

AMENDED

NOTICE OF BOARD OF REGENTS MEETING

Board business not completed on this day will be taken up on another day and time announced at the conclusion of the meeting.

Date: Thursday, January 26, 2017

Time: 9:30 a.m.

Place: University of Hawai'i at Mānoa
Information Technology Building
1st Floor Conference Room 105A/B
Honolulu, Hawai'i 96822

AGENDA

I. Call Meeting to Order

- II. Public Comment Period:** All written testimony on agenda items received after posting of this agenda and up to 24 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board within 24 hours of receipt. Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins. Written testimony may be submitted via US mail, email at bor@hawaii.edu, or facsimile at 956-5156. Oral testimony is limited to three (3) minutes.

III. Report of the President

IV. Committee Reports

- A. Reports from the Committee on Academic and Student Affairs
- B. Report from the Committee on Independent Audit

V. Items for Discussion and/or Approval

A. For Action

1. Consent Agenda:

- a) Minutes of the November 17, 2016 Meeting
- b) Approval of Provisional to Established Programs:
 - (1) Associate in Science in Natural Science, Leeward Community College
 - (2) Associate in Science in Early Childhood Education, University of Hawai'i at Maui College
 - (3) Bachelor of Arts in Second Language Studies, University of Hawai'i at Mānoa
- c) Approval of Established Programs:
 - (1) Master of Environmental Management, University of Hawai'i at Mānoa
 - (2) Bachelor of Science in Dietetics, University of Hawai'i at Mānoa
- d) Approval of New Provisional Programs:
 - (1) Associate in Science in Integrated Industrial Technology, Leeward Community College

2. Approval to Post Public Notice to Repeal Hawai'i Administrative Rules Title 20: A) Chapter 16, "Personal Records"; and B) Chapter 24, "University-Owned Faculty Housing Units."
 3. Approval to Hold Public Hearing Regarding Amendments to Hawai'i Administrative Rules Title 20, Chapter 10, "Delinquent Financial Obligations."
 4. Approval to Hold Public Hearing Regarding The Simultaneous Repeal of Hawai'i Administrative Rules Title 20, Chapter 1, "Rules of Practice and Procedure", And The Adoption of a New Chapter 1, "Rules of Practice and Procedure."
 5. Approval to Request Governor's Final Approval of Repeal of Hawai'i Administrative Rules, Title 20, Chapter 3, "University of Hawai'i Patent and Copyright Policy."
 6. Appointment of Permitted Interaction Group for Independent Audit Committee
 7. Approval of Establishment of the Hawai'i Community Reinvestment Corporation Distinguished Endowed Professorship in Affordable Housing in the Department of Urban and Regional Planning and the University of Hawai'i Economic Research Organization, College of Social Sciences
 8. Approval of Resolution honoring Doris Ching, Interim Chancellor, University of Hawai'i, West – O'ahu
 9. Approval of Resolution Reaffirming UH commitments to undocumented and all students
- B. For Information/Discussion
1. Board Education: State Ethics Code and Best Practices by Daniel Gluck, Executive Director, State Ethics Commission
 2. Report on Status of UH Metrics for AY2015 - 2016
 3. Update on Sustainability at the University System
 4. Update on Cancer Center of Hawai'i Business Plan
 5. UH Legislative and Budget Proposals for 2017 Legislative Session

VI. Executive Session (closed to the public):

- A. Personnel: (*To discuss the following personnel matters pursuant to HRS §92-5(a)(2)*)
1. Update on Executive Searches
- B. Private Donations: (*To consider matters relating to the solicitation and acceptance of private donations pursuant to HRS §92-5(a)(7)*)
1. Discuss naming opportunity

VII. Announcements

- A. Next Meeting: February 23, 2017 at Honolulu Community College

VIII. Adjournment

ATTACHMENT

A – Personnel actions posted for information only

Attachment A: Pursuant to §89C-4, Hawaii Revised Statutes, the following proposed compensation actions for excluded executives and managers are disclosed for purposes of public comment.

Executive/Managerial

Campus	Last Name	First Name & Middle Initial	Proposed Title	Unit	Nature of Action	Monthly Salary	Effective Date
System	Ching	Doris	Acting Administrative Program Officer (Director of Academy for Creative Media)	Office of the Vice President for Research and Innovation	Appointment (casual 45% FTE)	\$5,718.75	February 1, 2017 - December 5, 2017
System	Okimoto	Hae	Director of Information Technology (with additional duties as Interim Associate Vice President for Student Affairs)	Office of the Vice President for Academic Planning and Policy	Temporary Salary Adjustment	\$15,709	January 27, 2017 - June 30, 2017
System	Schatz	Stephen	Director of Hawai'i P-20 Partnerships for Education	Office of the Vice President for Academic Planning and Policy	Appointment	\$13,834	March 1, 2017
UH Mānoa	Furutani	Laurie	Interim Director of Student Affairs	Student Housing Services	Appointment	\$8,766	January 27, 2017 - January 26, 2018
UH Mānoa	Ma	Tianwei	Interim Associate Dean (Academic Affairs)	College of Engineering	Appointment	\$13,500	January 27, 2017 - August 31, 2017
UH Mānoa	Osorio	Jonathan	Interim Dean	Hawai'i inuiākea School of Hawaiian Knowledge	Appointment	\$13,750	January 27, 2017 - January 26, 2018
UH Mānoa	Yeh	Sheila	Assistant University Librarian	University Library Services	Appointment	\$10,417	On or around March 2017
UH Hilo	Abarca	Thora	Interim University Librarian	Office of the Vice Chancellor for Academic Affairs	Appointment	\$7,943	February 1, 2017 - January 31, 2018
Hawai'i CC	Manuel-Cortez	Dorinna	Interim Vice Chancellor	Office of the Vice Chancellor for Students	Appointment	\$7,648	February 1, 2017 - January 31, 2018

Item III.
Report of the
President

Verbal Report

Agenda Item	Discussion	Follow Up/Action
Minutes	It was explained that the amendments circulated reflected corrections to word processing errors.	Approved.
Testimony	Written testimonies received included 15 in support of the BA in Aeronautical Sciences program, and 4 others opposed its location citing safety concerns. Three persons testified at the meeting, summarizing their written testimony in support of the BA in Aeronautical Sciences program but favored the Kalaeloa, O'ahu site as safer and better equipped.	
Item A.1.b. Recommend approval of provisional Bachelor of Science in Aeronautical Sciences, University of Hawai'i at Hilo	Due to time constraints, Item A.1.b. was taken out of order under no objection. Chancellor Straney presented the recommendation to approve a new Bachelor in Science in Aeronautical Sciences degree at Hilo, citing support and demand regarding location availability, vendor support, and student and market interest. He explained how the 4 year UH Hilo program differs from the prior 2 year Honolulu CC aviation program regarding better peer comparisons in cost, vendor support, and job opportunities. Concerns raised regarded safety of the Hilo airport location versus a Honolulu site, lack of enterprise risk analysis, vendor capability and level of assurance of fixed cost for flying instruction, and alignment with mission and impact of external influences.	Deferred to address concerns regarding vendor business plan, ERM analysis, additional insurance costs, and a safety analysis between Hilo and Honolulu location.
Item A.1.a. Recommend approval of provisional program Bachelor of Science in Dietetics, University of Hawai'i at Mānoa	Vice Chancellor Bruno presented the recommendation to approve the conversion of the existing dietetics track within the Bachelor of Science in Food Science and Human Nutrition to establish the track as a stand-alone Bachelor of Science in Dietetics, citing accreditation, market and demand needs to support the program. The committee voted unanimously to correct the agenda to reflect the approval sought was for establishment of an existing program with no changes. Caution was raised that, while not opposing, all programs should go through appropriate process as there are changes,	Recommended approval, with one abstention.

	<p>even if small, as in re-naming programs or establishing existing tracks as stand-alone programs. Regent Portnoy noted his position that requiring board approval of all programs was micromanagement and would therefore abstain from voting on programs and supported a focus on a macro basis as to the university's overall education philosophy, and provided information about programs for inquiry.</p>	
<p>Item B.2. Ad Astra Study and Report on Strategic Scheduling for Student Success</p>	<p>Due to time constraints, the item was heard out of order under no objections. Dr. Laura Kelley presented via videoconference the results of the study conducted on the utilization of space and course offerings system-wide. The university has enough space to offer and can benefit from schedule realignment and adherence to the grid, as off grid utilization results in waste and down time. The overall strategy recommended is to deploy a schedule review team, have data-informed policies to level the playing field that operates on the same rules to ensure equity among all, consolidate, centralize and standardize data, identify efficiency opportunities and bottlenecks using GPS data to show student needs, and utilizing dashboards and snapshots to monitor results. The data validated the space needs for UHWO. Comments raised regarded utilizing the study for setting target enrollment, informing policy and procedures, identifying cross campus scheduling opportunities, and expanding study to incorporate impact of quality and modernization of spaces.</p>	<p>Follow up on changes made as a result of the study.</p>
<p>Item A.1.c. Recommend approval of provisional program Associate in Science in Integrated Industrial Technology, Leeward Community College</p>	<p>Chancellor Cabral presented the recommendation to approve a provisional program Associate in Science in Integrated Industrial Technology, Leeward Community College, that is a noncredit to credit conversion, citing alignment to initiatives, successful collaboration with math and science departments, industry demand, positive enrollment projections, zero cost text options, and pathways to STEM degrees to</p>	<p>Recommended approval with one abstention.</p>

	support the proposal. Committee inquired as to the long-term space and equipment plans, and future job opportunities.	
Item B.1. Status of new template for new program revenue/expense	VP Dickson provided a quick update on the progress of improving the program proposal template in collaboration with campuses and officers with a target to return to the committee in February. The template seeks to contextualize the program focusing on key elements important to review at the board level regarding student semester hours, graduation and completion rates, number of new and existing courses, and sections, academic personnel and resources needs, sources of funding, risk management cost and other anticipated costs. Committee comments regarded including policy changes to expedite and facilitate the process.	To report in March.
Item B.3. Report on AY 2016 HGI Metrics and Scorecards, Performance Funding FY 2017	Due to time constraints, this item was deferred to the upcoming board meeting.	Deferred to January board meeting.

Agenda Item	Discussion	Follow Up/Action
Minutes	None	Approved.
Testimony	None	
Recommend approval of Provisional to Established: Associate in Science in Natural Science (AS), Leeward Community College	<p>VP Morton recommended approval, citing its success in exceeding enrollment and graduation estimates while maintaining academic rigor, cost management through reallocation of resources, and successful counseling and articulation efforts with the 4 year colleges and UHM College of Engineering, to meet continued workforce demand. This success of these efforts highlights again the strength of our “system structure”.</p> <p>The committee discussed future facility requirements and the need for assuring that the proposed template currently under development clearly reflects all sources of funds for the program (including general funds), and that metrics are utilized for tracking graduates and post graduates.</p>	Unanimous Approval.
Recommend approval of Provisional to Established: Associate of Science in Early Childhood Education, University of Hawai'i at Maui College	<p>VP Morton recommended approval, citing workforce demand, although small but critical in Maui, and notes successes of the program, which includes faculty and student links to community head start programs that provide beneficial laboratory experiences and access to future job opportunities. It was noted that although graduation rates appear low, many students are working in service seeking credentials for upward mobility, while others are provided articulation to a baccalaureate degree. Workforce tracking is underway, and providing a dashboard program that relates to demand, efficiency and effectiveness while being cost conscious.</p>	Unanimous approval.
Recommend approval of Provisional to Established: Bachelor of Arts in Second Language Studies (BA), University of Hawai'i at Mānoa	<p>VC Bruno recommended approval, citing its success in creating a degree with little new investment through utilizing existing courses and faculty. The committee recognized the data analysis provided on the results after graduation, and concurred that cost template improvements currently being developed were needed that would clearly reflect the actual sources of all funding and program costs.</p>	Unanimous approval.

<p>Recommend Approval of Established Master of Environmental Management, University of Hawai'i at Mānoa</p>	<p>VC Bruno explained that the proposal recommended for approval is only as to a name change for marketability and alignment with workforce nomenclature; the program remains intact and unchanged, as a management focused program, with upward enrollment and demand trends. The committee concurred that the strategy of renaming a program to align with market recognition is practical and has proven successful in the past with other degrees such as the MA in industrial engineering.</p>	<p>Unanimous approval.</p>
<p>For information: Update on workforce planning tool and outcomes of analysis</p>	<p>AVPCC Quigley presented a demonstration on the progress of UHCCs online workforce demand search engine that provides real time data on degrees and job placement information relevant to the state economy, with multi agency capability across private, public, and government sectors. He demonstrated how this tool can be used to analyze job demand within and across sectors, based on prioritized data on monthly job availability, annual demand, and quarterly and 10 year job availability. The data can help inform career choice, program development, and forecast future needs and demands and educational pathways for student success. Other sectors, such as agriculture will be populated in the future and plans to incorporate the tool in the student STAR and in college program planning. Other higher education institutions have expressed interest in the program with discussions underway with the consultant EMSI. The committee congratulated the work and recognized how UH is leading in this area that should be promoted and to continue to keep the committee informed of the progress and outcomes.</p>	<p>Periodic updates on progress and outcome.</p>
<p>For information: Academic Program Actions Report, 2015 – 2016</p>	<p>VP Dickson recounted the prior year report and changes to include average class size. She highlighted how the report is used for strategic purposes in hiring and planning forward. The committee discussed how efficiency measures could help, such as a heat map to identify problem areas to focus, and provide justification for low enrollment or graduates, either by categories, legends, and ranked by progress or assessment stage.</p>	<p>Periodic updates on progress</p>

<p>For information: Overview of changes in new program process</p>	<p>VP Dickson explained that progress is being made on the revision to program processes. The task of trying to revise program approval processes is both difficult and time consuming due to the challenge in changing the longstanding culture to shift towards programming that focuses more on the larger picture and that fits into the system's strategic mission. These revised program processes must address workforce demand, ensure efficient and effective use of resources, and that provides seamless articulation and clear pathways. The current processes involve program development without a design plan or the use of metrics , as well as, how the program will be implemented and tested. Although the proposed format will be shortened, it will show alignment to the system and academic mission, articulate workforce and student demand, and include academic maps to assure that clear and timely pathways are well defined and articulated. The cost template is being revised to focus on efficient and effective use of resources. This proposal is to be shared in January for feedback. The goal is to provide the committee and board with verifiable evidence. The committee conveyed its appreciation to administration for the hard work on this initiative.</p>	<p>Periodic updates on progress</p>
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Agenda Item	Discussion	Follow Up/Action
Minutes	None	Approved
Testimony	None	Approved
<p>Item 1: Review and Acceptance of the University of Hawai'i Consolidated Financial Statements, Supplemental Schedules, and Federal Compliance Report for the Fiscal Year Ended June 30, 2016 and</p> <p>2. Review and Acceptance of the University of Hawai'i Internal Control and Business Issues Report for the Fiscal Year Ended June 30, 2016</p>	<p>External auditor Cory Kubota of Accuity LLP provided a slide presentation that summarized the required auditor communications, audits of the financial statements of the University of Hawai'i System and Internal Controls and business issues reports for acceptance by the committee. He concluded that the external auditor was ready to issue clean, unqualified opinions on the statements. He noted the audit relies on audited financial statements issued by UHF and RCUH that conduct their own audits. No material weaknesses in control matters, but noted four "significant deficiencies" in internal controls that affected compliance with federal requirements, but have been addressed by management. Other housekeeping comments were not significant. The four compliance issues were related to the approval of payroll expenditures, improper consultant expenditures, inadequate monitoring of subrecipients, and errors in the financial aid administration. Questions regarded low valuation of capital assets, decline in revenues classified as "other," and general observations of trends occurring in the University System. The external auditor responded that lands conveyed to the university by the territory or state are valued at \$1 as a general accounting matter. Other revenues were explained in the report as related to gifts and CIP expenditures. It was noted that overall decline is largely impacted by the shift in accounting method beginning in 2013 to include the unfunded liability for retirement benefits, and was amended in the report with a revised footnote that was distributed to the committee. He noted that relative to the UH infrastructure and general operations, the administration has the strongest financial team in the 21 years auditing the university, is very knowledgeable in finance and accounting, and utilizing technology successfully to improve efficiency, accuracy, and timeliness. In result, the UH was the third department to deliver statements to the executive branch. He noted the</p>	<p>Accepted unanimously</p>

	<p>challenge for the university is exponential growth in federal expenditure stresses infrastructure that places noncompliance risk at the transaction base level. In response, more proactive regular training and developing curriculum for preventative processes are present.</p>	
<p>Item 3. Review and Acceptance of the University of Hawai'i at Mānoa Intercollegiate Athletics NCAA Agreed-Upon Procedures Reports for the Fiscal Year Ended June 30, 2016 and 4. Review and Acceptance of the University of Hawai'i at Mānoa Intercollegiate Athletics Internal Control and Business Issues Report for the Fiscal Year Ended June 30, 2016</p>	<p>External auditor Cory Kubota summarized the University of Hawai'i at Mānoa Intercollegiate Athletics NCAA required Agreed-Upon Procedures Reports for the Fiscal Year Ended June 30, 2016 and Internal Control and Business Issues Report for the Fiscal Year Ended June 30, 2016, for acceptance by the committee. He is ready to issue a clean, unqualified opinion for the report, and there were no matters of noncompliance. The committee discussed at length concern regarding the status of the H-Zone progress and fundraising efforts and memorandum of understanding structure among the campus, the athletics department, the 'Ahahui Koa Ānuenue booster club, and the UH Foundation. AD Matlin reported that the H-Zone management has improved and the Ward Center store is now at a break even basis warranting continuing with the current lease through its term in June 2017. Discussion ensued regarding the proper role of the external auditor to audit operations for compliance with the NCAA agreed upon procedures, and the committee to accept the report. Questions regarding operations as a result of the audit are matters for the chancellor and athletic director to address. The need for historical data to assess the current fundraising model was discussed. The committee concurred further review by the intercollegiate athletics committee may be appropriate.</p>	<p>Accepted unanimously, with recommendation to refer assessment of fundraising structure to the intercollegiate athletics committee</p>
<p>Presentation by Accuity LLP on Audit Committee member roles, responsibilities, charter (Chapters 8 - 10, 12-13 of the AICPA Audit Committee Tool Kit for Government Organizations, 3d. Ed.2015)</p>	<p>External auditor Cory Kubota provided an overview of the role of the audit committee to review audits for overall control of the university's systems of checks and balances. He noted that communication was key to ensure compliance and the primary oversight role of the committee is to set the tone for compliance, whereas management implements controls, the internal auditor monitors, consults, and reports financial and operational</p>	<p>Add whistleblower report on every agenda. Add discussion on executive session with auditors at next</p>

	<p>controls to the audit committee, and the external auditor assesses and reports observations on financial controls for committee to consider and decide. He explained the classification of control deficiencies and the fraud and prevention role of the committee to review, monitor and assess implementation of the controls, ethics, compliance, and aiding in the discovery of fraud and provide findings to the board. It was highlighted that the whistleblower policies and responsibilities, such as the hotline, are only tools that must be legitimate by being easily visible and accessible, transparent as to results, and ensures anti retaliation, utilizing an active campaign to promote to the public its existence and utility, with statistics published regarding types of complaints, average time to follow up, and results. Further discussion ensued regarding the challenge of compliance with sunshine law that limits the ability to follow the generally accepted best practice for the audit committee to meet with the auditors in executive session without management to encourage candor and frankness on the auditor findings and recommendations. The committee concurred to continue the discussion at the next committee meeting. Chair Moore shared handouts on the status of the whistleblower complaints received to date. The committee would further discuss the report at every meeting to assess and improve publicizing the results and outcomes. He noted that pursuant to statute, an annual report is required on the material weaknesses, responses, and fraud, and responses, of which there were none. A report was created for submission to the legislature, and the external auditor responses will be attached and sent to the Legislature. The committee acknowledged the work of the external auditor and for a job well done.</p>	<p>meeting.</p>
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UNIVERSITY of HAWAII®
LEEWARD
COMMUNITY COLLEGE

UNIVERSITY OF HAWAII
BOARD OF REGENTS

December 1, 2016

16 DEC -6 AM 13:37

MEMORANDUM

TO: Jan Naoe Sullivan
Chair, Board of Regents

VIA: David Lassner
President

VIA: Risa Dickson
Vice President for Academic Planning and Policy

VIA: John Morton
Vice President for Community Colleges

FROM: Manuel J. Cabral
Chancellor

SUBJECT: REQUEST APPROVAL TO CHANGE FROM PROVISIONAL TO ESTABLISHED STATUS OF THE ASSOCIATE IN SCIENCE IN NATURAL SCIENCE DEGREE AT LEEWARD COMMUNITY COLLEGE

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

16 DEC -6 AM 1:13

RECEIVED

SPECIFIC ACTION REQUESTED:

Request approval to change from provisional to established status for the Associate in Science in Natural Science degree at Leeward Community College.

RECOMMENDED EFFECTIVE DATE:

Upon approval of the Board of Regents.

ADDITIONAL COSTS:

Since the Associate in Science in Natural Science (ASNS) degree was first approved provisionally for Leeward Community College for Spring 2012, there have been no additional costs associated with this program as all classes within the degree were then currently taught.

BACKGROUND INFORMATION:

Board of Regents Policy 5-1 b (3) states that “the Board shall determine whether the program is to be awarded established status or terminated.” At its November 30, 2011 meeting the Board of Regents unanimously approved the provisional establishment of Leeward Community College’s Associate in Science in Natural Science degree with a Concentration in Life Science, Physical Science, or Engineering to be effective in Spring 2012. It was estimated that for the first three years the program could expect 20, then 40, then 60 majors a year. In fact, in the first fall semester there were 104 majors and by the fourth year, 422 majors with graduates in Engineering, Physical Science, Life Sciences growing from 8 the first year to 68 in AY 2015-2016. Such a rapid growth revealed a long unmet demand for a structured STEM pathway in our serving area.

Significance/Contribution of this Degree:

The ASNS degree program provides the college and UH System the ability to identify and track the progress and success of students majoring in STEM in order to make more informed decisions regarding resource allocation and strategic planning, provide focused services in academic support and counseling, and increase transfer of students into STEM majors at four-year institutions.

Cost and resource allocation/reallocation implications:

There are no additional costs associated with the program. With the growth of the program, costs for the necessary additional classes were met in part by the additional tuition generated and from the UH Community College Enrollment Incentive fund that provides for additional funding where the College demonstrates there has been enrollment growth. One full-time position was added in July 2013, the STEM Program Counselor which was internally reallocated from within the campus.

Demand projections:

At the current enrollment of 422 majors, we can expect a more modest growth at around 10 more students per year for the next three years.

Accreditation impact (if any):

As our campus is currently accredited to offer 60-credit associate degrees, there is no impact on accreditation with the approval of this program.

Examples (2-3) of similar models from peer institutions:

The ASNS degree at Leeward Community College was patterned after similar degree programs at Kapi’olani Community College and UH Maui College with the addition of a concentration in Engineering, then later adding one in Computer Science.

Similar programs at other UH campuses (if there is duplication, why is this program necessary):

Currently only Kapi'olani Community College has a permanently established ASNS program, UH Maui College has a provisionally established one, and other UHCC campuses are in the process of proposing provisional ASNS programs. Each campus responds to the needs of their serving area with this degree, and Leeward Community College has long been a center for quality STEM undergraduate education for Central and West O'ahu students.

Statement from campus administration of new program's strategic value within the UH priorities:

With clearly laid out courses of study, Leeward Community College's ASNS program illustrates the effectiveness of the principles of the University of Hawai'i Community College system's Guided Pathways and fully aligns with the Hawai'i Graduation Initiative by increasing STEM degrees.

Impact of new program/program change request on campus budget allocations and mission priority:

There will be no impact on campus budget allocations.

ACTION RECOMMENDED:

Recommend approval to change from provisional to established status for the Associate in Science in Natural Science degree at Leeward Community College.

c: Executive Administrator and Secretary of the Board Quinn



UNIVERSITY of HAWAI'I*
MAUI COLLEGE

UNIVERSITY OF HAWAII
 BOARD OF REGENTS

16 DEC -5 P3:16

Office of the Chancellor

DTS 17946

Nov. 25, 2016

MEMORANDUM

TO: Jan Naoe Sullivan
 Chair, Board of Regents

VIA: David Lassner *David Lassner*
 President, University of Hawai'i

VIA: Risa Dickson *Risa Dickson*
 Vice President for Academic Planning and Policy

VIA: John Morton *John Morton*
 Vice President for Community College

FROM: Lui Hokoana *Lui K. Hokoana*
 Chancellor
 University of Hawai'i Maui College

UNIVERSITY OF HAWAII
 PRESIDENT'S OFFICE

16 NOV 31 P3:22

RECEIVED

SUBJECT: Request Approval to Change from Provisional to Established Status, Associate in Science, Early Childhood Education, University of Hawai'i Maui College.

SPECIFIC ACTION REQUESTED:

Request approval to change from provisional to established status, the Associate in Science (AS) degree in Early Childhood Education (ECED), University of Hawai'i Maui College.

RECOMMENDED EFFECTIVE TERM/YEAR:

Upon Board of Regents Approval

ADDITIONAL COSTS:

There are no additional costs associated with moving the AS in ECED degree from provisional to established.

BACKGROUND INFORMATION:

Board of Regents policy 5-1 a (1) states that "The Board shall approve the establishment of all new instructional programs granting academic credit leading to a degree or credential." OR Board of Regents Policy 5-1 b (3) states that "the Board shall determine whether the program is to be awarded established status or terminated."



2002-2003
 MetLife Foundation
 Best-Practice College
 Award Recipient



2008
 Bellwether
 Award Recipient



2009
 President's
 Higher
 Education
 Community
 Service
 Honor Roll

310 W. Ka'ahumanu Avenue
 Kahului, HI 96732-1617
 Telephone: 808 984-3655
 Fax: 808 984-3546
 Website: www.maui.hawaii.edu

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 Action Institution

SIGNIFICANCE/CONTRIBUTIONS OF THIS DEGREE:

In 1977, the Associate in applied science degree in Human Services (HSER) was established. In response to community need, in 1992 the HSER degree program established an option in Early Childhood Education (ECED). Once the ECED option was established two-thirds of the majors in the HSER program began pursuing the ECED option. While ECED option enrollments remained steady, over time the overall enrollments in HSER program increased to the point it became evident that the HSER program would be

strong without the ECED option. Moreover, HSER and ECED evolved to having different Program Learning Outcomes and major courses with the exception of one shared course. For these reasons, it was decided to pursue a stand-alone AS in ECED degree program. The stand-alone ECED degree program was granted provisional status in 2010.

In 2015, the ECED program was the first in the four community college ECED programs to be granted “Early Childhood Associate Degree Accreditation” by the National Association for the Education of Young Children (NAEYC). Program faculty members led this effort with strong support from students and the community. As the provisional to established proposal will show, the ECED program is aligned with national, state and local efforts and has a long history of successfully serving a broad range of Early Childhood Education related community needs.

DEMAND PROJECTIONS:

Figure 1 is from “2015 Annual Report of Instructional Program Data”. It shows that there is a continuing need for preschool teachers. This need may grow, depending on state and/or federal investments in early education. Almost 50% of majors are Native Hawaiian.

Figure 1

Demand Indicators		Program Year			Demand Health Call
		12-13	13-14	14-15	
1	New & Replacement Positions (State)	103	103	90	
2	*New & Replacement Positions (County Prorated)	6	6	5	
3	*Number of Majors	71	78	75	
3a	Number of Majors Native Hawaiian	36	37	37	

The “New & Replacement Positions” number is based on one code for “Preschool teachers” (limit set by UHCC system). However, graduates with the AS in ECED may end up as preschool teachers, assistant teachers, directors, family child care providers, family-child interaction learning teachers, or home visitors. Those who continue to a Bachelor’s degree could be kindergarten teachers or special education teachers. If all of those codes were counted, the number would be much greater for both state and county prorated positions.

ACCREDITATION IMPACT

The Associate degree in Early Childhood Education is the first in Hawai’i to earn accreditation from the National Association for the Education of Young Children (NAEYC). The accreditation is for 7 years, with conditions to be met.

EXAMPLES OF SIMILAR MODELS FROM PEER INSTITUTIONS

Diné Community College (www.dinecollege.edu) has an AA in Early Childhood Education with similar requirements.

Granite State College (www.granite.edu) has an AS in Early Childhood Education with similar requirements.

SIMILAR PROGRAMS AT OTHER UH CAMPUSES:

Hawai’i, Honolulu, and Kaua’i Community Colleges all have an Associate degree in Early Childhood Education. Each program serves its respective community(ies).

The program faculty across the CCs have worked together for decades. In 2002-05, 10 common courses with identical numbering, titles, and student learning outcomes were established at the four programs. The 10 courses were then used as the basic prerequisite courses for the UH West O'ahu Bachelor in Social Science Early Childhood Concentration degree that was established in 2006.

The programs have also worked together to create online versions of courses that are open to students on other campuses. An annual Program Coordinating Council (PCC) meeting is held, with the next one scheduled for Dec. 16, 2016.

All ECED program faculty are part of Kaulanakilohana, a group of ECED faculty across the UH system and Chaminade University. The UHMC program coordinator currently convenes the group. This group looks at statewide needs and works together to coordinate more seamless pathways for students as they pursue advanced degrees.

STATEMENT FROM CAMPUS ADMINISTRATION OF NEW PROGRAM'S STRATEGIC VALUE WITHIN THE UH PRIORITIES:

The "University of Hawai'i Strategic Directions, 2015-21" goal that is supported by this accredited Associate degree include:

High Performance Mission-Driven System (HPMS):

Through cost-effective, transparent and accountable practices, ensure financial viability and sustainability to ensure UH's ability to provide a diverse student body throughout Hawai'i with affordable access to a superb higher education experience in support of the institutional mission of the university, which includes commitment to being a foremost indigenous-serving university and advancing sustainability.

The "UH Community College Strategic Directions 2015-21" activities that are supported by this accredited Associate degree include:

Hawai'i Innovation Initiative (HI2):

In developing these training programs, the UH Community Colleges must design programs to support and link the outcomes to existing and emerging jobs within Hawai'i's economy, ensure that students have the necessary technical and soft skills to be successful in those jobs, and to also educate students to be able to adapt to and advance in what is a rapidly changing workforce and new opportunities.

High Performance Mission-Driven System (HPMS):

Develop a robust professional development program that focuses on the changing pedagogies related to distance education, flipped classrooms, smart devices, simulations, collaborative learning, and other strategies to improve student engagement and learning.

The "UH Maui College 2015-21 Strategic Directions" goals that are supported by this accredited Associate degree include:

Student Success:

To build pathways and assure learning

Quality of Learning:

To encourage and maintain high-quality learning across the institution

Hawai'i Papa O Ke Ao:

To empower Native Hawaiians the Indigenous People of Hawai'i, by creating a model Indigenous-Serving institution of higher education that perpetuates cultural traditions, language, history, and

values to promote student success, leadership development, and well-being of ‘ohana (family) and community.

Community Needs and Workforce Development:

To prepare students to meet current and emerging community and workforce needs and opportunities.

**[JM1]
IMPACT OF THE NEW PROGRAM/PROGRAM CHANGE REQUEST ON CAMPUS BUDGET
ALLOCATIONS AND MISSION PRIORITY:**

Since the program has been established at UHMC for over 20 years, first as an option in the HSER program and since 2010 as a stand-alone degree program, it is well-established in the college budget and as a program at UHMC.

The program is providing affordable access for students, a large percentage Native Hawaiian, meeting the well documented need for early childhood professionals in the community and our schools through a nationally accredited degree program.

The UHMC ECED program Advisory Committee includes the strong and active participation employers from throughout Maui County (see appendix 4 for list of advisory committee members). This dynamic program is constantly adapting and improving courses and the program with strong input from the Advisory Committee.

ACTION RECOMMENDED:

Recommend approval to change from provisional to established status, the Associate in Science degree in Early Childhood Education, University of Hawai'i Maui College.

c: Cynthia Quinn, Executive Administrator and Secretary, Board of Regents

Appendices:

Appendix 1:

Proposal to Move from Provisional to Established Status, the Associate in Science Early Childhood Education Degree at University of Hawai'i Maui College

Appendix 2:

2015 NAEYC Accreditation letter to UH Maui College

Appendix 3:

2016 NAEYC accreditation letter in response to first annual report

Appendix 4:

2016-17 UHMC Early Childhood Education Advisory Committee members

MATERIALS AVAILABLE UPON REQUEST.



UNIVERSITY of HAWAII MĀNOA

UNIVERSITY OF HAWAII BOARD OF REGENTS

16 DEC -5 P4:14

November 2, 2016

MEMORANDUM

TO: Jan N. Sullivan, Chairperson, Board of Regents
VIA: David Lassner, President
VIA: Risa Dickson, Vice President for Academic Planning and Policy
VIA: David Lassner, Interim Chancellor
FROM: Michael Bruno, Interim Vice Chancellor for Academic Affairs, and Vice Chancellor for Research

Handwritten signatures of David Lassner and Risa Dickson.

Handwritten signature in blue ink.

UNIVERSITY OF HAWAII PRESIDENT'S OFFICE

16 NOV 29 AM 1:45

RECEIVED

SUBJECT: REQUEST APPROVAL TO CHANGE FROM PROVISIONAL TO ESTABLISHED STATUS THE BA IN SECOND LANGUAGE STUDIES AT THE UNIVERSITY OF HAWAII AT MĀNOA

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents change from provisional to established status the Bachelor of Arts in Second Language Studies in the College of Languages, Linguistics and Literature at the University of Hawai'i at Mānoa.

RECOMMENDED EFFECTIVE DATE:

Upon Board approval.

ADDITIONAL COST:

There are no additional costs associated with this request.

PURPOSE:

The Bachelor of Arts in Second Language Studies completed its provisional cycle, and in accordance with Board of Regents' policy, was reviewed under the procedures of program review at UH Mānoa, and recommended for established status.

BACKGROUND:

Board of Regents' Policy 5-1b (3) states that "the Board shall determine whether the program is to be awarded established status or terminated."

Significance/Contribution of this Degree:

The Board provisionally approved the BA in Second Language Studies in 2011. The program provides students with a comprehensive understanding of issues related to how second and foreign languages are learned, taught, and used in local and global contexts. The program is extremely successful as evidenced by enrollment, with nearly 90 majors (double the projected enrollment), and 146 graduates to date. In fact, the reputation of the program is such that highly reputed MA programs actively recruit graduates. For example, the Department recently signed an MOU with the highly respected Middlebury Institute of International Studies at Monterey to offer all BA graduates accepted into their MA TESOL and MA TFL programs automatic "advanced entry" status which includes a 30% scholarship and a waiver of 7-10 graduate credits. Graduates of the BA in Second Language Studies contribute locally in the commercial English language education market, in K-12 language teaching and research, and in social services for child and adult immigrants. Of the 146 graduates of the program, approximately:

- 1/3 continued on to graduate study;
- 1/3 remain in the state, many working in the Department of Education, private language schools, and other language-related professions (including in the hospitality industry);
- 1/3 are employed abroad teaching English or other second languages.

Demand projections: Current enrollment in the program is 86¹, and we anticipate that the demand for the program will stabilize at about 100 majors.

Accreditation impact (if any): The program is not professionally accredited.

Examples (2-3) of similar models from peer institutions:

- University of Utah, Salt Lake City. BA in English Teaching

¹ Enrollment breakdown: 60% Resident, 24% Non-resident, 8% WUE; 35% transferred or completed AA degrees from the UH Community Colleges.

- California State University, Fresno. BA in Linguistics, option in Teaching English as a Second Language
- University of Arizona, Tucson. BA in Elementary Education: English as a Second Language Emphasis
- Georgia State University, BA in Applied Linguistics

Similar Programs at other UH campuses (if there is duplication, why is this program necessary): There is no program duplication within the UH System.

Statement from campus administration of the program's strategic value within UH priorities. UH Mānoa clearly excels in the area of second language studies, and graduate programs in the department are among the most prestigious in the world. Through the BA in Second Language Studies, we are developing specialists who are adept at navigating the challenges that emerge between second language users and the variety of social and educational settings in which they live and act. The undergraduate program further prepares Hawai'i's students for highly ranked graduate programs at UH Mānoa and across the country.

Cost and resource allocation/reallocation implications:

Additional resources (including reallocations) are not needed to support this program.

Impact of program change request on campus budget allocations and mission priority. There are no additional costs associated with the request for established status.

ACTION RECOMMENDED:

It is recommended that the Board of Regents approve established status for the provisional Bachelor of Arts in Second Language Studies in the College of Languages, Linguistics and Literature at the University of Hawai'i at Mānoa.

Attachments

1. *Provisional to Established Program Review, Bachelor of Arts Degree in Second Language Studies*

c: Executive Administrator and Secretary Cynthia Quinn
Interim Dean Laura Lyons



UNIVERSITY
of HAWAII®
MĀNOA

UNIVERSITY OF HAWAII
BOARD OF REGENTS

October 12, 2016

16 NOV 22 A9:27

MEMORANDUM

TO: Jan N. Sullivan
Chairperson, Board of Regents

VIA: David Lassner
President *David Lassner*

VIA: Risa Dickson
Vice President for Academic Planning and Policy *Risa Dickson*

VIA: David Lassner
Interim Chancellor *David Lassner*

FROM: Michael Bruno
Interim Vice Chancellor for Academic Affairs
and Vice Chancellor for Research *Michael Bruno*

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

16 OCT 28 AM 11

RECEIVED

SUBJECT: APPROVAL OF ESTABLISHED MASTER OF ENVIRONMENTAL
MANAGEMENT AT THE UNIVERSITY OF HAWAII AT MĀNOA

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents approve as established the Master of Environmental Management in the College of Tropical Agriculture and Human Resources at the University of Hawai'i at Mānoa.

RECOMMENDED EFFECTIVE DATE:

Effective upon Board approval.

ADDITIONAL COST:

No additional costs are associated with this request.

PURPOSE:

Essentially, this is a proposal to rename part of an existing degree, the plan B or non-thesis Master of Science in Natural Resources and Environmental Management (NREM) to a Master of Environmental Management (MEM). This simple name change will make our graduates more competitive by providing them with a degree title that clearly describes their preparation as a professional in environmental management.

BACKGROUND INFORMATION:

Board of Regents' Policy 5-1a (1) states that "The Board shall approve the establishment of all new instructional programs granting academic credit leading to a degree or credential."

Significance/Contribution of this Degree: Since the 1960's, there has been increasing interest in both the public and private sectors in environmental management and this has been augmented by the recent increased interest in sustainability. This has resulted in a continuing demand for professionals with training in environmental management. A recent UHERO¹ report estimated that there will be 49 new jobs per year in Hawai'i's natural resource management sector, while the State projects an 8 percent increase in the demand for planners and 11 percent increase in the demand for biologists. MEM graduates will have the professional skills necessary to meet the demands of both.

Cost and resource allocation/reallocation implications: No new or additional resources are required. This proposal is designed to be budget neutral, i.e., to be implemented with existing resources. The renamed program will utilize the same resources as the current MS non-thesis program.

Demand projections: Based on recent enrollments in the plan-B (non-thesis) option of the MS in NREM, we expect to enroll 10 to 15 students per year, resulting in a standing enrollment of 25 to 35 students, and a graduation rate of 9 to 14 students per year.

Accreditation impact (if any): None.

Examples (2-3) of similar models from peer institutions:

The Master of Environmental Management or MEM degree is currently being offered by Yale University, Duke University, and Portland State University. Very similar professional master's degrees are being offered at many U.S. institutions, including Sustainability & Environmental Management (Harvard University), Environmental Studies (University of Pennsylvania), Environmental Science and Management (University of California at Santa Barbara), Environmental Policy and Management (Denver University and American Public University) and Environmental Science and Management (University of Rhode Island).

Similar Programs at other UH campuses (if there is duplication, why is this program necessary): UH Hilo offers the Master of Science in Tropical Conservation Biology and Environmental Science. The MEM degree is designed to provide professional training in the management of environmental and agricultural resources. In

¹ UH Economic Research Organization.

contrast, the Hilo program is a science degree designed to provide advanced training to prepare students for doctoral studies

Statement from campus administration of the program's strategic value within UH priorities. As an island state, Hawai'i needs to be a model of sustainability for our way of life here truly to be sustainable. How we use and conserve natural resources is a key part of this. While the NREM proposal only takes an existing track and turns this into a separate degree, we expect that this will make it easier for students to graduate with a credential preparing them to enter the workforce of the state immediately prepared for the myriad of careers in natural resources and environmental management.

Impact of program change request on campus budget allocations and mission priority. Creating a stand-alone Master of Environmental Management degree is not expected to require any new resources flowing into the department, college or university, nor will any such resources be required. This is really more of a nomenclature change than the creation of a new program.

ACTION RECOMMENDED:

It is recommended that the Board of Regents approve as established the Master of Environmental Management in the College of Tropical Agriculture and Human Resources at the University of Hawai'i at Mānoa.

Attachments

1. *Proposal for a Master of Environmental Management*

c: Executive Administrator and Secretary of the Board Cynthia Quinn
Interim Dean Rachel Novotny
Graduate Education Dean Krystyna Aune



UNIVERSITY
of HAWAI'I
MĀNOA

UNIVERSITY OF HAWAII
BOARD OF REGENTS

16 NOV 22 A9 28

October 12, 2016

MEMORANDUM

TO: Jan N. Sullivan
Chairperson, Board of Regents

VIA: David Lassner
President *David Lassner*

VIA: Risa Dickson
Vice President for Academic Planning and Policy *Risa Dickson*

VIA: David Lassner
Interim Chancellor *David Lassner*

FROM: Michael Bruno
Interim Vice Chancellor for Academic Affairs
and Vice Chancellor for Research *MB*

16 OCT 28 P3:12

RECEIVED

SUBJECT: APPROVAL OF BACHELOR OF SCIENCE IN DIETETICS
AT THE UNIVERSITY OF HAWAI'I AT MĀNOA

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents approve as established the Bachelor of Science in Dietetics in the College of Tropical Agriculture and Human Resources at the University of Hawai'i at Mānoa.

RECOMMENDED EFFECTIVE DATE:

Effective upon Board approval.

ADDITIONAL COST:

As the program grows, additional faculty FTE will be needed to support increased enrollment across programs within the Department of Food Science and Human Nutrition. These needs will be met through a reallocation of resources within the College of Tropical Agriculture and Human Resources (CTAHR).

PURPOSE:

The purpose of this proposal is to convert the existing Dietetics track within the BS in Food Science and Human Nutrition (FSHN) into a BS in Dietetics. The

creation of a stand-alone program will assist us in maintaining program accreditation, will accurately reflect the dietetics program on student transcripts and diplomas, and will increase visibility of the program to attract more students.

BACKGROUND:

Board of Regents' Policy 5-1a (1) states that "The Board shall approve the establishment of all new instructional programs granting academic credit leading to a degree or credential."

Significance/Contribution of this Degree: UH Mānoa is the only institution of higher education in the state to offer academic training for students wishing to become Registered Dietitian Nutritionists (RDN). Students with RDN credentials find employment in hospitals and health care clinics, long-term care facilities, K-12 schools, government agencies such as Women Infants and Children clinics, and in the food industry, to name a few. The program is accredited by the Accreditation Council for Education in Nutrition and Dietetics (ACEND), which is required to train students in Dietetics.

Cost and resource allocation/reallocation implications: We expect that the changes to admission requirements for the BS in FSHN as a result of the removal of the Dietetics track will result in an overall increase in undergraduate enrollment in the department. Additional faculty and graduate teaching assistants will be needed to support this increase in undergraduate students. Faculty FTE and teaching assistants will be provided through reallocations within the College of Tropical Agriculture and Human Resources.

Demand projections: Upon approval of the new BS in Dietetics, we expect about 50 students currently enrolled in the Dietetics track in the FSHN major to become Dietetics majors. This estimate is based on the number of juniors and seniors currently enrolled in the Dietetics track. Student interest is expected to increase, with enrollment growing to about 70 majors by year five.

Accreditation impact (if any): We expect the approval of the BS in Dietetics to have a positive impact on program accreditation. A component of our ACEND accreditation is based on student success after graduation. The existing Dietetics Track is evaluated based on the number of graduates who complete the competitively awarded Dietetic Internship. Because Dietetics is an option within the FSHN major, all students in the FSHN major are considered prospective RDNs, therefore students who never intended to apply for the internship are counted as "failures" in the eyes of the ACEND. Approval of the BS in Dietetics will easily resolve this issue.

Examples (2-3) of similar models from peer institutions:

- Oregon State University - Corvallis : <http://health.oregonstate.edu/bphs/dietetics>
- University of Kentucky - Lexington: <http://academics.ca.uky.edu/ugd/Dietetics>
- University of Illinois - Chicago : <http://ahs.uic.edu/kn/academics/bsncp/>

Similar Programs at other UH campuses (if there is duplication, why is this program necessary): There is no program duplication within the UH System.

Statement from campus administration of the program's strategic value within UH priorities. As a research university, UH Mānoa has a crucial responsibility to address the pressing problems of our society both through research and through the education of our citizenry. Although Hawai'i enjoys a privileged place as one of the healthiest places to live in the country, there are considerable disparities in health across our diverse populations in the state. Diet is one of the key factors leading to healthy or unhealthy outcomes, and therefore the supply of qualified dietitians is one of the key ways Mānoa can improve the state's health.

Impact of program change request on campus budget allocations and mission priority. Creating a stand-alone Dietetics program will have the effect of making it easier to major in other fields in the department in addition to helping the visibility of the Dietetics program and degree. We therefore expect that this will be resource positive for the department and for CTAHR in terms of bringing more students into the department. In time, under the new budget model now being developed, this may shift some resources into CTAHR, and in time, if the increase in majors becomes large, more resources may need to be devoted back to the department. However, the dean has clarified that the college will be able to handle any such reallocation of positions, which in any case would become necessary only after a substantial growth in enrollments.

ACTION RECOMMENDED:

It is recommended that the Board of Regents approve as established the Bachelor of Science in Dietetics in the College of Tropical Agriculture and Human Resources at the University of Hawai'i at Mānoa.

Attachment

1. *Proposal for a Bachelor of Science Degree in Dietetics*

c: Executive Administrator and Secretary of the Board Cynthia Quinn
Interim Dean Rachel Novotny
Assistant Vice Chancellor Ronald Cambra



UNIVERSITY of HAWAII*
LEEWARD
COMMUNITY COLLEGE

UNIVERSITY OF HAWAII
BOARD OF REGENTS

17 JAN -6 P1:15

December 28, 2016

MEMORANDUM

TO: Jan Sullivan
Chair, Board of Regents

VIA: David Lassner
President *David Lassner*

VIA: Risa E. Dickson
Vice President for Academic Planning and Policy *Risa E. Dickson*

VIA: John Morton
Vice President for Community Colleges *John Morton*

FROM: Manuel Cabral
Chancellor *Manuel Cabral*

SUBJECT: Request Approval of a New Provisional Degree,
Associate in Science in Integrated Industrial Technology

UNIVERSITY OF HAWAII
PRESIDENT'S OFFICE

17 JAN -5 P3:09

RECEIVED

SPECIFIC ACTION REQUESTED

Request approval of a new provisional degree, Associate in Science (AS) in Integrated Industrial Technology (IIT) at Leeward Community College (Leeward CC).

RECOMMENDED EFFECTIVE DATE:

Fall 2017

ADDITIONAL COSTS:

The additional costs associated with this request are for lecturers or subject matter experts to teach the twelve technical credit courses. The full-time program coordinator position is an existing faculty position who currently oversees the non-credit Industrial Technology Program in the Office of Continuing Education and Workforce Development (OCEWD).

BACKGROUND INFORMATION:

Board of Regents policy 5-1 a (1) states that "The Board shall approve the establishment of all new instructional programs granting academic credit leading to a degree or credential."

Significance/Contribution of this degree:

A key aspect in the development of a technical workforce that is properly educated in emerging technologies is for community colleges and employers to work together to identify

skill gaps in existing technical education programs. OCEWD at Leeward CC in cooperation with Honolulu Area Rapid Transit Authority (HART), and Ansaldo Honolulu, formed a working group in 2013 to discuss the future skills needed for the operations and maintenance division of the Honolulu Light Rail System. In the next five years, Ansaldo Honolulu has anticipated a need to employ a substantial workforce of over 120 employees, including electronic and electro-mechanical technicians and systems integrators.

The rail transit working group also conducted an extensive analysis of the knowledge, skills, and aptitudes described in the Honolulu Rail Transit Project O&M provider job descriptions (DOC CODE HNL09009 Rev 2.0). The results of that analysis were used to develop non-credit workforce development coursework designed to ensure that potential applicants for rail positions are able to meet the minimum qualifications for employment. These non-credit courses are currently being offered through OCEWD.

Additionally, a recent increase in small manufacturing plants, specifically food and beverage production such as water bottling, corrugated cardboard, and commercial bakeries has had an impact on the availability of electromechanical technicians and systems integrators. In an effort to make our island more sustainable, public utilities like wastewater and power are replacing equipment with more efficient and “smart” systems that are part of an integrated automated control network. The technical expertises to program, maintain, calibrate, and repair such systems cuts across many of the traditional technical and trades professions. Therefore, Leeward CC researched and determined the interest to propose a new academic program, Integrated Industrial Technology, to help meet the needs of this industry.

The primary Classification of Instructional Programs (CIP) for the AS in IIT is 47.0303 – Industrial Mechanics and Maintenance Technology which has 212 openings annually in the State of Hawaii (EMSI Q4 2016 Data Set, www.economicmodeling.com). The average yearly median salaries for these openings range from \$38,626 to \$85,862.

Cost and resource allocation/reallocation implications:

Leeward CC already owns the equipment and supplies needed to operate the IIT Program as these were funded by the Trade Adjustment Assistance Community College and Career Training (C3T) Grant Project. The current full-time faculty position is general funded and the two to four lecturers or subject matter experts have experience teaching in the non-credit Industrial Technology Program.

As enrollment increases, grant opportunities such as Carl Perkins funds will be investigated as a means to support new equipment, supplies, and professional development opportunities for the lecturers.

Demand projections:

The IIT Program will address a current workforce need in manufacturing and transit systems. Providing an emerging workforce with the opportunity to gain an Associate in Science degree allows for a more direct path from industry technician positions to front line supervisory and management positions. The program will also provide education and experience needed for various automation and control related occupations. The students, both traditional on a credit path and non-traditional on a non-credit path, will enter the workforce with higher-level skills and training.

The program will increase enrollment in six existing general education courses and twelve new credit technical courses creating new career pathways for students. The program can be expanded to include areas of specialization in process technology, instrumentation and controls technology, and

smart grid technology. The coursework for each of those areas of specialization are currently offered as non-credit workforce development programs.

The IIT Program will also impact the Leeward CC campus through its outreach programs by providing career opportunities in a high wage, high demand, and high skilled occupation. This program will be offered in a blended on-campus and online format allowing flexibility for incumbent workers to enhance their skills, and earn a degree. The college has received seven letters of support documenting the need for graduates with specific skills/abilities from HART, International Society of Automation, OneSource Distributors, Pacific Allied Products, Par Hawaii Refining, Rengo Packaging, and Rockwell Automation.

Accreditation impact:

The IIT program will be offered under the Math and Science Division with plans for the courses to be offered online wherever possible. ACCJC will be provided with the required notifications.

Examples (2-3) of similar models from peer institutions:

Cuesta College – Associate of Science in Electrical Technology

http://www.curricunet.com/Cuesta/reports/program_report.cfm?programs_id=626

Gulf Coast State College – Associate in Science in Engineering Technology – Automation & Advanced Manufacturing Option

<http://www.gulfcoast.edu/academics/programs/engineering-technology-automation-advanced-manufacturing-as/index.html>

Sierra College – Associate in Science in Mechatronics Technology

<https://www.sierracollege.edu/academics/divisions/business-tech/mechatronics.php>

Peer and Benchmark Comparison Groups, Institutional Research Office, University of Hawaii, August 2012, <http://www.hawaii.edu/cgi-bin/iro/maps?Pbuhf12.pdf>

Similar programs at other UH campuses:

There are no certificates or degrees that contain the technical core curriculum in the Associate in Science degree to be offered in the IIT Program. However, there are several programs at the other community colleges that offer a few related courses, but no single program has more than 20% of the content required for the industrial technology occupations this program will serve. The following are related degrees or certificates offered in the UHCC System.

AAS in Electrical Installation and Maintenance Technology at Honolulu and Kauai CC

AS in Electronic & Computer Engineering Technology at Maui College

AS in Electronics Technology at Hawaii and Kauai CC

None of the programs above have the same CIP code as the IIT Program. Additionally, as stated above and through our research and communications with the above program faculty, we feel that there is no single program that offers more than 20% of the IIT program in their content, program learning outcomes, and the occupations that the programs prepare students for.

Statement from campus administration of new programs strategic value within the campus and UH System vision and structure:

One of the missions at Leeward CC is to “help students attain their goals through high-quality liberal arts and career and technical education”. The new AS in IIT will be a career and technical education program that will be housed under the Math and Science Division.

The new AS in IIT aligns with the 2015 – 2021 UH Strategic Directions with respect to the Hawaii Graduation Initiative Action Strategy 3 - anticipate and align curricula with community and workforce needs. The proposed IIT curriculum was developed with input from various experts in manufacturing, automation, and transit systems. The IIT Program also aligns with the 2015 – 2021 UHCC Strategic Directions in regards to the Hawaii Innovation Initiative by developing and offering mid-level technician training in STEM related jobs.

Cost and resource allocation/reallocation implications:

One full-time faculty/coordinator will be required to offer the IIT Program, along with two to four lecturers or subject matter experts. The college has an existing faculty/coordinator that oversees the Industrial Technology Program in OCEWD. There is a counselor housed in the Math and Science Division to advise students on its programs.

Impact of new program/program change request on campus budget allocations and mission priority:

The costs for the lecturers and the supplies that will be required for the IIT Program will be covered by the tuition revenues that the program will generate.

ACTION RECOMMENDED:

Recommend approval of a new provisional degree, Associate in Science (AS) in Integrated Industrial Technology (IIT) at Leeward CC.

Attachment(s)

New Program Proposal for a new Associate in Science (AS) degree in Integrated Industrial Technology (IIT)

c: Cynthia Quinn, Executive Administrator and Secretary, Board of Regent

UPDATING
HAWAII ADMINISTRATIVE RULES
TITLE 20
(UNIVERSITY OF HAWAI'I)

Board of Regents Meeting
January 26, 2017



UNIVERSITY
of HAWAI'I®
SYSTEM

PROJECT SYNOPSIS

- Where Hawaii Administrative Rules (HARs) are not required by statute, by due process, or are not justified for retention by business units, these HARs will be repealed and governance related thereto will be set forth in policy, as applicable, to allow BOR more flexibility to efficiently and effectively oversee governance of the University.
- Where HARs are required or are retained by the business units, they will be amended, if necessary, to conform to current statutory requirements and/or practices.



PROJECT UPDATE

- In September 2016, BOR approved starting the process to repeal HAR Title 20, Chapter 3 (Patent and Copyright Policy).
 - The notice to repeal Chapter 3 was published on December 2, 2016 .
 - The time to object to the proposed repeal has passed (deadline to petition was January 4, 2017). No objections were made.
 - The repeal of Chapter 3 is projected to be effective by the end of February 2017.



PROJECT UPDATE (cont'd)

- In November 2016, BOR approved starting the process to repeal/amend 6 other HAR chapters under Title 20:
 - Chapter 8 (State Higher Education Loan Fund);
 - Chapter 12 (Parking and Operation of Motor Vehicles);
 - Chapter 17 (Collection of Voluntary Contributions);
 - Chapter 20 (Protection of Educational Rights and Privacy of Students);
 - Chapter 25 (Hawaii Educator Loan Program); and
 - Chapter 42 (Hawaii State Postsecondary Review Program).
- The initial stage of the rulemaking process has begun with approval from Small Business Regulatory Review Board to proceed.



REPEAL VIA POSTING

- Chapter 16, “Personal Records”, is not required by statute and A9.025 covers this subject-matter.
- Chapter 24, “University-Owned Faculty Housing Units”, is not required by statute and is unnecessary given that faculty housing is properly governed by University policies, i.e., RP 9.209 and EP 9.230.



AMENDMENTS VIA PUBLIC HEARING

- Chapter 10, “Delinquent Financial Obligations”, is being amended to update and clarify which office is responsible for handling delinquent financial obligation appeals.



SIMULTANEOUS REPEAL & ADOPTION

- Chapter 1, “Rules of Practice and Procedure”, is being amended to conform to HRS Chapter 304A, the Bylaws of the Board of Regents of the University of Hawaii (as of October 1, 2015), and/or current practice and to clarify any potential ambiguities.
- The proposed amendments to Chapter 1 also seek to provide a more user-friendly set of rules of practice and procedure.
- The entire chapter is revamped to serve this purpose.



REQUESTED ACTIONS

- Approve posting of public notice to repeal Chapters 16 and 24.
- Approve holding public hearing regarding amendments to Chapter 10.
- Approve holding public hearing regarding the simultaneous repeal of Chapter 1 and the adoption of a new Chapter 1.





17 JAN 20 A2:20

January 19, 2017

MEMORANDUM

TO: Jan N. Sullivan, Chair Board of Regents

VIA: David Lassner President [Signature]

FROM: Carrie K. S. Okinaga Gary Y. Takeuchi [Signature] Thao T. Tran Office of the Vice President for Legal Affairs and University General Counsel

SUBJECT: RECOMMEND APPROVAL TO POST PUBLIC NOTICE TO REPEAL HAWAII ADMINISTRATIVE RULES TITLE 20: (A) CHAPTER 16, "PERSONAL RECORDS"; AND (B) CHAPTER 24, "UNIVERSITY-OWNED FACULTY HOUSING UNITS"

RECOMMEND APPROVAL TO HOLD PUBLIC HEARING REGARDING AMENDMENTS TO HAWAII ADMINISTRATIVE RULES TITLE 20, CHAPTER 10, "DELINQUENT FINANCIAL OBLIGATIONS"

RECOMMEND APPROVAL TO HOLD PUBLIC HEARING REGARDING THE SIMULTANEOUS REPEAL OF HAWAII ADMINISTRATIVE RULES TITLE 20, CHAPTER 1, "RULES OF PRACTICE AND PROCEDURE", AND THE ADOPTION OF A NEW CHAPTER 1, "RULES OF PRACTICE AND PROCEDURE"

RECOMMEND APPROVAL TO REQUEST GOVERNOR'S FINAL APPROVAL OF REPEAL OF HAWAII ADMINISTRATIVE RULES, TITLE 20, CHAPTER 3, "UNIVERSITY OF HAWAII PATENT AND COPYRIGHT POLICY"

I. SPECIFIC ACTIONS REQUESTED

The Board of Regents ("BOR") is requested to approve the following actions:

- (1) To post public notice to repeal Hawaii Administrative Rules ("HAR") Title 20, Chapter 16, entitled "Personal Records" ("Personal Records Chapter" or

"Chapter 16"), and Chapter 24, entitled "University-Owned Faculty Housing Units" ("Faculty Housing Chapter" or "Chapter 24"), pursuant to Hawaii Revised Statutes ("HRS") § 91-3(f);

(2) To hold a public hearing regarding amendments to HAR Title 20, Chapter 10, entitled "Delinquent Financial Obligations" ("Delinquent Chapter" or "Chapter 10");

(3) To hold a public hearing regarding the simultaneous repeal of HAR Title 20, Chapter 1, entitled "Rules of Practice and Procedure", and the adoption of a new Chapter 1, entitled "Rules of Practice and Procedure" ("Practice and Procedure Chapter" or "Chapter 1"); and

(4) To request formal Governor's approval to repeal HAR Title 20, Chapter 3, entitled "University of Hawaii Patent and Copyright Policy" ("Chapter 3").

The University of Hawaii (the "University") administration proposes the above actions in a manner consistent with University autonomy. Specifically, where the University is statutorily required to promulgate rules governing certain operations of the University, the rules are being amended as appropriate to conform to current statutory requirements, established practices and/or to clarify ambiguities. Where the University is not statutorily required to promulgate rules, these rules are being repealed to allow BOR oversight of the function through BOR policies, and executive and administrative policies and procedures, as applicable.

II. RECOMMENDED EFFECTIVE DATE

Upon approval by the BOR.

III. PURPOSE

Article X, Section 6 of the Hawaii Constitution specifically affords the BOR the "power to formulate policy, and to exercise control over the [U]niversity" and the "exclusive jurisdiction over the internal structure, management, and operation of the [U]niversity." Consistent with Article X, Section 6, the Hawaii Legislature conferred upon the BOR the power to manage and control the University's general affairs, and the "exclusive jurisdiction over the internal structure, management, and operation of the [U]niversity." HRS § 304A-105. To this end, if the University is not statutorily required to promulgate rules governing certain operations of the University, the University has the discretion to establish and has indeed historically established BOR policies and executive policies and procedures instead of administrative rules. The BOR adopts its

policies at its open meetings conducted in accordance with HRS Chapter 92, with its strict requirements for public notice and transparency. Adopting BOR policies via HRS Chapter 92 instead of going through formal rulemaking via HRS Chapter 91, is consistent with the autonomy provided in Article X, Section 6 of the Hawaii Constitution and HRS § 304A-105, and permits a governance structure more appropriate and responsive to the unique needs and configuration of the University, while maintaining transparency with the public as well as the University community.

IV. BACKGROUND INFORMATION

As the BOR is aware, on September 22, 2016, the BOR approved moving forward with the rulemaking process to repeal HAR Title 20, Chapter 3 pertaining to University of Hawaii Patent and Copyright Policy.

On November 17, 2016, the BOR approved the commencement of the rulemaking process for another six HAR chapters under Title 20. Specifically, the BOR approved proceeding with: (a) the repeal of HAR Chapter 17, "Collection of Voluntary Contributions"; Chapter 20, "Protection of Education Rights and Privacy of Students"; and Chapter 42, "Hawai'i State Postsecondary Review Program"; and (b) the amendment of Chapter 8, "State Higher Education Loan Fund"; Chapter 12, "Parking and Operation of Motor Vehicles"; and Chapter 25, "Hawaii Educator Loan Program".

The above actions and the instant proposed action are made as part of a larger effort by the University to govern itself through University policies and procedures where allowed, instead of by HARs. This effort aims to place governance of the University as an autonomous entity more appropriately at the BOR and administration level. HAR chapters under Title 20 that are not required by law are being reviewed for necessity with the goal of increased efficiency and effectiveness. Where the HRS requires the University to adopt rules or where the University will be impacting the public at large, HARs will remain.

Bearing the foregoing in mind, the below discussion focuses on the specific HAR Chapters that are the subject of this request and the reasons for the requested actions.

A. Posting of Public Notice to Repeal Chapters 16 and 24

HRS § 91-3(f) provides an expedited repeal procedure when an agency seeks "only to repeal one or more sections, chapters, or subchapters of the agency's rules because the rules are either null and void or unnecessary, and not adopt, amend, or compile any other rules". Under this expedited procedure, the agency does not need to

conduct a public hearing on the proposed repeal, so long as the agency provides 30 days' notice to the public of the chapter to be repealed, the agency posts on the internet the full text of the chapter proposed to be repealed, and the agency provides the public an opportunity to review the rule in person. The University intends to repeal Chapters 16 and 24 under this expedited repeal procedure.

Chapter 16, entitled "Personal Records", reiterates the procedures governing an individual's access to his/her personal records and access to such personal records by the public or government agencies prescribed in HRS Chapter 92E, now repealed and replaced with HRS Chapter 92F, entitled "Uniform Information Practices Act (Modified)", and in guidelines issued by the State Office of Information Practices. The current version of Chapter 16 is attached hereto as **Attachment 1**. Chapter 16 is not required by law. HRS § 92F-18 only requires each agency to "[i]ssue instructions and guidelines necessary to effectuate this chapter", *i.e.*, the Uniform Information Practices Act (Modified). Thus, in a manner consistent with autonomy, such instructions and guidelines are more appropriately left to the University via the establishment of policies and procedures instead of administrative rules. Indeed, there are existing administrative procedures governing personal records and procedures for access to and correction of personal records, which are listed in the following table:

A9.010	Reporting of changes and corrections to employee's personal records, available at http://www.hawaii.edu/policy/docs/temp/ap9.010.pdf
A9.025	Fair Information Practice (confidentiality of personal records), available at http://www.hawaii.edu/policy/docs/temp/ap9.025.pdf
A9.075	Personnel Records – BOR Appointees, available at http://www.hawaii.edu/policy/docs/temp/ap9.075.pdf

A9.025 specifically sets forth the procedures for (a) individuals to access their personal records maintained by the University, (b) individuals to request correction of a record where there is evidence of a factual error, misrepresentation, or misleading entry, and (c) disclosure of personal records to other agencies. However, since A9.025 was established in 1988 prior to the repeal of HRS Chapter 92E and the creation of its successor Chapter 92F, the University administration is in the process of updating the substance of A9.025 to ensure that the procedures relating to individuals' access to their personal records and access by the public and government agencies are in compliance with HRS Chapter 92F and State Office of Information Practices guidelines.

Chapter 16, therefore, is not necessary for the administration of individuals' personal records and may be repealed.

Chapter 24, entitled "University-Owned Faculty Housing Units", provides guidelines for the rental and sale of University-owned faculty housing units to non-University employees and organizations and the general public. The current version of Chapter 24 is attached hereto as **Attachment 2**. The guidelines provided in this Faculty Housing Chapter are not required by law and are unnecessary given that such guidelines are more appropriately governed by the establishment of BOR policies and executive policies and procedures. In fact, there are existing policies governing faculty housing, to wit: RP 9.209 and EP 9.230, which respectively are available at <http://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=rp&policyChapter=9&policyNumber=209&menuView=closed>; <http://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=ep&policyChapter=9&policyNumber=230&menuView=closed>. Moreover, the University administration does not anticipate a need to rent or sell such units to non-University employees, organizations or the general public.

This Faculty Housing Chapter, therefore, is not necessary for the administration of the faculty housing program and, therefore, may be repealed.

B. Holding of Public Hearing to Amend Chapter 10

As discussed above, where the HRS requires the University to adopt rules, HARs will remain. The University is required to retain Chapter 10; however, it seeks to amend this chapter to conform to current practices.

Chapter 10, entitled "Delinquent Financial Obligations", provides the procedures for collection of delinquent financial obligations owed to the University and the imposition of sanctions, and sets forth guidelines for the retention of the state income tax refund or any other sum due from the State of Hawaii (the "State") to a person who owes a debt to the University.

HRS §§ 304A-601 through -604 provide for collection of delinquent loans and require the University to adopt rules necessary for such activities in accordance with HRS Chapter 91. See HRS § 304A-604. Further, HRS §§ 231-51 through -59 provide for the retention of state income tax refunds of those persons who owe a debt to the State, or, among other things, who have defaulted on an education loan note. See HRS § 231-51. Specifically, HRS § 231-58 allows the University to adopt rules pursuant to

Chapter 91 to carry out the purposes of sections 231-51 to 231-59. As such, Chapter 10 is being maintained for the administration of such delinquent financial obligations.

This Delinquent Chapter was last updated in 2002 to assign to the office of the Senior Vice President for Administration the role of administering delinquent financial obligation appeals. Subsequently, the title of that position changed to Vice President for Administration and Chief Financial Officer and then to the current title of Vice President for Budget and Finance/Chief Financial Officer.

In 2014, the University created a new Vice President for Administration position. The similarity in the title referenced in the current Chapter 10, "Senior Vice President for Administration", and the new position of Vice President for Administration has caused uncertainty about which office should be handling delinquent financial obligation appeals under Chapter 10. Since the position of Senior Vice President for Administration no longer exists, the Delinquent Chapter needs to be amended to update and clarify which office is responsible for handling such appeals.

In a recent delegation memorandum, dated August 5, 2016, President Lassner delegated the responsibilities of administering delinquent financial obligation appeals to the Vice President for Budget and Finance/Chief Financial Officer, as an interim measure until Chapter 10 can be updated. As such, the amendments proposed for Chapter 10 clarify that the responsibilities for administering delinquent financial obligation appeals rest with the Vice President for Budget and Finance/Chief Financial Officer's office. Specifically, the proposed amendments identify the Financial Management Office, which falls under the supervision of the Vice President for Budget and Finance/Chief Financial Officer, as the office to which an individual may submit an appeal of the assessment of the financial obligation or the imposition of a sanction. Other minor amendments are also proposed to Chapter 10 to conform to current practice, provide further clarity, and/or remove/amend outdated information, such as references to "provost" or to HRS Chapter 304A's predecessor, i.e., HRS Chapter 304. Drafts of the proposed amendments to Chapter 10 are attached hereto as **Attachments 3** (Ramseyer format) and **4** (standard format).

C. Holding of Public Hearing to Simultaneously Repeal the Existing Chapter 1 and Adopt a New Chapter 1

The University is required to maintain a set of rules of practice. Specifically, HRS § 91-2 requires each agency, including the University, to

[a]dopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all

forms and instructions used by the agency.

The University's rules of practice and procedure can be found in Chapter 1. The University, however, seeks to repeal the current Chapter 1 in its entirety and adopt a new Chapter 1. As discussed below, given the substantial amendment, rearrangement, and renumbering of sections proposed for Chapter 1, it is more efficient to simultaneously repeal the current chapter and adopt a new chapter, as permitted by §00-5-4.1 of the Hawaii Administrative Rules Drafting Manual.

The Practice and Procedure Chapter was last amended in 1988. The proposed adoption of a new Chapter 1 would

- (1) retain certain portions of the existing Chapter 1;
- (2) update other portions of Chapter 1 to ensure compliance with HRS Chapter 304A, the Bylaws of the Board of Regents of the University of Hawaii (as of October 1, 2015) (the "By-Laws"), and/or current practice; and
- (3) clarify any potential ambiguities in certain portions of the existing Chapter 1.

Moreover, the proposed amendments to Chapter 1 seek to provide a more user-friendly set of rules of practice and procedure. Thus, the Practice and Procedure Chapter was amended, rearranged, renumbered, and re-categorized with this in mind.

Of particular importance to the BOR, Chapter 1 is proposed to be amended to clarify that when rules are being promulgated, the rulemaking hearing is to be presided over by "the chairperson of the board or by the chairperson's designated representative", as opposed to the entire BOR. Also, a new section (§20-1-20) is added to provide that:

At the close of the final public hearing, the board, if present at the hearing, may make its decision or the presiding officer shall announce the date when the board's decision shall be made. The board shall consider all relevant comments and materials of record before taking final action in a rulemaking proceeding.

In other words, the amendments to the rulemaking procedure in Chapter 1 clarify who is to preside over the rulemaking hearing. This is important given that the University is in the process of streamlining its HAR Chapters under Title 20 through repeal or amendment of certain chapters via the rulemaking procedures of HRS §91-3. A draft of the proposed repeal of the current Chapter 1 and adoption of a new Chapter 1 in standard format is attached hereto as **Attachment 5**. Given that certain sections of the existing Chapter 1 remain in the proposed new Chapter 1, attached as **Attachment 6** is

a Ramseyer format of Chapter 1, showing changes to the current Chapter 1 and comments relating to which sections were retained and/or relocated. For ease of review, attached as **Attachment 7** is a table showing the comparison between the current Chapter 1 and the proposed new Chapter 1, along with explanations of the amendments.

D. Requesting Final Governor's Approval to Repeal Chapter 3

Last September 2016, the BOR approved moving forward with the process to repeal Title 20, Chapter 3, entitled "University of Hawaii Patent and Copyright Policy."

Since that meeting, the University has obtained a waiver from the Small Business Regulatory Review Board, an approval from the Governor to publish a notice of intended repeal, and concurrence on the proposed repeal from UHPA. A notice of repeal was published on December 2, 2016. No objections were received within the 30 day notice period.

Having received no objections from the public, the University intends to request the Governor's final approval of the repeal of Chapter 3.

V. ACTIONS RECOMMENDED

It is recommended that the BOR approve: (1) the posting of public notice, pursuant to HRS § 91-3(f), to repeal Chapters 16 and 24 as unnecessary; (2) holding a public hearing, pursuant to HRS § 91-3(a), regarding amendments to Chapter 10; (3) holding a public hearing, pursuant to HRS § 91-3(a), regarding the simultaneous repeal of the current Chapter 1 and adoption of a new Chapter 1; and (4) requesting final approval from the Governor to repeal Chapter 3.

APPROVED/DISAPPROVED

JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawai'i

Attachments:

1. Current HAR Chapter 16, "Personal Records";
2. Current HAR Chapter 24, "University-Owned Faculty Housing Units";
3. Ramseyer Format of the Proposed Amendments to HAR Chapter 10, entitled "Delinquent Financial Obligations";
4. Standard Format of the Proposed Amendments to HAR Chapter 10, entitled "Delinquent Financial Obligations";
5. Standard Format of the Proposed Repeal of the Current HAR Chapter 1 and the Adoption of a New Chapter 1, "Rules of Practice and Procedure";
6. Ramseyer Format of Chapter 1, "Rules of Practice and Procedure"; and
7. Comparison Table of the Current and New Chapter 1.

cc: Kalbert Young, Vice President for Budget & Finance/CFO
Susan Lin, Director of Financial Management & Controller
Jan Gouveia, Vice President for Administration
Debra Ishii, System Director of Human Resources
Kathleen Cutshaw, UHM Vice Chancellor for Administration, Finance & Operations
Deborah Huebler, UHM Director of Campus Services

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 16

PERSONAL RECORDS

§20-16-1	Purpose
§20-16-2	Definitions
§20-16-3	Individual's access to personal record
§20-16-4	Correction of personal record
§20-16-5	Public access to personal record
§20-16-6	Disclosure of personal record to other agencies
§20-16-7	Review procedures; denial of request for access or correction
§20-16-8	Conflict of law
§20-16-9	Implementation

§20-16-1 Purpose. This chapter is adopted pursuant to chapter 92E, Hawaii Revised Statutes, to establish procedures governing an individual's access to the individual's personal record and access to that personal record by the public and governmental agencies. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-10)

§20-16-2 Definitions. As used in this chapter: The definitions of "agency", "individual" and "personal record" as contained in section 92E-1, HRS, are incorporated by reference.

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

"University" means University of Hawaii.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-1)

§20-16-3 Individual's access to personal record. (a) An individual seeking access to the individual's personal record shall make a request in writing on a form provided by the university. The request shall be submitted to the custodian of the personal record of the appropriate campus.

(b) Prior to production of the personal record, the university may require the requesting individual to produce verification of identity such as a driver's license or other photo identification.

(c) Except as provided in subsection (d), within ten working days following the date of receipt of the request, the university shall permit the individual to review the record. The ten-day period may be extended for an additional twenty working days if the university provides to the individual within the initial ten working days, a written explanation of the unusual circumstances causing the delay.

(d) The individual may be denied access to the record if:

- (1) The request is exempted under section 92E-3, HRS; or
- (2) The individual is unable to produce verification of identity in accordance with this chapter.

Where the university denies access to the record, it shall provide to the individual, in writing, the reasons for the denial within the time period prescribed in subsection (c).

(e) The individual reviewing the personal record may request a copy of any portion or all of the individual's personal record. The copy shall be provided within the time period prescribed in subsection (c). The agency shall charge the individual for any copy and for certification of copies. The cost shall include the cost of duplication, transcription of the record, if necessary, and any search required to find the record involved.

(f) At the request of the individual, the university shall provide an explanation of any machine readable code or any code or abbreviation which is employed for internal agency use and which is contained in the record. [Eff. APR 04 1988]
(Auth: §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-2, 92E-3, 92E-6, 92E-7)

S20-16-4 Correction of personal record. (a) If, after reviewing the individual's personal record, an individual believes that there is a factual error, misrepresentation, or misleading entry in the record, the individual may request that the record be corrected. A request for correction shall:

- (1) Be in writing;
- (2) Specify the portion of the record sought to be corrected;
- (3) Explain why the record should be corrected; and
- (4) Be accompanied by any documentary support for the correction. Any request for correction shall be submitted to the office of the university which maintains the record involved.

(b) Within twenty working days after receipt of the request for correction and evidence in support thereof, the university shall respond to the request either by correcting the record and notifying the requesting individual of the correction or by informing the requesting individual that the record will not be corrected, the reasons why the record will not be corrected, and the university's procedures for review of the refusal. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-8)

§20-16-5 Public access to personal record. (a) Except as provided in subsection (b), the personal record of an individual shall not be disclosed to any person other than the individual to whom the record pertains.

(b) The personal record may be disclosed to a person other than the individual to whom the record pertains if that disclosure is authorized by sections 92E-4 or 92E-13, HRS, or both, provided that:

- (1) Where the person who requests access to the personal record claims to be an authorized agent of the individual to whom the record pertains, the university may require the agent to present written authorization or other documentation establishing the agent's authority to act on behalf of the individual and to obtain access to the individual's personal record;
- (2) The university may require a person seeking disclosure for compelling circumstances affecting the health or safety of any individual to provide proof establishing those circumstances. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §§92E-4, 92E-13)

§20-16-6 Disclosure of personal record to other agencies. The university may disclose information contained in a personal record to other agencies provided that the agencies demonstrate that the disclosure falls into one or more of the categories enumerated in section 92E-5, HRS. [Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4) (Imp: HRS §92E-5)

§20-16-7 Review procedures; denial of request for access or correction. (a) If the university denies a request for access to a personal record or denies an individual's request to correct the individual's personal record, the affected person may request a review of the decision of the university. A request for review shall be filed with the office of the president within twenty working days after the date of the university's denial, and shall explain why the person believes that the university's determination is erroneous.

(b) Within thirty working days after receipt of the request for review of the university's decision, the president or the president's designee shall respond to the request either by ordering a correction of or access to the record and so notifying the requesting individual, or by informing the requesting individual that the university's decision will not be changed and why it will not be changed. If the president or the president's designee affirms the university's refusal to correct the record or refusal to grant access to the record, the president or the president's designee shall inform the individual of the right to seek judicial review of the university's decision pursuant to section 92E-11, HRS, and shall permit the individual to submit, for inclusion in the record, a concise statement of the reasons why the individual believes the personal record sought to be corrected should be corrected.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4)
(Imp: HRS §§92E-9, 92E-11)

§20-16-8 Conflict of law. The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g shall prevail in the event of a conflict with this chapter regarding a record which meets the definition of an "education record" under that federal act. [Eff. APR 04 1988] (Auth: HRS §§92E-10, 304-2, 3, 4)
(Imp: HRS §92E-10)

§20-16-9 Implementation. The president or the president's designee may issue such guidelines and procedures as may be appropriate to implement these rules.
[Eff. APR 04 1988] (Auth: HRS §§91-2, 92E-10, 304-2, 3, 4)
(Imp: HRS §304-4)

UNIVERSITY OF HAWAI'I

Adoption of Chapter 20-24
Hawai'i Administrative Rules

(June 21, 1996)

SUMMARY

Chapter 24 of Title 20, Hawai'i Administrative Rules, entitled "University-Owned Faculty Housing Units" is adopted.

1989

Attachment 2
HAR Chapter 24

University of Hawai'i

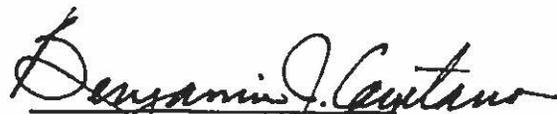
Chapter 20-24, Hawai'i Administrative Rules on the summary page dated June 21, 1996, was adopted on November 15, 1996 following a public hearing held on October 31, 1996 after public notice was given in the Honolulu Advertiser on September 26, 1996; the Hawaii Tribune-Herald on September 24, 1996; the Garden Island on September 23, 1996; and in the Maui News on September 22, 1996

The adoption of Chapter 20-24 shall take effect ten days after filing with the Office of the Lieutenant Governor.



Lily K. Yao
Chairperson
Board of Regents
University of Hawai'i

APPROVED AS TO FORM:


Deputy Attorney General

Benjamin J. Cayetano
Governor
State of Hawai'i

Date: Jan. 7, 1997
JAN 08 1997

Filed

HAWAI'I ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAI'I

CHAPTER 24

UNIVERSITY-OWNED FACULTY HOUSING UNITS

\$20-24-1	Definitions
\$20-24-2	Purpose
\$20-24-3	Statement of policy
\$20-24-4	Delegation of authority
\$20-24-5	Rental or purchase of the faculty housing units by non-faculty employees, non-University employees and organizations, and the general public
\$20-24-6	Priority of rental
\$20-24-7	Priority of sale
\$20-24-8	Rents and sale prices of housing units offered to non-University employees and organizations and the general public
\$20-24-9	Method for rental or sale of the faculty housing units to non-University employees and organizations and the general public
\$20-24-10	Deposit of rental and sale proceeds
\$20-24-11	Severability

\$20-24-1 Definitions. As used in this chapter:
 "Board" refers to the board of regents of the University of Hawai'i.
 "Faculty housing assistance program" and "Program" refer to the program established by the University of Hawai'i Board of Regents By-laws and Policies, Section 9-10, Item b., to support the University's competitive strategy in the recruitment and retention of University personnel by offering financial and housing assistance to University employees.
 "President" means the president of the University of Hawai'i.
 "State" refers to the State of Hawai'i.

"University" refers to the University of Hawai'i.

"University of Hawai'i housing assistance revolving fund" refers to the state fund established by Hawai'i Revised Statutes §304-8.96 to finance and support the operation of the University of Hawai'i faculty housing assistance program.

"University revenue undertakings fund" refers to the state fund established by Hawai'i Revised Statutes §306-10 for the University's bond system projects.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-2 Purpose. The purpose of this chapter is to establish guidelines for the University's Faculty Housing Assistance Program to allow for the rental and sale of University-owned faculty housing units to persons and organizations who are not within the primary target group of the Faculty Housing Assistance Program, and to expressly delegate to the President the authority to administer and manage the rental and sale of the faculty housing units to non-University employees and organizations and the general public in accordance with the guidelines established by and pursuant to this chapter. Nothing in this chapter shall be construed to require the offering of faculty housing units in a project for both rental and sale; faculty housing units within a project may be offered exclusively for rental or exclusively for sale.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-3 Statement of policy. It is necessary and desirable for the University to establish and maintain a faculty housing program to compete effectively against other peer institutions which offer prospective recruitment candidates the benefits of such programs. Most of the University's peer institutions offer conceptually identical benefit programs to their faculty. Because such housing finance and development programs are directly impacted by the conditions of the national and local economy,

the University will assume program risks as a real estate developer, lender, and investor. During such periods when market conditions may make it difficult to rent or sell all available housing units in inventory exclusively to its full-time faculty members, the University may wish to offer the remaining units in inventory to other University employees, non-University employees and organizations, and to the general public to assist in the University's cash flow needs.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

\$20-24-4 Delegation of authority. The Board hereby delegates to the President the authority to administer and manage the rental and sale of the University-owned housing units of the Faculty Housing Assistance Program to persons and organizations who are not within the primary target group of the Program, in accordance with the guidelines established in this chapter. To supplement those guidelines and to fully implement the policy set forth in \$20-24-3, the President is hereby authorized to establish the following for the rental and sale of housing units to all persons: (1) eligibility and priority criteria such as, but not limited to, non-homeownership, non full-time work employment status, income, and rank, and (2) terms and conditions of the rentals and sales. The President shall establish administrative procedures governing the sale and rental of the faculty housing units including the collection and disposition of the rental and sale proceeds. The President may delegate the authority granted under this section to an officer or appropriate office of the University.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

\$20-24-5 Rental or purchase of the housing units by non-faculty University employees, non-University employees and organizations, and the general public. The University, as a public institution, is not in

competition with other institutions or commercial enterprises in the rental of the University's faculty housing units. Housing units developed for or by the University are intended to be rented or sold primarily to full-time University faculty members. However, circumstances, such as cash flow needs, may require the University to rent or sell its housing units to persons and organizations outside the primary target group of the Faculty Housing Assistance Program.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-6 Priority of rental. The President shall first offer the faculty housing units for rent to appointees of the Board. If all housing units offered initially to the Board appointees are not reserved for rental after 120 calendar days, the President may offer any remaining housing unit for rental to full-time civil service employees of the University. Thereafter, in the event that the President determines, in his/her judgment, that the demand and interest are insufficient, the President may offer the remaining housing units for rent to employees of the Center for Cultural and Technical Interchange Between East and West, Inc. (aka East-West Center) and of The Research Corporation of the University of Hawai'i. Thereafter, in the event the demand and interest continues to be insufficient, the President may offer any remaining housing units for rent to members of the general public.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-7 Priority of sale. The President shall initially offer the housing units for sale to full-time Board appointees. In the event all housing units offered to the full-time Board appointees are not reserved for purchase after 180 calendar days, the President may offer any remaining housing units for sale to full-time civil service employees of the University. Thereafter, in the event that the President determines, in his/her judgment, that the

demand and interest are insufficient, the President may offer the remaining housing units for sale to part-time, non-compensated, and retired employees of the University and to employees of the Center for Cultural and Technical Interchange Between East and West, Inc. (aka East-West Center) and of The Research Corporation of the University of Hawai'i. Thereafter, in the event the demand and interest continues to be insufficient, the President may offer any remaining housing unit for sale to members of the general public.

[E f JAN 18 1997] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-8 Rents and sale prices of housing units offered to non-University employees and organizations and the general public. The President shall establish the rents or sale prices for the faculty housing units offered to non-University employees and organizations and the general public on the basis of market studies for rentals and real estate appraisals for sales, which shall be conducted no earlier than 90 calendar days prior to the initial offering of the units for rent or sale to non-University employees and organizations and the general public. Rent shall be established at the fair market rent amount established by a market study, and sale prices shall be established at the fair market value determined by a real estate appraisal. The real estate appraisal shall be conducted by an independent, qualified appraiser licensed by the State of Hawai'i. The market study shall be conducted by an independent, qualified appraiser licensed by the State of Hawaii or by an independent knowledgeable person determined by the President to possess sufficient knowledge and expertise to conduct the market study.

[Eff JAN 18 1997] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-9 Method for rental or sale of the faculty housing units to non-University employees and organizations and the general public. The President

is authorized to establish the method(s) by which the faculty housing units shall be offered for rent or sale to non-University employees and organizations and the general public based upon the President's determination of what is fair and appropriate under the circumstances. For example, if a substantial public demand for the housing units exists at the time of sale, the President may determine that a lottery will provide the general public with the most equitable opportunity to purchase a University-owned housing unit. On the other hand, a lottery may cause delays that may not be in the best interest of the University; therefore, the President may decide to utilize another method.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-10 Deposit of rental and sale proceeds.

All proceeds derived from the rental and sale of the Program's faculty housing units shall be deposited in the University of Hawai'i housing assistance revolving fund or alternately, when expressly authorized by the Board, in another appropriate state fund such as the University revenue-undertakings fund.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

§20-24-11 Severability. If any provision of this chapter, or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

[Eff **JAN 18 1997**] (Auth: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9) (Imp: HRS §§ 304-2, 304-4, 304-8.96, 306-2, 306-9)

UNIVERSITY OF HAWAII

Amendments and Compilation of Chapter 20-10
Hawaii Administrative Rules

(_____)

1. Chapter 20-10, Hawaii Administrative Rules, entitled "Delinquent Financial Obligations", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 10

DELINQUENT FINANCIAL OBLIGATIONS

Subchapter 1 Rules of General Applicability

- §20-10-1 Purpose
- §20-10-2 General statement of policy
- §20-10-3 Definitions
- §20-10-4 Categories of delinquent financial obligations
- §20-10-5 Notification of delinquent financial obligations
- §20-10-6 Application of sanctions

Subchapter 2 Appeals from Notices of Delinquent
Financial Obligations or Imposition
of Sanctions

- §20-10-7 Hearings officers
 - §20-10-8 Appeals from a notification of delinquent financial obligation or imposition of a sanction under this chapter
 - §20-10-9 Repealed
 - §20-10-10 Repealed
- Subchapter 3 Setoff of a Person's Delinquent Financial Obligation Against the Person's Hawaii State Income Tax Refund or Any Other Sum Due to the Person from the State
- §20-10-11 Purpose of subchapter
 - §20-10-12 Procedure for setoff
 - §20-10-13 Hearings to contest the setoff
 - §20-10-14 Procedures for the administrative hearing on the setoff
 - §20-10-15 Rules of evidence; official notice
 - §20-10-16 Final decisionmaking for the University in a contested case hearing
 - §20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited
 - §20-10-18 Appeals from the final decision

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-10-1 Purpose. This chapter aims to provide the [~~University of Hawaii~~] university with a procedure which provides clear and fair methods in collecting delinquent financial obligations owed to the [~~University~~] university. [Eff 6/22/81; am and comp 5/9/98; comp 12/12/02; am and comp]
 (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
 (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-2 General statement of policy. (a) If a person has assumed a financial obligation to the ~~[University of Hawaii]~~ university and payment is overdue, the ~~[University of Hawaii]~~ university shall have the right to impose sanctions under this chapter as it may deem appropriate.

(b) To implement these rules, the President or the President's designee may issue guidelines consistent with these rules and as may be appropriate.

[Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp]
(Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-3 Definitions. As used in this chapter:

"Appeal" means a timely filed petition disputing the ~~[University's]~~ university's notification of delinquent financial obligation, including a request for hearing under subchapter 2 filed on the appropriate form.

"Board" means the Board of Regents of the ~~[University of Hawaii]~~ university ~~[and shall include its authorized designees]~~.

"Business office" means the primary business office which receives payments for tuition, fees, and other official charges on the ~~[University]~~ campus at which the delinquent financial obligation occurred.

"Campus" refers to each of the following major organizational units of the university (1) University of Hawaii at Manoa, including the East-West Center and the Kakaako Campus; (2) University of Hawaii at Hilo; (3) University of Hawaii - West Oahu; (4) Honolulu Community College; (5) Kapiolani Community College; (6) Leeward Community College; (7) Windward Community College; (8) Kauai Community College; (9) University of Hawaii - Maui College; and (10) Hawaii Community College; and any other major organizational unit of the university identified as a campus by the board.

"Claimant" means the ~~[University]~~ university program which initiates the utilization of the setoff

procedures provided in subchapter 3.

"Contested case" means the administrative case initiated by a person to contest the setoff under subchapter 3.

"Debtor" means any person who owes a debt to the ~~[University.]~~ university.

"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.

"Delinquent" means being past due on student loan payments or other financial obligations, or failing to pay for tuition and fees by a published deadline.

~~["Designee" means a person designated or appointed by the University for a specific purpose or duty.]~~

"Hearing officer" means a person duly designated by the ~~[University]~~ university to preside over a hearing under this chapter.

"Party" means any person that participates in an appeal hearing or a contested case hearing as a person filing the appeal, a business office, a debtor, or a claimant.

"Person" includes any individual, corporation, partnership, association, or any trustee, assignee, receiver, or legal successor thereof.

"President" means the President of the ~~[University of Hawaii and shall include the President's authorized designees.]~~ university.

"Review" means an informal proceeding which affords a person an opportunity to present the person's case to a ~~[University]~~ university staff member duly authorized under this chapter.

"Sanctions" means the range of penalties which the ~~[University]~~ university may invoke in cases of delinquent financial obligations.

"Setoff" means the application of a person's income tax refund or any other sums due to the person from the State, to a valid debt due and owing the ~~[University]~~ university pursuant to the authority granted by sections 231-51 to 231-59, ~~[Hawaii Revised Statutes-]~~ HRS.

~~["Student" means any person who is or was enrolled full-time or part-time in any program or activity at the University.]~~

"University" means ~~[the several institutions,~~

~~collectively or individually, which fall under the jurisdiction of the Board of Regents of the University of Hawaii.] the University of Hawaii.~~ Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses [~~of the University of Hawaii~~].

Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-4 Categories of delinquent financial obligations. A delinquent financial obligation shall be deemed to exist, provided that notice of the financial obligation has been sent to the person, with the exception of those contracts in which notice is not required. Delinquent financial obligations shall include but are not limited to:

- (1) Overdue payment of a contractual obligation, such as but not limited to the following:
 - (A) Loan payments;
 - (B) Payments on promissory notes, which include payments on short-term loan and long-term loan promissory notes. Long-term promissory note payments include the loan principal and accrued interest as stated on the promissory note. The applicable collection [~~costs,~~] fees, court costs, attorneys' fees, and any other costs incurred to recover the amount owed may be added to the loan obligation;
 - (C) Payments for tuition or other mandatory fees, or both;
 - (D) Payments for rent, which include dormitory or university student housing

- rents, board payments, if required or contracted for, and payments for rental of facilities and equipment for which the person acted for himself or as an agent for a registered campus organization; and
- (E) Payments for any tuition assistance where the ~~[student]~~ person did not or does not fulfill any eligibility criteria, term, condition, or obligation made pursuant to section ~~[304-14.8, Hawaii Revised Statutes,]~~ 304A-701, HRS, or any term and condition of any other agreement.
- (2) Overdue payment of fines, fees, and charges, or overdue payment for goods and services provided, such as but not limited to the following:
 - (A) Library fines;
 - (B) Parking and traffic fines;
 - (C) Dishonored check fees; and
 - (D) Other non-tuitional charges.
 - (3) Overdue payment of restitution for unreturned, lost, damaged, or misused ~~[University]~~ university property, such as but not limited to the following:
 - (A) Charges for laboratory losses or breakage;
 - (B) Charges for locker or dormitory keys;
 - (C) Charges for library books; and
 - (D) Charges for destruction or damage to property.
 - (4) Overdue payment for financial aid where the person fails to meet any eligibility criteria, term, or condition of the financial aid. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-5 Notification of delinquent financial obligation. (a) When any payment on an outstanding financial obligation is overdue, and the [University] university has made reasonable efforts to collect the delinquent financial obligation, the [University] university shall forward the outstanding financial obligation to the appropriate business office.

(b) If the amount of the outstanding financial obligation is \$25 or more, the [University] university shall send a letter to the last known address of the debtor. Notice shall be presumed to have been received three business days after mailing. The rights of the [University] university to collect outstanding financial obligations and to apply any sanction listed in this chapter are not waived by the failure of the debtor to receive the notification letter.

(c) The notification letter shall include the following information:

- (1) The sanctions the [University] university may impose if the obligation is not paid or arrangements acceptable to the [University] university are not made within fifteen days from the date of the notice;
- (2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may file an appeal with the ~~[Office of the Senior Vice President for Administration,]~~ Financial Management Office;
- (3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained;
- (4) Statement that in addition to all other sanctions, the [University] university may seek redress under the law to recover moneys owed to it.

(d) Prior to each registration, the [University] university shall withhold registration materials from any person with a delinquent financial obligation. Any person requesting withheld registration material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the person of the nature

and amount of the financial obligation and provide the person with the following information:

- (1) The sanctions the [University] university may impose if the obligation is not paid or arrangements acceptable to the [University] university are not made;
- (2) If the person requests, the business office shall provide the person with a copy of the applicable appeals procedure and form requesting a hearing, or direct the person to the appropriate place where a copy of the applicable appeals procedure and request form can be obtained;
- (3) If the person settles the delinquent financial obligation to the satisfaction of the [University] university, or if the person files the appropriate form requesting a hearing, the [University] university shall release the registration materials to the person. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-6 Application of sanctions. (a) Cancellation of registration during the semester or academic session shall be imposed as a sanction provided no properly filed appeal is in process and:

- (1) Tuition or mandatory fee payments are delinquent and no arrangement acceptable to the [University] university has been made for payment; or
- (2) The hearing officer has determined that the debt is owed and sanctions are proper.

(b) Denial of further registration may be imposed as a sanction in all other cases of delinquent financial obligations which occur prior to registration and for which no appeal has been filed.

(c) Revocation of all rights and privileges which were conferred by registration or enrollment may be imposed as a sanction in all cases of delinquent financial obligations. These sanctions shall remain in

force during the appeals and contested case processes.

(d) Denial of transcripts, diplomas, and other entitlements may be imposed as a sanction in all cases of delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(e) In all cases of delinquent financial obligations, the [University] university reserves the right to use any procedure such as the following procedures to recover moneys which are owed to it:

- (1) Report delinquent and defaulted amounts, along with other relevant information to credit bureau organizations;
- (2) Setoff against a person's Hawaii state income tax refund or any other sums due to the person from the State, any amount which is due and owing to the [University] university, exceeding the amount of \$25;
- (3) Commence legal action to recover the amount which is owed, including appropriate interest, collection [~~costs~~] fees, court costs, and attorneys' fees;
- (4) Contract the services of a collection agency to recover moneys owed to it, including applicable court costs and attorneys' fees. The collection agency may collect the applicable collection [~~costs~~] fees as authorized in a written contract with the [University] university pursuant to federal or state law; and
- (5) Use the services of [University] university personnel to recover moneys owed to it, including applicable collection [~~costs~~] fees.

(f) In addition to all other sanctions, the [University] university may seek redress under the law to recover moneys owed to it.

(g) Costs of implementing the sanctions imposed under these rules may be assessed to the person owing the delinquent financial obligation.

(h) Sanctions imposed under these rules at any campus [~~of the University of Hawaii~~] shall apply to all other campuses [~~of the University~~].

(i) No sanction shall be imposed upon a person

who has filed a petition for relief under Chapter 7, 11, 12, or 13 of the United States Bankruptcy Code.

(j) Transcripts, diplomas, and other entitlements shall not be conferred by the expiration of the statute of limitations in all cases of delinquent financial obligations. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp

] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604, 11 U.S.C. §362)

SUBCHAPTER 2

APPEALS FROM NOTICES OF DELINQUENT FINANCIAL OBLIGATIONS OR IMPOSITION OF SANCTIONS

§20-10-7 Hearing officers. (a) The [~~provost-er~~] chancellor of each [~~University~~] campus as appropriate shall designate a hearing officer to hear appeals under this chapter except for the administrative hearing officers for the setoff hearings under subchapter 3.

(b) In any case that does or could present a conflict of interest, the [~~provost-er~~] chancellor shall designate a substitute hearing officer for that case, except as provided in subsection (c).

(c) For those campuses for which the [~~Board of Regents~~] board has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within those rules remain in effect. [Eff 6/22/81; am and comp 5/9/98; am and comp 12/12/02; am and comp

] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-8 Appeals from a notification of delinquent financial obligation or an imposition of a

sanction under this chapter. (a) Appeals involving parking and traffic matters shall be resolved under the procedures provided in chapter 20-12.

(b) Informal review of student loan obligations. Any person who is deemed by the [University] university to be delinquent in student loan payments may file a written request for an informal review with the ~~[University's Director of the General Accounting and Loan Collection Office,]~~ director of the university office that handles loan collection, no later than fifteen days after the date of the notification letter of the student loan obligation. After the [University] university has issued a decision on the informal review, any person who still believes that a student loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may file an appeal with the ~~[University's Office of the Senior Vice President for Administration]~~ Financial Management Office within fifteen days from the date of the decision on the informal review. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(c) Filing of an appeal. Any person who believes that any alleged financial obligation (other than an obligation involving parking and traffic matters or student loan matters) was improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the matter to the ~~[University's Office of the Senior Vice President for Administration]~~ Financial Management Office within fifteen days from the date of the official notification of assessment of the obligation or of imposition of a sanction. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(d) Appeals procedure. In all appeals where a person has properly filed an appeal (except appeals involving parking and traffic matters covered by chapter 20-12), a hearing officer shall send a written notification of the hearing to the person who filed the appeal by registered or certified mail with return receipt requested, not less than fifteen days before the date of the hearing.

- (1) The notification letter shall include:
 - (A) The date, time, place, and nature of the hearing;
 - (B) The legal authority under which the hearing is to be held;
 - (C) The particular sections of the statutes and rules involved;
 - (D) A statement in plain language of the issues involved and the facts surrounding the alleged overdue financial obligations; and
 - (E) The fact that any party may be accompanied by counsel at the party's own expense.
- (2) The hearing officer shall hear the appeal and render a written decision within a reasonable time and issue a copy of the decision to each party.
- (3) All appeal hearings under this subchapter shall be informal in nature. Either party may be represented by counsel of ~~[its]~~ the party's choice and at ~~[its]~~ the party's own expense, and may summon witnesses as the party may desire. The findings and conclusions of the hearing officer shall be confined to the facts and equities of the case. The person requesting the hearing need not be present at the hearing. The evidence and arguments may be presented in writing.
- (4) The hearing officer shall make a finding in each appeal as to whether the alleged financial obligation exists and all parties shall be bound by the hearing officer's finding.
- (5) The hearing officer, except as provided in subsection (f), may confirm, modify, or cancel any sanction imposed under subchapters 1 and 2, as may be appropriate under the circumstances in the sound discretion of the hearing officer.
- (6) All findings of fact and conclusions of law of the hearing officer shall be in writing and shall be effective upon notification of

the parties. The hearing officers' decisions shall be final within the [University] university. The parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order.

(e) The chancellor [~~or provost of the University campus concerned~~] of each campus may extend the time for both the filing of the appeal and issuance of the decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in section 20-10-6(c) and (d).

(f) If the hearing officer finds that a delinquency of a tuition or mandatory fee charge exists, the hearing officer shall authorize the cancellation of the individual's registration. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing officer shall authorize the denial of further registration. In both cases additional sanctions may be imposed. [Eff 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-9 REPEALED. [R 5/9/98]

§20-10-10 REPEALED. [R 5/9/98]

SUBCHAPTER 3

SETOFF OF A PERSON'S DELINQUENT FINANCIAL OBLIGATION AGAINST THE PERSON'S HAWAII STATE INCOME TAX REFUND OR ANY OTHER SUM DUE TO THE PERSON FROM THE STATE

§20-10-11 Purpose of subchapter. This subchapter provides guidelines for the ~~[University's]~~ university's utilization of the authority granted under sections 231-51 to 231-59, ~~[Hawaii Revised Statutes,]~~ HRS, to retain the state income tax refund or any other sum due from the State of Hawaii to a person who owes a debt to the ~~[University.]~~ university. [Eff 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-12 Procedure for setoff. (a) When a ~~[University]~~ university claimant decides to utilize the authority granted under sections 231-51 to 231-59, ~~[Hawaii Revised Statutes,]~~ HRS, to request a setoff of a person's debt to the ~~[University]~~ university against the person's state income tax refund or any other sum due to the person from the State, the claimant shall submit the request for setoff to the ~~[University's Director of the General Accounting and Loan Collection Office.]~~ appropriate business office.

(b) ~~[The Director of the General Accounting and Loan Collection Office]~~ The business office shall submit the setoff request to the Comptroller of the State Department of Accounting and General Services.

(c) The Comptroller shall issue a written notice to the debtor of the state's intention to apply the debtor's debt to the ~~[University]~~ university against the debtor's state income tax refund or any other sum due the debtor from the ~~[state]~~ State. The Comptroller's written notice shall state that the debtor, within thirty days of the date of the notice,

may request an administrative hearing before the ~~[University]~~ university to contest the setoff.

(d) The request for an administrative hearing shall be submitted to the ~~[University's Office of the Senior Vice President for Administration]~~ Financial Management Office in writing not more than thirty days from the date of the Comptroller's notice explained in subsection (c). ~~[The Senior Vice President for Administration]~~ The director of the Financial Management Office may extend the time for the submission of the request for hearing upon a showing of good cause, as determined at the sole discretion of the ~~[Senior Vice President for Administration.]~~ director of the Financial Management Office. [Eff 5/9/98; am and comp 12/12/02; am and comp]
(Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-13 Hearings to contest the setoff. (a)

The administrative hearings under this subchapter shall be treated as a contested case hearing under the Hawaii Administrative Procedure Act (~~[Hawaii Revised Statutes]~~ chapter 91, HRS) and shall be conducted in accordance with the statutory requirements for contested case hearings.

(b) The administrative hearings under this subchapter shall be presided by an administrative hearing officer designated by the President or the President's designee.

(c) Upon receipt of a written request for a contested case hearing, the ~~[Office of the Senior Vice President for Administration]~~ Financial Management Office shall direct the duly designated administrative hearing officer to issue a written notice to both the debtor and the claimant, which notice shall include a statement of:

- (1) The date, time, place, and nature of the hearing.
- (2) The legal authority under which the hearing is to be held.
- (3) The particular sections of the statutes and

- rules involved.
- (4) An explicit statement in plain language of the issues involved and the facts alleged by the claimant in support thereof; provided that, if the claimant is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
 - (5) That the contested case is limited to issues not previously contested by the debtor.
 - (6) The fact that any party may retain counsel if so desired, and the fact that an individual may appear on the individual's own behalf.

The written notice of hearing shall be provided to all parties to the administrative proceeding at least fifteen days before the hearing. [Eff 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-14 Procedures for the administrative hearing on the setoff. (a) Opportunities shall be afforded all parties in a contested case to present evidence and argument on all issues involved.

(b) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(c) For the purpose of decisions, the record of the contested case shall include:

- (1) All pleadings, motions, intermediate rulings.
- (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.
- (3) Offers of proof and rulings thereon.
- (4) Proposed findings and exceptions.

(5) Report of the administrative hearing officer who presided at the hearing.

(6) Staff memoranda submitted to ~~[members of the Board of Regents]~~ the board or its authorized designees in connection with their consideration of the case.

(d) For the purpose of preserving a record of the proceedings before the administrative hearing officer, the proceedings shall be ~~[either tape recorded or recorded verbatim by a shorthand reporter.]~~ recorded. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, ~~[Board review,]~~ review by the board or its authorized designees, or court review.

(e) Within a reasonable time following the closure of the hearing on the contested case, the administrative hearing officer shall prepare a proposed decision on the case as a recommendation for the ~~[Board.]~~ board or its authorized designees.

(f) No matters outside the record shall be considered by the administrative hearing officer in making a proposed decision, except as provided in this chapter.

(g) Every decision and order rendered by the administrative hearing officer shall be in writing and shall contain a statement of reasons for the decision and shall include a determination of each issue of fact or law necessary to the proposed decision. If any party to the contested case proceeding has filed proposed findings of fact, the administrative hearing officer shall incorporate in the proposed decision a ruling upon each proposed finding so presented.

(h) A copy of the proposed decision shall be served upon both the debtor and the claimant by delivering or mailing a copy of the proposed decision and accompanying findings and conclusions to each party or to the party's attorney of record.

(i) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and present argument to the ~~[University's Board of Regents]~~ board or its authorized designees before a final decision on the contested case is rendered by the ~~[Board.]~~ board or its authorized designees. Exceptions

shall be filed in the manner set forth in section 20-10-16(b). [Eff 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-15 Rules of evidence; official notice.

(a) Any oral or documentary evidence may be received by the administrative hearing officer. The administrative hearing officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The administrative hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The administrative hearing officer may take notice of judicially recognizable facts. In addition, the administrative hearing officer may take notice of generally recognized technical or scientific facts within the hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Any document filed in a contested case, other than evidence, shall conform to the requirements of section 20-1-7. In addition, all such documents shall be written in ink, typewritten, [~~mimeographed~~] or

printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-16 Final decisionmaking for the University in a contested case hearing. (a) Since the administrative hearing is not presided by the [Board] board or its authorized designees but rather delegated to an administrative hearing officer, and the [Board] board or its authorized designees would not have heard and examined all of the evidence, the final decision for the [University] university shall not be made by the [Board] board or its authorized designees until the administrative hearing officer's proposed decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the debtor and the claimant.

(b) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and to present written and oral arguments to the [Board-] board or its authorized designees. The exceptions shall be in writing and filed with the [Office of the Senior Vice President for Administration] Financial Management Office not more than fifteen days from the date of the proposed decision. The [Board] board or its authorized designees shall provide the aggrieved debtor with an opportunity to present oral arguments at an adjudicatory meeting of the [Board-] board or its authorized designees. The Hawaii Sunshine Law does not apply to an adjudicatory meeting of the [Board-] board or its authorized designees.

(c) In rendering the final decision for the [University] university, [~~the members of the Board~~] the

board or its authorized designees shall personally consider the whole record of the contested case or such portions thereof as may be cited by the parties. No matters outside the record shall be considered by the [Board] board or its authorized designees in making a decision, except as provided in this chapter.

(d) Every decision and order rendered by the [Board] board or its authorized designees shall be in writing and shall be accompanied by separate findings of fact and conclusions of law.

(e) Both the debtor and the claimant shall be notified of the [Board's] board's or its authorized designees' final decision by delivering or mailing a copy of the [Board's] board's or its authorized designees' final decision and order and accompanying findings and conclusions to each party or to the party's attorney of record. [Eff 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-6(a)(2), 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited. At no time after the filing of the written request for a contested case hearing shall any administrative hearing officer, ~~[member of the Board]~~ the board or its authorized designees who renders a decision in an administrative contested case, or any other person who is likely to advise these officials in the decision on the contested case, discuss ex parte any issue of fact or the merits of the contested case with any interested person not performing a decisionmaking function, except by giving notice to both the debtor and claimant providing an opportunity for all parties to participate in the discussion. This prohibition shall not apply to consultations required for the disposition of ex parte matters authorized by law or to consultations with the decisionmakers' legal counsel covered by the attorney-client privilege. [Eff 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to

91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-18 Appeals from the final decision.
Appeals from the final decision of the [Board] board or
its authorized designees rendered in a contested case
under this subchapter shall be in accordance with
[~~Hawaii Revised Statutes~~] chapter 91[-] , HRS." [Eff
5/9/98; comp 12/12/02; am and comp]
(Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-
105, 304A-602, 304A-604)

2. Material, except source notes to be repealed
is bracketed and stricken. New material is
underscored.

3. Additions to update source notes to reflect
these amendments and compilations are not underscored.

4. These amendments to and compilation of
chapter 20-10, Hawaii Administrative Rules, shall take
effect ten days after filing with the Office of the
Lieutenant Governor.

I certify that the foregoing are copies of the
rules drafted in Ramseyer format, pursuant to the
requirements of section 91-4.1, Hawaii Revised
Statutes, which were adopted on _____
and filed with the Office of the Lieutenant Governor.

JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawai'i

DAVID Y. IGE
Governor
State of Hawai'i

Dated: _____

Filed

APPROVED AS TO FORM:

Carrie K. S. Okinaga, Esq.
General Counsel
University of Hawai'i

Deputy Attorney General

UNIVERSITY OF HAWAII

Amendment and Compilation of Chapter 20-10
Hawaii Administrative Rules

(_____)

SUMMARY

1. §§20-10-1 to 20-10-18 are amended.
2. Chapter 20-10 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

CHAPTER 10

DELINQUENT FINANCIAL OBLIGATIONS

Subchapter 1 Rules of General Applicability

- §20-10-1 Purpose
- §20-10-2 General statement of policy
- §20-10-3 Definitions
- §20-10-4 Categories of delinquent financial obligations
- §20-10-5 Notification of delinquent financial obligations
- §20-10-6 Application of sanctions

Subchapter 2 Appeals from Notices of Delinquent Financial Obligations or Imposition of Sanctions

- §20-10-7 Hearings officers
- §20-10-8 Appeals from a notification of delinquent financial obligation or imposition of a sanction under this chapter
- §20-10-9 Repealed
- §20-10-10 Repealed

Subchapter 3 Setoff of a Person's Delinquent Financial Obligation Against the Person's Hawaii State Income Tax Refund or Any Other Sum Due to the Person from the State

- §20-10-11 Purpose of subchapter
- §20-10-12 Procedure for setoff
- §20-10-13 Hearings to contest the setoff
- §20-10-14 Procedures for the administrative hearing on the setoff

- §20-10-15 Rules of evidence; official notice
- §20-10-16 Final decisionmaking for the University in a contested case hearing
- §20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited
- §20-10-18 Appeals from the final decision

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-10-1 Purpose. This chapter aims to provide the university with a procedure which provides clear and fair methods in collecting delinquent financial obligations owed to the university. [Eff 6/22/81; am and comp 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-2 General statement of policy. (a) If a person has assumed a financial obligation to the university and payment is overdue, the university shall have the right to impose sanctions under this chapter as it may deem appropriate.

(b) To implement these rules, the President or the President's designee may issue guidelines consistent with these rules and as may be appropriate. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-3 Definitions. As used in this chapter: "Appeal" means a timely filed petition disputing

the university's notification of delinquent financial obligation, including a request for hearing under subchapter 2 filed on the appropriate form.

"Board" means the Board of Regents of the university.

"Business office" means the primary business office which receives payments for tuition, fees, and other official charges on the campus at which the delinquent financial obligation occurred.

"Campus" refers to each of the following major organizational units of the university (1) University of Hawaii at Manoa, including the East-West Center and the Kakaako Campus; (2) University of Hawaii at Hilo; (3) University of Hawaii - West Oahu; (4) Honolulu Community College; (5) Kapiolani Community College; (6) Leeward Community College; (7) Windward Community College; (8) Kauai Community College; (9) University of Hawaii - Maui College; and (10) Hawaii Community College; and any other major organizational unit of the university identified as a campus by the board.

"Claimant" means the university program which initiates the utilization of the setoff procedures provided in subchapter 3.

"Contested case" means the administrative case initiated by a person to contest the setoff under subchapter 3.

"Debtor" means any person who owes a debt to the university.

"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.

"Delinquent" means being past due on student loan payments or other financial obligations, or failing to pay for tuition and fees by a published deadline.

"Hearing officer" means a person duly designated by the university to preside over a hearing under this chapter.

"Party" means any person that participates in an appeal hearing or a contested case hearing as a person filing the appeal, a business office, a debtor, or a claimant.

"Person" includes any individual, corporation, partnership, association, or any trustee, assignee, receiver, or legal successor thereof.

"President" means the President of the university.

"Review" means an informal proceeding which affords a person an opportunity to present the person's case to a university staff member duly authorized under this chapter.

"Sanctions" means the range of penalties which the university may invoke in cases of delinquent financial obligations.

"Setoff" means the application of a person's income tax refund or any other sums due to the person from the State, to a valid debt due and owing the university pursuant to the authority granted by sections 231-51 to 231-59, HRS.

"University" means the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses.

Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-4 Categories of delinquent financial obligations. A delinquent financial obligation shall be deemed to exist, provided that notice of the financial obligation has been sent to the person, with the exception of those contracts in which notice is not required. Delinquent financial obligations shall include but are not limited to:

- (1) Overdue payment of a contractual obligation, such as but not limited to the following:
 - (A) Loan payments;
 - (B) Payments on promissory notes, which include payments on short-term loan and long-term loan promissory notes. Long-term promissory note payments include the loan principal and accrued interest

- as stated on the promissory note. The applicable collection fees, court costs, attorneys' fees, and any other costs incurred to recover the amount owed may be added to the loan obligation;
- (C) Payments for tuition or other mandatory fees, or both;
 - (D) Payments for rent, which include dormitory or university student housing rents, board payments, if required or contracted for, and payments for rental of facilities and equipment for which the person acted for himself or as an agent for a registered campus organization; and
 - (E) Payments for any tuition assistance where the person did not or does not fulfill any eligibility criteria, term, condition, or obligation made pursuant to section 304A-701, HRS, or any term and condition of any other agreement.
- (2) Overdue payment of fines, fees, and charges, or overdue payment for goods and services provided, such as but not limited to the following:
- (A) Library fines;
 - (B) Parking and traffic fines;
 - (C) Dishonored check fees; and
 - (D) Other non-tuitional charges.
- (3) Overdue payment of restitution for unreturned, lost, damaged, or misused university property, such as but not limited to the following:
- (A) Charges for laboratory losses or breakage;
 - (B) Charges for locker or dormitory keys;
 - (C) Charges for library books; and
 - (D) Charges for destruction or damage to property.
- (4) Overdue payment for financial aid where the person fails to meet any eligibility criteria, term, or condition of the financial aid. [Eff 6/22/81; am 4/4/88; am

and comp 5/9/98; am and comp 12/12/02; am
and comp] (Auth: HRS
§§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 91-9 to 91-13, 231-53,
304A-105, 304A-602, 304A-604)

§20-10-5 Notification of delinquent financial obligation. (a) When any payment on an outstanding financial obligation is overdue, and the university has made reasonable efforts to collect the delinquent financial obligation, the university shall forward the outstanding financial obligation to the appropriate business office.

(b) If the amount of the outstanding financial obligation is \$25 or more, the university shall send a letter to the last known address of the debtor. Notice shall be presumed to have been received three business days after mailing. The rights of the university to collect outstanding financial obligations and to apply any sanction listed in this chapter are not waived by the failure of the debtor to receive the notification letter.

(c) The notification letter shall include the following information:

- (1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made within fifteen days from the date of the notice;
- (2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may file an appeal with the Financial Management Office;
- (3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained;
- (4) Statement that in addition to all other sanctions, the university may seek redress under the law to recover moneys owed to it.

(d) Prior to each registration, the university shall withhold registration materials from any person

with a delinquent financial obligation. Any person requesting withheld registration material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the person of the nature and amount of the financial obligation and provide the person with the following information:

- (1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made;
- (2) If the person requests, the business office shall provide the person with a copy of the applicable appeals procedure and form requesting a hearing, or direct the person to the appropriate place where a copy of the applicable appeals procedure and request form can be obtained;
- (3) If the person settles the delinquent financial obligation to the satisfaction of the university, or if the person files the appropriate form requesting a hearing, the university shall release the registration materials to the person. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-6 Application of sanctions. (a)
Cancellation of registration during the semester or academic session shall be imposed as a sanction provided no properly filed appeal is in process and:

- (1) Tuition or mandatory fee payments are delinquent and no arrangement acceptable to the university has been made for payment; or
- (2) The hearing officer has determined that the debt is owed and sanctions are proper.

(b) Denial of further registration may be imposed as a sanction in all other cases of delinquent financial obligations which occur prior to registration and for which no appeal has been filed.

(c) Revocation of all rights and privileges which were conferred by registration or enrollment may

be imposed as a sanction in all cases of delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(d) Denial of transcripts, diplomas, and other entitlements may be imposed as a sanction in all cases of delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(e) In all cases of delinquent financial obligations, the university reserves the right to use any procedure such as the following procedures to recover moneys which are owed to it:

- (1) Report delinquent and defaulted amounts, along with other relevant information to credit bureau organizations;
- (2) Setoff against a person's Hawaii state income tax refund or any other sums due to the person from the State, any amount which is due and owing to the university, exceeding the amount of \$25;
- (3) Commence legal action to recover the amount which is owed, including appropriate interest, collection fees, court costs, and attorneys' fees;
- (4) Contract the services of a collection agency to recover moneys owed to it, including applicable court costs and attorneys' fees. The collection agency may collect the applicable collection fees as authorized in a written contract with the university pursuant to federal or state law; and
- (5) Use the services of university personnel to recover moneys owed to it, including applicable collection fees.

(f) In addition to all other sanctions, the university may seek redress under the law to recover moneys owed to it.

(g) Costs of implementing the sanctions imposed under these rules may be assessed to the person owing the delinquent financial obligation.

(h) Sanctions imposed under these rules at any campus shall apply to all other campuses.

(i) No sanction shall be imposed upon a person who has filed a petition for relief under Chapter 7,

11, 12, or 13 of the United States Bankruptcy Code.

(j) Transcripts, diplomas, and other entitlements shall not be conferred by the expiration of the statute of limitations in all cases of delinquent financial obligations. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp

] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604, 11 U.S.C. §362)

SUBCHAPTER 2

APPEALS FROM NOTICES OF DELINQUENT FINANCIAL OBLIGATIONS OR IMPOSITION OF SANCTIONS

§20-10-7 Hearing officers. (a) The chancellor of each campus as appropriate shall designate a hearing officer to hear appeals under this chapter except for the administrative hearing officers for the setoff hearings under subchapter 3.

(b) In any case that does or could present a conflict of interest, the chancellor shall designate a substitute hearing officer for that case, except as provided in subsection (c).

(c) For those campuses for which the board has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within those rules remain in effect. [Eff 6/22/81; am and comp 5/9/98; am and comp 12/12/02; am and comp

] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-8 Appeals from a notification of delinquent financial obligation or an imposition of a sanction under this chapter. (a) Appeals involving

parking and traffic matters shall be resolved under the procedures provided in chapter 20-12.

(b) Informal review of student loan obligations. Any person who is deemed by the university to be delinquent in student loan payments may file a written request for an informal review with the director of the university office that handles loan collection, no later than fifteen days after the date of the notification letter of the student loan obligation. After the university has issued a decision on the informal review, any person who still believes that a student loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may file an appeal with the Financial Management Office within fifteen days from the date of the decision on the informal review. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(c) Filing of an appeal. Any person who believes that any alleged financial obligation (other than an obligation involving parking and traffic matters or student loan matters) was improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the matter to the Financial Management Office within fifteen days from the date of the official notification of assessment of the obligation or of imposition of a sanction. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(d) Appeals procedure. In all appeals where a person has properly filed an appeal (except appeals involving parking and traffic matters covered by chapter 20-12), a hearing officer shall send a written notification of the hearing to the person who filed the appeal by registered or certified mail with return receipt requested, not less than fifteen days before the date of the hearing.

- (1) The notification letter shall include:
 - (A) The date, time, place, and nature of the hearing;
 - (B) The legal authority under which the hearing is to be held;

- (C) The particular sections of the statutes and rules involved;
 - (D) A statement in plain language of the issues involved and the facts surrounding the alleged overdue financial obligations; and
 - (E) The fact that any party may be accompanied by counsel at the party's own expense.
- (2) The hearing officer shall hear the appeal and render a written decision within a reasonable time and issue a copy of the decision to each party.
 - (3) All appeal hearings under this subchapter shall be informal in nature. Either party may be represented by counsel of the party's choice and at the party's own expense, and may summon witnesses as the party may desire. The findings and conclusions of the hearing officer shall be confined to the facts and equities of the case. The person requesting the hearing need not be present at the hearing. The evidence and arguments may be presented in writing.
 - (4) The hearing officer shall make a finding in each appeal as to whether the alleged financial obligation exists and all parties shall be bound by the hearing officer's finding.
 - (5) The hearing officer, except as provided in subsection (f), may confirm, modify, or cancel any sanction imposed under subchapters 1 and 2, as may be appropriate under the circumstances in the sound discretion of the hearing officer.
 - (6) All findings of fact and conclusions of law of the hearing officer shall be in writing and shall be effective upon notification of the parties. The hearing officers' decisions shall be final within the university. The parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order.
 - (e) The chancellor of each campus may extend the

time for both the filing of the appeal and issuance of the decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in section 20-10-6(c) and (d).

(f) If the hearing officer finds that a delinquency of a tuition or mandatory fee charge exists, the hearing officer shall authorize the cancellation of the individual's registration. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing officer shall authorize the denial of further registration. In both cases additional sanctions may be imposed. [Eff 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-9 REPEALED. [R 5/9/98]

§20-10-10 REPEALED. [R 5/9/98]

SUBCHAPTER 3

SETOFF OF A PERSON'S DELINQUENT FINANCIAL
OBLIGATION AGAINST THE PERSON'S HAWAII STATE
INCOME TAX REFUND OR ANY OTHER SUM DUE TO THE
PERSON FROM THE STATE

§20-10-11 Purpose of subchapter. This subchapter provides guidelines for the university's utilization of the authority granted under sections 231-51 to 231-59, HRS, to retain the state income tax refund or any other sum due from the State of Hawaii to a person who owes a debt to the university. [Eff 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS

§§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-12 Procedure for setoff. (a) When a university claimant decides to utilize the authority granted under sections 231-51 to 231-59, HRS, to request a setoff of a person's debt to the university against the person's state income tax refund or any other sum due to the person from the State, the claimant shall submit the request for setoff to the appropriate business office.

(b) The business office shall submit the setoff request to the Comptroller of the State Department of Accounting and General Services.

(c) The Comptroller shall issue a written notice to the debtor of the state's intention to apply the debtor's debt to the university against the debtor's state income tax refund or any other sum due the debtor from the State. The Comptroller's written notice shall state that the debtor, within thirty days of the date of the notice, may request an administrative hearing before the university to contest the setoff.

(d) The request for an administrative hearing shall be submitted to the Financial Management Office in writing not more than thirty days from the date of the Comptroller's notice explained in subsection (c). The director of the Financial Management Office may extend the time for the submission of the request for hearing upon a showing of good cause, as determined at the sole discretion of the director of the Financial Management Office. [Eff 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-13 Hearings to contest the setoff. (a) The administrative hearings under this subchapter shall be treated as a contested case hearing under the Hawaii

Administrative Procedure Act (chapter 91, HRS) and shall be conducted in accordance with the statutory requirements for contested case hearings.

(b) The administrative hearings under this subchapter shall be presided by an administrative hearing officer designated by the President or the President's designee.

(c) Upon receipt of a written request for a contested case hearing, the Financial Management Office shall direct the duly designated administrative hearing officer to issue a written notice to both the debtor and the claimant, which notice shall include a statement of:

- (1) The date, time, place, and nature of the hearing.
- (2) The legal authority under which the hearing is to be held.
- (3) The particular sections of the statutes and rules involved.
- (4) An explicit statement in plain language of the issues involved and the facts alleged by the claimant in support thereof; provided that, if the claimant is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
- (5) That the contested case is limited to issues not previously contested by the debtor.
- (6) The fact that any party may retain counsel if so desired, and the fact that an individual may appear on the individual's own behalf.

The written notice of hearing shall be provided to all parties to the administrative proceeding at least fifteen days before the hearing. [Eff 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-14 Procedures for the administrative hearing on the setoff. (a) Opportunities shall be afforded all parties in a contested case to present evidence and argument on all issues involved.

(b) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(c) For the purpose of decisions, the record of the contested case shall include:

- (1) All pleadings, motions, intermediate rulings.
- (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.
- (3) Offers of proof and rulings thereon.
- (4) Proposed findings and exceptions.
- (5) Report of the administrative hearing officer who presided at the hearing.
- (6) Staff memoranda submitted to the board or its authorized designees in connection with their consideration of the case.

(d) For the purpose of preserving a record of the proceedings before the administrative hearing officer, the proceedings shall be recorded. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, review by the board or its authorized designees, or court review.

(e) Within a reasonable time following the closure of the hearing on the contested case, the administrative hearing officer shall prepare a proposed decision on the case as a recommendation for the board or its authorized designees.

(f) No matters outside the record shall be considered by the administrative hearing officer in making a proposed decision, except as provided in this chapter.

(g) Every decision and order rendered by the administrative hearing officer shall be in writing and shall contain a statement of reasons for the decision and shall include a determination of each issue of fact or law necessary to the proposed decision. If any party to the contested case proceeding has filed

proposed findings of fact, the administrative hearing officer shall incorporate in the proposed decision a ruling upon each proposed finding so presented.

(h) A copy of the proposed decision shall be served upon both the debtor and the claimant by delivering or mailing a copy of the proposed decision and accompanying findings and conclusions to each party or to the party's attorney of record.

(i) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and present argument to the board or its authorized designees before a final decision on the contested case is rendered by the board or its authorized designees. Exceptions shall be filed in the manner set forth in section 20-10-16(b). [Eff 5/9/98; am and comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-15 Rules of evidence; official notice.

(a) Any oral or documentary evidence may be received by the administrative hearing officer. The administrative hearing officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. No sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The administrative hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the

right to submit rebuttal evidence.

(d) The administrative hearing officer may take notice of judicially recognizable facts. In addition, the administrative hearing officer may take notice of generally recognized technical or scientific facts within the hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Any document filed in a contested case, other than evidence, shall conform to the requirements of section 20-1-7. In addition, all such documents shall be written in ink, typewritten, or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached.

[Eff 5/9/98; am and comp 12/12/02; am and comp
] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-16 Final decisionmaking for the University in a contested case hearing. (a) Since the administrative hearing is not presided by the board or its authorized designees but rather delegated to an administrative hearing officer, and the board or its authorized designees would not have heard and examined all of the evidence, the final decision for the university shall not be made by the board or its authorized designees until the administrative hearing officer's proposed decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the debtor and the claimant.

(b) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and to present written and oral arguments to the board or its authorized designees. The exceptions shall be

in writing and filed with the Financial Management Office not more than fifteen days from the date of the proposed decision. The board or its authorized designees shall provide the aggrieved debtor with an opportunity to present oral arguments at an adjudicatory meeting of the board or its authorized designees. The Hawaii Sunshine Law does not apply to an adjudicatory meeting of the board or its authorized designees.

(c) In rendering the final decision for the university, the board or its authorized designees shall personally consider the whole record of the contested case or such portions thereof as may be cited by the parties. No matters outside the record shall be considered by the board or its authorized designees in making a decision, except as provided in this chapter.

(d) Every decision and order rendered by the board or its authorized designees shall be in writing and shall be accompanied by separate findings of fact and conclusions of law.

(e) Both the debtor and the claimant shall be notified of the board's or its authorized designees' final decision by delivering or mailing a copy of the board's or its authorized designees' final decision and order and accompanying findings and conclusions to each party or to the party's attorney of record. [Eff 5/9/98; comp 12/12/02; am and comp]

(Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 91-9 to 91-13, 92-6(a)(2), 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited. At no time after the filing of the written request for a contested case hearing shall any administrative hearing officer, the board or its authorized designees who renders a decision in an administrative contested case, or any other person who is likely to advise these officials in the decision on the contested case, discuss ex parte any issue of fact or the merits of the contested case with any interested person not performing a decisionmaking function, except by giving

notice to both the debtor and claimant providing an opportunity for all parties to participate in the discussion. This prohibition shall not apply to consultations required for the disposition of ex parte matters authorized by law or to consultations with the decisionmakers' legal counsel covered by the attorney-client privilege. [Eff 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-18 Appeals from the final decision.
Appeals from the final decision of the board or its authorized designees rendered in a contested case under this subchapter shall be in accordance with chapter 91, HRS. [Eff 5/9/98; comp 12/12/02; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

UNIVERSITY OF HAWAI'I

Amendments to and compilation of chapter 20-10,
Hawaii Administrative Rules, on the Summary Page dated
_____ were adopted on _____
following a public hearing held on _____,
after public notice was given in the _____
on _____.

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

JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawai'i

DAVID Y. IGE
Governor
State of Hawai'i

Dated: _____

Filed

APPROVED AS TO FORM:

Carrie K. S. Okinaga, Esq.
General Counsel
University of Hawai'i

Deputy Attorney General

UNIVERSITY OF HAWAII

Repeal of Chapter 20-1
Hawaii Administrative Rules

(_____)

SUMMARY

1. Chapter 20-1, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is repealed.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 1

RULES OF PRACTICE AND PROCEDURE

REPEALED

§§20-1-1 to § 20-1-23 Repealed. [R]

UNIVERSITY OF HAWAI'I

The repeal of chapter 20-1, Hawaii Administrative Rules, on the Summary Page, dated _____, was adopted on _____, following a public hearing held on _____, after public notice was given in the _____ on _____.

The repeal shall take effect ten days after filing with the Office of the Lieutenant Governor.

JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawai'i

DAVID Y. IGE
Governor
State of Hawai'i

Dated: _____

Filed

APPROVED AS TO FORM:

Carrie K. S. Okinaga, Esq.
General Counsel
University of Hawai'i

Deputy Attorney General

UNIVERSITY OF HAWAII

Adoption of Chapter 20-1
Hawaii Administrative Rules

(_____)

SUMMARY

1. Chapter 20-1, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 1

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 Rules of General Applicability

§20-1-1	Statement of Policy
§20-1-2	Definitions
§20-1-3	The board
§20-1-4	Office hours
§20-1-5	Meetings
§20-1-6	Government records, inspection, cost of copies
§20-1-7	Severability

Subchapter 2 Proceedings Before the Board

- §20-1-8 General
- §20-1-9 Appearances before the board
- §20-1-10 Presiding officer; duties and powers
- §20-1-11 Filing of documents
- §20-1-12 Computation of time
- §20-1-13 Voting
- §20-1-14 Counsel for the board

Subchapter 3 Rules Applicable to Rulemaking Hearings

- §20-1-15 General
- §20-1-16 Initiation of rulemaking hearing
- §20-1-17 Contents of petition
- §20-1-18 Disposition of petition
- §20-1-19 Conduct of rulemaking hearing
- §20-1-20 Board action
- §20-1-21 Public information

Subchapter 4 Declaratory Rulings

- §20-1-22 Petition for declaratory rulings
- §20-1-23 Form and contents of petition
- §20-1-24 Request for hearing
- §20-1-25 Board action on petition
- §20-1-26 Declaratory ruling on board's own motion or upon request

Historical Note: This chapter is based substantially upon chapter 20-1 [Eff. 6/22/81; comp 8/13/88; am 8/3/92; R _____]

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. It is the intention that this chapter shall, in part, effectuate and carry out the purposes and policies of chapters 91 and 92, HRS, and shall be construed and interpreted in the manner most favorable to secure the just, speedy, and inexpensive determination of every proceeding authorized by law. [Eff.

] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-103, 304A-104, 304A-105, 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 executive administrator and secretary of the board.

"Standing committees" means the board's standing committees, as established in the Bylaws of the Board of Regents of the University of Hawaii, as amended.

"University" means the University of Hawaii system and its campuses and facilities falling 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) 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. _____] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-103, 304A-105, 91-2)

§20-1-3 The board. (a) 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, 2444 Dole Street, Bachman 209, Honolulu, Hawaii 96822," unless otherwise specifically directed.

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

(c) Secretary. The secretary shall keep minutes of all meetings of the board, including standing and other 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. [Eff.

] (Auth: HRS §§304A-104, 304A-105, 91-2)
(Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-4 Office 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. [Eff.]

(Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-5 Meetings. (a) 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.

(b) 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.

(c) *Robert's Rules of Order* shall guide the conduct of the board and its standing committee meetings except where in conflict with the provisions of these rules. No action of the board or its standing committees shall be invalid or ineffective by reason of noncompliance with *Robert's Rules of Order*.

[Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-6 Government records, inspection, cost of copies. (a) The term "Government records" as used in this part is defined as in section 92F-3, HRS.

(b) All government records of the board shall be available for inspection and duplication during established office hours, subject to the limitations prescribed in chapter 92F, HRS.

(c) Copies of government records of the board, except as limited by chapter 92F, HRS, shall be available to any person who requests them. The costs and fees therefor are governed by section 92-21, HRS.

(d) Requests for information within the jurisdiction of the University, for permission to inspect government records, or for copies of government records will be handled with due regard for the dispatch of other public duties. [Eff.

] (Auth: HRS §§304A-104, 304A-105, 91-2, 92F-11, 92F-12) (Imp: HRS §§304A-104, 304A-105, 91-2, 92-21, 92F-11, 92F-12)

§20-1-7 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 8/13/88; comp] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

SUBCHAPTER 2

PROCEEDINGS BEFORE THE BOARD

§20-1-8 General. (a) The meetings of the board and its standing committees shall comply with chapter 92, HRS. [Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-9 Appearances before the board. (a) Any person shall be afforded an opportunity to present oral testimony or written submittals on any agenda item at the meetings before the board or its standing or other committees.

(b) In order to ensure an orderly and efficient meeting, any person who wants to appear before the board or its standing or other 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 other committee and, if possible, submit a written copy of the testimony to the secretary prior to the meeting.

(c) A person may be represented by or with counsel qualified to practice before the supreme court of Hawaii, 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.

] (Auth: HRS §§304A-104, 304A-105, 91-2, 92-3) (Imp: HRS §§304A-104, 304A-105, 91-2, 92-3)

§20-1-10 Presiding officer; duties and powers.

(a) The board or the presiding officer of a meeting shall have the authority to:

- (1) limit or terminate any testimony which the board or the presiding officer determines to be repetitious or made solely for purposes of delay;
- (2) rearrange the order of the items on the agenda for the purpose of providing for the most efficient and convenient presentation of testimony;
- (3) limit the amount of time for testimony per individual in order to allow persons to have an equal amount of time to testify, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
- (4) remove any person who willfully 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 the presiding officer under section 20-1-5(c). (b) Unless it would be contrary to statutory requirements to do so, any rule in this chapter may be suspended or waived by the board or by the presiding officer to prevent undue hardship in any particular instance. [Eff.]
(Auth: HRS §§304A-104, 304A-105, 91-2, 92-3) (Imp: HRS §§304A-104, 304A-105, 91-2, 92-3)

§20-1-11 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) Documents required to be filed with the board 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 the person has read the document; that to the best of the person's 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.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-12 Computation of time. In computing any period of time prescribed by these rules or order of the board, the provisions of section 1-29, HRS, shall apply. [Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-13 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, provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons;
- (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.

] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2, 92-7, 92-9)

§20-1-14 Counsel for the board. The university general counsel shall be designated as legal counsel for the board. The university general counsel or the university general counsel's representative, in the capacity as legal counsel for the board, may be present at all meetings and hearings governed by these rules. [Eff.] (Auth: HRS §§304A-104, 304A-105, 304A-1005, 91-2) (Imp: HRS §§304A-104, 304A-105, 304A-1005, 91-2)

SUBCHAPTER 3

RULES APPLICABLE TO RULEMAKING HEARINGS

§20-1-15 General. The board's rulemaking hearings shall comply with the applicable provisions of chapters 91 and 92, HRS. [Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

§20-1-16 Initiation of rulemaking hearing. (a) The board may at any time initiate proceedings to adopt, amend, or repeal any rule of the university. (b) Any interested person, organization or agency may petition the board for the adoption, amendment, or repeal of any rule of the university, as defined in this chapter. [Eff.] (Auth: HRS §§304A-104, 305A-105, 91-2, 91-6) (Imp: HRS §§304-3, 304-4, 91-2, 91-3, 91-6)

§20-1-17 Contents of petition. Petitions for rulemaking shall conform to the requirements of section 20-1-11. 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, (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, or repeal of a rule which does not conform to the requirements set forth above will be considered by the

board. [Eff.] (Auth: HRS §§304A-104, 305A-105, 91-2, 91-6) (Imp: HRS §§304-3, 304-4, 91-2, 91-3, 91-6)

§20-1-18 Disposition of petition. 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 petition, 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 section 91-3, HRS, and 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.

] (Auth: HRS §§304A-104, 304A-105, 91-2, 9106) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-3, 91-6)

§20-1-19 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.

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. Unless otherwise specifically directed by the board, each rulemaking hearing shall be presided over by the chairperson of the board or by the chairperson's designated representative. The presiding officer shall have authority to take all actions necessary for the orderly conduct of the hearing.

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

(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 the order prescribed by the presiding officer.

(e) Conduct of hearing. All interested persons, organizations, or agencies shall be given reasonable opportunity to offer testimony which may consist of data, views or arguments with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, state the witness' name, address, and whom the witness represents, if any, at the hearing, and shall give other information respecting the witness' appearance as the presiding officer may request. 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 the presiding officer or any other representative of the board, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Submission of evidence. All interested persons, organizations, or agencies may also file with the board within the time period specified in the notice of proposed rulemaking a written protest or other comments or recommendations in support of or in opposition to the proposed rulemaking. Unless the presiding officer finds that the furnishing of copies is impracticable, written protests, comments or recommendations or replies thereto will not be accepted unless an original and fourteen copies are filed. The period of filing may be extended by the presiding officer for good cause.

(g) 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 supporting written statements and data shall be submitted. [Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-3)

§20-1-20 Board action. At the close of the final public hearing, the board, if present at the hearing, may make its decision or the presiding officer shall announce the date when the board's decision shall be made. The board shall consider all relevant comments and materials of record before taking final action in a rulemaking proceeding. [Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-3)

§20-1-21 Compilation of rules. 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.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-4, 91-5)

SUBCHAPTER 4

DECLARATORY RULINGS

§20-1-22 Petition for declaratory rulings. Any interested person may petition the board for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the board. [Eff.] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

§20-1-23 Form and contents of petition. (a) Petitions for the issuance of a declaratory order 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 20-1-11.

(b) 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. [Eff

] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

§20-1-24 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. [Eff] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

§20-1-25 Board action on petition. (a) Dismissal. The board may, without notice of hearing, dismiss a petition for declaratory ruling which fails in material respect to comply with the requirements of this part.

(b) Ruling. Upon determination of the applicability or nonapplicability of the statutory provision or rule or order cited in the petition to the factual circumstances presented in the petition, the board shall issue a declaratory order in response to the petition.

(c) The petitioner shall be notified in writing of the disposition of the petition. [Eff.

] (Auth: HRS §§304A-104, 304A-105,
91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2,
91-7, 91-8)

§20-1-26 Declaratory ruling on board's own
motion or upon request. Notwithstanding the other
provisions of this subchapter, 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.] (Auth: HRS
§§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104,
304A-105, 91-2, 91-7, 91-8)

UNIVERSITY OF HAWAII

Repeal of Chapter 20-1
Hawaii Administrative Rules

(_____)

SUMMARY

1. Chapter 20-1, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is repealed.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 1

RULES OF PRACTICE AND PROCEDURE

REPEALED

~~§§20-1-1 to § 20-1-23~~ Repealed. [R]

UNIVERSITY OF HAWAII

The repeal of chapter 20-1, Hawaii Administrative Rules, on the Summary Page, dated _____, was adopted on _____, following a public hearing held on _____, after public notice was given in the _____ on _____.

The repeal shall take effect ten days after filing with the Office of the Lieutenant Governor.

JAN NAOE SULLIVAN
Chairperson, Board of Regents
University of Hawaii

DAVID Y. IGE
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

Carrie K. S. Okinaga, Esq.
General Counsel
University of Hawai'i

Deputy Attorney General

UNIVERSITY OF HAWAII

Adoption of Chapter 20-1
Hawaii Administrative Rules

(_____)

SUMMARY

1. Chapter 20-1, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is adopted to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 1

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 Rules of General Applicability

§20-1-1	Statement of Policy
§20-1-2	Definitions
§20-1-3	The board
§20-1-4	Public records <u>Office hours</u>
§20-1-5	Severability <u>Meetings</u>
§20-1-6	REPEALED <u>Government records, inspection, cost of copies</u>
§20-1-7	Filing of documents <u>Severability</u>

~~§20-1-9~~ ~~Computation of time~~
~~§20-1-9~~ ~~REPEALED~~
~~§20-1-10~~ ~~REPEALED~~
~~§20-1-11~~ ~~REPEALED~~
~~§20-1-12~~ ~~Counsel for the board~~

Subchapter 2 Meetings/Proceedings Before the Board

~~§20-1-183~~ General
~~§20-1-194~~ Appearances in a meeting before the board
~~§20-1-150~~ Voting/Presiding officer; duties and powers
~~§20-1-116~~ ~~REPEALED~~ Filing of documents
~~§20-1-12~~ Computation of time
~~§20-1-13~~ Voting
~~§20-1-14~~ Counsel for the board

Subchapter 3 Rules Applicable to Rulemaking Hearings

~~§20-1-157~~ General
~~§20-1-186~~ ~~Conduct of rulemaking hearing~~ Initiation of rulemaking hearing
~~§20-1-17~~ Contents of petition
~~§20-1-18~~ Disposition of petition
~~§20-1-19~~ ~~REPEALED~~ Conduct of rulemaking hearing
~~§20-1-20~~ ~~REPEALED~~ Board action
~~§20-1-21~~ Petitions for adoption, amendment or repeal of rules Public information
~~§20-1-22~~ Public Information

Subchapter 4 Declaratory Rulings

- §20-1-22 Petition for declaratory rulings
- §20-1-23 Petition for declaratory rulings Form and contents of petition
- §20-1-24 Request for hearing
- §20-1-25 Board action on petition
- §20-1-26 Declaratory ruling on board's own motion or upon request

~~Subchapter 5~~ ~~REPEALED~~

Historical Note: This chapter is based substantially upon chapter 20-1 [Eff. 6/22/81; comp 8/13/88; am 8/3/92; R _____] "~~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.~~ It is the intention that this chapter shall, in part, effectuate and carry out the purposes and policies of chapters 91 and 92, HRS, and shall be construed and interpreted in the manner most favorable to secure the just, speedy, and inexpensive determination of every proceeding authorized by law. [Eff. ~~6/22/81; comp 8/13/88~~ _____] (Auth: HRS §§~~304-3, 304-4~~304A-104, 304A-105, 91-2) (Imp: HRS §§~~304-2, 304-3, 304-4~~304A-103, 304A-104, 304A-105, 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 executive administrator and secretary of the board.

"Standing committees" means the board's standing committees, as established in the Bylaws of the Board of Regents of the University of Hawaii, as amended.

"University" means the University of Hawaii system and its campuses and facilities that falling 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 or 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.~~

(dc) 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 2/13/88~~] (Auth: HRS §§304-3, 304-4304A-104, 304A-105, 91-2) (Imp: HRS §§304-3, 304-4304A-103, 304A-105, 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, 2444 Dole Street, Bachman 209, 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.~~

Comment [TTT1]: The current §20-1-3 is now broken down into 3 sections, §§20-1-3 through §20-1-5.

~~(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 provide in these rules, Robert's Rules of Order shall apply. [Eff. 6/22/81, am and comp 3/13/88] [Auth: HRS §§ 304-3, 304-4, 91-2] (Imp: HRS §§ 304-3, 304-4, 91-1, 91-2)~~

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

(c) Secretary. The secretary shall keep minutes of all meetings of the board, including standing and other 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. [Eff.

] (Auth: HRS §§304A-104, 304A-105, 91-2)
(Imp: HRS §§304A-104, 304A-105, 91-2)

Comment [TTT2]: This section is currently in §20-1-3(e).

Comment [TTT3]: This section is currently in §20-1-3(f).

§20-1-4 Office 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. [Eff. _____]
(Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

Comment [TTT4]: This section is currently in §20-1-3(b).

§20-1-5 Meetings. (a) 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.

(b) 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.

(c) Robert's Rules of Order shall guide the conduct of the board and its standing committee meetings except where in conflict with the provisions of these rules. No action of the board or its standing committees shall be invalid or ineffective by reason of noncompliance with Robert's Rules of Order. [Eff. _____] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

~~§20-1-6 Public Government records, inspection, cost of copies.~~ (a) The term "Public Government records" as used in this part is defined as in section ~~92-5092F-3~~, HRS.

(b) All public government records of the board shall be available for inspection and duplication during established office hours, subject to the limitations prescribed in ~~section 92-51, HRS~~ and chapter ~~92E92F~~, HRS.

(c) Copies of public government records of the board, except as limited by ~~section 92-51, HRS~~, and chapter ~~92E92F~~, HRS, shall be available to any person who requests them and pays the fees necessary, if any, as set by law. The costs and fees therefor are governed by section 92-21, HRS.

(d) Requests for public information within the jurisdiction of the University, for permission to inspect public government records, or for copies of public government records will be handled with due regard for the dispatch of other public duties. [Eff. ~~6/22/81, am and comp 8/13/88~~] (Auth: HRS §§304A-104, 304A-105~~304-3, 304-4, 91-2, 91-50, 91-51, 91-5292F-11, 92F-12~~) (Imp: ~~HRS §§304-3,~~

Comment [TTT5]: This section is currently in §20-1-3(c), entitled "Sessions".

Comment [TTT6]: This section is currently in §20-1-3(d).

Comment [TTT7]: This section is currently in §20-1-3(g) and provides that "Unless otherwise provided in these rules, Robert's Rules of Order shall apply. Article VIII of the Bylaws provides that "Robert's Rules of Order shall apply in situations not covered by these bylaws, applicable statutes, or rules."

Comment [TTT8]: This section is currently in §20-1-4, entitled "Public records".

~~304-4304A-104, 304A-105, 91-2, 92-21, 92F-11, 92F-1292-50, 92-51, 92-52)~~

§20-1-7 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 8/13/88; comp _____) (Auth: HRS §§304A-104, 304A-105~~304-3, 304-4~~, 91-2) (Imp: HRS §§304A-104, 304A-105~~304-3, 304-4~~, 91-2)

Comment [TTT9]: This section is currently in §20-1-5.

~~§20-1-6 REPEALED. [R 8/13/88]~~

~~§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 of 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 8/13/88] (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 8/13/88]~~

~~§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 8/13/88] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS §§304-3, 304-4, 91-2)~~

~~§20-1-9 REPEALED. [R 8/13/88]~~

~~§20-1-10 REPEALED. [R 8/13/88]~~

~~§20-1-11 REPEALED. [R 8/13/88]~~

~~§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~~

~~8/13/88] (Auth: HRS §§304-3, 304-4, 91-2) (Imp: HRS
§§304-3, 304-4, 91-2, 28-4)~~

Comment [TTT10]: The above deleted sections (§§20-1-7, -8, and -12) are moved to Subchapter 2 below.

SUBCHAPTER 2

MEETINGS PROCEEDINGS BEFORE THE BOARD

§20-1-8 General. (a) The meetings of the board and its standing committees shall comply with chapter 92, HRS. [~~Eff. 6/22/81; am and comp 8/13/88~~
] (Auth: HRS §§304A-104, 304A-105~~304-3, 304-4, 91-2~~) (Imp: HRS §§304A-104, 304A-105~~304-3, 304-4, 91-2~~)

§20-1-9 Appearances in a Meeting before the board. (a) Any person shall be afforded an opportunity to present oral testimony or written submittals on any agenda item at the meetings before ~~to the board or to its standing or select other committees at the meetings on any agenda item.~~

Comment [TTT11]: This section is currently in §20-1-14, which is now broken down into 2 sections, §§20-1-9 and -10.

(b) In order to ensure an orderly and efficient meeting, any person who wants to appear before the board or its standing or ~~select other~~ 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 other~~ 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).~~

(c) A person may be represented by or with counsel qualified to practice before the supreme court of Hawaii, 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.

] (Auth: HRS §§304A-104, 304A-105, 91-2, 92-3) (Imp: HRS §§304A-104, 304A-105, 91-2, 92-3)

Comment [TTT12]: This section is currently in §20-1-14(d)

§20-1-10 Presiding officer; duties and powers.

(a) ~~The board or the chairperson presiding officer~~ of a meeting shall have the authority to:

- (1) limit or terminate any testimony which the board or the chairperson presiding officer determines to be repetitious or made solely for purposes of delay;
- (2) rearrange the order of the items on the agenda for the purpose of providing for the most efficient and convenient presentation of testimony;
- (3) limit the amount of time for testimony per individual in order to allow persons to have an equal amount of time to testify, and the person testifying shall be informed prior to the commencement of the testimony of the time constraints to be imposed; and
~~Further, the chairperson of the meeting shall have authority to~~
- (4) ~~remove any person who willfully 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 the presiding officer ~~its chairperson~~ under section 20-1-35(c).

(b) Unless it would be contrary to statutory requirements to do so, any rule in this chapter may be suspended or waived by the board or by the presiding officer to prevent undue hardship in any particular instance. ~~(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. 5/22/81, ~~am and comp 8/13/88, am 8/3/92~~] (Auth: HRS §§304A-104, 304A-105~~304-3, 304-4~~, 91-2, 92-3) (Imp: HRS §§304A-104, 304A-105~~304-3, 304-4~~, 91-2, 92-3)

Comment [TTT13]: This section is currently in §20-1-14(c).

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

§20-1-11 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 required to be filed with the board 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~~ the person has read the document; that to the best of the person's ~~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

Comment [TTT14]: This section is currently in §20-1-7.

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.] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 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 8/13/88]~~

§20-1-12 Computation of time. In computing any period of time prescribed by these rules or order of the board, the provisions of section 1-29, HRS, shall apply. [Eff. ~~6/22/81, comp 8/13/88, comp~~] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

Comment [TTT15]: This section is currently in §20-1-8.

§20-1-13 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,

Comment [TTT16]: This section is currently in §20-1-15.

provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons;

- (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 8/13/88]

(Auth: HRS §§304A-104, 304A-105, 304-3, 304-4, 91-2)

(Imp: HRS §§304A-104, 304A-105, 304-3, 304-4, 91-2, 92-7, 92-9)

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

~~§20-1-14 Counsel for the board. The Attorney General of the State of Hawaii university general counsel shall be designated as legal counsel for the board. The attorney general or a representative university general counsel or the university general counsel's representative, in the capacity as legal counsel for the board, may be present at all meetings and hearings governed by these rules. [Eff.~~

~~] (Auth: HRS §§304A-104, 304A-105, 304A-1005, 91-2) (Imp: HRS §§304A-104, 304A-105, 304A-1005, 91-2)~~

Comment [TTT17]: This section is currently in §20-1-12

~~§20-1-16 REPEALED. [R 8/13/88]~~

SUBCHAPTER 3

RULES APPLICABLE TO RULEMAKING HEARINGS

§20-1-15 General. The board's rulemaking hearings shall comply with the applicable provisions of chapters 91 and 92, HRS. [~~Eff. 6/22/81, am and eomp 8/13/88~~] (Auth: HRS §§304A-104, 304A-105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2)

Comment [TTT18]: This section is currently in §20-1-17.

§20-1-16 Initiation of rulemaking hearing. (a) The board may at any time initiate proceedings to adopt, amend, or repeal any rule of the university.

(b) Any interested person, organization or agency may petition the board for the adoption, amendment, or repeal of any rule of the university, as defined in this chapter. [~~Eff. 6/22/81, am and eomp 8/13/88~~] (Auth: HRS §§304A-104, 305A-105, 91-2, 91-6) (Imp: HRS §§304-3, 304-4, 91-2, 91-3, 91-6)

Comment [TTT19]: This section is currently in §20-1-21(a). The original section 20-1-21, entitled "Petitions for adoption, amendment or repeal of rules" is broken down into 3 sections, §§20-1-16, -17, -18.

§20-1-17 Contents of petition. Petitions for rulemaking shall conform to the requirements of section 20-1-11. 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, or repeal of a rule which does not conform to the

Comment [TTT20]: This section is currently in §20-1-21(b).

requirements set forth above will be considered by the board. [Eff. _____] (Auth: HRS §§304A-104, 305A-105, 91-2, 91-6) (Imp: HRS §§304-3, 304-4, 91-2, 91-3, 91-6)

§20-1-18 Disposition of petition. 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~~ petition, 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 section 91-3, HRS, and 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. _____] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-6) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-3, 91-6)

Comment [TTT21]: This section is currently in §20-1-21(c).

§20-1-19 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~~

Comment [TTT22]: This section is currently in §20-1-18.

~~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. Unless otherwise specifically directed by the board, each such rulemaking hearing shall be presided over by the board chairperson or a member of the board or by the chairperson's as designated representative by the board chairperson. The presiding officer shall have authority to take all actions necessary ~~to~~ for the orderly conduct of the hearing.

(c) Continuance of rulemaking hearing. Each such hearing shall be held at the date, time and place set in the notice of hearing, but, thereafter, 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 previous the time the hearing is continued.

(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 the order as the~~ prescribed by the presiding officer shall prescribe.

(e) Conduct of hearing. All interested persons, organizations, or agencies shall be given reasonable opportunity to ~~submit written or oral testimony or~~ offer testimony which may consist of evidence data, views or arguments with respect to the matters specified in the notice of hearing. Every witness shall, before proceeding to testify, state the witness' name, address, and whom the witness represents, if any, at the hearing, and shall give other information respecting the witness' appearance as the presiding officer may request. 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 the

presiding officer or any other member-representative of the board or its counsel, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Submission of evidence. All interested persons, organizations, or agencies may also file with the board within the time period specified in the notice of proposed rulemaking a written protest or other comments or recommendations in support of or in opposition to the proposed rulemaking. Unless the presiding officer finds that the furnishing of copies is impracticable, written protests, comments or recommendations or replies thereto will not be accepted unless an original and fourteen copies are filed. The period of filing may be extended by the presiding officer for good cause.

(g) 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 supporting written statements and data shall be submitted. — [Eff. ~~6/22/81, am and comp 8/13/88~~] (Auth: HRS §§304A-104, 304A-105304-3, 304-4, 91-2) (Imp: HRS §§304A-104, 304A-105304-3, 304-4, 91-2, 91-2, 91-3)

§20-1-20 Board action. At the close of the final public hearing, the board, if present at the hearing, may make its decision or the presiding officer shall announce the date when the board's decision shall be made. The board shall consider all relevant comments and materials of record before taking final action in a rulemaking proceeding. [Eff.] (Auth: HRS §§304A-104, 304A-

105, 91-2) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-3)

~~§20-1-19 REPEALED. [R 8/13/88]~~

~~§20-1-20 REPEALED. [R 8/13/88]~~

~~§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 8/13/88] (Auth: HRS §§304-3, 304-4, 91-2). (Imp: HRS §§304-3, 304-4, 91-2, 91-6).~~

§20-1-21 Public Information ~~Compilation of rules.~~
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 8/13/88] (Auth: HRS §§304A-104, 304A-105~~304-3, 304-4~~, 91-2) (Imp: HRS §§304A-104, 304A-105~~304-3, 304-4~~, 91-2, 92-4~~91-4~~, 91-5)

Comment [TTT23]: This section is currently in §20-1-22, entitled "Public Information".

SUBCHAPTER 4

DECLARATORY HEARINGS RULINGS

§20-1-22 Petition for declaratory rulings. Any interested person may petition the board for a declaratory ruling as to the applicability of any statutory provision or of any rule or order of the board. [Eff. _____] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

Comment [TTT24]: Procedures for declaratory rulings are found in the current §20-1-23. The revision breaks §20-1-23 into smaller sections under Subchapter 4.

§20-1-23 Form and contents of petition. (a)
~~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 a declaratory 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 20-1-117.~~

Comment [TTT25]: Form and contents are currently in section 20-1-23(a) and (b)

(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. [Eff _____]
(Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

§20-1-24 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.

Comment [TTT26]: This section is currently in §20-1-23(d).

[Eff _____] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

§20-1-25 Board action on petition. (a) Dismissal. The board may, without notice of hearing, dismiss a petition for declaratory ruling which fails in material respect to comply with the requirements of this part.

Comment [TTT27]: The section, entitled, "Dismissal" is currently in §20-1-23(c)

(b) Ruling. Upon determination of the applicability or nonapplicability of the statutory provision or rule or order cited in the petition to the factual circumstances presented in the petition, the board shall issue a declaratory order in response to the petition.

(c) The petitioner shall be notified in writing of the disposition of the petition. [Eff.

_____] (Auth: HRS §§304A-104, 304A-105, 91-2, 91-8) (Imp: HRS §§304A-104, 304A-105, 91-2, 91-7, 91-8)

§20-1-26 Declaratory ruling on board's own motion or upon request. Notwithstanding the other provisions of this part subchapter, 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 8/13/88~~

Comment [TTT28]: This section is currently in §20-1-23(e)

_____] (Auth: HRS §§304A-104, 304A-105~~304-3, 304-4,~~ 91-2) (Imp: HRS §§304A-104, 304A-105~~304-3, 304-4,~~ 91-2, 91-7, 91-8)

~~SUBCHAPTER 5 REPEALED. [R 8/13/88]~~

**PROPOSED SIMULTANEOUS REPEAL OF HAWAII ADMINISTRATIVE RULES (“HAR”)
CHAPTER 1, “RULES OF PRACTICE AND PROCEDURE” AND
THE ADOPTION OF A NEW CHAPTER 1, “RULES OF PRACTICE AND PROCEDURE”**

Proposed New Chapter 1:

- Retains the current 4 subchapters: (1) Rules of General Applicability; (2) Meetings; (3) Rules Applicable to Rulemaking Hearings; and (4) Declaratory Rulings, with the exception that Subchapter 2 is relabeled as “Proceedings Before the Board”;
- Rearranges sections of HAR Chapter 1 into the appropriate subchapter; and
- Amends various sections to conform to current practice and statutory requirements, and/or clarify any potential ambiguities.

SUBCHAPTER 1, RULES OF GENERAL APPLICABILITY:

Current Section	Proposed New or Renumbered Section	Explanation of Amendment (if applicable)
§20-1-1, Statement of Policy	Same	Amended for clarity
§20-1-2, Definitions	Same	Amended the definition term for “Secretary” and “Standing Committee” to conform to the Board of Regents’ (“Board”) Bylaws
§20-1-3, The board	§§20-1-3 to 20-1-5	Broken down into 3 sections to make more user-friendly
§20-1-3(a), Office; (e), President, and (f), Secretary	§20-1-3, The Board	Updated Board’s address
§20-1-3(b), Hours	§20-1-4, Office hours	
§20-1-3(c), Session; (d), Quorum; and (g), Robert’s Rules	§20-1-5, Meetings	Amended Robert’s Rules section for clarity
§20-1-4, Public Records	§20-1-6, Government records, inspection, cost of copies	Updated to conform to HRS Chapter 92F, Uniform Information Practices Act (Modified)
§20-1-5, Severability	§20-1-7	
§20-1-6, Repealed		Removed as repealed section
§20-1-7, Filing of documents	§20-1-11	Moved to Subchapter 2
§20-1-8, Computation of time	§20-1-12	Moved to Subchapter 2
§§20-1-9 to -11, Repealed		Removed as repealed sections
§20-1-12, Counsel for the board	§20-1-14	Moved to Subchapter 2

SUBCHAPTER 2, PROCEEDINGS BEFORE THE BOARD:

Current Section	Proposed New or Renumbered Section	Explanation of Amendment (if applicable)
§20-1-13, General	§20-1-8	
§20-1-14, Appearances in a meeting	§§20-1-9 to 20-1-10	Broken down into 2 sections to make more user-friendly
§20-1-14(a), (b) and (d)	§20-1-9, Appearances before the board	Amended for clarity
§20-1-14(c)	§20-1-10, Presiding officers; duties and powers	Amended to clarify the Board's authority to rearrange the order of the items on the agenda and limit the amount of time for testimony in order to allow persons to have an equal amount of time to testify before the Board
§20-1-7, Filing of documents	§20-1-11	Amended for clarity
§20-1-8, Computation of time	§20-1-12	Amended for clarity
§20-1-15, Voting	§20-1-13	Amended to conform to HRS § 92-7 relating to public notice of meeting and change in the agenda
§20-1-12, Counsel for the board	§20-1-14	Updated to conform to HRS § 304A-1005, University general counsel
§20-1-16, Repealed		Removed as repealed section

SUBCHAPTER 3, RULES APPLICABLE TO RULEMAKING HEARINGS:

Current Section	Proposed New or Renumbered Section	Explanation of Amendment (if applicable)
§20-1-17, General	§20-1-15	
§20-1-18, Conduct of rulemaking hearing	§20-1-19	Amended to clarify that the rulemaking hearing is to be presided over by the chairperson of the board or by the chairperson's designated representative
§20-1-19, Repealed		Removed as repealed section
§20-1-20, Repealed		Removed as repealed section
	§20-1-20, Board action	Added new section to clarify and align the process leading to the board's decision at the close of the final public hearing to HRS § 91-3 relating to procedure for adoption, amendment, or repeal of rules
§20-1-21, Petitions for adoption, amendment or repeal of rules	§§20-1-16 to 20-1-18	Broken down into 3 sections to make more user-friendly
§20-1-21(a)	§20-1-16, Initiation of rulemaking hearing	Amended for clarity and to align with HRS § 91-6 relating to petition for adoption, amendment or repeal of rules
§20-1-21(b)	§20-1-17, Contents of petition	
§20-1-21(c)	§20-1-18, Disposition of petition	Amended to conform to HRS § 91-3 relating to procedure for adoption, amendment, or repeal of rules and § 91-6 relating to petition for adoption, amendment or repeal of rules
§20-1-22, Public information	§20-1-21, Compilation of rules	

SUBCHAPTER 4, DECLARATORY RULINGS:

Current Section	Proposed New or Renumbered Section	Explanation of Amendment (if applicable)
	§20-1-22, Petition for declaratory rulings	Added new section to align with HRS § 91-8 relating to declaratory rulings by agencies
§20-1-23, Petition for declaratory rulings	§§20-1-23 to 20-1-26	Broken down into 4 sections to make more user-friendly
§20-1-23(a), Form and content and (b), Additional data and supporting authorities	§20-1-23, Form and contents	Amended for clarity
§20-1-23(c), Dismissal	§20-1-25, Board action on petition	Amended for clarity
§20-1-23(d), Request for hearing	§20-1-24, Request for hearing	
§20-1-23(e), Declaratory ruling on board's own motion	§20-1-26, Declaratory ruling on board's own motion or upon request	Amended for clarity



UNIVERSITY OF HAWAII

BOARD OF REGENTS

Memorandum

To: Board of Regents
University of Hawai'i

From: Randy Moore
Chair, Independent Audit Committee

Date: January 26, 2017

Re: Appointment of permitted interaction group to meet with internal and external auditors

This a request and recommendation that you approve the appointment of a permitted interaction group ("PIG") to meet with the university's internal and external auditors, and to report back to the full board any findings and recommendations.

Best practice is for an organization's audit committee to regularly meet with its internal and external auditors privately to ask whether either the internal or external auditors have matters they wish to discuss with the committee. The American Institute of Certified Public Accountants has published a "toolkit" for audit committees of government organizations that in Chapter 12 sets forth the guidelines and questions for conducting such a session and provides:

- It is generally accepted practice that the audit committee hold executive sessions at every audit committee meeting with senior management, the CFO or equivalent of the financial management team, the internal auditor, and the partner of the independent auditor, although senior management (including the CFO) need not be at every meeting.
- The purpose of the executive session is to afford the committee the opportunity for full discussion with auditors regarding areas of concern.
- The toolkit provides 79 sample questions to ask during regular meetings and executive sessions.

HRS Section 92-2.5(b)(1) does expressly provide for such discussions to take place through appointment of a permitted interaction group (PIG) to:

Investigate a matter relating to the official business of their board; provided that:
(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;

- (B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
- (C) Deliberation and decision-making on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board.

Accordingly, my request and recommendation is for the board to appoint a PIG consisting of the five members of the Independent Audit Committee to meet with the internal and external auditors for the purposes set forth in the AICPA toolkit and to present any findings and recommendations to the board at a duly-noticed board meeting. In accordance with the three-step PIG process set forth in Chapter 92, any deliberation and decision-making regarding the findings and recommendations would not occur until a subsequent meeting of the board at which such deliberation and any decision-making would be properly noticed.



UNIVERSITY of HAWAII MĀNOA

UNIVERSITY OF HAWAII BOARD OF REGENTS

Colleges of Arts and Sciences College of Social Sciences Office of the Dean

DTS 17908

16 DEC 29 AM 54

November 15, 2016

MEMORANDUM

TO: Jan Naoe Sullivan Chair, Board of Regents

VIA: David Lassner President, University of Hawaii

FROM: David Lassner Interim Chancellor, Mānoa

Donna Vuchinich University of Hawaii'i Foundation President & CEO

Dr. Denise Eby Konan Dean, College of Social Sciences

UNIVERSITY OF HAWAII PRESIDENT'S OFFICE

16 NOV 23 AM 1:02

RECEIVED

SUBJECT: REQUEST FOR ACTION TO APPROVE THE ESTABLISHMENT OF THE HAWAII COMMUNITY REINVESTMENT CORPORATION DISTINGUISHED ENDOWED PROFESSORSHIP IN AFFORDABLE HOUSING IN THE DEPARTMENT OF URBAN AND REGIONAL PLANNING AND THE UNIVERSITY OF HAWAII ECONOMIC RESEARCH ORGANIZATION IN THE COLLEGE OF SOCIAL SCIENCES

SPECIFIC ACTION REQUESTED

The University of Hawaii'i at Mānoa College of Social Sciences seeks the approval of the University of Hawaii'i Board of Regents to name the Hawaii Community Reinvestment Corporation Distinguished Endowed Professorship in Affordable Housing in the Department of Urban and Regional Planning and the University of Hawaii Economic Research Organization in the College of Social Sciences in recognition of a gift commitment of \$789,474 to the University of Hawaii'i Foundation.

RECOMMENDED EFFECTIVE DATE

Upon Board of Regents approval.

ADDITIONAL COST

No additional costs are associated with this request.

PURPOSE

The purpose of the Fund is to support the establishment of a professorship in the Department of Urban and Regional Planning and the University of Hawai'i Economic Research Organization in the College of Social Sciences at the University of Hawai'i at Mānoa ("Professorship"). The Fund will be used to recruit and retain faculty of the highest caliber to teach and conduct research in housing policy and planning, with an affordability focus.

The Funds may be used for, but are not limited to:

1. A salary or supplement for the Professor and/or
2. Any combination of costs as follows to support the Professor's research and education goals in the program area of affordable housing in the State of Hawai'i. The Professor will consider input from the Dean in determining priorities and activities for research and education.
 - a. Research and education program support as the Professor sees fit, including but not limited to, delivery of research and papers at conferences, manuscript preparation, library and equipment acquisition and other requirements of an active scholar and teacher.
 - b. Travel by the Professor to other universities and research institutes, government agencies, and industry visits.
 - c. Professor's attendance at workshops, short courses, and other educational opportunities.
 - d. Extended education programs by the Professor such as workshops, short courses, on or off campus programs for industry.
 - e. Graduate student research assistants, Preference may be given to graduate assistants with residency in Hawai'i and verified by the College of Social Sciences.
 - f. Graduate and undergraduate student internships and travel.

Criteria

Candidates must:

1. Be a current faculty member or new recruit. Preference will be given to candidates who are Associate Professors. Assistant Professors will be considered only if they already have extensive field experience in the affordable housing realm.
2. Hold a doctorate, and be eligible for appointment to a tenure-track faculty position.
3. Have a documented record of research and strong knowledge in housing policy and planning with a focus on affordable housing.
4. Maintain statewide teaching, research, and service focus.
5. Be able to provide program leadership and to make contributions to the education and research goals of the College of Social Sciences. With regards to research, the Professor will be expected to provide independent thought and

leadership on affordable housing topics that will be used and disseminated to policy makers on the local and state levels for further consideration.

6. Have a strong interest in, and substantial record of, working with students.

The program and the recipient of the Professorship shall be reviewed for reassignment either to the current holder or for assignment to another individual at three (3) year intervals.

BACKGROUND

The Hawai'i Community Reinvestment Corporation ("HCRC") is a community-based non-profit and corporation founded in 1990, and is a statewide financial intermediary for affordable housing developers, community development organizations and small businesses. HCRC is designated a Community Development Financial Institution and Community Development Entity, and provides below market interest rate loans and provides financial resources, consulting, assistance and training. HCRC's mission is to provide innovative financing, training, and consulting services to public and private organizations who engage in building livable communities in Hawai'i. It seeks to accomplish its mission by facilitating affordable housing, community development, community development facilities, and economic development statewide.

ACTION RECOMMENDED

Board approval of the naming of the Hawai'i Community Reinvestment Corporation Distinguished Endowed Professorship in Affordable Housing in the Department of Urban and Regional Planning and the University of Hawai'i Economic Research Organization in the College of Social Sciences at the University of Hawai'i at Mānoa in recognition of the \$789,474 gift commitment to the University of Hawai'i Foundation.

RESOLUTION

Honoring Doris Machiko Ching

Interim Chancellor, University of Hawai‘i – West O‘ahu

WHEREAS, on the occasion of the 40th Anniversary of the establishment of the University of Hawai‘i – West O‘ahu, the Board of Regents of the University of Hawai‘i honors Interim Chancellor Doris Machiko Ching for her over 40 years of service at the University of Hawai‘i as an administrative and educational role model and champion for our students; and

WHEREAS, Dr. Ching rose from humble beginnings, born and raised to Nisei parents in Honolulu, a proud graduate of Roosevelt High School, and earned a bachelor’s degree in education from the University of Hawai‘i at Mānoa, and doctorate degree from the Arizona State University; and

WHEREAS, Dr. Ching, returned home, and honoring her Okinawan heritage and community, began her service in educating Hawai‘i’s keiki as a middle school teacher, and quickly rose as a leader in the university, being appointed as Associate Professor in Education, Associate Dean of the University of Hawai‘i’s College of Education, and then the first woman Vice President for Student Affairs, all the while serving on accreditation teams, and many other national boards and commissions; and

WHEREAS, Dr. Ching has been described by her peers as a “tireless advocate of excellence, equal rights, diversity, and success for all students”, and her pioneering work gained her numerous awards at home, including Manager of the Year, College of Education Distinguished Alumnae Award, and the Hawai‘i Okinawa Association’s Legacy Award; and on the national front, as the first woman of color and first Asian American Pacific Islander elected president of the National Association of Student Personnel Administrators (NASPA) and the NASPA Foundation; and

WHEREAS, during retirement, Dr. Ching, still active with an unrelenting indomitable spirit for her community and heritage, gave voice to the Asian Pacific Islander community by co-editing and publishing a book with Dr. Amy Agbayani, *Asian Americans and Pacific Islanders in Higher Education: Research and Perspectives on Identity, Leadership, and Success*; and

WHEREAS, in 2015, Dr. Ching graciously came out of retirement to lead the University of Hawai‘i – West O‘ahu, first as the Interim Vice Chancellor of Academic Affairs, and then as the Interim Chancellor.

NOW THEREFORE, BE IT RESOLVED that the Board of Regents applauds Dr. Ching for her dedicated leadership and contributions with such stylish grace that made the University of Hawai‘i System a better place to learn, grow, and succeed; and

BE IT FURTHER RESOLVED that the Board of Regents extends its best wishes to Dr. Ching that her return to retirement is filled with family and fun, and maybe a marathon or two, and expresses a special mahalo to Dr. Ching’s husband Wilbert “Willy” Ching, and sons Stanton and Stuart, for supporting her in serving the university, her community, and the state of Hawai‘i. We wish Dr. Ching and her family our warmest Aloha.

Adopted by the Board of Regents
University of Hawai‘i
January 26, 2017



/S/

Jan Naoe Sullivan
Chair

RESOLUTION

Affirming Support of University of Hawai‘i’s Commitments to Undocumented and All Students

WHEREAS, on February 21, 2013, the Board of Regents unanimously adopted a policy allowing undocumented immigrants, who came to the U.S. as minors, graduated from a U.S. high school or attained the equivalent thereof, and have initiated the process to be a U.S. citizen or obtain legal immigration status, to pay resident tuition; and

WHEREAS, the Board of Regents’ policy acknowledges the importance of the educational opportunity to undocumented immigrants who came to Hawai‘i as minors and consider Hawai‘i to be their home, and that such a policy aligns with the Board of Regents’ philosophy of providing affordable higher education services to its resident population; and

WHEREAS, on December 29, 2016, President Lassner issued a statement on behalf of the University of Hawai‘i reaffirming the university’s steadfast commitment to serve all members of our community, regardless of citizenship status; and

WHEREAS, the Board of Regents desires to join with President Lassner and reaffirm the university’s commitment to serve all members of our community regardless of citizenship status; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Regents stands alongside President Lassner in reaffirming resident tuition eligibility to undocumented immigrant students, and the commitments to preserve and protect all rights, privileges, support, and services available to all students and members of the university community.

Adopted by the Board of Regents
University of Hawai‘i
January 26, 2017

Item V.B.1.
Board Education:
State Ethics Code
& Best Practices
by Daniel Gluck,
Executive Director,
State Ethics
Commission

Materials Pending



Report on Status of UH Metrics (2015-16)

DR. RISA E. DICKSON

Vice President for Academic Planning and Policy, UH System

BOR

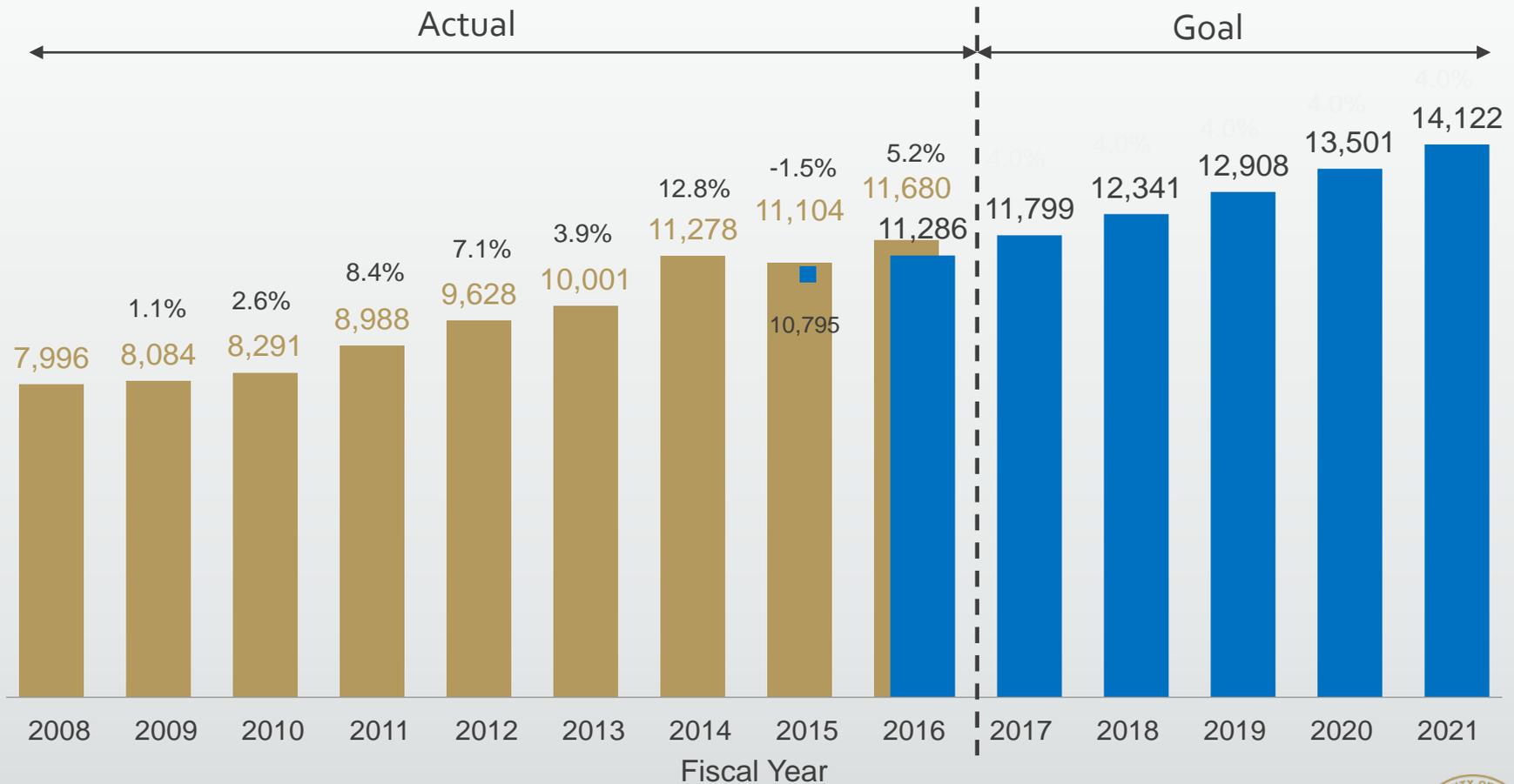
January 2017

Overview

- Performance on All UH Measures
- Campus Scorecards
- Performance Funding



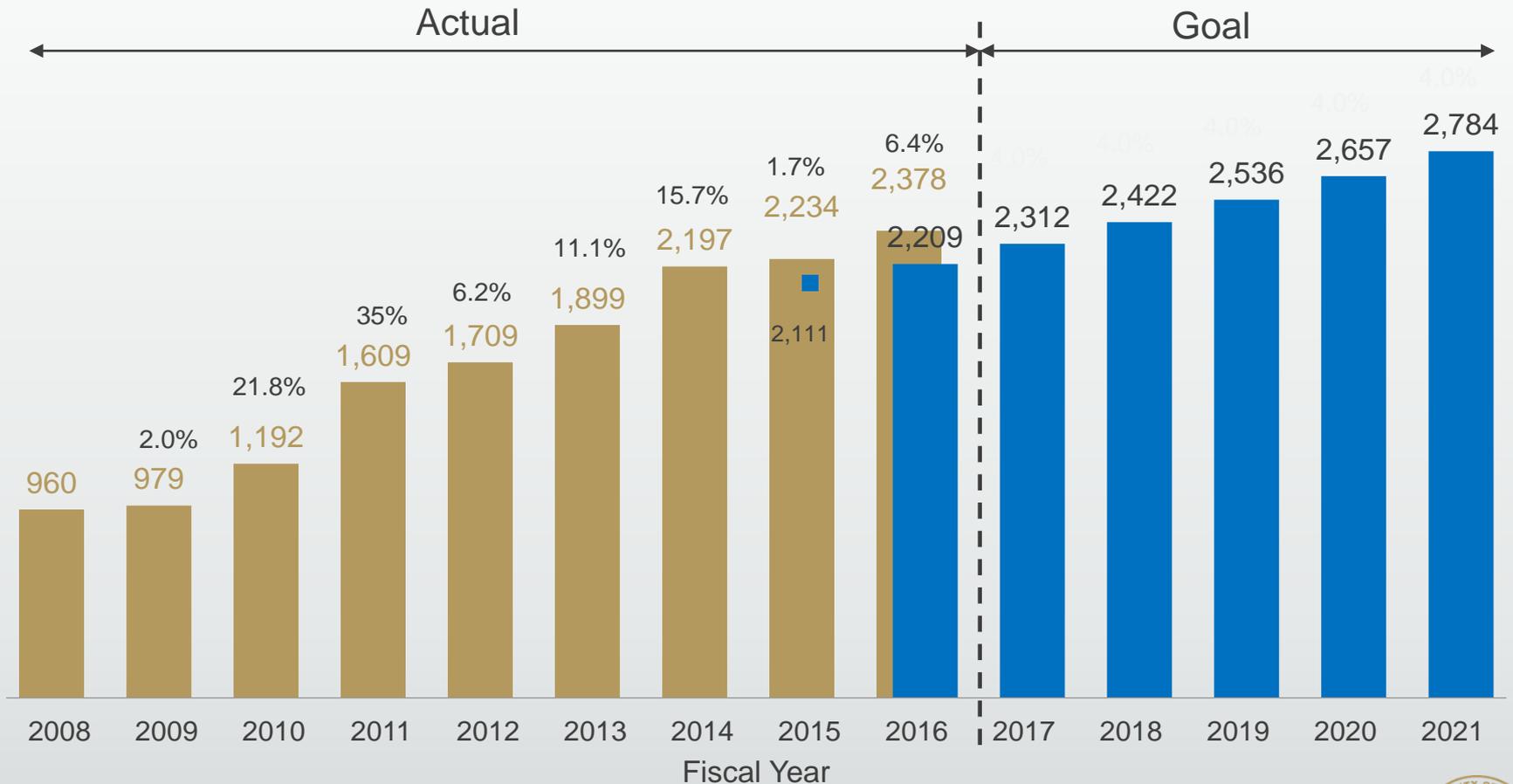
Degrees & Certificates of Achievement Earned UH System



Blue marker indicates baseline for goals.
Baseline is average of FY13, FY14, and FY15



Degrees & Certificates of Achievement Earned UH System Native Hawaiian

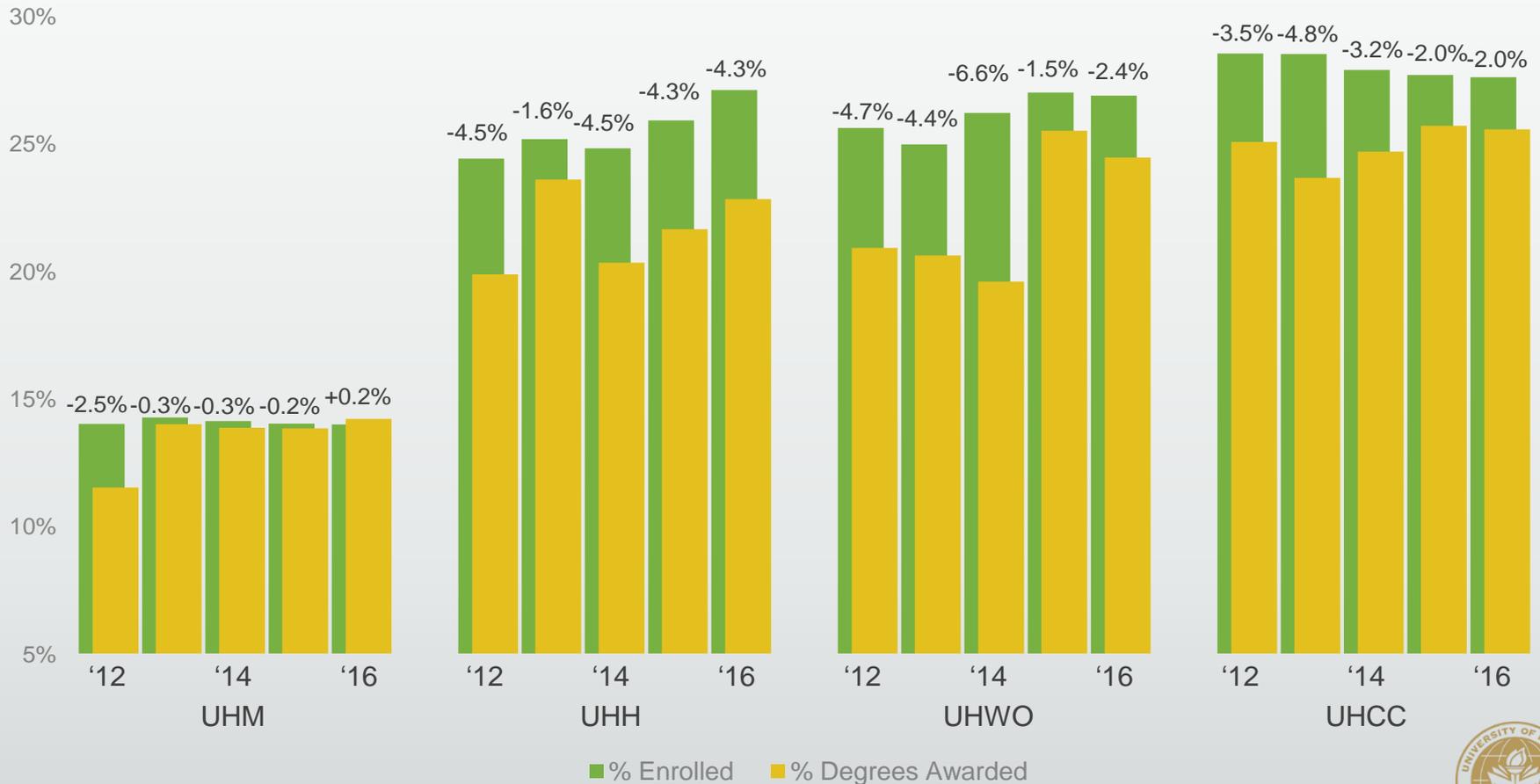


Blue marker indicates baseline for goals.
Baseline is average of FY13, FY14, and FY15



Enrollment to Degree Gap: Native Hawaiian (NH) Students

% NH of Total Fall Enrollment vs. % NH of Total FY Degrees Awarded

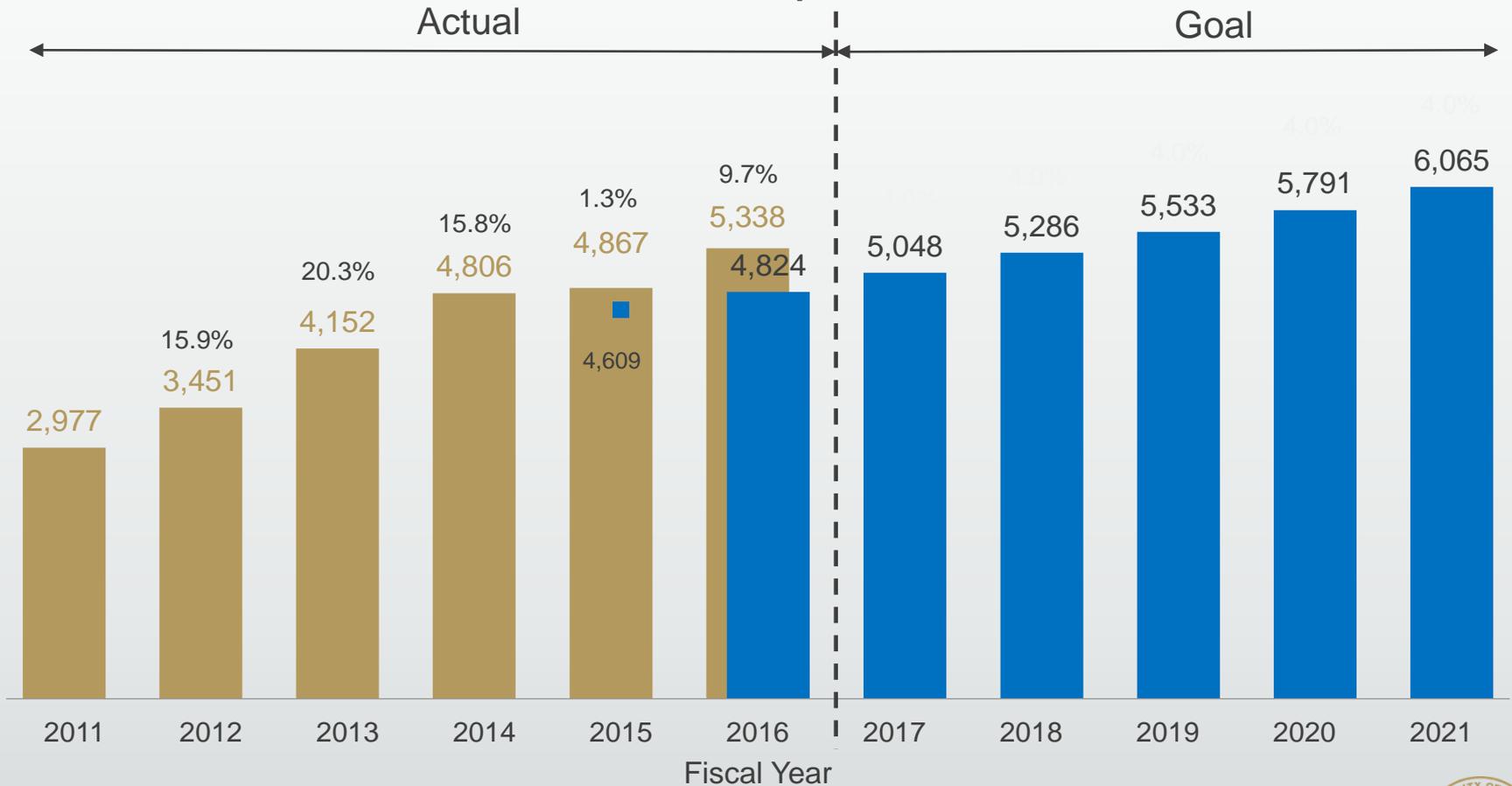


*Native Hawaiian includes Hawaiian Race only (Ethnicity = 'HW'). Does not include Hawaiian Ancestry.



Degrees & Certificates of Achievement Earned UH System

Pell Recipients

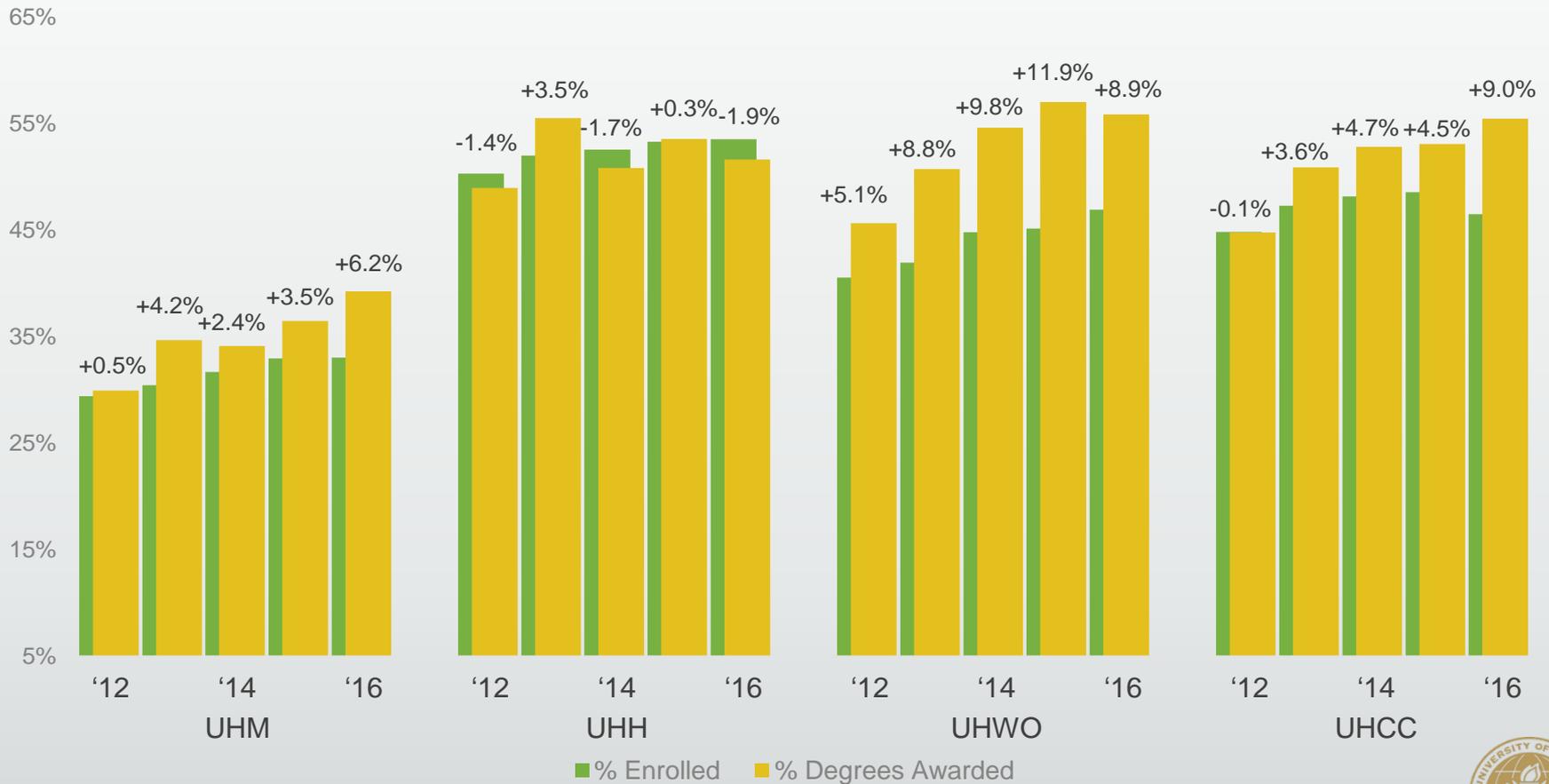


Blue marker indicates baseline for goals.
Baseline is average of FY13, FY14, and FY15



Enrollment to Degree Gap: Pell Grant Recipients

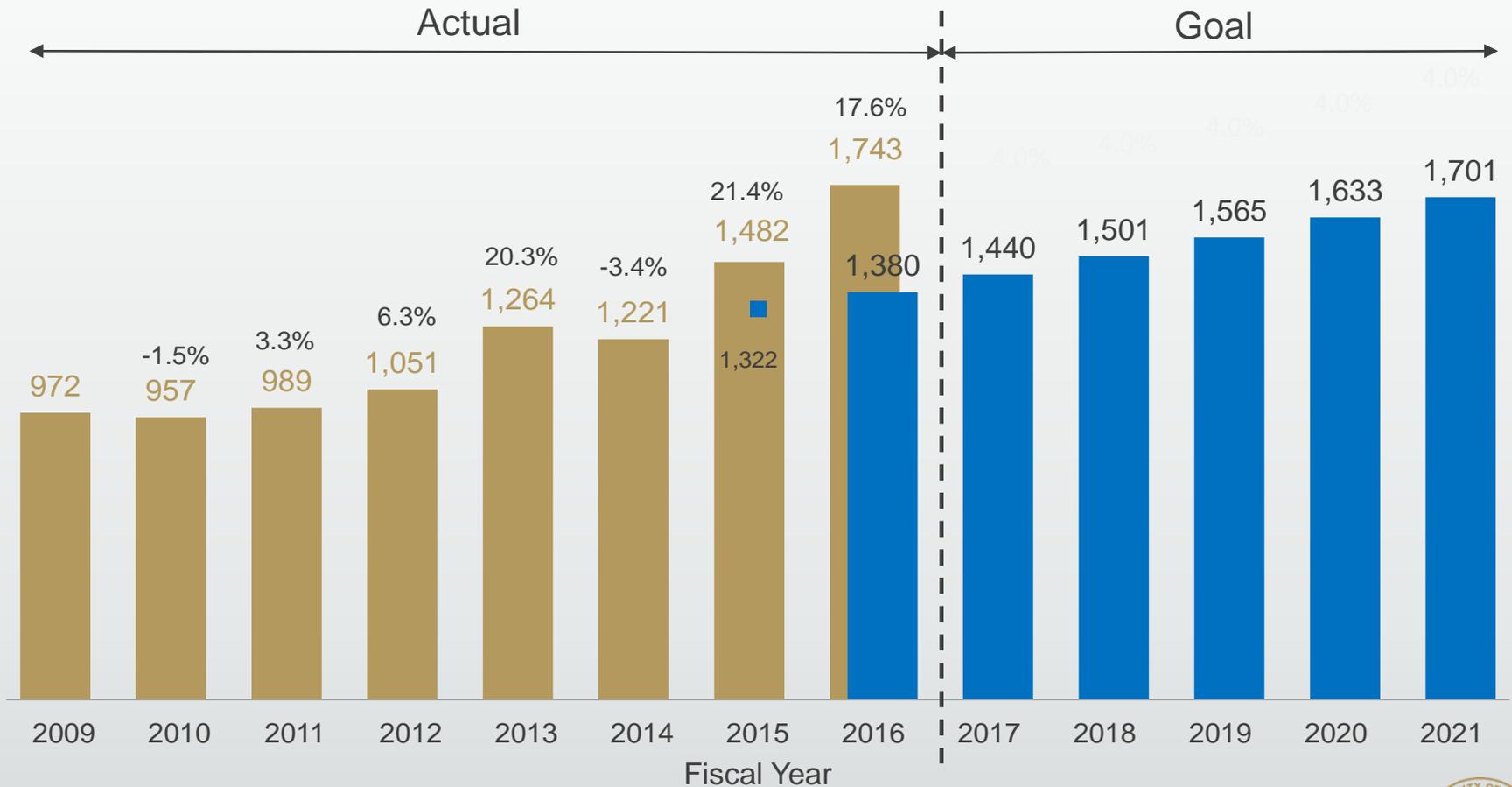
% Pell Recipients of Total Fall Enrollment vs. % Pell Recipients of Total FY Degrees Awarded



* Pell shares exclude ineligible students. Pell recipient enrollment and degree counts include those awarded Pell at anytime.



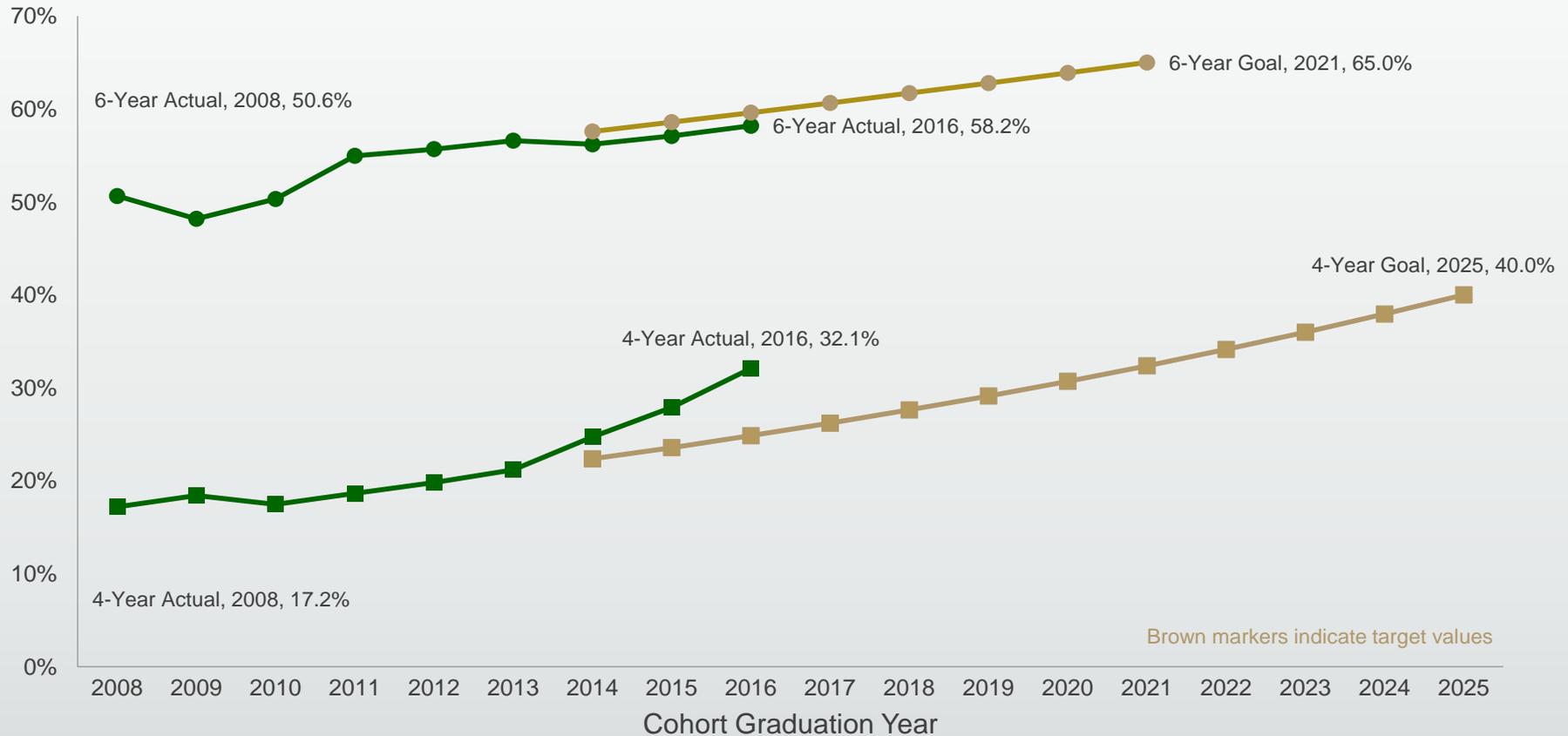
Degrees & Certificates of Achievement Earned UH System STEM



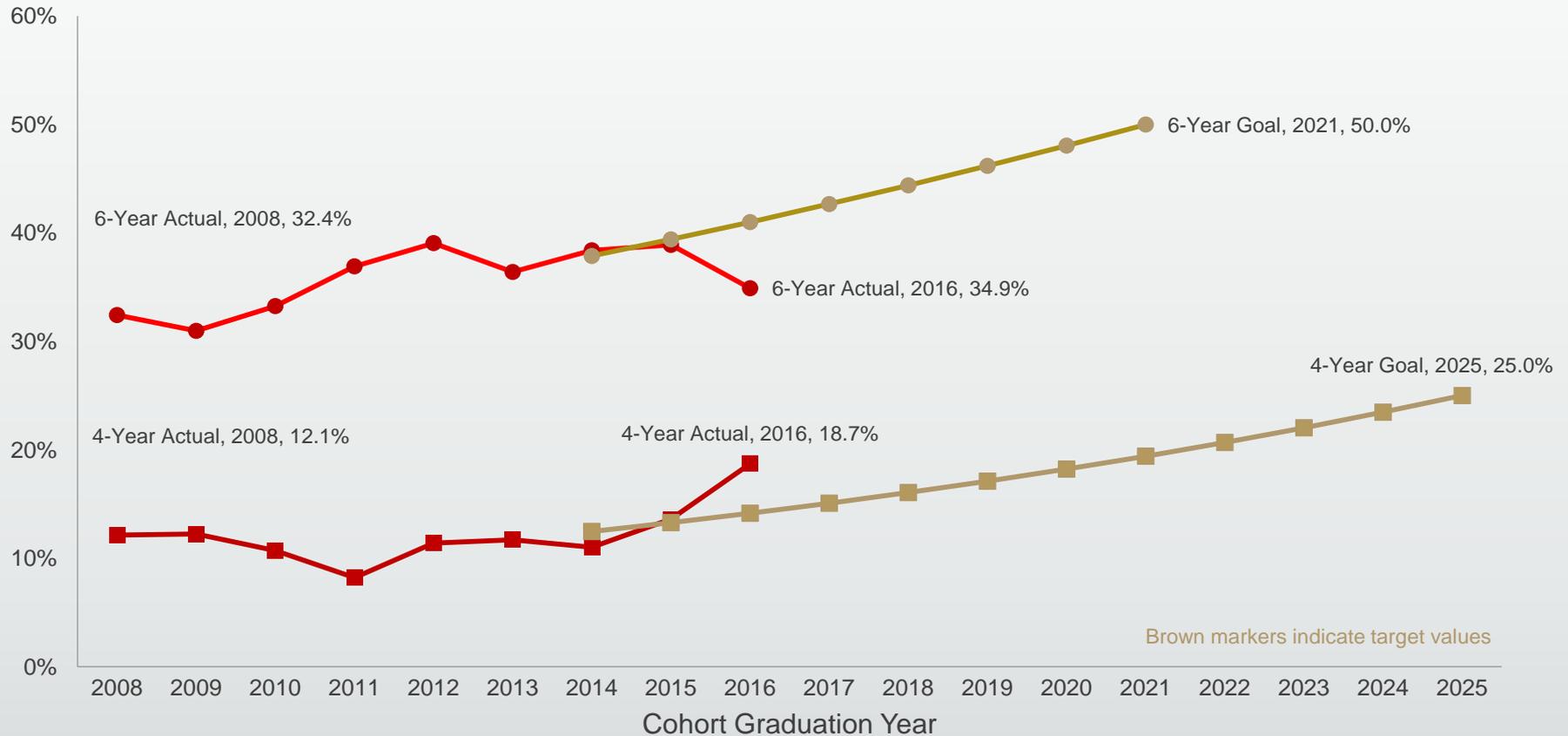
Blue marker indicates baseline for goals.
Baseline is average of FY13, FY14, and FY15



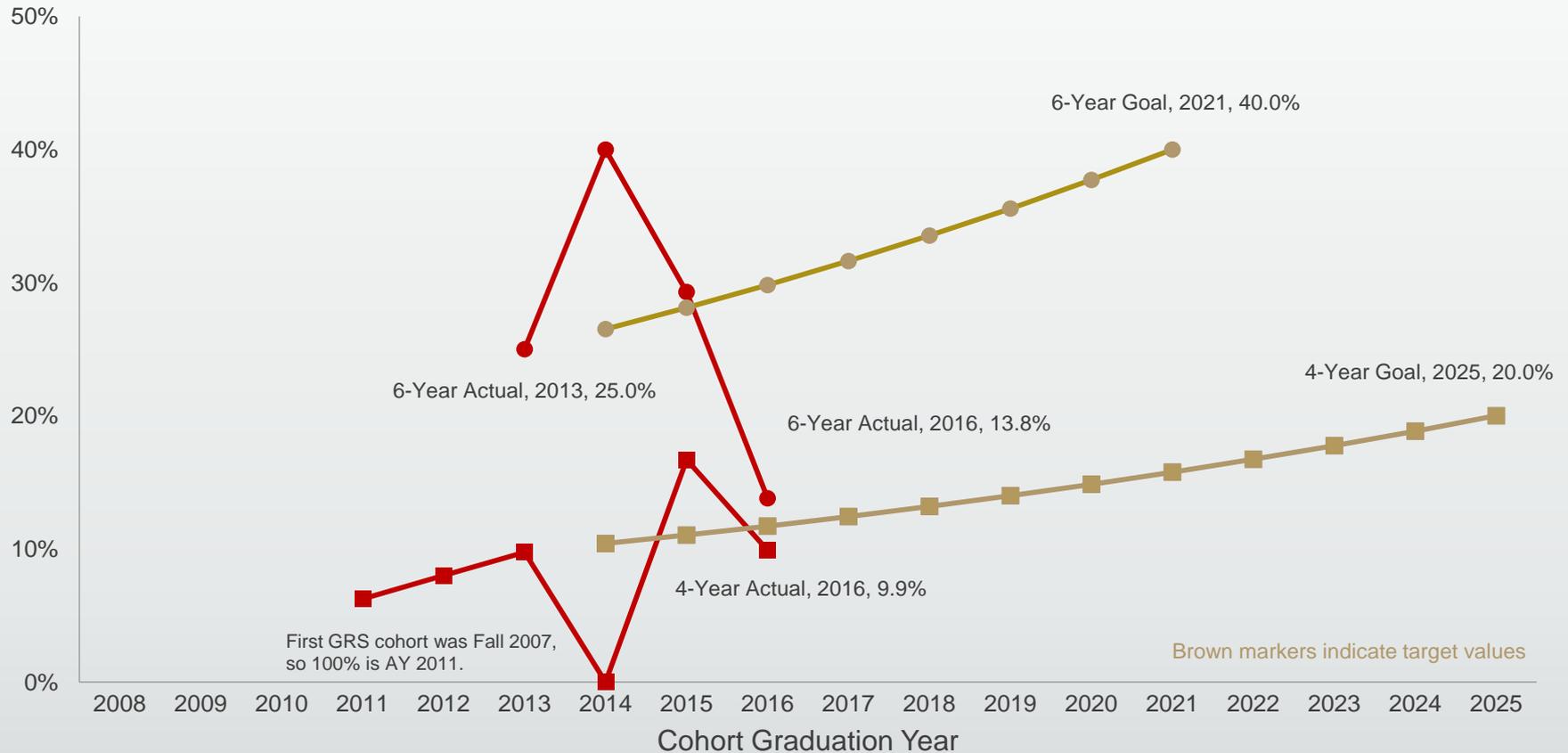
4-Year/ 6-Year Graduation Rate Target UH Mānoa



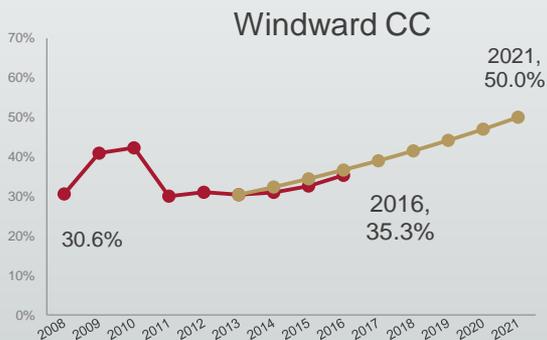
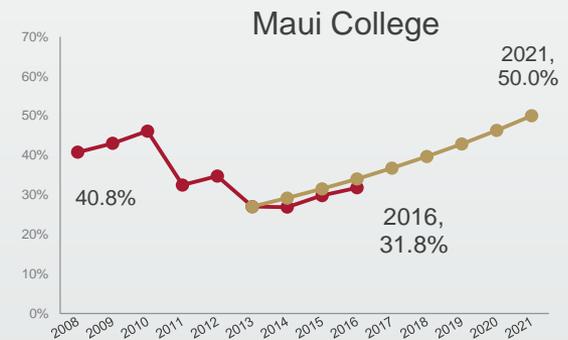
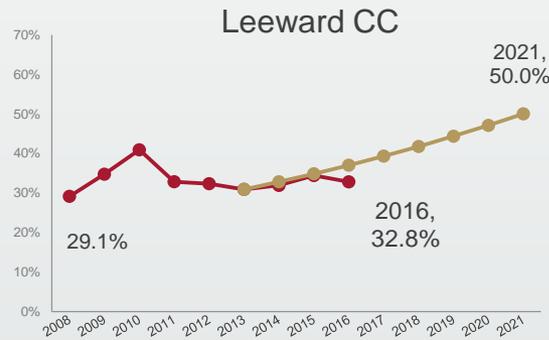
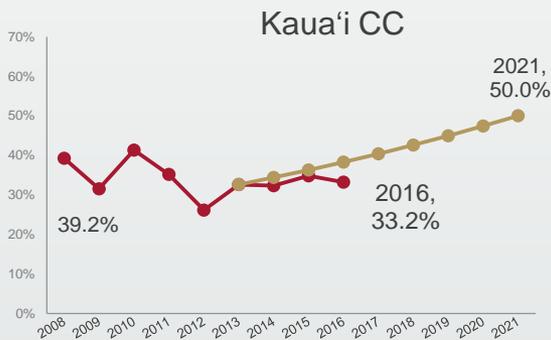
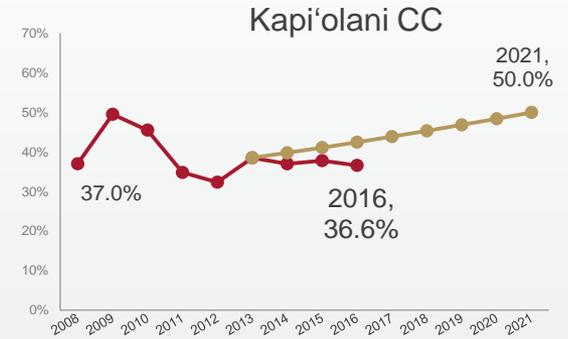
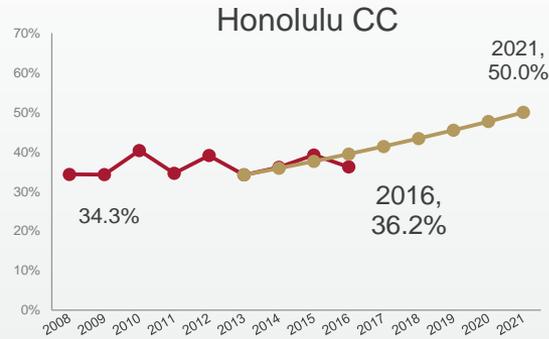
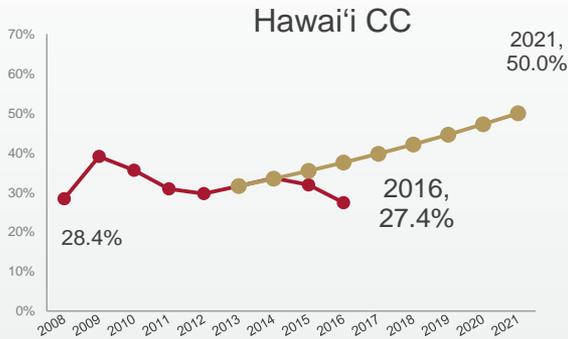
4-Year/ 6-Year Graduation Rate Target UH Hilo



4-Year/ 6-Year Graduation Rate Target UH West O'ahu



150% Graduation + Transfer Out Rate UHCCs

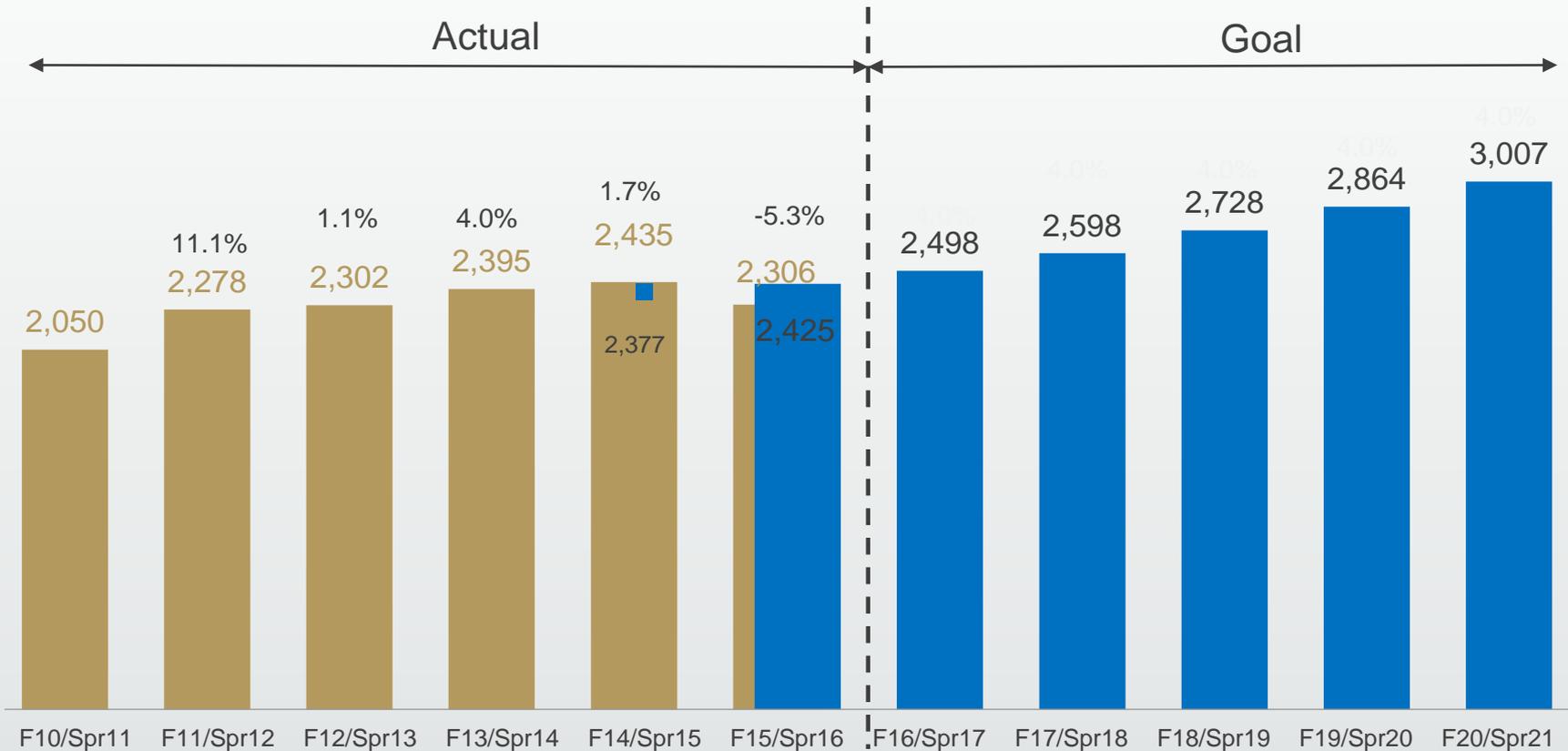


Cohort Graduation Year

Brown markers indicate target values.



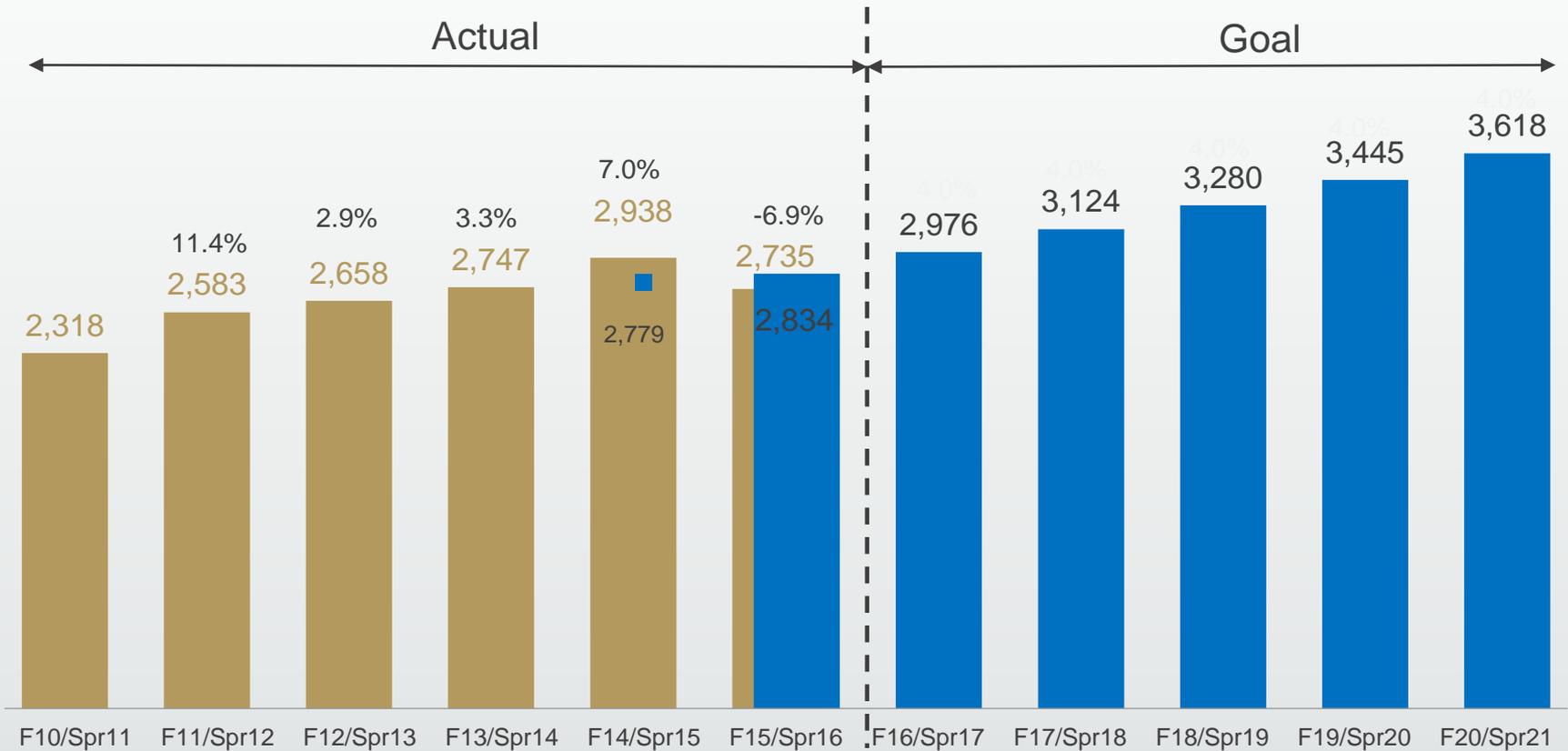
Transfers In from UHCC to UH 4-Year Campuses



Blue marker indicates baseline for goals.
 Baseline is average of F12/Spr13, F13/Spr14, and F14/Spr15



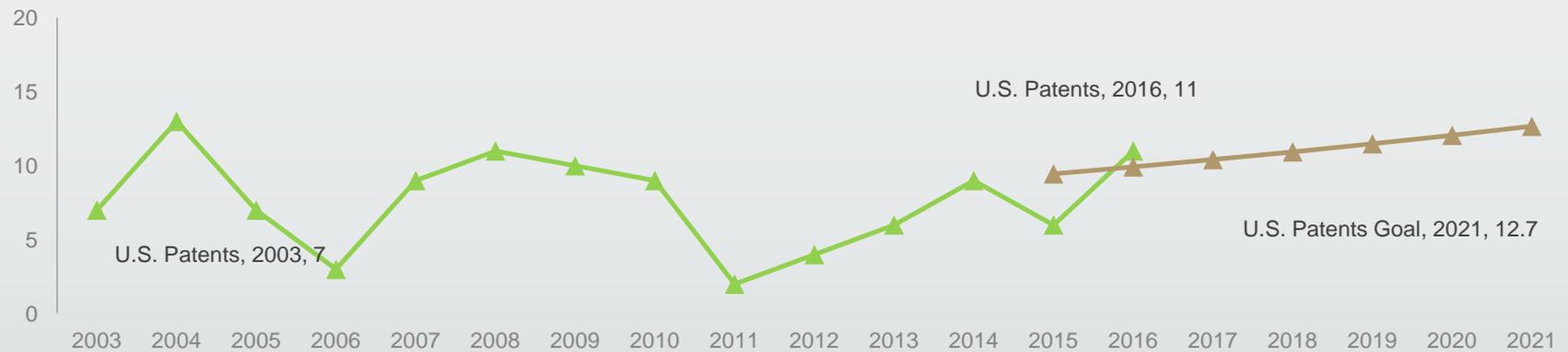
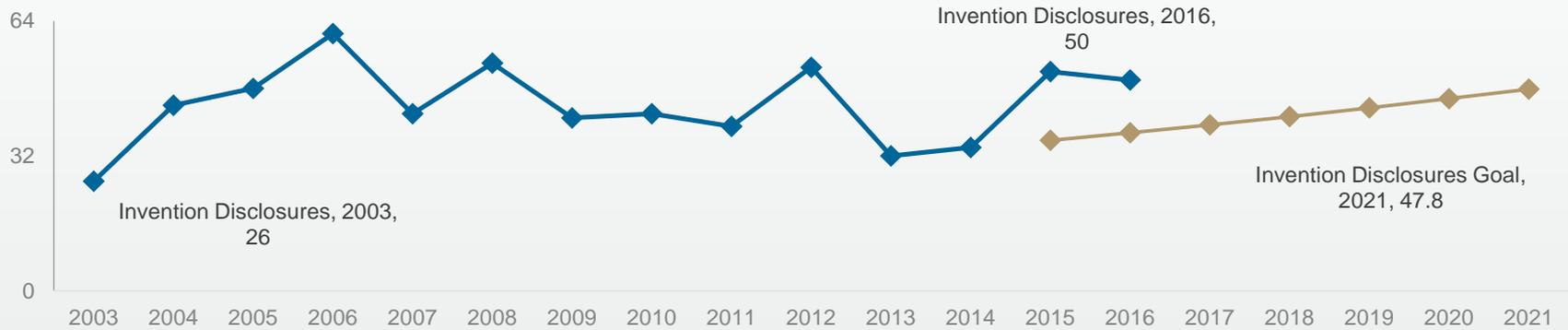
Transfers Out from UHCC to UH 4-Year Campuses



Blue marker indicates baseline for goals.
 Baseline is average of F12/Spr13, F13/Spr14, and F14/Spr15



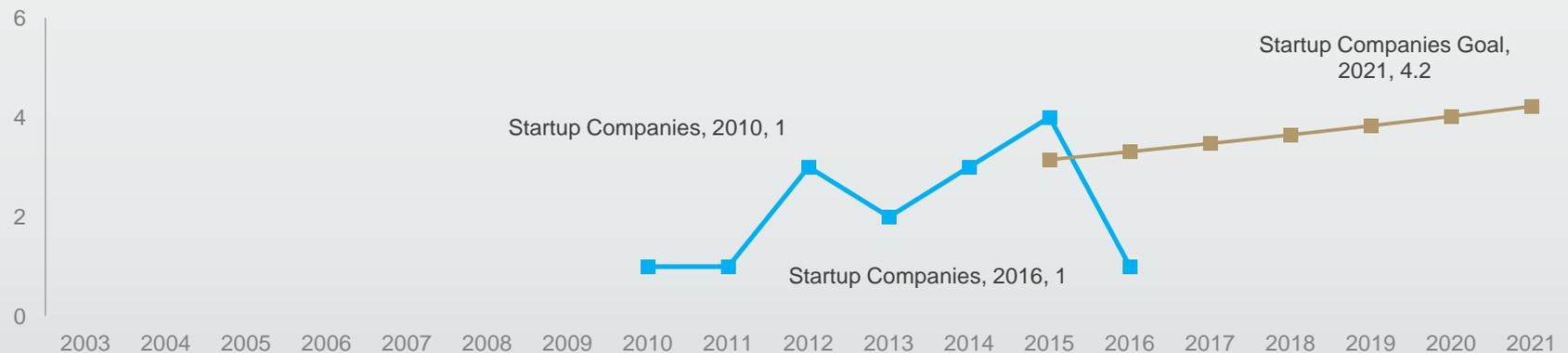
UH Invention Disclosures, U.S. Patents, License/Option Agreements, Startup Companies



Source: UH Office of Technology Transfer and Economic Development.



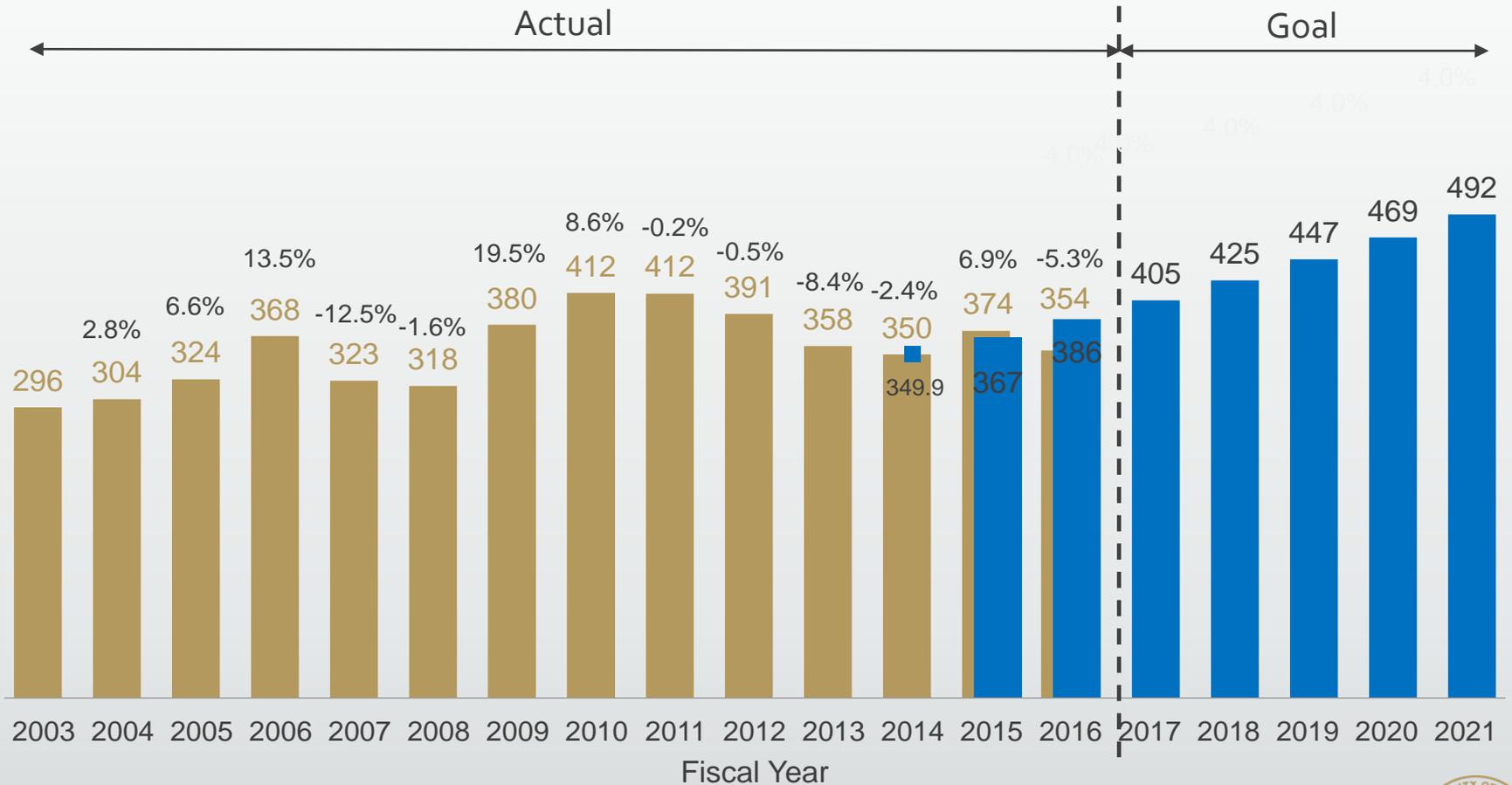
UH Invention Disclosures, U.S. Patents, License/Option Agreements, Startup Companies



Source: UH Office of Technology Transfer and Economic Development.



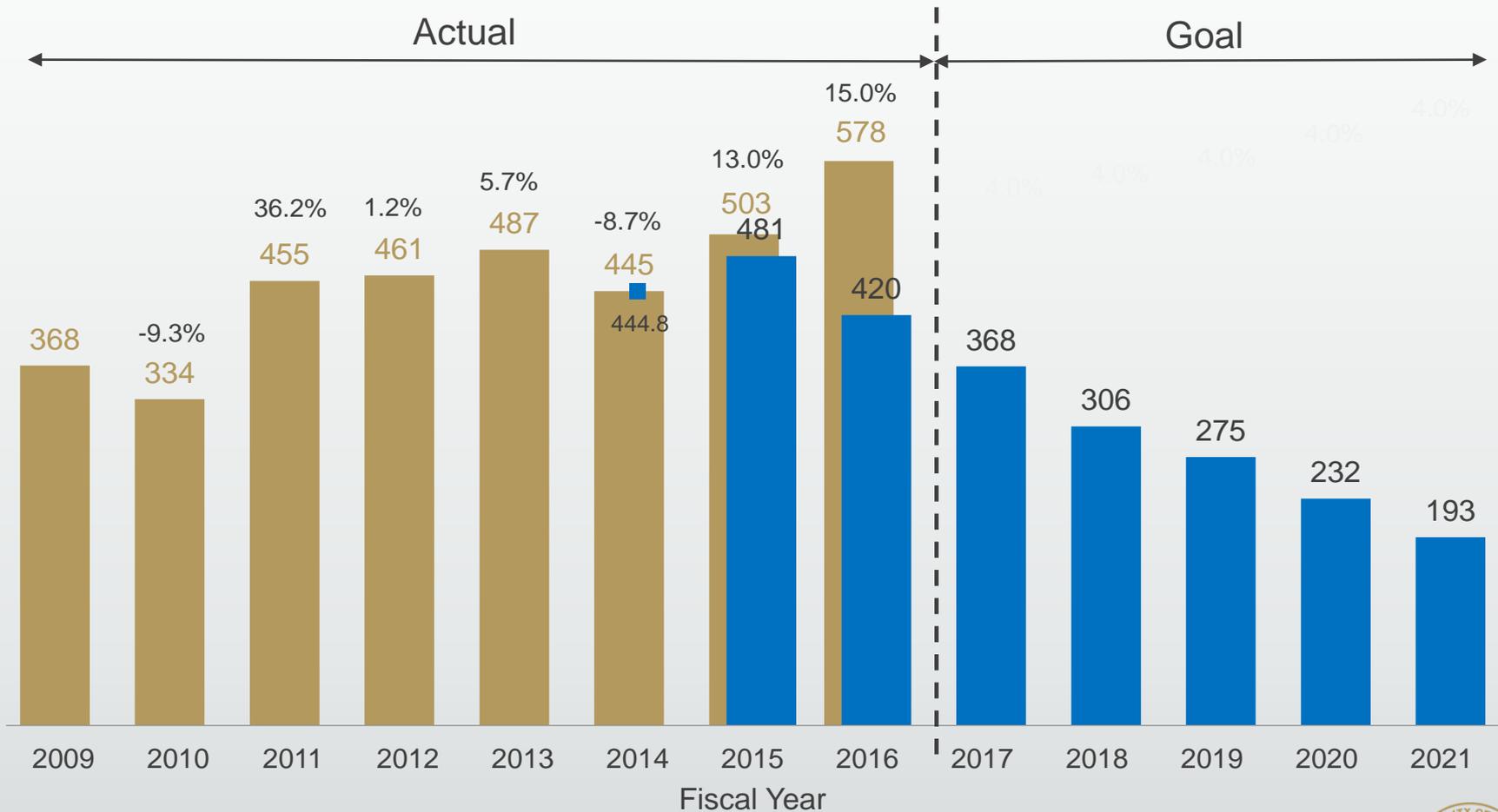
Total Extramural Funds UH System



Blue marker indicates baseline for goals.
Baseline = FY14



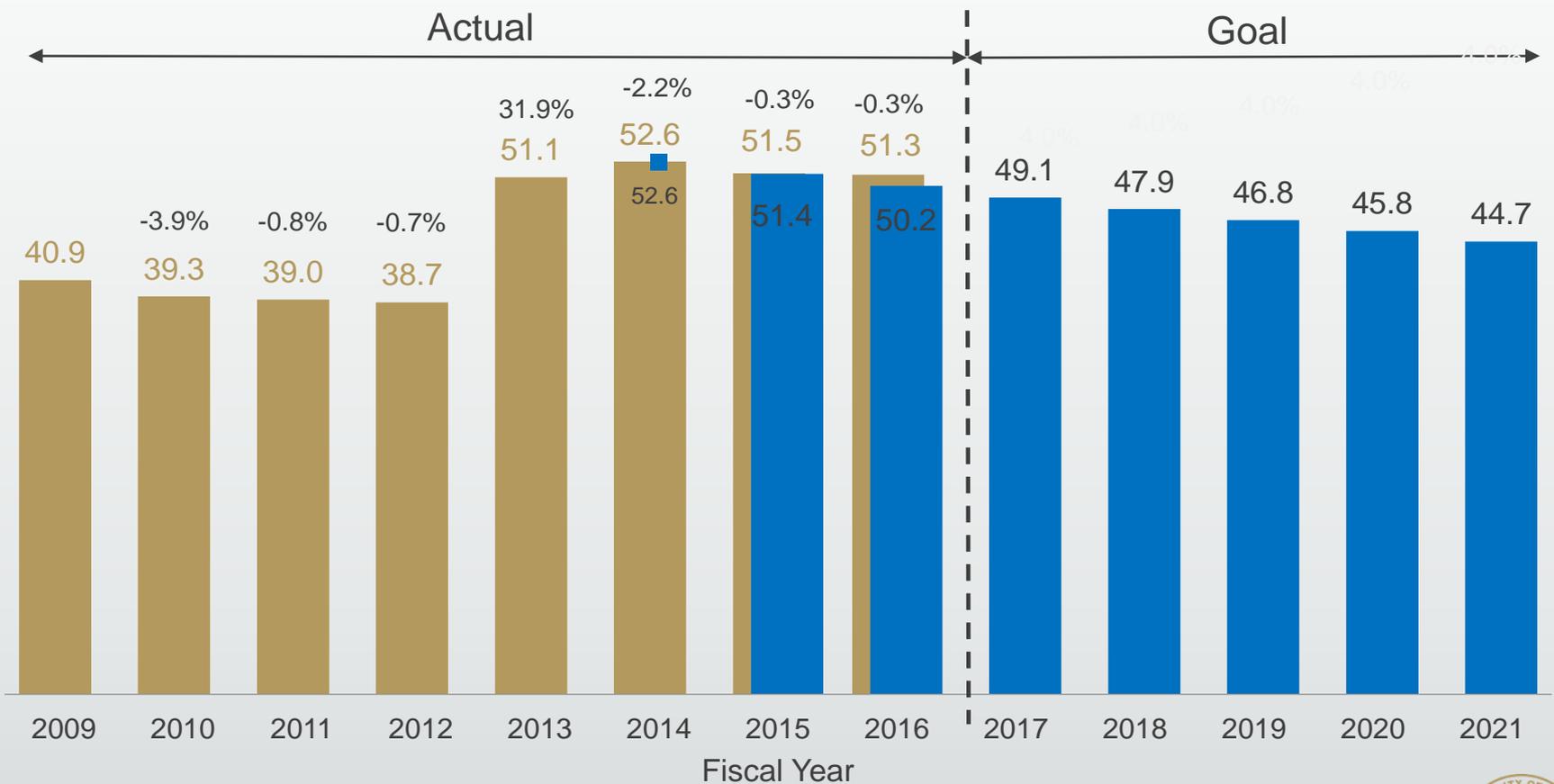
Deferred Maintenance UH System



Blue marker indicates baseline for goals.
Baseline = FY14



Cost of Utilities: kWh Purchased Per Square Foot Per Year UH System



Blue marker indicates baseline for goals.
Baseline = FY14



Strategic Direction Measures – 2016

	Degrees & Cert Earned	Grad Rates 4YR	Grad & Success Rates 6YR or 150% CC	Enrollment to Degree Gap – NH	Enrollment to Degree Gap – Pell	Inventions / Disclosures / Patents (MAN & HIL only)	STEM Degrees & Cert Awarded	Extramural Funds	Deferred Maint	KwH Purchased
UH Mānoa	●	●	▲	●	●	■	●	●	●	●
UH Hilo	●	●	●	●	●	■	●	●	●	●
UH West O'ahu	●	●	●	●	●			●	●	●
Hawai'i CC	●		●	●	●		●	●	■	●
Honolulu CC	●		▲	●	●		●	●	■	●
Kapi'olani CC	▲		●	●	●		●	●	■	●
Kaua'i CC	●		▲	▲	●		●	●	■	●
Leeward CC	●		▲	●	●		●	●	■	●
Maui College	●		▲	●	●		●	●	■	●
Windward CC	●		▲	▲	●		●	●	■	●

● Met or Exceeded Goal
 ● Did Not Meet Goal
 ■ Other (see individual measure)

▲ Within 0.3% of Goal for "Enrollment to Degree Gap" measure. Met or exceeded baseline for "Degrees & Cert Earned" and grad rates measures.

<http://blog.hawaii.edu/hawaiigradinitiative/strategic-priorities/>



Campus Completion Scorecard

- Tracks performance metrics and key measures that improve graduation rates based on research
- Updated annually in November
- In 2014, Native Hawaiian campus scorecards added
- Includes:
 - Strategic Outcomes and Performance Funding Measures
 - Graduation and Time to Degree Measures
 - Leading Indicators

HGI CAMPUS COMPLETION SCORECARD 2014-15				
 University of Hawai'i at Mānoa		 President of the Board of Regents		
STRATEGIC OUTCOMES	2013-14 Actual	2014-15 Actual	2014-15 Goal	Met/Exceeded Goal?
Total Degrees & Certificates Earned by Fiscal Year¹				
Campus Total	4,949	4,923	5,784	No
Native Hawaiian ^{2,3}	687	682	546	Yes
Pell ⁴	1,518	1,635	1,133	Yes
STEM ⁵	1,256	1,342	1,133	Yes
Going Rates of Public and Private High Schools (Fall 13 and 14) (%) ^{6,7}	8.7	8.0	10.7	No
Disbursement of Pell Grants by Academic Year (\$m) ⁸	18.6	19.0 ⁹	11.7	Yes
Number of Pell Recipients by Academic Year ¹⁰	4,686	4,699 ⁹	4,048	Yes
REDUCE TIME/CREDITS TO DEGREE⁶				
4-yr Graduation Rate by First-time, Full-time Cohort (Fall 09, 10, and 11) ⁸	21.2	24.7	27.9	Yes
6-yr Graduation Rate by Cohort (Fall 07, 08, and 09) ⁶				
First-time, full-time (%)	56.6	56.2	57.1	Yes
Native Hawaiian (%) ²	56.3	49.1	54.3	Yes
Pell (%) ⁷	56.6	56.7	56.7	No Change
Transfer-in (%) ⁸	60.4	62.0	58.7	No
Average Credits to Degree for Undergraduates⁹				
Native Students (excludes 2nd BA) ¹⁰	140.3	139.6	138.7	Yes
Native Hawaiian	134.7	136.4	130.0	Yes
Pell	140.8	142.0	138.3	Yes
Transfer - internal transfers only (excludes Native Students and 2nd BA) ¹¹	148.9	148.5	148.9	No
Transfer - external transfers only (excludes Native Students and 2nd BA) ¹²	145.5	145.8	147.1	No
BACHELOR DEGREE SEEKING STUDENTS¹				
First-time, full-time freshmen with 6 or more credits at entry (%) ¹³	21.3	21.1	20.9	Yes
Freshmen completing at least 30 credit hours within 1st academic year (%) ¹⁴	48.8	53.2	54.6	Yes
Students completing college level English & math within 1st academic year (%) ¹⁴	53.9	56.7	59.0	Yes
Freshmen with a declared major by start of second year ¹⁵	77.0	74.8	79.3	Yes
Retention rate of freshmen to sophomore year ¹⁶	77.4	78.6	77.6	No
RESTRUCTURE DELIVERY TO ACCELERATE SUCCESS¹				
% of undergrads taking 15 credits or more	46.8	47.8	50.2	Yes
% of undergrads with 120-139 credits ¹⁷	8.7	8.4	8.6	No Change
% of undergrads with 140+ credits ¹⁷	5.3	6.3	5.9	Yes
% of DL credits taken by undergrad degree seeking students ¹⁸	0.0	0.7	0.6	No Change
% of credits taken during summer by undergrad degree seeking students (AY 2012-13, 2013-14, and 2014-15) ⁹	6.5	6.4	6.5	No Change
Mānoa's share of Transfer-out to ANY 4yr from Other UH¹⁹				
UH 4yr to Mānoa within 4 years	43.4	48.3	46.3	No
UH CC to Mānoa within 4 years	49.9	36.3	36.3	Yes
PRODUCTIVITY MEASURES				
Baccalaureate Degrees Awarded per 100-FTE Classified Undergraduates ²¹	25.6	27.0	27.9	Yes

P = Preliminary
D = The following data points will no longer be used in forthcoming scorecards.

<http://blog.hawaii.edu/hawaiigradinitiative/campus-scorecards/>



Performance Funding – 2016

MEASURES	UHM	UHH	UHWO	HAW	HON	KAP	KAU	LEE	MAU	WIN
(1) Total degrees and certificates awarded	●	●	●	●	●	▼	●	●	●	●
(2) Degrees and certificates awarded to Native Hawaiians	●	●	●	●	●	▼	●	●	▼	●
(3) Degrees and certificates awarded in STEM fields	●	●	NA	●	●	●	●	●	●	●
(4) Degrees and certificates awarded to Pell Recipients	●	▼	●	●	●	▼	●	●	●	●
(5) 150% graduation rates for 4YR and success rates (150% graduation + transfer out) for the community colleges)	▼	●	●	●	▼	●	▼	▼	▼	▼
(6) Transfer out of UH 2-year institutions into UH 4-year institutions and transfer into UH 4-year institutions from UH 2-year institutions.	●	●	●	●	●	●	●	●	●	●



Met or Exceeded Goal



Met or Exceeded Baseline



Did Not Meet Baseline

<http://blog.hawaii.edu/hawaiigradinitiative/performance-funding-model/>



Performance Funding – 2016

Summary of Allocations

Campus	Allocation
UH Mānoa	\$3,394,876
UH Hilo	\$460,621
UH West O‘ahu	\$455,658
Hawai‘i CC	\$246,377
Honolulu CC	\$432,598
Kapi‘olani CC	\$225,832
Kaua‘i CC	\$121,056
Leeward CC	\$627,390
Maui College	\$134,629
Windward CC	\$261,781
Total	\$6,360,818



Mahalo

<http://blog.hawaii.edu/hawaiiigradinitiative/>





UNIVERSITY of HAWAII®

Office of Sustainability

2016 Annual Report
presented to

UH Board of Regents

January 26, 2017

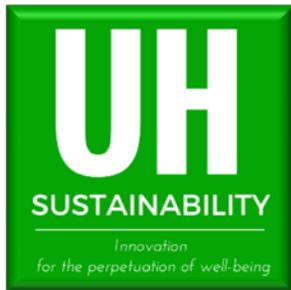




ENERGY



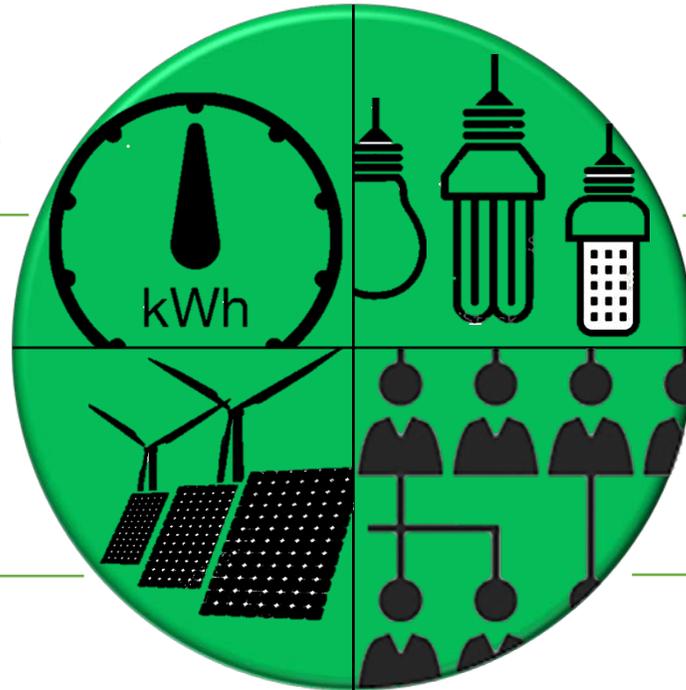
CURRICULA



ENGAGEMENT



Energy Data
Management



Energy
Efficiency

Renewable
Energy

Social
Incentives

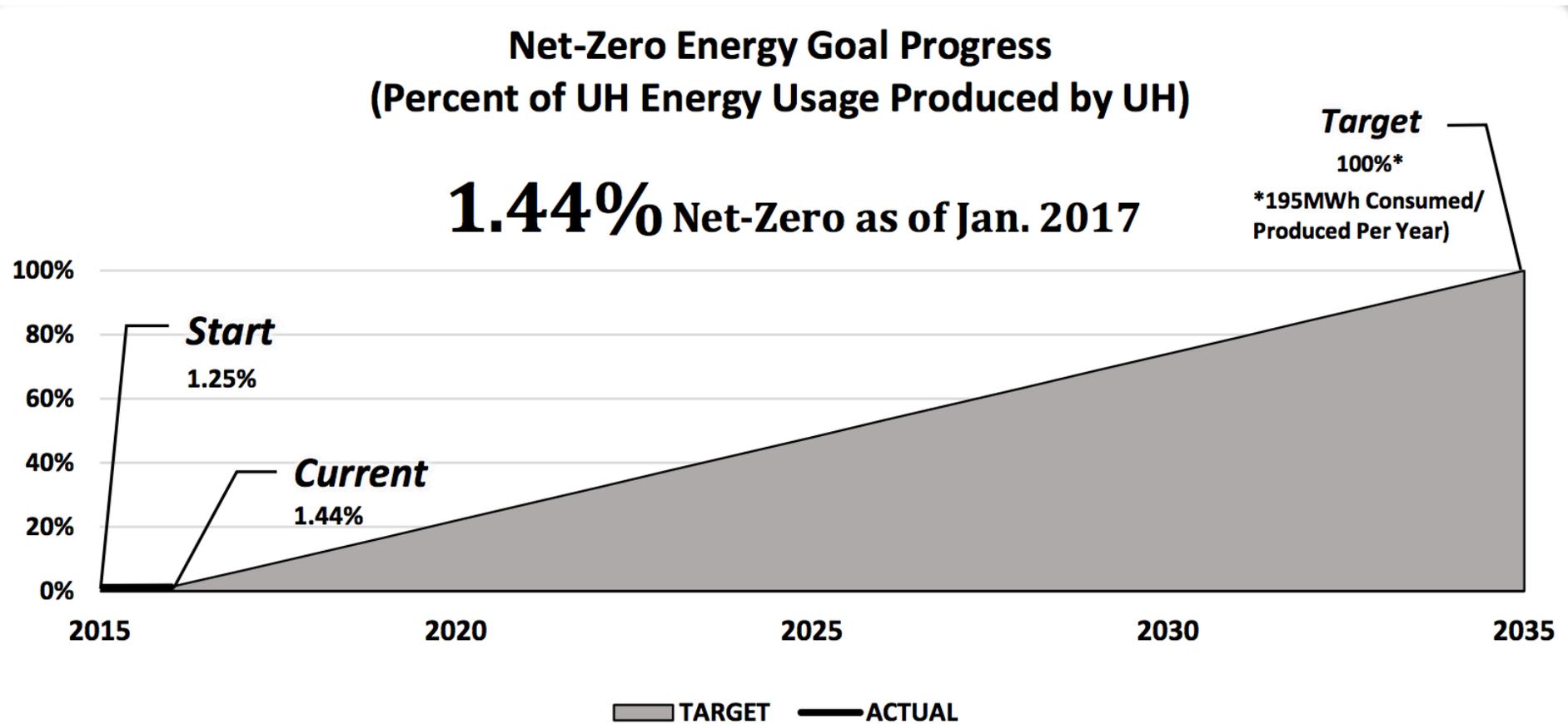


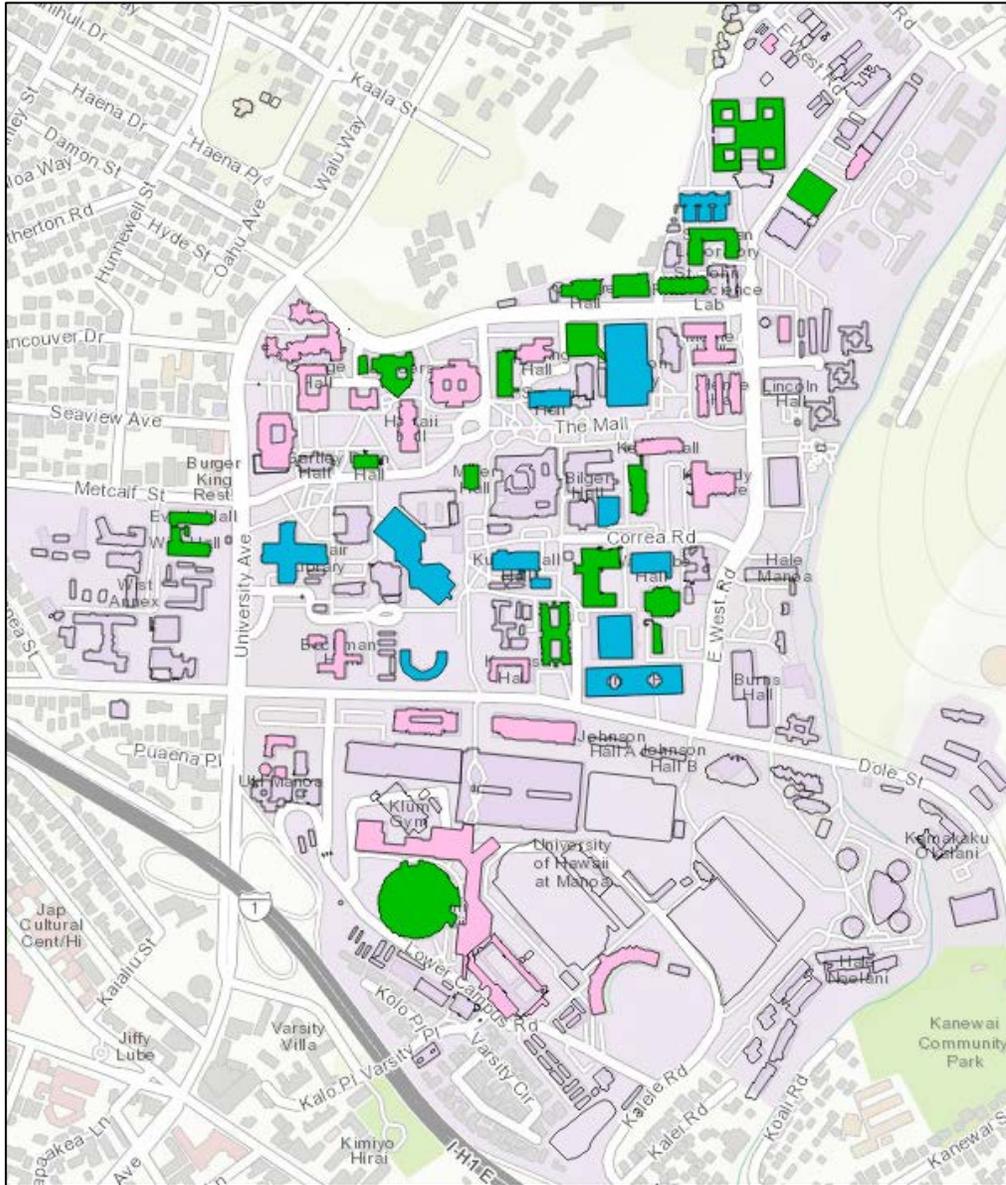
Miles Topping, UH System *Director of Energy Management* brings over 18 years of experience fulfilling various roles in the design, building, and implementation of electronics and solar + storage systems.



Act 99 (Session Laws of Hawai'i 2015)

“UH shall become net-zero with respect to energy use, producing as much (renewable) energy as the system consumes across all campuses by January 1, 2035.”





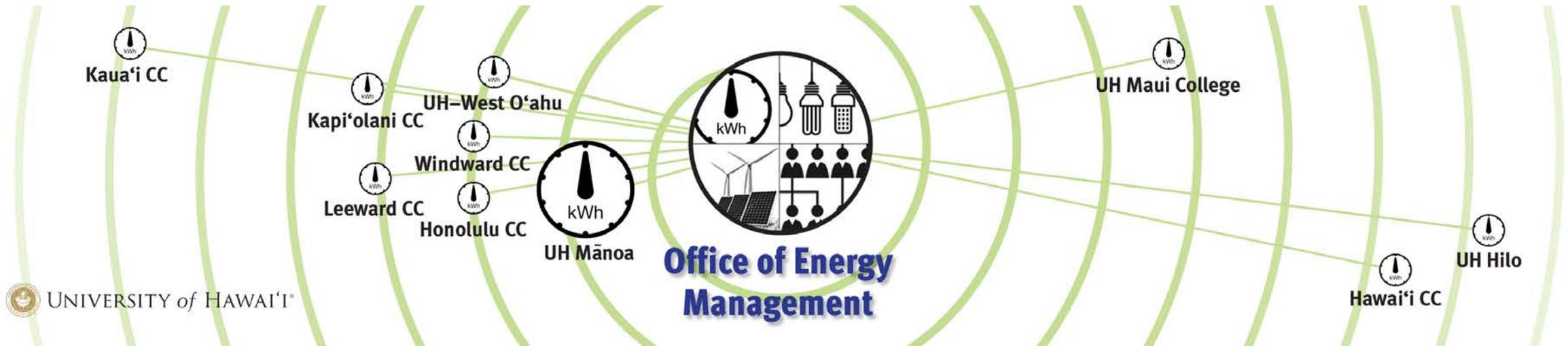
33 buildings online

65 more buildings in progress 2017-18



Phase 1 meters





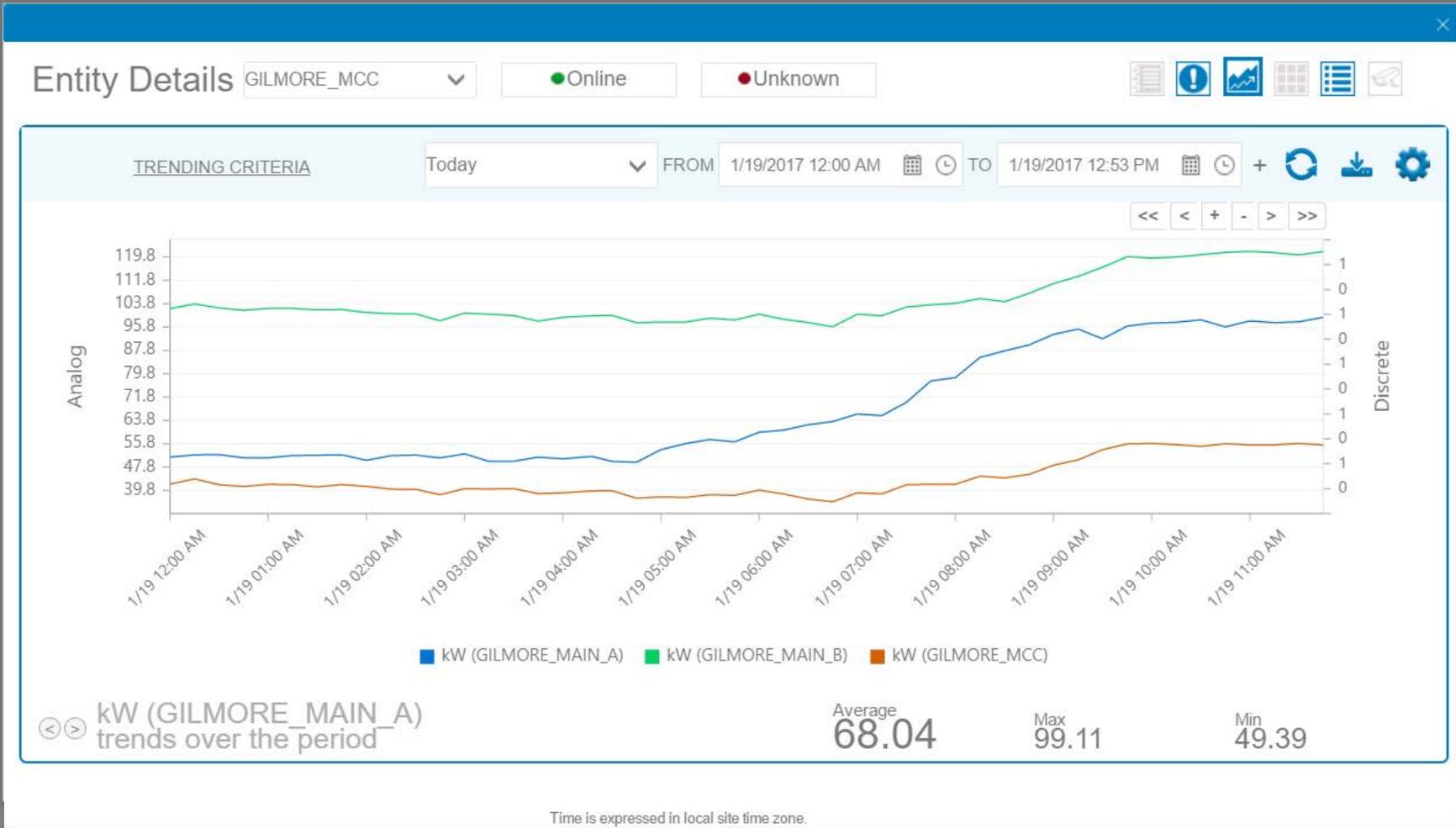

 UNIVERSITY of HAWAII®



University of Hawai'i | Office of Sustainability



BACK TO OVERVIEW





October, 2016

University of Hawaii at Manoa Building Design and Performance Standards

Submitted To:

Sharon Williams, Campus Architect
Office of Planning and Facilities, University of Hawaii Manoa
2410 Campus Road
Honolulu, Hawaii 96822

Submitted By:

LOISOS + UBBELOHDE

ARCHITECTURE . ENERGY

1917 Clement Ave Building 10A • Alameda, CA 94501-1315

510 521 3800 PHONE • 510 521 3820 FAX



2,896,089 kWh generated from solar

419,172+ kWh increase from 2015





Hawaii Energy

YOUR CONSERVATION & EFFICIENCY PROGRAM

ENERGY EFFICIENCY LUNCH-IN

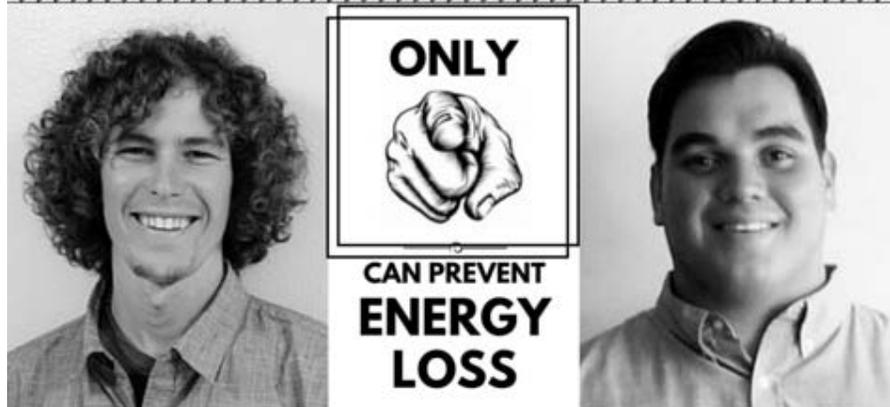
In a recent survey, over 60% of University of Hawaii faculty indicated leaving their computers, monitors, etc. on, when away from their workstation.

Join us for a free meal in our efforts to help UH save energy and promote sustainability. Be a part of our pilot program today!

JUNE 7TH, 12:00PM IN HAWAII HALL CONFERENCE ROOM 309 WITH UHM STUDENTS

&

Mark Ryan HAWAII ENERGY FELLOWS Kiha Sai



University of Hawai'i | Office of Sustainability



FY 2012-15

\$7,758,639 estimated savings from energy projects
\$1,193,292 energy efficiency rebates paid to UH
87 energy projects earned rebates
\$0 harnessed & reinvested

FY 2016-YTD

\$259,544 estimated savings from energy projects
\$47,315 energy efficiency rebates paid to UHCCs
7 energy projects earned rebates
\$11,000 rebates harnessed for reinvestment

**GREEN
REVOLVING
FUND**



Hawaii Energy Fellows Lower Campus Lighting Audit*



\$207,211+ estimated cost savings

\$158,455 estimated rebates
projects are eligible for

6,003 lighting fixtures at
8 UH Mānoa lower campus

3.8 estimated payback period (yrs)





The highest retention rate at ASU **91%** of undergraduate sustainability majors who began as first-time, full-time freshman in Fall 2014 enrolled again in Fall 2015.



97%

believe that Sustainability should be incorporated into more current and future courses at UH Mānoa.

92%

indicated that they would take a Sustainability-focused course.

73%

believe that UH Mānoa should offer a BA in Sustainability.



Krista Hiser, Ph.D., *Interim Systemwide Sustainability Curriculum Coordinator* has worked with multiple campuses for over 10 years on the development of the S-Designation framework to easily identify sustainability courses and supports faculty to identify their courses as sustainability-focused



200+ S-Designated courses offered across 10 UH campuses

45 Sustainability courses offered at UH Mānoa

3 Sustainability undergraduate degree programs offered across 10 UH campuses

1 Systemwide sustainability *certificate equivalent to minor* under development



News & TV media

3,404,598 Audience reached

\$269,425 Est. publicity value

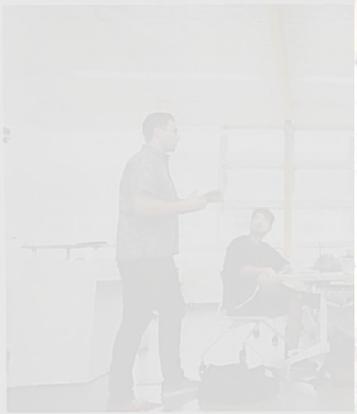
2:17:10 TV runtime

126 Story count

Social media

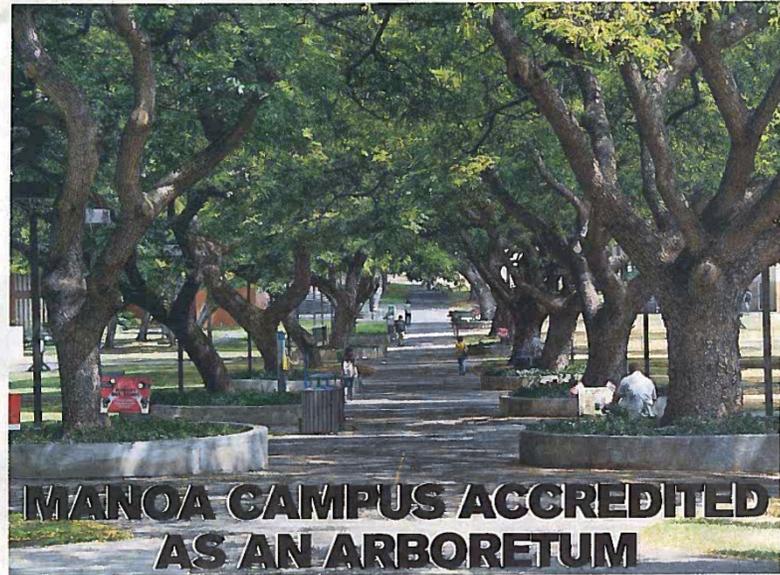
77,618 Views

6,231 Reactions, Comments & Shares



The University of Hawaii-Manoa College of Education aka FROGe — are the first net-zero energy building class in FROG 1, which is equipped with high-efficiency bank of windows that provide natural ventilation.

UNIVERSITY OF HAWAII



MANOA CAMPUS ACCREDITED AS AN ARBORETUM

UH, which boasts more than 500 species of trees, is now part of a select group worldwide

By Gary T. Kubota
gkubota@staradvertiser.com

The University of Hawaii-Manoa campus has become an accredited arboretum — one of 134 internationally. McCarthy Mall, at top, is lined with trees. Below, near the Art Building, a baobab tree provides a backdrop for Andrew Kaufman, left, Roxanne Adams and Richard Criley.

The University of Hawaii-Manoa campus is now accredited internationally as an arboretum, a designation that recognizes its more than 500 species of trees as an important collection. The Morton Arboretum ArbNet selection puts the university in a prestigious group with only 134 other arboreta internationally, and which includes only one other in Hawaii.

The 320-acre UH-Manoa campus, established in 1907, features more than 4,000 trees, including a chautimoogra planted by the king of Siam in 1925 to honor university researcher Alice A. Ball, who developed an injectable extract once used to treat Hansen's disease.

The plants at the university's Manoa campus range from Mediterranean to subtropical, capable of withstanding temperatures in the 30s.

"We have something in bloom pretty much year-round," said horticulture professor emeritus Richard Criley.

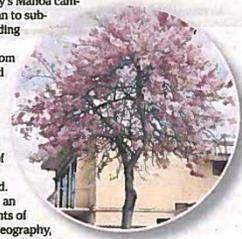
When he taught horticulture, Criley would take his students on walks across campus to identify an array of ornamental trees. "The campus is our laboratory," he said.

The campus also serves as an outdoor classroom for students of landscape architecture, art, geography, botany, Hawaiian studies, horticulture, entomology and natural resources, with its variety of palms and its colorful array of flowering trees.

While some trees like plumerias continuously bloom, others flower seasonally or under varying climate conditions.

Usually several weeks after heavy rain, golden shower trees or Cassia fistula, a native of India, burst into blooms of pale yellow flowers near Kuykendall, Gilmore and Wist halls.

After long days of summer, followed by shorter sunny days in the fall, a palmlike tree from Madagascar known as *Bavandia madagascariensis* blooms near Bachman Hall around October with bird-of-paradise-shaped flowers.



Pastel foliage adorns a Baker's cassia next to Bachman Hall, top. A sausage tree stands next to Varney Circle, above.



PHOTOS BY CRAIG T. KOJIMA / CKOJIMA@STARADVERTISER.COM

Please see MANOA, B3



University of Hawai'i | Office of Sustainability



UH now finds itself presented with a significant opportunity to capitalize on its unique location and rich cultural heritage to offer world-class studies in all aspects of sustainability.



- Leverage sustainability as platform to integrate Academic & Facilities Plans.
- Establish permanent position for *Systemwide Sustainability Curriculum Coordinator*.
- Endorse establishment of *UH Sustainability & Resilience Institute* to implement non-operations directives of [EP 4.202](#).
- Work with State Legislature to provide seed funding for systemwide GRF dedicated to renewable energy and energy efficiency investments that can pay for themselves.





UNIVERSITY of HAWAII®

Mahalo!

The UH Office of Sustainability

hawaii.edu/sustainability



UNIVERSITY of HAWAI‘I®
SYSTEM



University of Hawai‘i Office of Sustainability
2016 Annual Report

January 26, 2017

Submitted by

Jan Gouveia, Vice President for Administration
Matthew Kamakani Lynch, System Sustainability Coordinator
Miles Topping, System Director of Energy Management
Krista Hiser, Interim Systemwide Sustainability Curriculum Coordinator

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Executive Summary

The University of Hawai'i Office of Sustainability (UHOS) was established in February 2015 to develop and lead systemwide sustainability programs. Given the escalating impacts of climate change worldwide and the need to develop a solution, the University of Hawai'i (UH) is presented with an opportunity to capitalize on its unique location and rich cultural heritage to offer world-class sustainability studies and develop a comprehensive sustainability program.

Since its inception, UHOS has worked to support and enhance campus sustainability efforts and coordinate the sharing of information and resources across the UH System. The office also serves as a hub to highlight the many exciting sustainability efforts underway and encourage sustainable behavior in our community.

2016 Objectives

- *Energy*: reduce energy consumption and accomplish net zero energy goals
- *Curricula*: catalyze the rapid diffusion of sustainability across existing curricula
- *Engagement*: organize campus and community events to promote interest in sustainability

Recommendations

- Leverage sustainability as a platform to *integrate Academic and Facilities Plans*.
- Establish a permanent position for the *Systemwide Sustainability Curriculum Coordinator*.
- Endorse the establishment of the *UH Sustainability and Resilience Institute* to implement the non-operational directives of [EP 4.202](#).
- Work with the State Legislature to provide *seed funding for the systemwide Green Revolving Fund*, which is dedicated to renewable energy and self-funded energy efficiency investments (properly managed, this seed funding would effectively be a one-time grant into perpetuity).

Conclusions

- The reflection of our sustainability values in physical plant infrastructure fosters a *vibrant campus environment and culture*.
- Significant worldwide *demand exists for sustainability programming* in teaching and research.
- UH is taking necessary action to *improve its sustainability programming and meet the demand for sustainability education*.

2016 Accomplishments

Energy, Operations and Planning

- Campus sustainability plans drafted
- Campus sustainability plans: integration with *Hawai'i Papa O Ke Ao* + Strategic Plans (KCC only, recommend other campuses follow suit)
- Office of Energy Management established
- Net Zero strategy formulated
 - Energy data management: 33 UH Mānoa buildings reporting energy use in real time
 - Energy efficiency: Energy Savings Performance Contract under development; Green Revolving Fund established
 - Renewable energy: 2MW+ new photovoltaic contract awarded
 - Social Initiatives: Community Based Social Marketing pilot project launched

Curricula

- 'Ike Hawaii / Sustainability hui: Articulate core cultural values for sustainability
- Sustainability Curriculum Council: 2020 Curriculum Challenge launched
- S-Designation benchmarking identifies 200+ sustainability courses across UH
 - 45 courses identified at UH Mānoa
 - SUST course descriptor code established to help students easily find courses
 - Systemwide sustainability certificate equivalent to minor under development

Engagement

- 4th Annual Sustainability Summit #HSHE16
- 2016 President's Green Initiative Awards awarded
- UH Mānoa electric vehicle drive events¹
- Student Engagement at the International Union for Conservation of Nature (IUCN) World Conservation Congress
- "*Make the Ala Wai Awesome*" student challenge launched
- UH students announce World Youth Congress 2017
- UH partners with Kamehameha Schools and Hawai'i Green Growth to create student pathways to participate in statewide *Green Workforce and Education* sustainability measures project
- Graduate Assistantship created in partnership with the College of Social Sciences

¹ Seven electric vehicles available for test drives including: two Nissan Leafs, two BMW i3s, one Chevrolet Volt, one Ford Fusion Energi, and one Ford C-Max Energi. Over 42 participants that took at least 64 test drives in Spring, and approximately the same numbers engaged at the second campus EV drive events held in Fall 2016.

- [IUCN engagements](#)
- [Earth Day 2016 events across multiple campuses](#)
- VERGE Clean Energy Conference panel
- *"Rethinking Education"* Watada lecture series
- *"Emerging Professionals Showcase"* U.S. Green Building Council series
- *"Hawaii – Germany Clean Energy Symposium"*
- *"Before the Flood"* climate change documentary and panel discussion
- Fall site visits to UH campuses

2016 Strategic Review

Sustainability is defined in [UH Executive Policy 4.202](#) as “serving the needs of the present without jeopardizing the needs of the future.” It has been further defined by a new word introduced into the Hawaiian Lexicon by [Dr. Larry Kimura](#), Associate Professor of Hawaiian Language, at a gathering convened at UH Hilo by UH President David Lassner on February 16, 2016:

MAUŌ: “The perpetuation of well-being.”

*The Hawaiian word **mauō**, for sustainability, is made up of two basic words; **mau**, stability, unbroken continuity, and **ō**, enduring in a heathy state. This new Hawaiian word was coined by the Hawaiian Lexicon Committee in 2016.*

*Formerly, there was no need for the word **mauō** because it was a normal part of Hawaiian life. Today, it is critical that we distinguish between what is sustainable and what is not.*

Native Hawaiians created a vibrant and flourishing society while living within the archipelago’s ecological boundaries, and in kinship with the natural world. This rich cultural heritage and traditional knowledge of sustainability as a “lived practice” guides the University of Hawai’i as we serve our island communities in the realm of sustainability. The meeting of ancestral knowledge and modern empirical science offers a rich nexus that the University of Hawai’i is uniquely positioned to explore.

To accomplish these goals, in 2016, UHOS focused on three primary objectives:

- 1) **Energy:** reduce energy consumption and accomplish net zero energy goals
- 2) **Curricula:** catalyze the rapid diffusion of sustainability across existing curricula
- 3) **Engagement:** organize campus and community events to promote interest in sustainability

Energy Management

The Office of Energy Management (OEM) was established in July 2016. OEM’s strategic priorities focus on improving UH’s energy data management, energy efficiency, and expanding our renewable energy portfolio and social initiatives to achieve our net zero energy goals. Since July, we have made significant progress on submetering at the Mānoa campus and have increased our renewable portfolio through the award of a 2MW photovoltaic (PV) project on the Mānoa Campus and the award of a PV project which will generate 47% of the Institute for Astronomy mid-level Mauna Kea facility’s energy needs. We are also developing a large-scale Energy Savings Performance Contract (ESPC) at the UH Mānoa campus to upgrade energy efficiency infrastructure. OEM has also secured over \$58,000 in energy efficiency rebates and continues to develop mechanisms to track, harness and reinvest savings from efficiency improvements.

Sustainability Curricula

Surveys have shown that students want to take sustainability courses at UH,² but it is not readily apparent for students to discern which course offerings cover sustainability topics. We also know that faculty in various disciplines are teaching sustainability in their courses to remain relevant; however, we have not institutionalized these courses into certificate, minor or degree granting programs. The focus in 2016 was to begin socializing, systemwide, the framework for developing sustainability studies – beginning with documenting existing sustainability courses across disciplines and establishing metrics for easy identification. With this, all recognized sustainability courses will be designated and updated in the course catalogs over time.

Campus and Community Engagement

Campus and community engagement is critical to drive the momentum to rebrand UH as a recognized leader in sustainability, and serves the dual purpose of outreach and the marketing of our sustainability efforts internally and externally.

In addition, UHOS has continued to participate in the statewide sustainability planning efforts currently underway, including representing UH at the statewide coalition of public, private and community organizations that are working to establish goals and metrics to track and measure our statewide progress in six key areas: *Clean Energy, Waste Reduction, Natural Resource Management, Local Food, Smart Sustainable Communities, and Green Workforce and Education.*³

Hawai'i has received international attention for its innovative approach to implementing appropriate sustainable development goals at scale and with broad, diverse and large-scale partnerships. The University of Hawai'i continues to play a key role as a provider of subject matter expertise, and as a core partner coordinating with government agencies, the private sector, and community groups.



The ALOHA+ Challenge is a statewide coalition working to track and measure progress in the 6 key areas shown above

² In a [survey](#) of 194 UH students:

- More than 50% feel that the university does not currently offer enough sustainability courses
- **97%** believe that Sustainability should be incorporated into more current and future courses at UH Mānoa.
- **92%** indicated that they would take a Sustainability-focused course.
- **73%** believe that UH Mānoa should offer a BA in Sustainability.

³ Visit the State of Hawai'i's online [Sustainability Dashboard](#), and [Hawaii Green Growth](#) website for more information.

Energy

Office of Energy Management

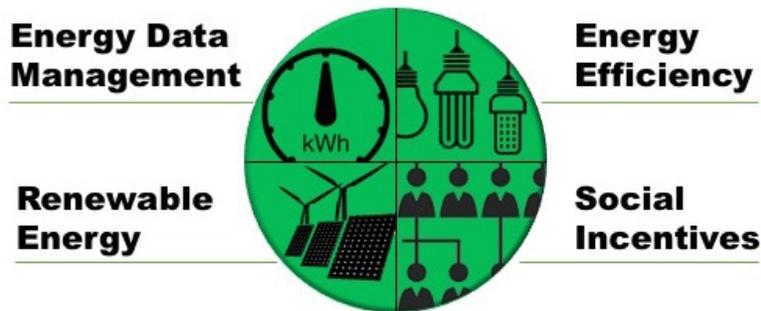


Miles Topping,
UH System
Director of Energy
Management

Tracking the trend in higher education, UHOS established the UH Office of Energy Management (OEM) with the hiring of Miles Topping in June 2016. He is a UH Mānoa College of Engineering graduate with over eighteen years of experience in various roles in the design, building, and implementation of electronics, solar and storage systems. Miles brings a wealth of demonstrated knowledge and dedication toward pursuing our goal of net zero energy.

OEM will continue to build upon the coalition of key internal and external stakeholders launched in 2015, which includes Planning and Facilities staff from all campuses, the electric utility, Hawai'i Energy, the Public Utilities Commission, the Energy Excelerator, Blue Planet, the Ulupono Initiative, and the Hawai'i State Energy Office. These groups have been working together to develop a Strategic Energy Partnership. This Partnership will help UH develop a comprehensive strategy to reduce energy consumption across the campuses.

UHOS is building a dedicated OEM team to design and implement UH's Net Zero Energy strategy to achieve our [Act 99 \(Session Laws of Hawai'i 2015\)](#) mandate "to become net-zero with respect to energy use, producing as much (renewable) energy as the system consumes across all campuses by January 1, 2035."



Strategic priorities for the UH Office of Energy Management.

Net Zero Energy



Learn more about UH's Net Zero Energy commitment at hawaii.edu/sustainability/commitment/netzero2035

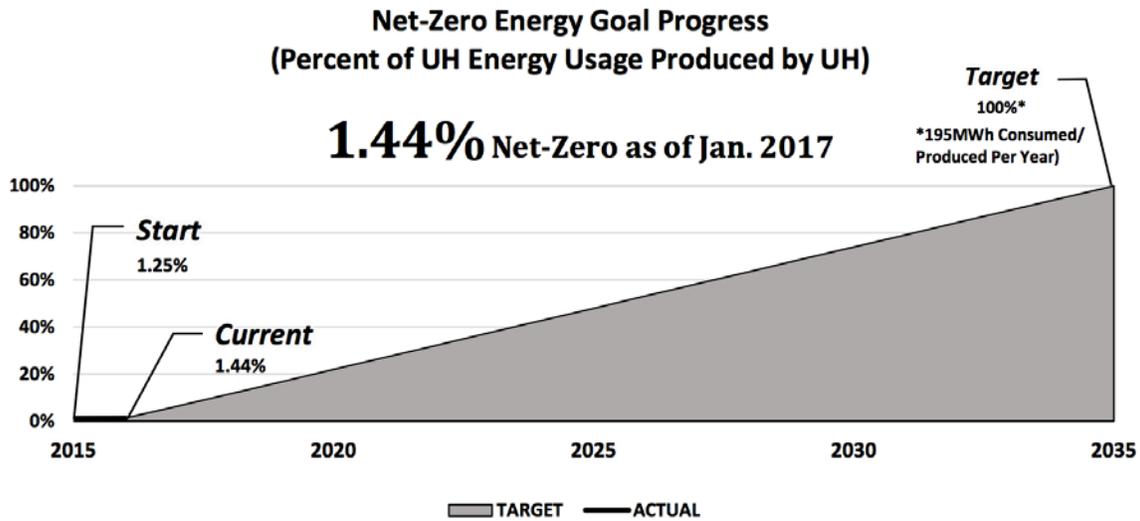
Net Zero Energy is achieved when an organization's total energy consumption is equal to the total renewable energy provided (via on-site generation or purchased from certified renewable energy providers).

UH further defines Net Zero energy consumption and production as follows:

Net Zero Energy Consumption is energy consumed by UH or energy consumed by UH controlled facilities. This includes energy consumed as part of the infrastructure such as parking lot lighting, building air conditioners, building lighting and electrical loads, as well as energy consumed by tenants and vendors, including those that have a dedicated utility meter that pay the utility directly.

Net Zero Energy Production is energy generated directly by UH or generated by UH controlled facilities. This includes generation assets owned by UH, independent of their physical location, such as those owned by a third party but located on UH controlled lands (e.g., PV Power Purchase Agreements), and utility-scale generation on UH owned lands. This includes all forms of generation to include renewables and PV as a preferred source, but could include hydrogen, bio fuels, or other renewable sources.

These definitions broaden the suite of options available to UH to pursue net zero energy, and allow for collaboration with the utility and other stakeholders to develop large-scale renewable energy projects on UH-controlled lands whilst ensuring that our resources are not pulled away from our core educational mission (for more details, see the [Renewable Energy Portfolio](#) section below).



UH's Net Zero Energy Dashboard tracks renewable energy generation relative to the 2015 baseline of energy consumption systemwide. Development of utility-scale solar projects will be necessary to achieve our mandate.

Energy Data Management

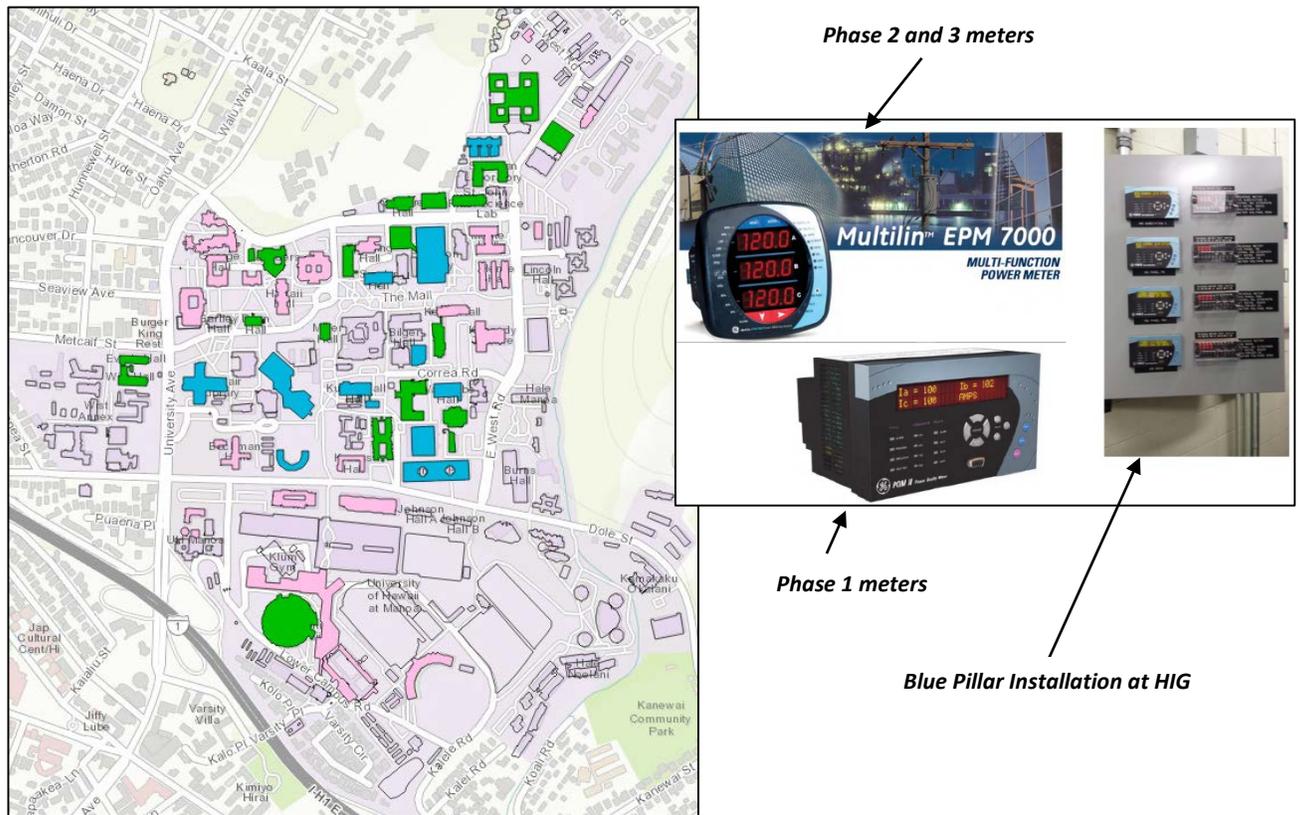
Gaining control over the accuracy and accessibility of UH energy data is the first critical step for effective energy management. Accurate and timely data allows for greater transparency of energy usage and billing to optimize innovative energy financing strategies such as Energy Savings Performance Contracting (ESPC), Green Revolving Funds (GRF), Public-Private Partnerships (P3) and more, as well as move our institution towards a uniform and transparent system of monitoring and incentivizing energy performance for all UH stakeholders.

To facilitate energy data management, 69 electrical sub-meters have been installed across 33 buildings in 2015-2016 on the Mānoa campus (representing approximately 38% of the campus' overall energy usage) and integrated with the [Blue Pillar "Aurora"](#) Energy Management System (EMS). The EMS will allow the energy management office to not only capture systemwide usage data and flag comparatively high usage, but will also facilitate predictive analysis and ultimately automated demand response (including the scheduling of HVAC systems and lighting).

This innovative pilot project is the result of a collaboration with the Energy Excelerator, which is structured utilizing a cost-share approach. The Energy Excelerator and its partners provided a combined \$1,000,000 in upfront costs to deploy their technology at the Mānoa campus. The pilot must demonstrate its technical and financial viability to the university prior to any required financial commitment from UH.

The EMS not only integrates these sub-meters but also pulls in information from the existing 5 HECO meters, 23 Building Automation Systems (BAS),⁴ and 7 separate PV generation sites on the Mānoa campus, giving OEM access to and control of real-time energy consumption and generation data.

On January 6, 2017, the Phase 3 sub-metering project design was completed for an additional 80 meters across an additional 65 buildings. Once installed, these meters will also be integrated with the Blue Pillar EMS. The map below shows which buildings are sub-metered:



Building sub-metering at the Mānoa campus. Green = Phase I / Blue = Phase II / Pink = Phase III

In addition to integrating the energy data for the Mānoa campus, the Blue Pillar EMS is integrating data from the other nine campuses, pulling in data from their meters, BAS, and renewable energy systems.

⁴ BAS provide control over the building HVACs and chilled water loops.

OEM is also working with HECO and multiple UH fiscal offices to reconcile the multiple versions of billing information which currently exist, to develop succinct, consistent and more accurate reporting.

Energy Efficiency

Energy efficiency investments offer the strongest return on our investment and most immediate cost savings, and are directly impacted by our ability to access and manage our energy data. Efficiency includes both efficient systems, and efficient use.

Efficiency in New Construction and Major Renovations

New Building Design Performance Standards (BDPS) have been developed to guarantee the equivalent of LEED Silver certification or higher if followed. The BDPS has been published and is in the process of being adopted as part of the Architectural and Engineering (AandE) design standards for UH planning and design teams. UH will require design consultants and contractors to adhere to the BDPS for all major projects going forward.



Design consultants and contractors will be required to use BDPS for all major projects going forward.

BDPS applies the best practices from LEED and Green Building and adjusts for a tropical climate. It specifies that energy modeling and simulation be conducted at various design and submittal stages to verify that the design iterations maximize energy efficiency and indoor environmental quality.

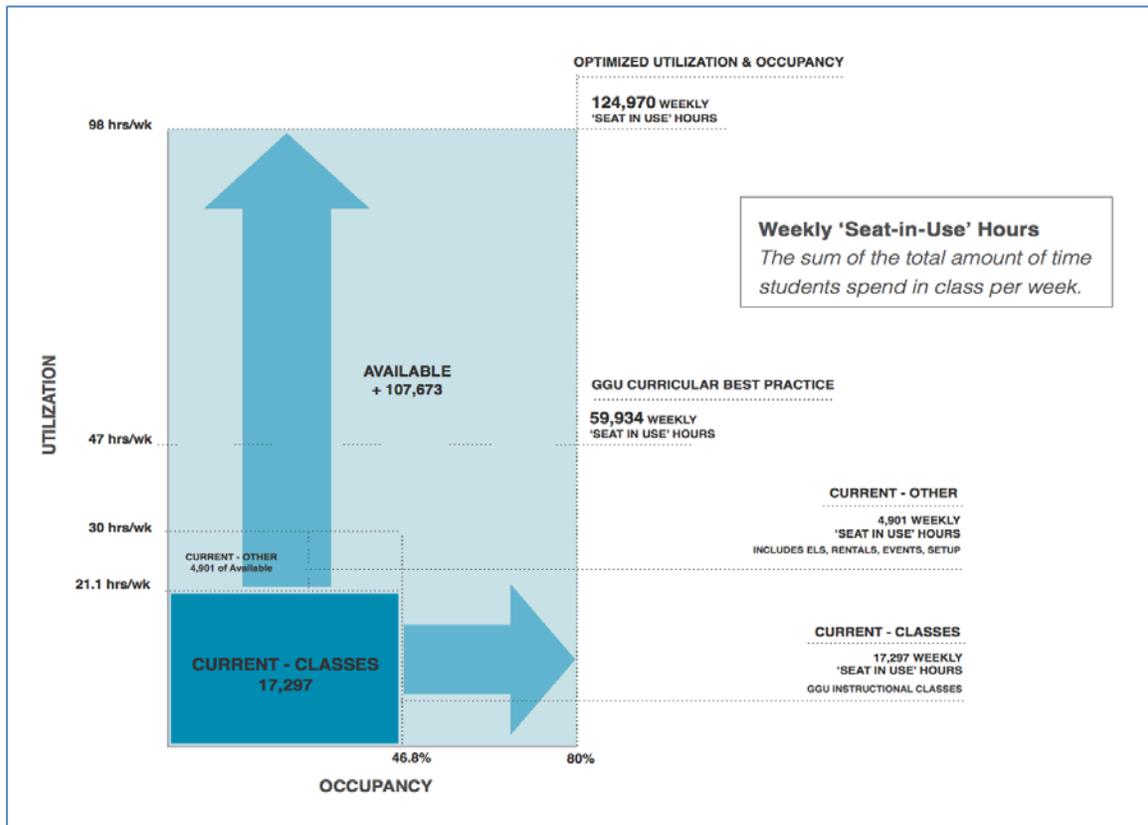
For example, modern Heating Ventilation and Air Conditioning (HVAC) systems equipped with Variable Frequency Drives (VFDs) and smart automation utilize a suite of sensors to detect not only if anyone is in the space, but also how much carbon dioxide is being exhaled and the heat load being generated to ensure the appropriate amount of air exchange or cooling.

Mixed mode thermal comfort, configurable spaces, and thoughtful space utilization can allow buildings with unoccupied office and classroom spaces to be shutdown during holidays, weekends and evenings. Since HVAC energy loads are typically the largest in a building, smart building layouts with holistic HVAC designs are key to energy efficient performance in new building designs and major renovations.

Efficiency in Existing Spaces

We have contracted with a space utilization consultant ([MK Think](#)) to create a transparent understanding of how existing spaces are utilized. Analysis of our registrar information, space utilization index and deployment of low-cost occupancy sensors will help us understand how to utilize existing spaces more efficiently, provide insights into actual (vs. scheduled) space utilization that will support data-driven decision making for facilities management which is better integrated with academic and research

programming, and support design optimization and scheduling of energy efficient HVAC and lighting systems.



Sample space utilization study conducted by MK Think at Golden Gate University (GGU).
This analysis revealed that existing classroom inventory was underutilized, which allowed the campus to adjust its physical inventory and right-size its classroom inventory to reduce its classroom space by over 14,000 square feet. Alternatively, GGU could have opted to adjust class schedules and utilize existing rooms more intensely through rescheduling to make more efficient use of existing space.

This space utilization data will also inform the large-scale Energy Savings Performance Contract (ESPC) going out to Request for Proposal (RFP) in early 2017 to *Design, Build, Finance, Operate, and Maintain* (DBFOM) the energy efficient infrastructure upgrades discussed above for Mānoa campus.

The DBFOM approach to energy performance contracting differs from the typical *Design-Build* (DB) approach State agencies have utilized to execute their own ESPCs with varying degrees of success.

This innovative approach has been developed with input from some of the nation's best-performing universities⁵ to take advantage of lessons learned nationally. This will

⁵ Most notably, UC Irvine and UC CalTech, who have received multiple awards from the US Department of Energy, the Environmental Protection Agency, and the State of California for their leadership in reducing energy consumption.

allow UH to structure its ESPC as a long-term partnership with the right private-sector partner(s) to improve energy performance, reduce energy costs, and bolster our operational capacity to operate and maintain new energy infrastructure and equipment.

In addition to increased efficiency, energy savings realized from energy efficiency investments can be applied to Deferred Maintenance (DM), which can help to address UH Mānoa's significant DM backlog. From this perspective, the Mānoa campus is uniquely positioned to leverage its aging energy infrastructure to modernize its facilities and transform its energy performance from lagging to leading.

Renewable Energy Portfolio

UH Mānoa

This year, the UH system has awarded a 2MW Solar PV Power Purchase Agreement (PPA) which will construct a PV canopy over the parking structure on Dole Street. This PPA is estimated to generate more than \$11 million dollars in avoided energy costs over the next twenty years. In addition, it will provide shade for the top parking deck and be a prominent visual symbol of the UH commitment to renewable energy.

Wendell Brase (UCI), John Onderdonk (CalTech) and their Energy Management teams have been very generous with their time in sharing lessons learned and best practices that have transformed their own institutions' energy performance.

Institute for Astronomy

The contract for an additional 100kW Net Energy Metering (NEM) PPA for the Institute for Astronomy's (IFA) mid-level Maunakea facility was awarded and is currently in the final permitting stages. This system is estimated to offset 47% of the facilities' utility usage and sends a clear message about UH's commitment to renewable energy to the global community of astronomers.



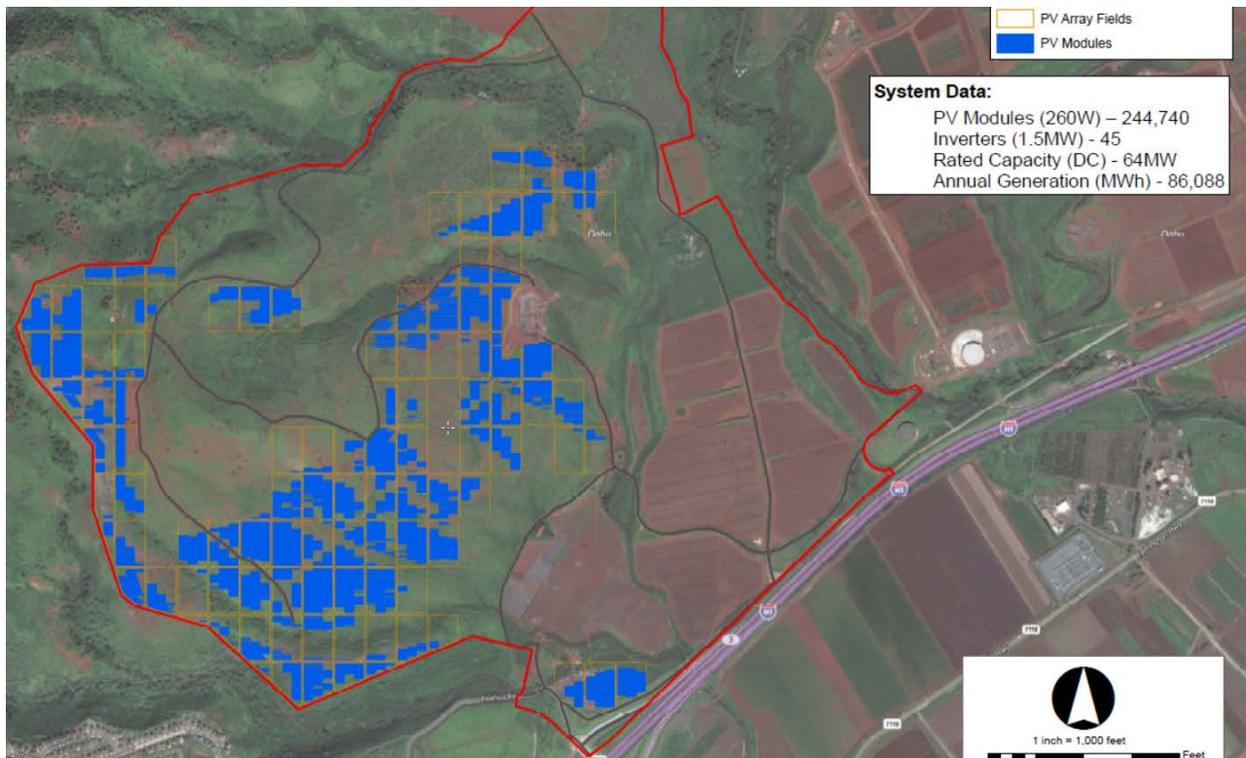
The IFA PV system is one of the last systems to be permitted under Hawai'i Electric Light Company's NEM program, which allows this facility to sell excess energy generated during daylight hours back to the utility for additional energy cost savings.

UH West O'ahu

OEM continues to work closely with Hawaiian Electric Company (HECO) and other partners to develop the proposed UH West O'ahu mauka lands' solar PV project.

The initial feasibility study conducted in 2015 has been further refined to incorporate feedback from preliminary financial and site analyses to exclude the areas which would be problematic for renewable development:

- All lands with an 'A' Land Study Bureau classification
- Pu'u Kapua'i Open Space (79 acres)
- 100 year flood and roadway easements
- Small parcels of PV which would be impractical to develop
- Land sloping more than 15%
- North facing land with solar aspects not between 270 and 90 degrees.



Further analysis shows potential 50MW solar PV generation from UH West O'ahu mauka lands. Work to address fiscal and regulatory issues facing the project is ongoing.

Based on the above information, topographical contours, and required geologic core sampling sites, HECO is conducting an updated financial analysis to calculate development costs and estimated costs per kWh to both the utility and customer. This analysis will inform UH's next steps to develop the site for large-scale solar power generation.

UH West O'ahu campus also brought online 500kW of PV which will offset 10-15% of utility purchased power:



This 500kW ground mount Solar PV system at UHWO began operation in December 2016.

UH Hilo

UH Hilo doubled its PV portfolio and generated approximately 500kWh last year (as opposed to approximately 100kWh the previous year).

This campus tracks the avoided energy costs generated by this system, and has successfully established a Green Revolving Fund, which has harnessed over \$278,666 of energy savings to date. These savings are earmarked for reinvestment into an exterior bi-level LED lighting conversion project to yield additional energy savings that are estimated to repay the initial investment within six years.

Social Initiatives

To achieve success, we must also focus on influencing the behaviors of our campus community. When coupled with the University's investment in energy efficiency, this maximizes the overall impact on our sustainability goals. UHOS is focused on being a catalyst for cultural change.



Sample flyer from CBSM pilot project conducted in 2015-16. CBSM methodology utilizes tools from behavioral sciences, research and marketing to design effective behavioral change campaigns.

The **short-term strategy** is to develop a communication and outreach plan that is incorporated into the execution of energy-efficiency upgrades. The message will highlight the University's energy conservation efforts and invite our community to contribute their part by changing habits and behaviors. Current plans are to introduce this concept with UH Mānoa's 2MW Solar PV parking lot rooftop canopy and the William S. Richardson Law Library LED retrofit.

The **mid-term strategy** is to create incentives and accountability at the departmental level. This has been shown to be highly effective in driving energy efficient behaviors.⁶ Being able to track and monitor energy use down to the building level and beyond is needed (and in progress) in order to create accountability. Various incentives can then be designed to reward energy efficient behaviors.

The **long-term strategy** is to transform campus culture through campus modernization efforts that reflect UH's sustainability values through its built environment. Through incentive programs, compelling academic and research programming, and rich campus, community and cultural engagement, UH can be an inspiring destination for sustainability teaching, learning, and research.

Green Revolving Fund (GRF)

The successful GRF pilot implemented at UH Hilo has demonstrated that the technical and accounting infrastructure needed to track, harness and reinvest energy savings into additional, cost-reducing sustainability projects is readily available.

Since fiscal year 2012, UH has received over \$1,000,000 in energy efficiency rebates for more than 87 energy efficiency projects that have yielded almost \$8,000,000 in energy savings. However, UH has not established a policy nor institutionalized a process to reinvest savings in additional sustainability and energy efficiency investments. In a step toward this effort, a GRF was established to serve as a mechanism for energy projects with a calculated simple payback period of less than ten years. In return, all or a portion

⁶ <https://betterbuildingssolutioncenter.energy.gov/implementation-models/tying-energy-costs-building-occupants>

of any energy savings associated with the project will be paid back into the GRF to fund future projects.

A detailed lighting audit of eight buildings on UH Mānoa's lower campus was conducted last year by two UH Mānoa undergraduate students⁷ working closely with Hawai'i Energy lighting engineers. As set forth in the table below, over 6,000 lighting fixtures were identified for replacement that would yield an estimated \$200,000 or more in energy savings a year. After rebates these projects were estimated to yield a simple payback period of 3.8 years.

SUMMARY TABLE (Option 2)					Effective Utility Energy Rate (\$/kWh) \$ 0.17	
Description	Est. Energy Savings	Est. Cost	Est. Hawaii Energy Incentives	Est. Cost Savings	Simple Payback	
	(kWh/year)	(\$)	(\$)	(\$/year)	w/o Hawaii Energy Incentive (years)	w/ Hawaii Energy Incentive (years)
Stan Sheriff Center	589,416	\$ 451,458.13	\$ 76,624.06	100,201	4.5	3.7
Physical Education Athletics Complex	163,016	\$ 170,115.49	\$ 21,192.07	27,713	6.1	5.4
Duke Kahanamoku Pool/Complex	25,388	\$ 90,257.35	\$ 3,300.38	4,316	20.9	20.1
Gym 1 & 2	123,642	\$ 58,649.28	\$ 16,073.46	21,019	2.8	2.0
Nagatani Academic Center	12,202	\$ 29,665.90	\$ 1,586.27	2,074	14.3	13.5
Clarence T.C. Ching Athletic Complex	2,661	\$ 24,717.96	\$ 345.92	452	54.6	53.9
Exterior Misc.	292,397	\$ 91,917.55	\$ 38,011.64	49,708	1.8	1.1
Klum Gym	10,168	\$ 19,812.94	\$ 1,321.80	1,729	11.5	10.7
	1,218,889	\$ 936,594.60	\$ 158,455.60	\$ 207,211.17	4.5	3.8

Summary of lower campus lighting audit and fiscal analysis of LED retrofit conducted by two UH Mānoa undergraduate students working closely with Hawai'i Energy lighting engineers in 2015.

GRFs have been implemented across the country in higher education with success. This is primarily because it utilizes the cheapest form of financing. Additionally, the ability to track, harness and reinvest savings via a GRF at the campus level can provide a strong incentive to empower campus communities to identify and develop their own energy savings projects by making available financial capital that is tied to clearly defined energy performance measures.

⁷The Hawai'i Energy Fellows program directly increased our operational capacity to implement pilot projects and delivered two valuable projects: 1) lower campus lighting audit depicted above, and 2) Community-Based Social Marketing (CBSM) pilot project in Hawai'i Hall at UH Mānoa.

Sustainability Curricula

Surveys have shown that UH students are seeking studies in sustainability.⁸ Every campus has stand-out faculty engaged in teaching and research around sustainability; however, it is difficult for students to discern which courses cover sustainability topics. If UH is able to meet this currently underserved need it could expand its student body. Offering courses that are relevant and equip our graduates with the requisite knowledge, skills and experiences to succeed in a world of increasingly complex and rapid change is core to UH's mission.

S-Designation

In Spring 2016, the Systemwide Sustainability Curriculum Coordination Council (SSCCC) set an internal goal to double the number of sustainability courses offered at UH campuses by 2020.

In Fall 2016, UHOS was able to negotiate a Teaching Equivalency to hire Dr. Krista Hiser⁹ as Interim Systemwide Sustainability Curriculum Coordinator to conduct a systemwide benchmarking survey of existing sustainability curricula, courses, and programming as a first step towards achieving that goal.



Dr. Krista Hiser,
Interim
Systemwide
Sustainability
Curriculum
Coordinator

For over ten years, Krista has worked with UH faculty members on the development of the S-Designation, a designation which allows students to easily identify sustainability courses and supports faculty to identify their courses as sustainability-focused¹⁰ or sustainability-related.¹¹

The process of working with faculty from other disciplines who are teaching or are interested in teaching sustainability creates a friendly, ongoing interdisciplinary dialogue that serves the additional functions of fostering peer-to-peer faculty professional development and ensuring curricular coherence, transparency and rigor.

By working with the SSCCC, as well as directly with the appropriate faculty sustainability committees established at individual campuses, UHOS has created the *S-Designation Handbook*, a living document that is designed to assist UH campuses to adapt and

⁸ In a [survey](#) of 194 UH students:

- More than 50% feel that the university does not currently offer enough sustainability courses
- **97%** believe that Sustainability should be incorporated into more current and future courses at UH Mānoa.
- **92%** indicated that they would take a Sustainability-focused course.
- **73%** believe that UH Mānoa should offer a BA in Sustainability.

⁹ Dr. Hiser is a Professor of Composition and the Faculty Service and Sustainability Learning Coordinator at Kapi'olani Community College, where she team teaches the learning community course: "*Decade Zero: Understanding Climate Disruption*," and serves on the Faculty Senate Standing Committee on Sustainability.

¹⁰ Sustainability-focused = 60% or more of overall course content teaches about sustainability.

¹¹ Sustainability-related = one or more class teaches about sustainability over the duration of the course.

implement a Sustainability Designation for courses integrating sustainability across the curriculum.

The systemwide benchmarking survey conducted this year identified over 200 sustainability courses taught across all ten campuses, with many more courses awaiting formal vetting by the appropriate campus faculty to receive their S-Designation. In addition, UHOS is working to support each campus in developing a committee and process that works for their campus; the S-Designation criteria are thus consistent across the system, but also uniquely applied on each campus.

UH Mānoa has identified 45 courses as sustainability-focused via a detailed course catalog audit conducted by the campus *Sustainability Curriculum Committee*. UH Mānoa's Office of the Vice Chancellor for Academic Affairs (OVCAA) is currently in the process of establishing a brand-new **SUST course subject code** that would be housed within the proposed UH Mānoa Sustainability and Resilience Institute; the 45 courses identified thus far will be cross listed as SUST courses and could appear in course catalogs as early as Spring 2018, so that students may easily identify sustainability courses offered at UH Mānoa.

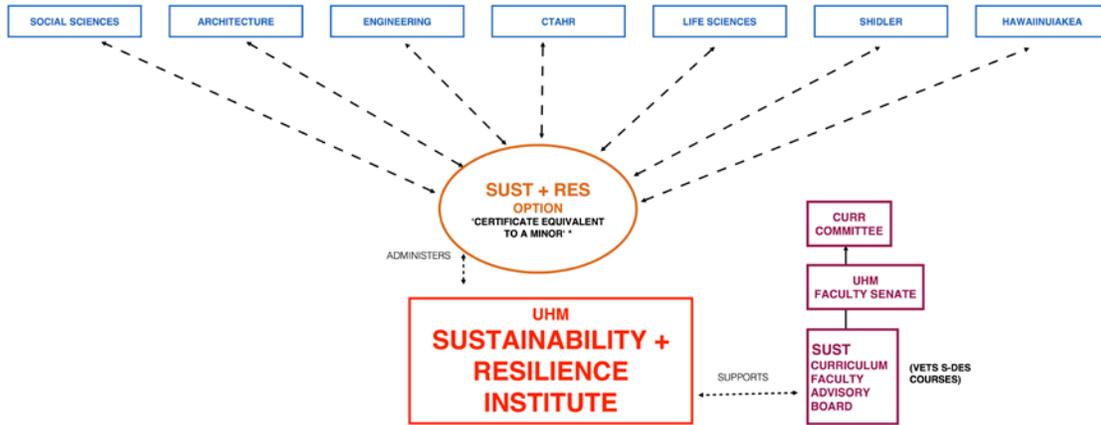
UHOS continues to work with other UH campus registrars to develop mechanisms for students to easily identify sustainability courses in their course catalogs.

Next Steps (Future Opportunities)

1. Expanding Sustainability Course Offerings

UHOS will continue to work with all campus stakeholders, including faculty and students, to expand the number of course offerings in sustainability. These efforts will require the seamless coordination between disciplines, colleges, and campuses. To support this, we recommend the establishment of an administrative vehicle that compliments, supports and enhances the work of the academic departments and effectively functions as a neutral territory that can amass resources to be accessed by multiple departments to further their work.¹²

¹² UH Foundation has indicated significant philanthropic interest in raising funds to support sustainability initiatives at UH.



The proposed UH Mānoa Sustainability and Resilience Institute can provide administrative support for multidisciplinary programs in sustainability, as well as supporting the non-operational components of EP 4.202 (Sustainability in Curriculum, Research, Engagement and Cultural Connections)

This administrative vehicle can function as a backbone organization¹³ that provides coordination capacity and ensures the fair distribution of resources between departments, to:

1. **Equip our students with sustainability competencies,** and
2. **Direct research towards solving the complex challenges of sustainability** faced by our communities locally and abroad.

Our work this year brought together dynamic groups of engaged faculty who are teaching sustainability from the leading edge of their disciplines. The interaction between faculty and students (in classrooms, labs, on campus, in the field, and electronically) is the heart of higher education, and sustainability curriculum initiatives help faculty to work creatively and collaboratively around institutional barriers, building new networks for *thinking, teaching, researching, and learning*.

2. Systemwide Sustainability Certificate

As UHOS has met with sustainability faculty at all the campuses since commencing its sustainability curriculum benchmarking survey, there has been one question that is consistently asked: *“What do all of these S-Designation courses add up to?”*

Now that a mechanism exists to identify (and potentially redesign) existing courses to qualify for the S-Designation, faculty can develop a systemwide sustainability “certificate equivalent to a minor”¹⁴ that would appear on students’ transcripts.

¹³ Shiloh Turner, Kathy Merchant, John Kania and Ellen Martin, [“Understanding the Value of Backbone Organizations in Collective Impact,”](#) Stanford Social Innovation Review (2012).

¹⁴ Modelled after the [Marine Options Program](#), UH’s only existing systemwide certificate equivalent to a minor.

Individual departments can then develop additional sustainability certificates, undergraduate/postgraduate programs, and research initiatives.

In this manner, we can catalyze a rapid diffusion of sustainability across curricula, and provide students with a basic understanding of not only climate change science and impacts, but also our island culture's unique role.¹⁵

As UH articulates its own locally and culturally appropriate core competencies of sustainability, a tandem strategy to develop a focused major in Sustainability (building on what currently exists as *Interdisciplinary Studies*) can be developed. Once a **sustainability major** program is offered by UH, the "certificate equivalent to a minor" can begin to appear as a **sustainability minor** on student transcripts.

3. Institutional Partnerships

Public institutions of higher education across the nation are facing similar challenges. Arizona State University (ASU) has emerged as a forward-thinking institution for innovation and sustainability.¹⁶ By making the commitment in the discipline of sustainability, ASU has more than doubled its enrollment since establishing its School of Sustainability in 2006.



Arizona State University made a strategic decision to place sustainability at the core of its programming over 10 years ago, and today its School of Sustainability enjoys its highest retention numbers.

ASU has recognized that UH is uniquely positioned to offer world-class studies in all aspects of sustainability. Recently, ASU has expressed interest in establishing institutional partnerships with the UH to explore the role of culture, environment, and economics in sustainable development. UHOS will continue to facilitate ongoing discussions and collaboration.

Engagement

Campus and community **engagement** are critical to **driving the momentum** to rebrand UH as a recognized leader in sustainability, and also serves the dual purpose of outreach and marketing our institutional sustainability efforts.

¹⁵ [Sustainable Development Goal 4.7](#) – “By 2030, ensure that all learners acquire the knowledge and skills needed to promote sustainable development, including, among others, through education for sustainable development and sustainable lifestyles, human rights, gender equality, promotion of a culture of peace and non-violence, global citizenship and appreciation of cultural diversity and of **culture’s contribution to sustainable development**”

¹⁶ Despite declining appropriations from a State Legislature that is reticent to accept the science of climate change, ASU has more than doubled its enrollment since establishing its School of Sustainability in 2006.

Campus Engagement

UHOS hosted fifteen official #UHSUSTAINABILITY events as part of its overall outreach strategy, directly engaging over 500 people through our annual summit, campus site visits and events, and working sessions.



Peer-to-peer learning amongst students at the 4th annual Student Sustainability Summit held at UH Mānoa on March 12, 2016. Over 20 students from multiple campuses attended.

4th Annual Hawai'i Sustainability in Higher Education Summit (#HSHE16)

This annual event allows UHOS to strategically focus systemwide sustainability efforts, facilitates the sharing of best practices between campuses, and drives momentum for the campus sustainability action agendas each year.

In 2016, the summit focused on four strategic areas:

1. Strategic Energy Management
2. Student Leadership
3. Campus Sustainability Plans
4. Sustainability Curriculum Coordination

The two-day intensive working sessions convened almost 170 staff, faculty and students from all ten campuses to advance progress in these key areas. Featured speakers and workshop hosts included community and student leaders as well as leading practitioners in energy management, sustainable design and sustainability education.

The information gathered over these two days is vitally important to setting the action agenda for the working year, allowing us to leverage limited resources for maximum impact and results.

For example, UHOS was able to convene a 2-day Strengths, Weaknesses, Opportunities, Threats analysis on Strategic Energy Management with representatives from all UH campuses' facilities departments and key private and public sector partners including: the National Renewable Energy Laboratory (NREL), the International Facility Management Association (IFMA), Hawai'i Energy, UC Irvine, Johnson Controls, Trane Engineering, and the Hawaiian Electric Companies.

Campus Sustainability Committees gathered to share their draft campus sustainability plans with each other in working sessions facilitated by [Patrick Thibadeau](#), one of the nation's leading architects and co-developer of the [Zero-Plus](#) design framework.

Student leaders gathered to learn about effective strategies to engage with campus leadership and to organize student efforts, as well as continue to work towards establishing paid student positions in sustainability-related work and annual student sustainability leadership retreats.

Faculty gathered to think about how to leverage existing resources currently available across our campuses, and to craft a compelling vision of what sustainability education could look like at the University of Hawai'i.



Faculty working on sustainability at various campuses drafted a compelling vision for sustainability education at UH.

Student Support

When students are empowered to take on sustainability projects as extra-curricular activities, campuses become living laboratories ripe with opportunities to innovate and improve campus systems and facilities.

In 2016 UHOS supported **4 paid student positions**, including:

- 1 UH System *Student Sustainability Coordinator*
- 1 UH Mānoa *Student Sustainability Fellow*¹⁷
- 2 UH Mānoa *Hawaii Energy Fellows*¹⁸

Additionally, UHOS' first Graduate Assistant position was created in partnership with the College of Social Sciences, which will provide a tuition waiver for a graduate student to work in the UHOS office as a systemwide Student Sustainability Coordinator.

Beginning in January 2017, a UH Mānoa graduate student employee will help UHOS develop additional paid student sustainability fellowships and internships that serve to

¹⁷ (in partnership w/ UH Mānoa Office of Vice Chancellor for Student Affairs)

¹⁸ (in partnership w/ [Hawaii Energy](#))

bolster UHOS' operational capacity while enhancing participating students' learning experience through real-life problem solving on campus. UHOS continues to raise funds to develop additional paid student positions.

President's Green Initiative Awards	\$30,000
Sustainability Summit Sponsorship	\$40,000
HHFDC contract	\$31,300
Ala Wai Challenge	\$10,000
IUCN Attendance	\$10,000
UHM School of Architecture	\$10,000
LCC Campus Food Waste project	\$2,500+
TOTAL	\$133,800+

Summary of funds raised to support student efforts in calendar year 2016.

President's Green Initiative Awards

This [awards program](#) was launched in 2015 and distributed \$30,000 in cash awards to students systemwide to support the implementation of student-led projects on campus or in the community, and for students to recognize peers who are demonstrating leadership in sustainability through extra-curricular activities:

- **\$5,000** was awarded to **Christina Kaleiwahea** from Leeward Community College in recognition of outstanding leadership in sustainability on campus through her roles as a Leeward CC sustainability committee member, the STEM club president, a student government member and a dedicated community volunteer.

- **\$5,000** was awarded to **Jeff Kim**, a UH Mānoa student, in recognition of outstanding leadership in sustainability on campus through his role as the Honolulu Chapter Leader of Citizens' Climate Lobby and his tireless advocacy and work in the community for divestment from fossil fuels.
- **\$10,000** was awarded to the Leeward Community College STEM club "*E Ho'opa'iapuni Kākou: An Integrated Approach to Resource Recovery,*" in support of student efforts at LCC to develop a process to collect food waste on campus and turn it into high-quality, organic fertilizer and compost for the campus farm.
- **\$10,000** was awarded to UH Mānoa School of Architecture PhD student Joey Valenti for his project entitled "*Rescaling Urbanism*" in support of applied research and design to develop an alternative framework of building by utilizing wood from the invasive albizia tree (*F. moluccana*), for the sustainability of our island and our planet.



Joey Valenti's [award-winning doctoral project](#) has catalyzed collaboration between multiple departments, campuses, state agencies and private sector partners. He is pictured here with scale models of the innovative, low-cost temporary housing structure that is currently being built into a full-scale prototype.

The green project awards have catalyzed additional investment from and [collaboration with other campuses, private sector partners, and state agencies](#). UHOS has been contracted by the Hawai'i Housing and Finance Development Corporation (HHFDC) to support Joey to deliver a full-scale prototype by June 30, 2017 of one temporary housing unit based on his award-winning design.

Media Engagement

UHOS works closely with the [UH Media Production](#) team to ensure that sustainability is covered across UH. In addition to writing a number of articles, UHOS was involved with coverage of [126 sustainability-related stories](#) in local print media, local news and TV in 2016.

2016 Local News and TV Engagement	
Story Count	126
Runtime	2:17:10
Calculated Publicity Value	\$269,425
Audience	3,404,598



HNL Tool Library founder Elia Bruno, center, and creative director Bethany Brown greeted a visitor and volunteer Kevin Reed, left, at the new tool-sharing hub inside Re-Use Hawaii's Kakaako warehouse on Saturday. In back, volunteer Joseph Hasekubani, far right, helped patron Randi Jeong. The library launched late last month and already offers more than 250 pieces of equipment for carpentry, plumbing, gardening and more.

New tool library a DIY dream come true

The HNL Tool Library has generated excitement on campus and in the community.

Our most engaging, self-generated video story on Social Media was the [HNL Tool Library](#), a project launched by UH Mānoa Sustainability Studies student Elia Bruno which has so far garnered **1,968 Reactions, Comments and Shares and 14,825 Views** (as well as significant interest in local TV news, print and social media).

Elia was able to leverage a \$600 microgrant¹⁹ he won in October 2015 to create Honolulu's first tool library, which provides users access to more than 611 hand and power tools in exchange for a low annual subscription fee.

In addition to the extensive media coverage received, Elia was also able to establish a non-profit organization which has received in excess of \$30,000 in funding thus far.

Total social media engagement numbers for sustainability-related video content produced by UH Media totaled **14 Stories** for **77,618 Views** and **6,231 Reactions, Comments and Shares**.

2016 Social Media Engagement				
Date	Story	Reactions, Comments & Shares*	Views	
Mar 7	<i>UH Mānoa campus an accredited arboretum</i>	1,968	16,000	
Nov 30	<i>Tool sharing made easy</i>	1,634	14,825	
Jul 27	<i>House built out of Albizia wood might solve multiple sustainability issues</i>	1,249	11,472	
Apr 14	<i>Students recover surplus food to feed homeless</i>	528	22,858	
May 6	<i>Wildlife in peril in the 'ōhi'a forest</i>	159	5,176	
Sept 7	<i>Make the Ala Wai Awesome Student Design Challenge</i>	122	990	
Dec 1	<i>Electric vehicle donation helps UH reduce carbon footprint</i>	105	1,646	
Jun 22	<i>Coral reef experts bridge science to public policy</i>	105	799	
Mar 8	<i>UH Information Technology Center awarded LEED Gold</i>	95	1,219	
Feb 8	<i>Seeding the future of the 'ōhi'a tree</i>	77	1,078	
Sept 13	<i>UH Mānoa to host 2017 World Youth Congress</i>	62	485	
Mar 9	<i>Students of the Student Sustainability Coalition of Hawaii</i>	56	600	
June 17	<i>Lessons from the Lo'i</i>	37	265	
Nov 9	<i>First Net Zero Energy Buildings Unveiled at UH Mānoa</i>	34	205	
TOTALS		6,231	77,618	

Summary of 2016 sustainability-related online video content produced by UH Media.

**Does not include people who shared content individually (i.e., did not share from UH posting)*

¹⁹ UH Mānoa Soup is a student-produced microgranting event that was reported on in the UHOS [2015 annual report](#).

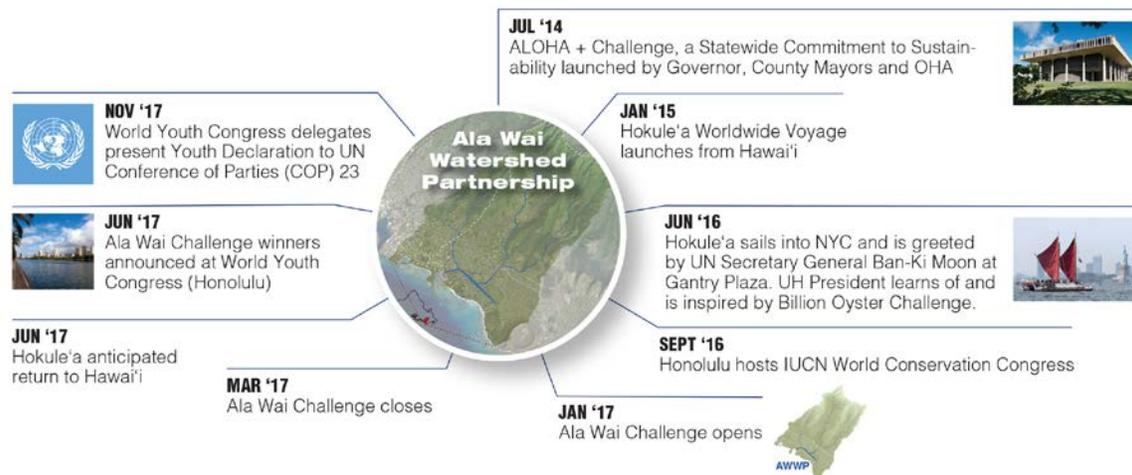
Community Engagement

UHOS hosted, supported, or directly participated in eight major community engagement events, including [Earth Week festivities](#) which spanned the week of April 18-23, 2016 and included a variety of campus and community events at all ten campuses that is estimated to have engaged over 3,000 people.

2016 Community Engagement			
Date	Event	Campus / Location	Attendance
April 18-22	Earth Day Festivities (Host: multiple campuses)	All Islands	3,000
Jun 21-23	VERGE Clean Energy Conference (Panelist)	Waikiki	30
Nov 9	Hawaii-Germany Clean Energy Symposium (Host)	UH Cancer Center	120
Jun 28-29	ALOHA+: Local Food Sustainability Dashboard (Facilitator)	Kohala	80
Jul 27-29	Sustainability Officers' Retreat (Presenter)	British Columbia	70
Sept 5	"Make the Ala Wai Awesome" Student Design Challenge	All Islands	150
Oct 25	Pacific Building & Trade Expo (Panelist)	Hawaii Convention Center	100
Dec 12	National Sustainability Curriculum Coalition webinar (Presenter)	Nationwide	100
Dec 14	USGBC Emerging Professionals Showcase (Host)	UH Mānoa	60
TOTAL			3,710

Ala Wai Design Challenge

On September 5, 2016 UH President David Lassner announced the ["Make the Ala Wai Awesome"](#) Student Design Challenge at the International Union for Conservation of Nature (IUCN) World Conservation Congress. Open to students of all ages from around the world, the challenge seeks to rehabilitate a critical O'ahu watershed that contains one of the nation's most polluted bodies of water.



The design competition is linked to the [Aloha+ Challenge](#), supporting the State's sustainability goals in the areas of *Natural Resource Management*, *Waste Reduction*, *Smart Sustainable Communities* and *Green Workforce and Education*.

Since the challenge was launched, over 150 people registered to receive notification of the design brief when the competition opened to receive entries on January 9, 2017,

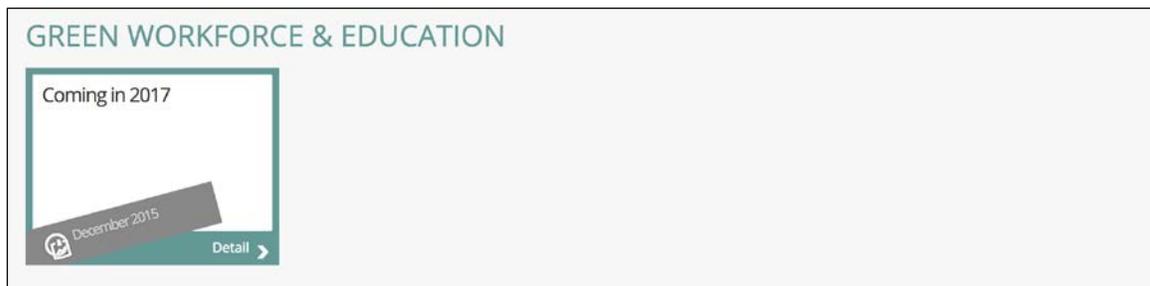
and the project has been featured in number of news stories in [local TV](#), [radio](#) and [newspaper media](#).

Statewide Sustainability Policy Engagement

Hawai'i has received international attention for the ***Aloha+ Challenge***, the innovative statewide approach to implementing locally and culturally appropriate sustainable development goals at scale and with broad and diverse multi-sector partnerships.

In 2016, UHOS continued to work closely with [Hawai'i Green Growth](#), the backbone organization coordinating much of the statewide sustainability planning efforts currently underway. UHOS represented UH at the statewide coalition of public, private and community organizations that are working to establish targets, goals and metrics to track and measure our statewide progress in six key areas: *Clean Energy, Waste Reduction, Natural Resource Management, Local Food, Smart Sustainable Communities, and Green Workforce and Education*²⁰.

UH continues to play a key role as a provider of subject matter expertise, and as a core partner, coordinating with government agencies, private sector, and community groups.



A memorandum of understanding signed by University of Hawai'i, Kamehameha Schools and Hawai'i Green Growth bridges educational missions and begins to create pathways for local students to help define and develop Hawai'i's statewide green workforce and education.

In November 2016, UH executed a [new partnership with Kamehameha Schools](#) to create pathways for our students to actively participate in the development of the state's [Green Workforce and Education](#) goals in 2017, as well as to create an ongoing platform for students to continue to participate directly in statewide sustainability policymaking and implementation.

²⁰ Visit the State of Hawai'i's online [Sustainability Dashboard](#), and the [Hawaii Green Growth](#) website for more information.

Conclusion

Given the escalating impacts of climate change worldwide and the urgent global interest in developing locally and culturally appropriate solutions, ***UH is presented with a significant opportunity to capitalize on its unique location and rich cultural heritage to offer world-class studies in sustainability.*** With support of the Board of Regents, the President, and other key leaders in our campus community, the University can serve as a global hub to develop pioneers that will rethink and reshape our role on the planet.



THE UNIVERSITY OF HAWAII CANCER CENTER

Update on Financial Plan
Randall F. Holcombe, MD, MBA
January 26, 2017



UNIVERSITY OF HAWAII

CANCER CENTER

Review of Financial Plans

- Prior to 3/2015
 - Original Cancer Center Business Plan, January 2006
 - Implementation of the Cigarette Tax
- Kaka'ako Campus Business Plan
 - Presented to BOR March, 2015
- UH Cancer Center Proposed Business Plan Update
 - Presented to BOR January, 2016
- Warbird Report (External Consultant)
 - Prepared October, 2015; presented to BOR January, 2016
- UH Cancer Center Strategic and Financial Plan Update
 - Director Holcombe, presented to BOR 11/3/2016
- UH Cancer Center Financial Plan Addendum
 - Director Holcombe, submitted to BOR 1/26/2017



Comparison of recent financial plans

Category	3/2015 (Kaka'ako campus business plan)	1/2016 (UHCC business plan)	Warbird	11/2016 (Holcombe)
Support recommendation	\$13.6M	\$5M	\$10-20M	\$5M
NCI retention	Yes	Yes	Yes	Yes
Faculty recruitment	Yes	No	Yes	Yes
Increased RTRF	No	No	NA	\$1M/yr
Faculty salary	Yes, 25%	Yes, 25%	Yes	↓\$225K/yr by FY2019
Maintenance management	NA	NA	Noted	↓\$250K/yr Cap on M. reserve
Patent revenue	NA	NA	Variable	↑\$100K/yr FY2021
Lease revenue (annex)	No	\$1M/yr	Noted	↑\$100K/yr FY2021
Involvement business community	No	No	No	Yes
Administrative reduction	Reorganization	Reorganization	NA	↓\$400K/yr by FY2020
Shared Services	Noted	Noted	Noted	↓\$200K/yr
Tuition Special Funds	↑\$500K/yr	No	No	↑\$150K/yr by FY2018

Older Business Plans

- Cancer Center of Hawai'i Business Plan – January, 2006
 - Assumed Center would include a clinical care facility
 - 17 FTE physicians proposed
 - Noted to be key driver of financial success
 - Cancer Center to have its own philanthropic foundation
 - Assumed funds transfers from Hospitals initially of \$6.5 million annually
 - UH assumed to pay off building costs up front
 - Assumed **\$8.0M** of annual state support beyond building expenses
- Cigarette Tax implementation
 - UH Cancer Center funded through bonds
 - **\$19.4M** annual state allocation assumed
 - Coverage ~\$14 million in building related expenditures
 - Remainder devoted to Cancer Center operations



Kaka'ako Campus Business Plan – March, 2015

- Combined business plan for UH Cancer Center and JABSOM
- Necessity for maintaining NCI designation outlined, including \$15.5M extramural funds tied to it and economic impact on State
 - Immediate recruitment of 5 faculty requested (not done)
- Reorganization with UH Cancer Center under authority of JABSOM proposed
- Overestimated revenue from tuition special funds
- Request for **\$13.6M** annual allocation



UHCC Business Plan – January, 2016

- No recruitments proposed
- Build out of UHCC annex proposed at \$15M in FY2019
- Reorganization with UH Cancer Center under authority of JABSOM proposed
- Partnership with academic institution in China proposed
- Additional \$1.5M allocation in general funds from UH proposed (not obtained)
- **\$5M** support from legislature proposed
- Overly enthusiastic lease revenue forecast starting FY2019



Warbird Report (External Consultant)

- Options considered and *rejected*:
 - Abandon NCI designation; Close UHCC; Acquisition of UHCC by an outside entity; Merge with a mainland Cancer Center
- Main conclusion:
Additional investment by UH, State of Hawaii, local community and clinical partners needed
 - Consideration for allowing UHCC to operate semi-autonomously (“Enterprise” model)
- Recruit a new director
- Build out shell space to maximize potential revenue
- *“Grant-funded research by design requires subsidization”*
 - Every \$1 in grant funding necessitates \$0.50-\$1.00 in additional support
 - For UHCC, with \$20+ million annually in extramural grants, this equates to **\$10-20M** annually
 - Support of research operations *is separate and distinct* from building costs that are funded through the CigTax special fund
- *“Clinical research typically costs more to conduct than is paid for by its sponsoring grants”* - not a “solution” to UHCC finances



UHCC Strategic & Financial Plan – Holcombe - Strategic

- Short-term goals
 - Strengthen 3 core research programs
 - Additional faculty recruitments (6) committed by UH Mānoa
 - Renew P30 Cancer Center Support Grant
 - Enhance Clinical Trials
 - Adhere to a responsible financial plan
 - \$5M request for annual support for research operations before legislature
 - Maximize efficiencies with shared services
 - Formal reorganization as previously proposed is not necessary and would impair UHCC's ability to function as a matrix ORU across schools and departments



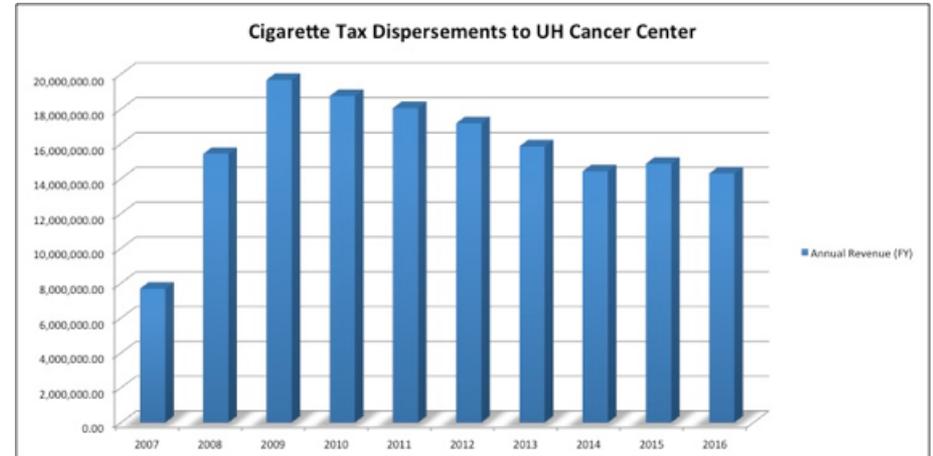
UHCC Strategic & Financial Plan – Holcombe - Strategic

- Long-term goals
 - Increase instructional activity by UHCC faculty
 - Use new recruitments to expand research programs
 - Creation of disease-specific research programs
 - Develop capability for the conduct of early phase trials
 - Expand clinical trials infrastructure to other islands
 - Enhance cancer prevention research collaborations across the Pacific
 - Build out of shell space (annex) – FY2020
 - Enhance ties to Honolulu business community
 - (See addendum to financial plan, 1/2017)



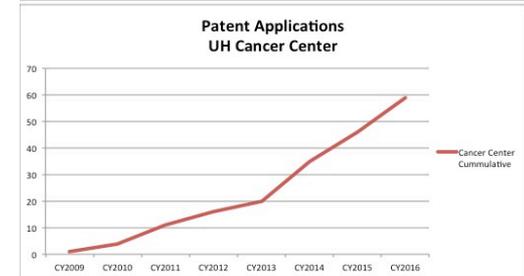
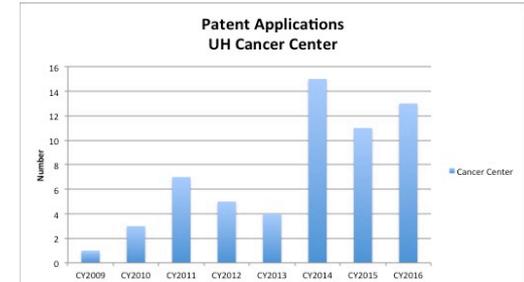
UHCC Strategic & Financial Plan – Holcombe - Financial

- \$5M request to legislature for increased annual support of research operations
 - Reinststate the deficit in CigTax distributions
 - \$19M initially; currently \$14M



UHCC Strategic & Financial Plan – Holcombe - Financial

- \$1M increased RTRF annually from VC Research to UHCC
- Increased in tuition special funds \$150,000 annually beginning FY2018 with augmentation of instructional activities
 - Multiple new recruitments being considered as joint with other UH Mānoa departments
- Lease income \$100,000/year for annex not anticipated to begin until FY2021
- \$225,000 annual savings in faculty salaries forecast FY2019
- \$250,000 annual savings in improved equipment maintenance management
- Administrative reduction - \$400,000 by FY2020
- Patent-derived income forecast for FY2019, gradually increasing to FY2021



Measures to achieve zero deficit operations by FY2020

Expenditure Reductions

- Improve equipment maintenance management
- Appropriate utilization of maintenance reserve and replacement fund
 - Submission of budget to VP
- Shared services across Kaka'ako campus
- Shared services within UH Mānoa
- Administrative personnel review and reduction
- Incentive plan for increased faculty salary support off grants

Increased Revenue

- \$5M legislative support
- RTRF allocation from VC-Research
- RTRF – new faculty
- Increase in instructional activities
 - Joint hires with instructional departments
- Endowed chairs
 - Philanthropy
- Patent derived revenue – FY2019
- Lease revenue – Annex build out – FY2021



Current environmental factors that will facilitate success

- New Cancer Center Director
 - Elimination of leadership turmoil
- Faculty consensus on path forward
 - Elimination of dissident factions
 - Collaborative efforts toward Cancer Center re-designation
 - Enhanced faculty engagement through Faculty Senate
- Reorganization of senior leadership
 - Elimination of two senior Associate Director positions
 - Incorporation of previously disenfranchised faculty into leadership team
- Moving forward with joint/collaborative recruitments
 - “Win-win” for instructional departments and Cancer Center



Current environmental factors that will facilitate success

- Moving forward on shared research cores for Kaka‘ako campus
 - Genomics/informatics core
 - Microscopy core
 - Vivarium
 - NMR facility
- Engagement of Honolulu business community
 - Recommendations on financial plan and general advice
 - (See Addendum to Strategic and Financial Plan)
- Collaborative efforts toward deadline for Cancer Center Support Grant (P30) submission
 - September, 2017



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Tuition Special Funds	↑\$500K/yr	No	No	↑\$150K/yr by FY2018

University Of Hawai'i Cancer Center

Accelerating
cures through
cancer research
in Hawai'i



STRATEGIC AND FINANCIAL PLAN ADDENDUM

Randall F. Holcombe, MD, MBA
Director, UH Cancer Center
January 26, 2017



Executive Summary of Financial Plan

The following is a summary of the key components of the financial plan submitted 10/21/2016 to the UH Board of Regents. The overall goals of the plan are to 1) ensure continued success and productivity in conducting cancer research that benefits the people of Hawai'i, 2) position UH Cancer Center for successful application for continued National Cancer Institute designation and 3) attain zero deficit operations within three years. Successful implementation of the plan will reassure potential philanthropic donors, legislators, the Honolulu business community and community stakeholders of the long-term sustainability of the Cancer Center.

Multiple prior financial plans were reviewed. A Cancer Center of Hawai'i Business Plan from January, 2006 assumed the Center would include a clinical care facility and that this would be a key driver of financial success. No clinical care facility was established. It also assumed \$8.0 million in state support beyond building expenses. When the cigarette tax was implemented, an annual allocation from the state of \$19.4 million was assumed to cover building related expenditures and Center operations. A summary of recent plans is included in the table, below.

Category	3/2015 (Kaka'ako campus business plan)	1/2016 (UHCC business plan)	Warbird	11/2016 (Holcombe)
Support recommendation	\$13.6M	\$5M	\$10-20M	\$5M
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Key components:

1. Every recent business plan, including the report from external consultants Warbird & Navigant Consulting, has recognized that the Cancer Center requires additional operational support. The external consultants indicated that \$10-20 million was required annually. None of these prior plans were implemented. The current proposal requests \$5 million annually.
2. Additional support for Cancer Center operations could be derived from an annual legislative supplement or from UH Mānoa. The Director is supporting the request by the University of Hawai'i for \$5 million annually to



make up for the decline in cigarette tax revenue (initially \$19 million, currently ~\$14 million). Governor Ige is strongly supportive of the \$5 million annual supplemental request.

3. The remainder of the Cancer Center operational deficit will be closed by a combination of increased revenues (grant "RTRF", patent-derived revenue, increased teaching activities) and reduced expenditures (shared services, improved maintenance management, administrative reductions). Even though the Director only started at the Cancer Center in October 2016, the operational deficit for FY17 will already be reduced by approximately \$1 million compared to FY16.
4. Zero deficit operations will be attained under the proposed plan by FY2020.

Engagement of the Honolulu Business Community

The mission of the University of Hawai'i Cancer Center is to reduce the burden of cancer through research, education, patient care and community outreach with an emphasis on the unique ethnic, cultural and environmental characteristics of Hawai'i and the Pacific. The Center engages the community in cancer prevention and cancer education programs and provides an infrastructure for access to cutting edge clinical trials for patients in the community affected by this disease.

The impact of the Cancer Center on the local economy is substantial. The University of Hawai'i Cancer Center brings over \$20 million per year in federal research dollars to Hawai'i. The research spending impact exceeds \$33 million annually and the operations spending impact exceeds \$18 million annually. Overall, the UH Cancer Center adds \$54 million annually to the Oahu economy, equivalent to ~776 jobs.

The UH Cancer Center leadership has engaged the Honolulu business community, through the Hawai'i Business Roundtable (HBR) and other avenues to obtain recommendations for the Center and to enlist their support in the Center's mission. It is likely that the business community will want to first gauge the level of legislative and UH Mānoa support for the new director and his financial plan prior to extending any commitments for support of the Cancer Center.

The Director, with the assistance of HBR leadership, plans to participate in a series of small group discussions with members of the Hawai'i Business Roundtable to relay clearly the Cancer Center's mission and value to the community, in order to build support for the Center. Such support will be critical to future success.

Management of the UH Revenue Undertaking Fund

The University of Hawai'i Cancer Center contributes annually to a maintenance reserve fund, the "Revenue Undertaking Fund", in an amount equal to 50% of the building and equipment depreciation expense of the preceding fiscal year. Creation of the account was at the direction of the Board of Regents pursuant to Section 304A-2167.5, HRS, related to the URUF, Executive policy 2.212 for Bond-supported projects. As of 11/2017, the balance in the



account was \$6,219,374 with an estimated FY167 transfer of \$2,000,000 and an estimated FY17 ending unencumbered cash balance of \$8,219,861. This fund has been unutilized to date and major expenditures would not be expected given that the building is only a few years old. However, there have been relatively small expenditures for equipment maintenance and repair and these have been charged to the CigTax Special Fund. Recommendations for management of the UH Revenue Undertaking Fund (maintenance reserve fund) are as follows:

1. Submit a budget to VP Finance for ongoing and forecast maintenance and repair costs (to be submitted 2/2017 for FY17 through FY2021).
2. Cap the total amount of the fund at \$6,000,000. If at or above this cap amount, no additional distributions into the fund would be required. If the fund is utilized and falls below the cap, transfers to the fund of up to an amount of 50% of the depreciation for the prior fiscal year will be allocated annually from Cancer Center operational budget to replenish it to the \$6,000,000 level. This will maximize efficiency of funds flow while retaining a sufficient reserve for major building-related expenditures that may arise.

2017

University of Hawai'i

Legislative & Budget Proposals

For Presentation:

UH Board of Regents
January 26, 2017

FYB2015-17 General Fund Appropriation (Base Budget Estimate)

	FY16	FY17
UH – Mānoa	\$ 194,372,784	\$ 195,571,866
UHM – JABSOM	17,933,214	17,937,727
UH – Hilo	31,071,988	31,133,744
UH – West O‘ahu	13,190,416	13,554,552
UH – Comm Coll	119,990,760	121,458,842
UH – Systemwide	\$ 49,389,105	\$ 52,294,105

* Does not include statewide B&F appropriated allocations.

FYB2017-19 General Fund (Operating) UH-Requested Proposal

- Total Request: \$28,700,000 in FY18 and \$29,600,000 in FY19
- Aligned with four Strategic Directions:
 - Hawai'i Graduation Initiative
 - Hawai'i Innovation Initiative
 - 21st Century Facilities
 - High Performance Mission-Driven System
- Structured around themes that support Strategic Directions
 - Driving Student Success
 - Academic Innovation
 - Hawai'i Papa O Ke Ao
 - Graduate Assistant Salary Support
 - Hawai'i Innovation Initiative
 - UH Cancer Center
 - Facilities Management
 - Title IX, VAWA and Compliance
 - High Performance Mission Initiative

Request by Strategic Direction

<u>Strategic Direction</u>	<u>FY18</u>	<u>FY19</u>
Hawai'i Graduation Initiative	\$ 12,700,000	\$ 14,300,000
Hawai'i Innovation Initiative	\$ 8,500,000	\$ 8,500,000
21st Century Facilities	\$ 4,700,000	\$ 4,000,000
High Performance Mission-Driven System	\$ 2,800,000	\$ 2,800,000
Total	\$ 28,700,000	\$ 29,600,000

Operating Budget Proposals

Proposed Executive Branch Operating Budget accommodates up to 75% of UH Regent-approved budget proposal.

<u>Description</u>	<u>UH Requested</u>				<u>GOV Proposed</u>			
	FY17-18		FY18-19		FY17-18		FY18-19	
Hawai'i Graduation Initiative	12.00	\$ 9,850,000	12.00	\$ 10,900,000	-	\$ 1,550,372	-	\$ 1,484,372
Cancer Center	4.00	5,000,000	4.00	5,000,000	4.00	5,000,000	4.00	5,000,000
Hawai'i Research and Innovation Initiative	5.00	3,500,000	5.00	3,500,000	5.00	3,500,000	5.00	3,500,000
Graduate Student Salary Support		2,850,000		3,400,000	-	-	-	-
Facilities Management	9.00	4,700,000	9.00	4,000,000	-	-	-	-
High Performance Mission Driven System	7.00	2,800,000	7.00	2,800,000	7.00	1,850,000	7.00	1,850,000
Positions for SBDC	10.00		10.00		-	-	-	-
Lump Sum – UH to Distribute					-	10,000,000	-	10,000,000
TOTAL	47.00	\$ 28,700,000	47.00	\$ 29,600,000	16.00	\$ 21,900,372	16.00	\$ 21,834,372

FYB2017-19 Capital Improvement Funding Proposal

- Total Request: \$216,528,000 in FY18 and \$236,066,000 in FY19
- Request organized around project categories
 1. Major capital improvement projects (Major Projects)
 2. Renew, Improve & Modernize Projects (RIM Projects)
 3. Minor Capital Improvement Projects (Minor Projects) – UH-CC Only
 4. Planning Projects

Category/Project	FY18	FY19	2-Year Total
Major Projects	\$ 67,400,000	\$ 136,900,000	\$ 201,300,000
RIM Projects	135,700,000	91,200,000	226,800,000
Minor Projects	10,000,000	10,000,000	20,000,000
Planning Projects	3,500,000	1,000,000	4,500,000
TOTAL	\$ 216,600,000	\$ 236,100,000	\$ 452,600,000

FYB2017-19 Capital Improvement Financial Progression

Campus	2-Year Budget Request			
	FY17	FY18	FY19	2-Year Total
UH – Mānoa		\$ 112,200,000	\$ 119,300,000	\$ 231,500,000
UH – Hilo		27,800,000	21,600,000	49,300,000
UH – West O‘ahu		6,100,000	6,300,000	12,400,000
UH – Comm Coll		70,500,000	88,900,000	159,400,000
TOTAL Per Year		\$ 216,600,000	\$ 236,100,000	\$ 452,600,000
<i>Deferred Maintenance Level (in millions)</i>				
DM Balance Projection	\$ 496.3	\$ 501.5	\$ 484.0	
DM Balance Projection w/ ESCO	\$ 496.3	\$ 474.0	\$ 401.5	

Capital Budget Proposals

Proposed Executive Branch Capital Budget funds nearly 70% of UH Regent-approved CIP (Year 1) proposal.

<u>Description</u>	<u>UH Requested</u>		<u>GOV Proposed</u>	
	FY17-18	FY18-19	FY17-18	FY18-19
Major Projects	\$ 67,400,000	\$ 136,900,000	-	-
RIM Projects	135,700,000	91,200,000		-
Minor Projects	10,000,000	10,000,000		-
Planning Projects	3,500,000	1,000,000	-	-
Lump Sum – UH to Distribute			\$ 150,000,000	-
TOTAL	\$ 216,600,000	\$ 236,100,000	\$ 150,000,000	-

2017 UH Legislative Package

UOH-01

Prohibiting smoking, including the use of electronic smoking devices, and tobacco use on all University of Hawai'i campuses.

UOH-02

“Hawaii Promise Program” which provides scholarships for the unmet need of qualified students at any UH community college campus. \$2.5 million appropriation request.

UOH-03

Reinstates the President of the University as the chief procurement officer for contracts for construction and professional services furnished by licensees under chapter 464.

2017 UH Legislative Package

(cont.)

UOH-04

Provides legal authority to enable the UH to create, promote, and participate in new economic enterprises that use university research and provide workforce opportunities for affiliated university personnel.

UOH-05

Clarifies that certain sections of the State Ethics Code shall not apply to technology transfer activities.

UOH-06

Aligns the processes to which the BOR conducts its business to fall under the "open meeting" process under the Sunshine Law under Chapter 92, rather than by the "rule making" process under Chapter 91.

2017 UH Legislative Package

(cont.)

UOH-07

Establishes a dark night skies protection advisory committee to assist the University of Hawai'i in the development of a statewide dark night skies protection strategy to preserve dark night skies and reduce light pollution.

UOH-08

Enables the John A. Burns School of Medicine to continue receiving a portion of the physician workforce assessment fee.

UOH-09

Repeals legislative reporting requirements that are either obsolete or unworkable. These include: HRS 304A-1144 (Construction Academy); HRS 304A-3305 (Nursing Scholars Program); Act 187, SLH 2012 (Hawai'i Health Corps Program); and Act 281, SLH 2007 (P-20 Initiative Council).

2017 UH Legislative Package

(cont.)

UOH-11

Repeals the sunset provisions set forth in Chapter 40, allowing the University to continue to maintain a separate accounting and financial management system that is compatible with the State of Hawai'i accounting and financial management system.

UOH-12

Exempts microgrids that promote and serve public higher education institutions from regulation as a public utility by the Public Utilities Commission.

Notable Dates

- January 18 (W): Opening Day of Legislature
- January 23 (M): Governor State-of-the-State Address
Administration Bill Package Deadline
- January 25 (W): Bill Introduction Deadline
- February 17 (F): First Lateral Deadline
- March 3 (F): First Decking Deadline
- March 9 (R): First Crossover
- March 15 (W): Budget Crossover

Conclude

Item VI.A.1.

Update on
Executive
Searches

Item to be
Discussed in
Executive Session

Item VI.B.1.

Discuss Naming
Opportunity

Item to be
Discussed in
Executive Session