MINUTES

BOARD OF REGENTS COMMITTEE ON PERSONNEL AFFAIRS AND BOARD GOVERNANCE MEETING

FEBRUARY 6, 2020

I. CALL TO ORDER

Committee Chair Michelle Tagorda called the meeting to order at 11:54 a.m. on Thursday, February 6, 2020, at the University of Hawai‘i at Mānoa, Information Technology Building, 1st Floor Conference Room 105A/B, 2520 Correa Road, Honolulu, Hawai‘i 96822.

Committee members in attendance: Chair Michelle Tagorda; Vice-Chair Kelli Acopan; Regent Simeon Acoba; Regent Michael McEnerney; and Regent Ernest Wilson Jr.

Others in attendance: Board Chair Ben Kudo; Regent Eugene Bal; Regent Wayne Higaki; Regent Randy Moore; Regent Jan Sullivan (ex officio committee members); President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Community Colleges Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Academic Planning and Policy Donald Straney; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; UH-Mānoa (UHM) Provost Michael Bruno; UH-Hilo (UHH) Chancellor Bonnie Irwin; UH-West O‘ahu (UHWO) Chancellor Maenette Benham; Kapi‘olani Community College Chancellor Louise Pagotto; Leeward Community College Chancellor Carlos Peñaloza; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF MINUTES OF THE NOVEMBER 7, 2019 MEETING

Regent McEnerney moved to approve the minutes of the November 7, 2019, meeting, seconded by Regent Wilson, and noting the excused absence of Regent Acoba, the motion carried with all members present voting in the affirmative.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office received written testimony from James Potemra regarding the discussion paper on faculty classification.

Late written testimony was received from the University of Hawai‘i at Mānoa Faculty Senate Executive Committee (UHMFSEC).

The following individuals provided oral testimony offering comments relating to agenda item IV.C., Discussion Paper on Faculty Classification: Thomas Conway, Chair of the UHMFSEC, Paul McKimmy, and James Potemra. Dr. Conway noted that his main objection regarding the discussion paper on faculty classification was with the process noting that the discussion paper was put forth by the Administration prior to the faculty senate having the opportunity to comment on it. All three individuals also
remarked that they did not have objections to review of faculty classifications but had concerns that the discussion paper appeared to be written more in the form of a proposal than an initial discussion on this issue.

Regent Acoba arrived at 11:58 a.m.

IV. AGENDA ITEMS

A. Office of the Board of Regents Review of Regents Policies (RP)

Board Secretary Oishi reported that Committee discussions occurred in October and November of 2019 regarding the necessity of conducting a review of RPs to ensure proper alignment of RPs with board bylaws, Hawai‘i Administrative Rules, and Hawai‘i Revised Statutes. During these discussions, it was also suggested that any review of RPs include identification of board responsibilities and committee jurisdiction as to allow for the evaluation of the overall committee structure of the board. Following these discussions, Chair Tagorda met with the Board Office to determine how to undertake the task of reviewing RPs.

Although a previous review of RPs conducted by the Administration had partially been completed, board leadership deemed that it was appropriate to task the Board Office with conducting a review of the 118 RPs currently in existence. Board Secretary Oishi stated that the Board Office has prepared a plan to review the RPs over the course of the next two years. She briefly reviewed the plan and articulated the process for conducting the review which included the examination of RPs and the notification of board leadership, the appropriate board committee, and the administration when potential concerns were discovered that may require further review, corrective action, or policy amendments.

Chair Tagorda opened discussion among committee members on the RP review plan.

Regent Moore noted that a number of chapters of RPs that have not been updated were actually reviewed and it might be helpful to make that notation in the RP review plan. He also stated that it was his understanding that any RP that did not have a clear line of responsibility assigned to a particular committee would default to the Committee on Personnel Affairs and Board Governance.

Board Chair Kudo stated that he requested the Board Office to perform this review of RPs and noted his reasons for making this request including obtaining a better understanding of the various moving parts, e.g., statutes, bylaws, and rules, external to the board and how they interacted with RPs. He also expressed his belief that it was more appropriate for the Board Office to review RPs rather than the administration.

B. Discussion on Proposed Amendments to RP 9.212, Executive and Managerial (EM) Personnel Policies

Chair Tagorda remarked that this discussion was intended to be the starting point to address concerns raised regarding the salary adjustments for certain EM personnel that
were brought up and discussed at the last committee meeting and to craft revisions to RP 9.212 that were fair but ensured that the fiduciary responsibility of the board was maintained.

Board Secretary Oishi provided a brief overview of a proposed draft of amendments to RP 9.212 as a starting point for discussion, including parameters that would necessitate board review and approval of salary adjustments.

Regent McEnerney questioned the use of the terms “mean” and “midpoint” in the RP with regard to salaries and whether there was some difference in the way those terms were being used. Board Secretary Oishi noted that the term midpoint is the proper term that should be used and the policy will be corrected accordingly.

Regent Acoba asked why the requirement for the board to establish guidelines for salary adjustments for its direct reports was removed. Board Secretary Oishi responded that the board already has the authority to approve salary adjustments for its direct reports and that guidelines for the evaluation of the board’s direct reports is covered in another policy (RP 2.203). Brief discussions ensued on the methodologies, process, and guidelines used to determine salary adjustments.

Discussions also occurred on the appropriate percentage of salary adjustments that would require board approval that is fair and equitable as well as the number of employees that would be affected by this policy change.

Chair Tagorda reiterated that the proposed amendments to RP 9.212 were a starting point and that the comments and discussion from this meeting will be incorporated into the next revision of RP 9.212 which will be circulated to regents for further feedback.

C. Discussion Paper on Faculty Classification

Chair Tagorda disclosed that she is a faculty specialist with the Office of Public Health within the School of Social Work at UHM and recused herself from participating in discussions on this agenda item. Vice-Chair Acopan served as Acting Chair for this agenda item.

Chair Tagorda left at 12:27 p.m.

President Lassner provided historical context for the discussion paper on faculty classification noting that Senate Resolution 149, Senate Draft 1 (SR149), from the 2019 legislative session, requested the board to review and, as needed, conform the classification of university faculty to ensure greater alignment with the mission and purpose of the university. In response to SR 149, the administration established a working group to review the faculty classification system in use at the three 4-year campuses. He presented a summary of the administration’s initial review of the faculty classification systems currently used by UHM, UHH, and UHWO along with a comparison of faculty classification systems used at peer and benchmark institutions. President Lassner imparted that this review was only a first step in a lengthy process and that the review will serve as a basis for further discussion with the board, the
University of Hawai‘i Professional Assembly, and the 4-year campus faculty senates about possible revisions to the faculty classification system.

VP Straney briefed the committee on the process of reviewing faculty classifications noting that this is an ongoing topic of discussion and is an attempt to better align policy and practices regarding faculty classification at the three 4-year campuses. He emphasized that these discussions are in their early stages and that the process will be very involved and is anticipated to include numerous conversations with faculty, faculty governance committees, and at town hall meetings held at all three campuses before any type of formal policy changes would be developed and brought before the board.

Regent Acoba questioned whether there would be formal consultation with faculty prior to any policy changes regarding faculty classification being brought before the board. VP Straney responded in the affirmative.

Regent Acoba inquired as to what criteria was used in selecting peer and benchmark institutions when looking at a comparison of university faculty. VP Straney noted that peers and benchmarks are selected by the campuses in consultation with institutional research but that it can be extremely difficult in finding comparable institutions that perfectly align with each other when making these types of determinations.

Regent Sullivan stated that it would be helpful if the administration had an idea of how this policy change may impact existing, tenured faculty. VP Straney responded that discussions would be exponentially more difficult if a policy change were to affect the status of current faculty and that it was his understanding that the policy changes would be implemented on a prospective basis. President Lassner added that he also believed that any policy changes would apply to faculty going forward but that an opt-in could be added into the policy for current faculty. Both President Lassner and VP Straney reiterated that discussions are in their very early stages and remarked that these are the kinds of issues that need to be vetted and discussed with faculty.

V. ADJOURNMENT

There being no further business, Regent Wilson moved to adjourn, Regent McEnerney seconded the motion, and noting the excused absence of Chair Tagorda and with all members present voting in the affirmative, the meeting was adjourned at 12:37 p.m.

Respectfully Submitted,

/S/
Kendra Oishi
Executive Administrator and Secretary of the Board of Regents