon motion by Vice Chair Kudo, seconded by Regent Higaki, the Board unanimously approved convening in executive session, pursuant to Section 92-5(a)(2), HRS, to discuss personnel matters. The board convened in executive session at 11:43 a.m. Following a motion to come out of executive session by Regent Doctor Sparks, seconded by Regent Wilson, and the motion carried unanimously, executive session was adjourned at 11:44 a.m.

The meeting reconvened at 11:45 a.m. Chair Sullivan stated that the board went into executive session to discuss personnel matters as indicated on the agenda.

VIII. Items for Discussion and/or Approval

A. Items for Approval

1. Personnel Actions (A-1 for approval)

Vice Chair Kudo moved to approve the personnel actions on Attachment A-1, seconded by Regent McEnerney, and the motion carried unanimously.

IX. ANNOUNCEMENTS

Chair Sullivan announced that the next Committee on Independent Audit meeting will be in December to review the audited financial statements so the revenue bond issuance can take place sometime in December. The next board meeting is January 25, 2018, at University of Hawai'i, Maui College.

X. ADJOURNMENT

There being no further business, Regent Wilson moved to adjourn, and Regent Doctor Sparks seconded, and with unanimous approval, the meeting was adjourned at 11:50 a.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
to the Board of Regents