

TITLE 20  
UNIVERSITY OF HAWAII  
SUBTITLE 1  
UNIVERSITY OF HAWAII  
BOARD OF REGENTS  
CHAPTER 1

RULES OF PRACTICE AND PROCEDURE

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Historical Note: This chapter is based substantially upon "State of Hawaii Board of Regents Rules of Practice and Procedure" of the University of Hawaii board of regents rules and regulations. [Eff. 11/19/76; R 6/22/81]

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-1-1 Statement of policy. The following rules shall govern the practice and procedure before the board of regents of the University of Hawaii under chapter 91, HRS. [Eff. 6/22/81; comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-2, 304-3, 304-4, 91-2)

§20-1-2 Definitions. (a) As used in the rules prescribed by the board, unless the context specifically requires otherwise:

"Board" means the board of regents of the University of Hawaii.

"Committee" shall mean all committees of the board.

"Persons" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.

"Petitioner" refers to the party on whose behalf a petition or application is made in proceedings involving petitions or applications for permission or authorization which the board may give under statutory or other authority delegated to it.

"President" means the president of the University of Hawaii.

"Rule" means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the board. The term does not include matters concerning only the operation and management of internal affairs of the university not affecting private rights of or procedures available to the public nor does it include declaratory rulings issued pursuant

to section 91-8, HRS, nor to intra-agency memoranda.

"Rulemaking hearings" means all meetings where proposed rules or amendments or repeal thereof are to be presented for public comment as provided by chapter 91, HRS.

"Secretary" means the secretary of the board.

"Standing committees" means the board's standing committees.

"University" means the campuses and facilities that fall under the jurisdiction of the board.

(b) Unless otherwise specifically stated, the terms used in rules adopted by the board pursuant to powers granted by statute shall have the meaning defined by such statute.

(c) A rule, which defines a term without express reference to the statute or to the rules of a portion thereof, defines such term for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.

(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things, and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender. [Eff. 6/22/81, am and comp **AUG 13 1988**] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-3 The board. (a) Office. The office of the board is in the office of the secretary of the board, situated in Honolulu, Hawaii. All communications to the board shall be addressed to the "Board of Regents, University of Hawaii, State of Hawaii, Honolulu, Hawaii 96822," unless otherwise specifically directed.

(b) Hours. The office of the board shall be open from 7:45 a.m. to 4:30 p.m. of each weekday except holidays and unless otherwise provided by statute or executive order.

(c) Sessions. The board shall meet not less often than ten times annually and may from time to time meet in each of the counties of Hawaii, Maui, and Kauai. The board may meet in executive sessions, from which the public may be excluded as provided by chapter 92, HRS.

(d) Quorum. A majority of the members to which the board is entitled shall constitute a quorum at any board meeting. A majority of the members of a committee of the Board shall constitute a quorum at any

committee meeting.

(e) President. The president, as executive officer of the board, shall carry out the policies adopted by the board.

(f) Secretary. The secretary shall keep minutes of all meetings of the board, including standing committee meetings, prepare the agenda for these meetings, keep and maintain official records of the board and shall undertake any duties and responsibilities properly assigned to the secretary by the board through the chairperson.

(g) Unless otherwise provided in these rules, Robert's Rules of Order shall apply. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 80-1)

§20-1-4 Public records. (a) The term "Public records" as used in this part is defined as in section 92-50, HRS.

(b) All public records of the board shall be available for inspection during established office hours, subject to the limitations prescribed in section 92-51, HRS and chapter 92E, HRS.

(c) Copies of public records of the board, except as limited by section 92-51, HRS and chapter 92E, HRS, shall be available to any person who requests them and pays the fees necessary, if any, as set by law.

(d) Requests for public information, for permission to inspect public records, or for copies of public records will be handled with due regard for the dispatch of other public duties. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2, 91-50, 91-51, 91-52) (Imp: HRS §§304-3, 304-4, 91-2, 92-50, 92-51, 92-52)

§20-1-5 Severability. If any provision of these rules, or the application of them to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable. [Eff. 6/22/81; comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-6 REPEALED. [R AUG 13 1988 ]

§20-1-7 Filing of documents. (a) All documents required to be filed with the board shall be filed with the secretary. Such documents may be sent by mail or hand-carried to the board's office in Honolulu, Hawaii, within the time limit, if any, for such filing. The date on which the documents are actually received by the board shall be deemed to be the date of filing.

(b) All documents must be signed by the party or a duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) The initial document filed by any person shall state on the first page thereof the name and mailing address of the person or persons who may be served with any documents filed.

(d) If any document filed does not conform with the applicable rules of the board as to the contents thereof, or is otherwise insufficient, the board, on its own motion, or on motion of any interested person, may strike or dismiss such document or require its amendment. If amended, the document shall be effective as of the date of the original filing.

(e) All documents filed with or presented to the board may be retained in the files of the board. However, the board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-7(d) is based substantially upon §20-1-10. §20-1-7(e) is based substantially upon §20-1-11. [Eff. 6/22/81; R AUG 13 1988 ]

§20-1-8 Computation of time. In computing any period of time prescribed by these rules or order of the board, provisions of section 1-29, HRS, shall apply. [Eff. 6/22/81; comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-9 REPEALED. [R AUG 13 1988 ]

§20-1-10 REPEALED. [R AUG 13 1988 ]

§20-1-11 REPEALED. [R AUG 13 1988 ]

§20-1-12 Counsel for the board. The Attorney General of the State of Hawaii shall be designated as legal counsel for the board. The attorney general or a representative, in the capacity as legal counsel for the board, may be present at all meetings and hearings governed by these rules. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 28-4)

## SUBCHAPTER 2

### MEETINGS

§20-1-13 General. The meetings of the board and its standing committees shall comply with chapter 92, HRS. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

§20-1-14 Appearances in a Meeting. (a) Subject to strict compliance with board rules, any person shall be afforded an opportunity to present oral testimony to the board or to its standing committees at the meetings on any agenda item.

(b) Any person who wants to appear before the board or its standing committees to present testimony must make a request to the secretary at least twenty-four hours prior to the meeting of the board or its standing committee, unless this requirement is waived by a two-thirds vote of all board members present at the meeting in question. A written copy of the testimony must be submitted to the secretary prior to the meeting unless this requirement is waived by a two-thirds vote of all board members present at the meeting in question.

(c) The chairperson of a meeting shall have the authority to limit or terminate any testimony which the

chairperson determines to be repetitious or made solely for purposes of delay. This rule shall not limit, however, the powers of the board or its chairperson under section 20-1-3(g).

(d) A person may be represented by or with counsel or other duly qualified representative before the board. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-14 is based substantially upon Article IV. G. and H., Bylaws of the Board of Regents, University of Hawaii.

§20-1-15 Voting. (a) The concurrence of a majority of all the members to which the board or its standing committees are entitled shall be required to make valid any action of the board or standing committee, respectively, except that:

- (1) two-thirds vote of all members to which the board or a standing committee is entitled shall be required to change the agenda of the meeting after the agenda has been filed with the Office of the Lieutenant Governor;
- (2) two-thirds vote of all members to which the board is entitled shall be required to amend the board's Bylaws; and,
- (3) a majority vote of the members present may pass a procedural motion.

(b) Dissenting votes and abstentions shall be recorded in the minutes. An abstention shall not be considered a positive or negative vote. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)

Historical note: §20-1-15 is based substantially upon Article VI, Bylaws of the Board of Regents, University of Hawaii.

§20-1-16 REPEALED. [R AUG 13 1988 ]

### SUBCHAPTER 3

#### RULES APPLICABLE TO RULEMAKING HEARINGS

§20-1-17 General. The board's rulemaking hearings shall comply with the applicable provisions of chapters 91 and 92, HRS. [Eff. 6/22/81; am and comp **AUG 13 1988** ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)]

§20-1-18 Conduct of rulemaking hearing. (a) Public hearing. Unless otherwise specifically directed by the board, all rulemaking hearings shall be held at Honolulu when the entire State or a major portion thereof is affected by the proposed adoption, amendment or repeal of a rule. However, the board may hold such hearings on a neighbor island if a written request for such a hearing is received by the board within the time specified in the public notice. In all cases, however, written testimony may be received by the board in accordance with these rules.

When a matter affects only a county other than the City and County of Honolulu, then the hearing shall be held in that county.

(b) Presiding officer. Each rulemaking hearing shall be presided over by the board chairperson or a member of the board as designated by the board chairperson. The presiding officer shall have authority to take all actions necessary to the orderly conduct of the hearing.

(c) Continuance of rulemaking hearing. Each such hearing shall be held at the time and place set in the notice of hearing, but may be continued by the presiding officer from day to day or adjourned to a later date or to a different place without notice other than the announcement at the hearing.

(d) Order of hearing. At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) Conduct of hearing. All interested persons shall be given reasonable opportunity to submit written or oral testimony or evidence with respect to the matters specified in the notice of hearing. The



presiding officer shall confine the testimony to the questions before the hearing and is empowered to confine the testimony so as to keep order. Every person testifying may be subject to questioning by any member of the board or its counsel, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Transcript of the testimony. Unless otherwise specifically ordered by the board or the presiding officer, testimony given at the hearing need not be reported verbatim. All supporting written statements and data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, an original and fourteen copies of the exhibits shall be submitted. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-2)

§20-1-19 REPEALED. [R AUG 13 1988 ]

§20-1-20 REPEALED. [R AUG 13 1988 ]

§20-1-21 Petitions for adoption, amendment or repeal of rules. (a) Scope. Any interested person, organization or agency may petition the board for the adoption, amendment, modification or repeal of any rule as defined in this chapter.

(b) Form and contents. Petitions for rulemaking shall conform to the requirements of section 20-1-7. Such petition for rulemaking (1) shall set forth the text of any proposed rule or amendment desired or shall specify the rule the repeal of which is desired, and (2) shall state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the adoption, amendment or repeal of the rule; and (3) shall include any facts, views, arguments and data deemed relevant by petitioner. The board may also require the petitioner to serve other persons, organizations or agencies known to be interested in the proposed rulemaking. No request for the adoption, amendment, modification or repeal of a rule which does not conform to the requirements set

forth above will be considered by the board.

(c) Procedure. The board shall, within thirty days following the filing of the petition, either deny the petition in writing or initiate public rulemaking procedures. No public hearing, oral argument or other form of proceeding will be held directly on any such decision, but if the board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceedings, the procedures to be followed will be as set forth in this subchapter. Where the board determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition does not concern a rule, the board shall deny the petition and the petitioner will be so notified together with the grounds for such denial. The provisions of this section shall not operate to prevent the board, on its own motion, from acting on any matter disclosed in any petition. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-6)

§20-1-22 Public information. The board shall keep a compilation of all rules adopted by the board which are in effect. The compilation shall be supplemented, revised and made available to the public as provided by these rules and chapters 91 and 92, HRS. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 92-4, 91-5)

#### SUBCHAPTER 4

#### DECLARATORY RULINGS

§20-1-23 Petition for declaratory rulings. (a) Form and contents. On petition of an interested person, the board may issue a declaratory order as to the applicability of any statutory provision or of any rule or order of the board. Petitions for the issuance of such orders shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full disclosure of petitioner's

interest, and shall conform to the requirements of section 20-1-7.

(b) Additional data and supporting authorities. The board, upon receipt of the petition, may require the petitioner to file additional data or a memorandum of legal authorities in support of the position taken by the petitioner.

(c) Dismissal. The board may, without notice or hearing, dismiss a petition for declaratory ruling which fails in material respect to comply with the requirements of this part.

(d) Request for hearing. Although in the usual course of disposition of a petition for a declaratory ruling no formal hearing will be granted to the petitioner or to a party in interest, the board may at its discretion order such proceeding set down for hearing. Any petitioner or party in interest, who desires a hearing on a petition for declaratory ruling, shall set forth in detail in a request the reasons why the matters alleged in the petition, together with supporting affidavits or other written evidence, will not permit the fair and expeditious disposition of the petition. In addition, to the extent that such request for hearing is dependent upon factual assertion, the petitioner shall accompany the request with an affidavit establishing such facts. In the event a hearing is ordered by the board, sections 91-9 thru 91-13, HRS, shall govern the proceedings.

(e) Declaratory ruling on board's own motion. Notwithstanding the other provisions of this part, the board may, on its own motion or upon request, but without notice or hearing, issue a written declaratory order to terminate a controversy or to remove uncertainty. [Eff. 6/22/81; am and comp AUG 13 1988 ] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 91-7, 91-8)

SUBCHAPTER 5 REPEALED. [R AUG 13 1988 ]

UNIVERSITY OF HAWAII  
Amendments to Chapter 20-1  
Hawaii Administrative Rules

(November 22, 1991)

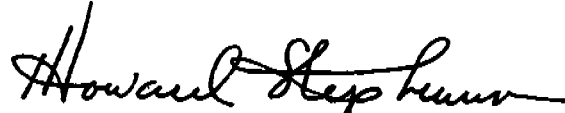
SUMMARY

1. §20-1-14 is amended.

UNIVERSITY OF HAWAII

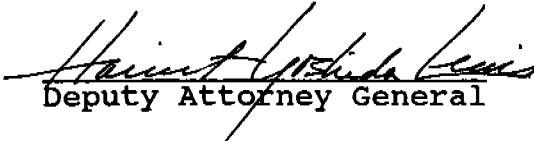
Amendments to Chapter 20-1, Hawaii Administrative Rules, on the Summary Page dated November 22, 1991, were adopted on May 22, 1992, following a public hearing held on April 23, 1992, after public notices were given in the Hawaii Tribune-Herald, The Maui News, and The Garden Island on March 20, 1992, and in the Honolulu Advertiser on March 23, 1992.

These amendments shall take effect ten days after filing with the Office of the Lieutenant Governor.

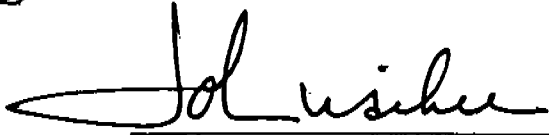


H. Howard Stephenson  
Chairperson  
Board of Regents  
University of Hawaii

APPROVED AS TO FORM:



Deputy Attorney General



JOHN WAIHEE  
Governor  
State of Hawaii

Date: JUL 22 1992

JUL 23 1992

Filed

§20-1-14 Appearances in a Meeting. (a) Any person shall be afforded an opportunity to present oral testimony to the board or to its standing or select committees at the meetings on any agenda item.

(b) In order to ensure an orderly and efficient meeting, any person who wants to appear before the board or its standing or select committees to present testimony is requested to notify the secretary of the board at least twenty-four hours prior to the meeting of the board or its standing or select committee and, if possible, submit a written copy of the testimony to the secretary prior to the meeting.

(c) The chairperson of a meeting shall have the authority to limit or terminate any testimony which the chairperson determines to be repetitious or made solely for purposes of delay. Further, the chairperson of the meeting shall have authority to remove any person who wilfully disrupts the conduct of a meeting and to impose other reasonable conditions to ensure an orderly and efficient meeting. This rule shall not limit, however, the powers of the board or its chairperson under section 20-1-3(g).

(d) A person may be represented by or with counsel or other duly qualified representative before the board. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity. [Eff 6/22/81; am and comp 8/13/88; am AUG 03 1992 ]  
(Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2, 92-3)

Historical note: §20-1-14 is based substantially upon Article IV. G. and H., Bylaws of the Board of Regents, University of Hawaii.