

**Notice of Meeting  
UNIVERSITY OF HAWAI'I  
BOARD OF REGENTS**

*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, April 16, 2020

**Time:** 9:00 a.m.

**Place:** Virtual Meeting

***In light of the evolving COVID-19 situation, protecting the health and welfare of the community is of utmost concern. As such, this will be a virtual meeting and written testimony will be accepted in lieu of in-person testimony. Meetings may be monitored remotely via the livestream pilot project. See the Board of Regents website for information on accessing the livestream: [www.hawaii.edu/bor](http://www.hawaii.edu/bor). Mahalo for your consideration.***

**AGENDA**

- I. Call Meeting to Order**
- II. Approval of the Minutes of the March 19, 2020 Meeting**
- III. Public Comment Period for Agenda Items**

*NOTE: Only written testimony will be accepted.*

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. Written testimony may be submitted via the board's website, US mail, email at [bor.testimony@hawaii.edu](mailto:bor.testimony@hawaii.edu), or facsimile at 956-5156. All written testimony submitted are public documents. Therefore, any testimony that is submitted for use in the public meeting process is public information and will be posted on the board's website.

**IV. Report of the President: COVID-19 Update**

**V. Agenda Items**

**A. Consent Agenda**

- 1. Request for Approval to Indemnify the Federal Government, Air Force Research Laboratory, to Receive a Sponsored Research Award to the Vanguard Center to Support the Maui High Performance Computing Center

**B. Request for Approval of the Establishment of the Dana Naone Hall Endowed Chair in Hawaiian Studies, Literature, and the Environment at the Hawai'inuiākea School of Hawaiian Knowledge at the University of Hawai'i at Mānoa**

- C. Status Update on Items Relating to Maunakea Management Pursuant to Board of Regents Resolution 19-03 (Discussion Only)
  - 1. Maunakea Management Reorganization and Restructuring Plan
  - 2. Maunakea Science Reserve Management Analysis
  - 3. Update on Status of Decommissioning of Caltech Submillimeter Observatory and Hōkū Kea Teaching Telescope and Education and Outreach
- D. Discussion Only of Draft Proposed Amendments to Board of Regents Resolution 19-03, To Act on Items Relating to Maunakea Management

**VI. Executive Session (closed to the public)**

*The Board of Regents may meet in executive session to consider the hire, evaluation, dismissal, or discipline of an officer or employee, where consideration of matters affecting privacy will be involved, pursuant to Section 92-5(a)(2), Hawai'i Revised Statutes (HRS), and/or to consult with the board's attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)(4), HRS.*

**VII. Agenda Items (continued)**

- E. Personnel Actions (A-1 for Approval)
- F. Discussion on Board and Committee Meetings for May and June 2020 Due to the COVID-19 Health Crisis

**VIII. Announcements**

- A. Next Meeting: May 21, 2020, location to be determined

**IX. Adjournment**

**ATTACHMENTS**

Attachment A-1 – Personnel actions posted for action

Attachment A-2 – Personnel actions posted for information only

Attachment A-1: Personnel Action for BOR approval.

Executive/Managerial

| Campus   | Last Name | First Name & Middle Initial | Proposed Title | Unit                                | Nature of Action | Monthly Salary | Effective Date |
|----------|-----------|-----------------------------|----------------|-------------------------------------|------------------|----------------|----------------|
| UH Mānoa | Nelson    | Camille                     | Dean           | William S. Richardson School of Law | Appointment      | \$35,000       | August 1, 2020 |

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20 APR -9 10:56

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

20 APR -9 10:58

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

Recommendation: That the Board approve the personnel action as recommended.

David Lassner  
President

20945

Attachment A-2: Pursuant to §89C-4, Hawai'i Revised Statutes, the following proposed compensation actions for excluded Executive/Managerial 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 |
|----------|-----------|-----------------------------|-----------------------------|---|------------------|----------------|----------------|
| UH Mānoa | Evans     | Glenn                       | Kaua'i County Administrator | College of Tropical Agriculture and Human Resources | Appointment      | \$11,667       | June 1, 2020   |
| UH Mānoa | Sugano    | Jari                        | O'ahu County Administrator  | College of Tropical Agriculture and Human Resources | Appointment      | \$11,667       | May 1, 2020    |

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BOARD OF REGENTS

**DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES AND ARE SUBJECT TO FURTHER REVIEW AND CHANGE UPON APPROVAL BY THE BOARD**

**MINUTES**

**BOARD OF REGENTS MEETING**

**MARCH 19, 2020**

**Note:** On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern, subsequently declaring it a pandemic on March 11, 2020. On March 16, 2020, Governor David Y. Ige issued a supplementary proclamation that temporarily suspended Chapter 92, Hawaii Revised Statutes, relating to public meetings and records, “to the extent necessary to enable boards to conduct business in person or through remote technology without holding meetings open to the public.”

**I. CALL TO ORDER**

Chair Ben Kudo called the meeting to order at 9:50 a.m. on Thursday, March 19, 2020, at Honolulu Community College, Norman W.H. Loui Conference Center, Building 2, Room 201, 874 Dillingham Boulevard, Honolulu, Hawai'i 96817, and at a remote site located at the University of Hawai'i Maui College (UHMC), Office of the Chancellor, Conference Room, Pilina 216, 310 West Ka'ahumanu Avenue, Kahului, Hawai'i 96732. Some regents participated remotely through video conference technology as indicated below.

Quorum (12): Chair Ben Kudo; Vice-Chair Jan Sullivan (remote); Vice-Chair Wayne Higaki; Regent Simeon Acoba (remote); Regent Kelli Acopan; Regent Eugene Bal (UHMC); Regent Michael McEnerney; Regent Randy Moore (remote); Regent Alapaki Nahale-a (remote); Regent Michelle Tagorda; Regent Robert Westerman (remote); and Regent Ernest Wilson Jr. (UHMC).

Others in attendance: President David Lassner; Vice President (VP) for Community Colleges Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Budget and Finance/Chief Financial Officer Kalbert Young; Interim Honolulu Community College (HonCC) Chancellor Karen Lee; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

**II. APPROVAL OF THE MINUTES OF THE FEBRUARY 20, 2020 MEETING**

Vice-Chair Higaki moved to approve the minutes of the February 20, 2020, meeting, seconded by Regent McEnerney, and noting the excused absence of Regent Acopan, the motion carried, with all members present voting in the affirmative.

**III. PUBLIC COMMENT PERIOD**

Board Secretary Oishi announced that the Board Office did not receive any written testimony, and no individuals signed up to provide oral testimony at HonCC. She

inquired if any individuals had signed up to provide oral testimony at the remote site located at UHMC. Regent Wilson replied that no individuals had signed up to provide oral testimony at UHMC.

Prior to the Report of the President, Chair Kudo thanked the general public for their indulgence during these difficult times noting that, for public health and safety reasons, the board had requested that written testimony be submitted on the various agenda items. He stated that livestreaming was available for this meeting via the board's website and that the general public would be able to use that avenue as a means of monitoring the proceedings.

#### **IV. REPORT OF THE PRESIDENT**

President Lassner thanked HonCC for hosting the meeting during these unprecedented times. He provided an overview of the administration's COVID-19 response, as well as several actions being taken by the university to address this complex and ever-evolving public health crisis while maintaining adherence to the university's core principals. The dynamic nature of this issue requires that the university be flexible, as new information, new guidelines, and new guidance is received by the administration on a daily basis.

While the most important concern of the university is to protect the health and safety of its students, faculty, and employees, President Lassner noted that the university is also committed to finding ways to meet the educational needs of its students that will allow them to complete the current semester. As such, the university announced on March 18, 2020, that it would be

##### Internal Actions

- Campus facilities necessary to the academic mission of the university and essential to the work of faculty, students, and staff will remain open, but the university's public-facing facilities such as the Lyon Arboretum, Waikiki Aquarium, and 'Imiloa Astronomy Center will be closed.
- University recreation and fitness centers have been closed until further notice.
- Libraries across the university system remain open with access being restricted to students and employees of the university.
- Modifications are being made to the physical layout of university facilities that remain open and procedures have been established to maximize social distancing practices in accordance with the Centers for Disease Control and Prevention (CDC) guidelines for institutions of higher learning.
- Virtual meetings are held each morning among university officers who receive updates on the current situation and discuss any responses to changing

conditions. This allows for proper alignment of the university's COVID-19 practices and policies at all ten campuses of the UH system.

- Building closures or partial closures have been authorized for facilities that are deemed unnecessary and may occur at the direction of a university officer.
- Non-essential travel, including travel to neighbor islands, has been canceled and travel that may be considered essential must be approved by a university officer.
- Residence halls at UH Mānoa and UH Hilo will remain open as there are students that have no home to return to at the moment. Isolation rooms have been established at the residence halls which will support self-quarantine should that become necessary and social distancing practices and policies have been enacted at these facilities.
- Traditional dining services are being phased out and replaced with take-out, grab-and-go, or delivery services.
- All public events associated with the university, including spring commencement ceremonies for all campuses, have been canceled.
- A process and guidelines for employees to work remotely from home have been established and alternative work spaces are being established on campus for essential faculty and employees where appropriate.
- COVID-19 testing guidelines and self-quarantine requirements have been established.
- Alternate duties will be assigned to university employees whose specific employment tasks cannot be performed remotely and alternative leave plans are being developed, including the use of a leave bank or other leave sharing methodology, for situations in which alternate duties cannot be instituted.

#### External Actions

- Collaboration on the COVID-19 crisis occurs daily with all State and county officials, including the State Department of Health (DOH), through the university's point-of-contact at the Hawaii Emergency Management Agency and regular updates that are provided to the administration.
- The administration participates in the Governor's cabinet meetings and is apprised of all actions that are being taken or considered by the State to address this issue.
- Information from the CDC and DOH, as well as communications between various federal, State, and county agencies, is being monitored and the administration communicates with appropriate government officials as needed.

- Requests for information that are made by various state agencies about COVID-19 with respect to the university's protocols and practices; supplies in its possession; and any economic impacts being experienced or anticipated are answered by the university in a timely fashion.

President Lassner remarked that these are difficult, and perhaps the most challenging times the university will ever face, and wanted to express his utmost and deepest appreciation for the collaboration, teamwork, and support that has been shown by all the staff, faculty, administrators, and officers, as well as the leadership team, of the university. All university personnel have risen to the occasion and continue to work tirelessly to maintain professionalism and integrity and to continue the educational mission of the institution. He also thanked and commended the students of the university for their patience, understanding, and their adaption to unexpected challenges. These efforts, and the spirit of 'ohana shown by all those associated with the university, are what give UH its strength and what will allow it to emerge from this public health crisis.

Vice-Chair Sullivan expressed her thanks, as well as the board's thanks, for the outstanding work and leadership exhibited by President Lassner, the leadership team of the university, and all the university faculty and staff during these trying and difficult times. She remarked that even more challenging times lie ahead but that she and the board had the utmost confidence in the President and the leadership team for guiding the university through this crisis with thoughtful decisions.

Chair Kudo asked about the experience the administration has had in working with the relevant employee unions in attempting to adapt university operations to this dynamic situation. President Lassner replied that the working relationship between the university and employee unions has been excellent. He remarked that the University of Hawaii Professional Assembly and administration worked collaboratively, forming a joint working group, to address any faculty concerns or issues that needed to be addressed as the university transitioned to an online delivery of courses for the remainder of the spring semester. Similarly, the university has experienced extremely amicable working relationships with other public sector unions regarding employment changes being made due to the ever changing situation on campuses system-wide.

Noting that a number of faculty and staff often travel for work related or educational purposes, Chair Kudo questioned the impacts the COVID-19 crisis was having on travel. President Lassner responded that all non-essential travel has been canceled. Determinations as to what is deemed essential travel can only be made by himself, the system VPs, and the heads of the four-year campuses. He also explained that a majority of universities across the nation are following a similar path, and that most, if not all, conferences, educational workshops, and meetings are being canceled.

Chair Kudo inquired as to how the COVID-19 crisis was impacting on-campus housing and the students residing in these facilities. President Lassner replied that a major reason for the early announcement of the completion of the spring semester via online instruction was to allow students who were embarking on spring break to decide whether to return to campus or continue their education from home after the break.

Once spring break is over, the university will have a better idea about the number of students who have decided to return to their dorms. He reiterated that, as there are students who do not currently have a home to return to, the university is committed to keeping residence halls open. Isolation rooms have been established in the dorms to support self-quarantine should that become necessary and social distancing practices and policies have been enacted at these facilities. A team has also been established by the administration to formulate a methodology to calculate and issue refunds to students for room and board that will not be utilized for the rest of the semester.

Chair Kudo inquired further if measures were being put in place with respect to health services at the dorms. President Lassner stated that COVID-19 and health services information is being posted in the dorms and that janitorial service has been increased. Once a more accurate number of students residing in the dorms is ascertained after spring break, the administration can make a determination on what other actions may be necessary, including the consolidation or closure of dormitory facilities. He also noted that students were not asked to evacuate the dorms and as such, many of their belongings remained in their rooms, which is an issue that the university will have to address should students decide not return to campus.

Regent Tagorda asked about the university's plans for addressing and supporting the mental health and well-being of its students and employees during the COVID-19 crisis. President Lassner stated that university issues are addressed at both the system and campus level. While the administration has discussed the issue of mental health, this is an issue that is being addressed at the campus level. UHM has the most robust counseling center of all the campuses and it has sent out communications offering assistance to individuals. The UHM counseling center is also anticipating the need to accelerate and increase its provision of mental health services should this public health situation persist. He stated that he does not have immediate details on what the other nine campuses have done but will research that information. Interim HonCC Chancellor Lee added that HonCC, like UHM, has sent out several communications to students informing them of the availability of mental health services on campus.

Chair Kudo remarked that despite these difficult times, certain actions must be taken by the board and it is necessary to continue board operations. He stated that there are two divisions that report directly to the board, the Office of the Board of Regents and the Office of the Independent Auditor. Both divisions have been requested to submit an emergency response plan to board leadership outlining their operational abilities and staffing and equipment needs should the situation worsen. Once the response plans have been reviewed and approved, they will be distributed to all regents.

### Report of the Host Campus

Interim Chancellor Lee welcomed everyone to HonCC and echoed the sentiments expressed by board members on the work of President Lassner and university leadership. She stated that from the campus level, university leadership has done an excellent job of communicating with the campuses and providing them with up-to-date information in a very fluid situation.

Interim Chancellor Lee highlighted that this was HonCC's centennial year, providing a brief history of the campus, and noting various celebratory events planned, a number of which have unfortunately been canceled.

Interim Chancellor Lee stated that HonCC's strength, as well as its challenge, is the balance that is needed amongst competing forces. She provided several examples of this quandary such as HonCC's continued enrollment decline despite its success in attaining or exceeding a number of its performance measures, including student achievement. HonCC's successful career and technical industry programs, which provide the skills needed for a career in the trades, also face a predicament in that industry partners are increasingly looking for individuals with both trade skills and professional skills, such as critical thinking and workplace disposition. While some competing forces, such as the strength of the economy, are beyond HonCC's control, HonCC continues its work to remain flexible and adaptive to address these issues.

Interim Chancellor Lee noted that, while HonCC has an advantage of being an educational institution located in an urban setting, this setting also poses a challenge, one of the biggest of which is the development of Honolulu's rail project. Although rail is expected to provide HonCC with long-term advantages, such as the ability for students from the Leeward area interested in the trades to commute directly to HonCC with ease, infrastructure improvements and construction near campus that is expected over the next several years will have negative impacts on HonCC, including decreases in enrollment. While it is anticipated that these negative impacts will be short-term, HonCC is continuing to take a proactive approach to addressing them.

### Faculty Report

Dr. Patrick Patterson, HonCC Faculty Senate Chair, also thanked the President and university administration for their leadership during this difficult time. He stated that the faculty at HonCC is working extremely hard to ensure educational continuity once online course delivery begins and that this is being achieved through a spirit of cooperation and teamwork among faculty, staff, and administrators. Faculty are assisting each other in establishing materials and coursework that can be placed online; HonCC Information and Technology (IT) staff have been working feverishly to meet the IT needs of faculty, staff, and students; and the administration continues to work to ensure that faculty and staff have the necessary tools and support to continue their educational work. Dr. Patterson remarked that both the administration and faculty at HonCC are aware of issues that may affect students' ability to continue their coursework online, particularly the lack of adequate, or slow, home internet access, but that all parties involved are working on ways to address this issue.

In addition to providing the materials for his presentation, Dr. Patterson stressed that, while it is expected that HonCC graduates will have an average of 15 jobs in their lifetime, HonCC not only trains its students for their first jobs upon graduation but more importantly, it prepares its students to train themselves for their next 14 jobs.

Regent McEnerney asked whether centennial celebration activities have been definitively canceled or simply postponed to later in the year given the present

circumstances and restrictions regarding public gatherings. Interim Chancellor Lee replied that all centennial celebration events have been canceled although HonCC is exploring alternative opportunities to promote this celebration such as via online pictures and videos.

Noting the lack of course sections for the electrician's program despite a high demand, Regent McEnerney inquired as to whether this was a one-semester event or a recurring issue. Interim Chancellor Lee responded that there are a number of programs in the trades that are extremely popular, such as the electrician's program. HonCC's issue with offering adequate amounts of courses for these programs is not with physical capacity but with finding, hiring, and retaining qualified faculty to teach these courses despite on-going recruiting efforts.

## **V. COMMITTEE AND AFFILIATE REPORTS**

Chair Kudo noted that regents had received written copies of the committee reports referenced in items A through D below. He asked whether regents had any questions for the respective committee chairs about the committee reports. No questions were raised.

- A. Report from the Committee on Budget and Finance**
- B. Report from the Committee on Intercollegiate Athletics**
- C. Report from the Committee on Planning and Facilities**
- D. Report from the Committee on Research and Innovation**
- E. Affiliate Reports**

There were no affiliate reports.

## **VI. AGENDA ITEMS**

Prior to the board taking action on the consent agenda, Regent Acoba requested that the approval for the administration to enter into a pre-closing agreement with Greystar Development Services, LLC (Greystar) for development of a housing facility at the former NOAA site be removed from the consent agenda and placed on the regular agenda for discussion. With the concurrence of Chair Kudo and all regents, this item was removed from the consent agenda and placed on the regular agenda.

### **A. Consent Agenda**

- 1. Approval of Revisions to Regents Policy (RP) 8.207, Investments; and Repeal of RP 8.211, Resolution on Use of New Income, Principal, and Investment of ASUH-Mānoa Stadium Stock Fund dated January 18, 1979, and RP 8.212, Guidelines on Use of Income from the University of Hawai'i Mānoa Stadium Stock Fund, Proceeds from the Sale of the Kaimuki Observatory Lot and from the Rental of University Property**

**2. Approval of New RPs: RP 12.209, Strategic Research Plan, and RP 12.210, Research and Training Revolving Fund**

**3. Approval of Health Fee Increase at University of Hawai'i at Hilo**

Vice-Chair Higaki moved to approve the consent agenda with the exception of item VI.A.4 as noted, seconded by Regent McEnerney, and noting the excused absence of Regent Acopan, the motion carried with all members present voting in the affirmative.

**4. Approval of Authorization and Approval to Enter into a Pre-Closing Agreement with Greystar for Development of a Multi-Family Rental Housing Facility at the Former NOAA Site**

VP Young stated that the administration was requesting board approval to enter into a pre-closing agreement (PCA), also known as a pre-construction agreement, of up to \$2,407,199 with Greystar, UHM's development partner for the NOAA Project. The PCA will allow Greystar to begin engaging in pre-construction work, including architectural and engineering work, entitlement work, and market studies, through the end of this calendar year. Should consultant and other pre-construction work proceed beyond the end of the calendar year, the administration will seek board approval for the disposition of any additional funds.

Regent Acoba asked whether the economic impacts caused by the COVID-19 crisis would affect the financing and development of this project. VP Young stated that at present, there is a lot of upheaval in both the equities and bond markets and interest rates are not performing as expected given current market conditions. As such, there would be significant impacts to the financing of this project. Regent Acoba inquired further as to how this would alter the proposal. VP Young replied that if bonds had to be sold today to finance the project, the project would not proceed. However, the current situation of the market is not sustainable and a return to normalcy is expected sometime in the future although when that will occur is not exactly known. He noted that the university still has time, as a large amount of work needs to be completed before the project gets to the point that requires bond issuance. The administration is hopeful that the markets, and concomitantly the financial situation being experienced throughout the nation, will stabilize by that time.

In light of this financial situation, Regent Acoba asked whether the contract with Greystar contained force majeure provisions and what the administration's recommendation was regarding this project. VP Young responded that the contract contains force majeure provisions and that discussions are occurring as to whether the COVID-19 crisis constitutes an incident where force majeure could be invoked but that no formal request for a legal opinion has been made. He stated that the university eventually wants this project to proceed. Pre-construction work will need to be done regardless of whether the project proceeds now or at a future date. Additionally, the amount being requested by the administration will only cover approximately fifty percent of the pre-construction work which provides the administration and the board with time to re-evaluate and reconsider whether or not to proceed with the project and limits the university's financial exposure. The administration is hopeful that the current economic

conditions do not linger past December but the long-term future remains uncertain. If the board approves the requested amount to proceed with the PCA, the administration could consider returning to the board for smaller tranches which would also provide additional opportunities for re-assessing and re-evaluating the project. However, VP Young explicitly noted that the PCA funds were being advanced by Greystar and if the NOAA Project did not proceed beyond close, the university would be responsible for reimbursing this expense.

Regent Acopan arrived at 10:30 a.m.

Regent Acoba questioned what the consequences would be if approval of these funds was suspended. VP Young replied that if the funds are not approved, pre-construction work will not proceed. At the very least, this would extend the delivery date of the project by a year. It was also questionable as to whether the exclusive negotiating agreement entered into between the university and Greystar that is currently in place would require Greystar to remain a partner in this project if the project faces significant delays. If Greystar suspended its partnership, the university would have to re-initiate the entire project.

Vice-Chair Sullivan moved to approve the administration's request to enter into a PCA of up to \$2,407,199 with Greystar, seconded by Vice-Chair Higaki.

Chair Kudo asked whether the PCA allowed for flexibility in meeting any established timeframes or benchmarks that may be delayed because of the COVID-19 crisis. VP Young stated that both the university and Greystar are anticipating amending contracts to provide for additional time for the deliverables, most of which are not in the immediate future. COVID-19 is something that will have to be considered and acted upon because it is already having an effect on the contract. He explained, for example, that Greystar officials were scheduled to arrive in Honolulu and begin the market demand study in two weeks but that, due to current circumstances, that timeframe had to be amended.

Given current fiscal uncertainties and the possible exposure of the university to a fair amount of liability, Regent Acoba stated that he would be abstaining from the vote and expressed his belief that it may be more prudent to suspend the project for the near future. Should the board decide to proceed with approval of the PCA, he suggested that the board amend the amount of funds requested to allow Greystar to complete approximately one-fourth of the pre-construction work.

Regent McEnerney stated that he agreed with the concerns raised by Regent Acoba and noted that he would also be abstaining from the vote. He inquired whether the administration had considered the possibility of decreased student housing demand should the provision of online courses become permanent. VP Young replied that he has considered that scenario which is another reason for the completion of the market demand study. President Lassner added that impact of the provision of online courses may be minimal as this facility is intended to be used for graduate student housing and that graduate students tend to be more involved in hands-on, rather than online, work.

Regent Acoba opined that the board has the responsibility of protecting the fiduciary interests of the university and questioned whether it was fulfilling this responsibility by committing to a project in light of the present circumstances and financial uncertainty of the foreseeable future, thus exposing the university to potential fiscal liability.

Regent Moore asked whether the PCA required the entire \$2.4 million to be expended or whether there could be a partial expenditure for the market demand study. VP Young answered that the \$2.4 million is a ceiling for the amount of pre-construction work that could be accomplished under that amount. Regent Moore inquired further about the university's ability to terminate the project should the market demand study determine that it will not be fiscally beneficial to the university. VP Young stated that if, as the pre-construction work progresses, there are any indications that the project should be suspended, the administration still has the ability to suspend the project prior to the expenditure of the entire amount of funds requested. He noted that, if the due diligence portion of the pre-construction work is completed and the university decides not to proceed with the project, the pre-construction work that has been completed is the property of the university and that that information can be used should a subsequent project proceed on the parcel.

Regent Acoba inquired whether the administration would be amenable to the board approving a commitment of \$1,496,000 and not the full \$2,407,199 for the PCA. VP Young responded that the administration would be agreeable to the decreased amount and that this action could give the board additional time to reassess the project in light of the undetermined financial impact of the ongoing public health crisis.

Vice-Chair Sullivan withdrew her original motion and made a new motion to approve the administration's request to enter into a PCA with Greystar with an amendment to reduce the maximum amount of the agreement from \$2,407,199 to \$1,500,000, seconded by Vice-Chair Higaki, and the motion carried with all members present voting in the affirmative.

**B. Approval of Reappointment of Roberta Chu and Appointment of Diana L. Van De Car to the Maunakea Management Board (MKMB)**

President Lassner spoke briefly about the MKMB, noting that the Maunakea Science Reserve Master Plan, approved by the board in June 2000, called for the establishment of the community-based MKMB. Currently, there are three vacancies on MKMB, and one seat that will be vacated in June 2020. Recommendations for appointments to MKMB have been solicited from numerous sources with current agreement being reached on the reappointment of Ms. Roberta Chu and the appointment of Ms. Diana L. Van De Car. He provided a short background on both individuals, noting that each candidate went through the standard vetting process. Several more candidates to fill the remaining positions are currently under consideration and review, and recommendations will be made to the board in the near future.

Chair Kudo informed the regents that he has requested President Lassner to ask MKMB whether the two regents serving as ex-officio, non-voting members of MKMB

should be reclassified as voting members to assist MKMB in achieving quorum, which has been difficult at times. MKMB is taking the suggestion under consideration.

Vice-Chair Higaki moved to approve the reappointment of Robert Chu and the appointment of Diana L. Van De Car to MKMB, seconded by Regent McEnerney, and the motion carried, with all members present voting in the affirmative.

### **C. Legislative Update**

Due to public health and safety concerns at the State Capitol Building with regard to the COVID-19 crisis, VP Young stated that Hawai'i State Legislature has recessed indefinitely subject to the call of the Speaker of the House of Representatives and the President of the Senate. Although the State Legislature stands in recess at this time, it did pass a biennium budget last year and the Governor does have executive authority and flexibility to address the public health emergency.

VP Young reviewed the impacts the COVID-19 crisis is having on revenue projections being made by the Council on Revenues (COR) which last met in early March. At that time, COR adjusted its current fiscal year projection for tax revenue growth downward from 4.1 percent to 3.8 percent which resulted in an approximate tax-revenue loss of between \$28 and \$40 million. COR's tax revenue growth projection for next fiscal year was reduced from 4 percent to 0 percent which will result in an estimated loss of \$300-\$350 million dollars in anticipated tax revenues for next fiscal year and will impact all budget requests currently being considered by the Legislature for next fiscal year.

Presently, the operating budget and CIP bills passed the House and are awaiting action by the Senate. The vast majority of bills introduced by the administration remain alive in some form and deliberations will continue upon reconvening of the Legislature. Given the current fiscal climate, VP Young expressed his belief that no new initiatives will be funded for at least the next fiscal year.

Regent Acoba asked if any of the figures in the administration's operating budget provided to the board were still relevant. VP Young replied that it was his opinion that all of the figures in the operating budget would be reduced to zero when the Legislature reconvenes. Regent Acoba further inquired if this meant that the university would maintain the status quo or something less than the status quo. VP Young replied that COR is currently not forecasting negative growth so it would probably remain status quo and only new initiatives will be affected. However, it is anticipated that when COR meets in May that it will forecast negative growth which would require budget reductions in the next fiscal year.

## **VII. ANNOUNCEMENTS**

Chair Kudo announced that the next board meeting was scheduled for April 16, 2020, at Kapi'olani Community College (KapCC), but that he wanted to confer with regents to gather their opinions on the date and location of the next meeting given the current COVID-19 situation. He stated that the administration was scheduled to provide

several reports to the board concerning the Maunakea Resolution at this meeting and believed the board should proceed as scheduled.

Regent Acopan asked whether an online testimony submission form could be produced similar to what is done at the Legislature to encourage public participation but discourage in-person attendance due to current COVID-19 social distancing measures in place. Board Secretary Oishi replied that it was possible and that the University's Office of Government Relations had developed a form that was previously used during administrative rules hearings with regard to Maunakea which could possibly be adapted for the board meeting. President Lassner added that he would request UHM's IT Department to work with the Board Office on creating such a form.

Chair Kudo stated that the Board Office will keep regents advised of the next meeting noting that the dynamics of the situation may require additional meeting changes depending on the circumstances. However, it was his intention that the meeting be held on April 16, 2020, at UHM rather than KapCC.

#### **VIII. ADJOURNMENT**

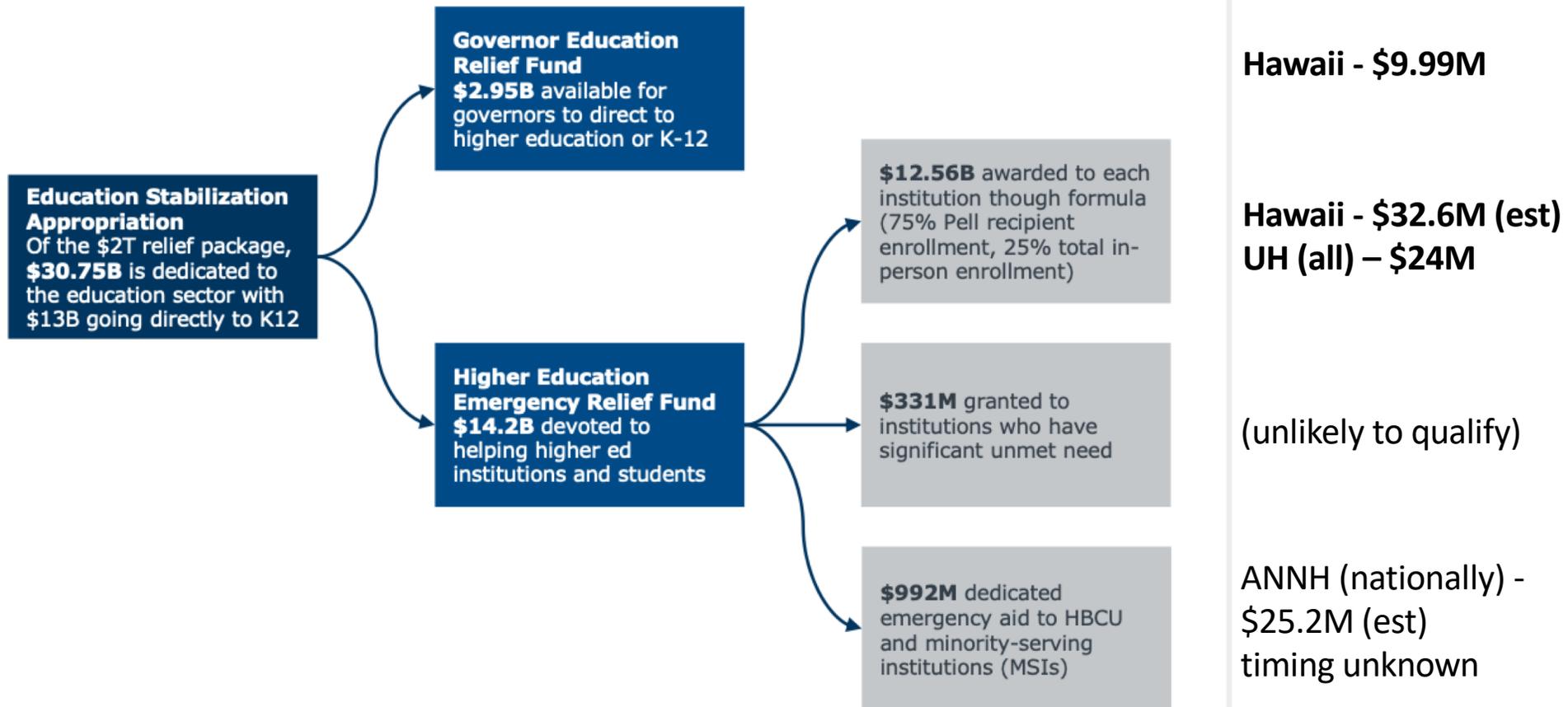
There being no further business, Vice-Chair Higaki moved to adjourn, seconded by Regent Wilson, and the motion carried, with all members present voting in the affirmative, and the meeting was adjourned at 11:12 a.m.

Respectfully Submitted,

Kendra Oishi  
Executive Administrator and Secretary  
of the Board of Regents

# Higher Education's Slice of the Relief Pie

7



**Higher Education Emergency Relief Fund** – is available to IHEs to prevent, prepare for and respond to the novel coronavirus (COVID-19).

- **Use no less than 50% of the funds to provide emergency financial aid grants for expenses related to the disruption of campus operations; This includes the cost of attendance such as food, housing, course materials, technology health care, and child care.**
- IHEs may also invest in distance learning technology and the associated costs for implementing new technologies.
- Funding may not be used for: 1) payments to contractors designed for pre-enrollment recruitment activities, 2) endowments and 3) capital outlays associated with facilities related to athletics, sectarian instruction or religious worship.

**Governors Emergency Education Relief Fund** - Flexible funds, at the discretion of the governors, can be utilized to provide emergency support through:

- grants to:
  - local educational agencies;
  - institutions of higher education;
  - other education-related entities deemed essential for carrying out emergency education services;
- any purpose under most federal education legislation;
- or
- the provision of child care and early childhood
- education, social and emotional support, and the protection of education-related jobs.

**CARES Education Stabilization Fund -  
Higher Ed Emergency Relief Fund**

| <b>Campus</b> | <b><u>TOTAL</u><br/>Campus<br/>Allocation</b> | <b>Minimum Allocation for<br/>Emergency Financial<br/>Aid Grants to Students</b> |
|---------------|---|--|
| UH Mānoa      | 11,009,867                                    | 5,504,934  |
| UH Hilo       | 2,994,725                                     | 1,497,363  |
| UH West O‘ahu | 1,395,000                                     | 697,500  |
| Hawai‘i CC    | 1,147,226                                     | 573,613  |
| Honolulu CC   | 1,107,387                                     | 553,694  |
| Kapi‘olani CC | 2,022,941                                     | 1,011,471  |
| Kaua‘i CC     | 535,684                                       | 267,842  |
| Leeward CC    | 2,067,889                                     | 1,033,945  |
| Maui College  | 1,187,907                                     | 593,954  |
| Windward CC   | 551,098                                       | 275,549  |
| <b>TOTAL</b>  | <b>24,019,724</b>                             | <b>12,009,862</b>  |



UNIVERSITY of HAWAII SYSTEM

UNIVERSITY OF HAWAII BOARD OF REGENTS Office of the Vice President for Research and Innovation

20 APR -3 12:40

RECEIVED

March 25, 2020

20 APR -3 A9:51

MEMORANDUM

TO: Benjamin A. Kudo Chairperson, Board of Regents

UNIVERSITY OF HAWAII PRESIDENT'S OFFICE

VIA: David Lassner President [Signature]

VIA: Kalbert K. Young Vice President for Budget and Finance/Chief Financial Officer [Signature]

VIA: Carrie K.S. Okinaga Vice President for Legal Affairs and University General Counsel [Signature]

FROM: Vassilis L. Syrmos Vice President for Research and Innovation [Signature]

SUBJECT: Request for Approval to Indemnify the Federal Government, Air Force Research Laboratory (AFRL), to Receive a Sponsored Research Award to the Vanguard Center to Support the Maui High Performance Computing Center (MHPCC)

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the University of Hawai'i ("University") Board of Regents ("Board") approve several indemnification obligations in favor of the federal government as set forth in an award, entitled "Vanguard Center Unified UARC for Maui High Performance Computing Center Support" ("VaCUUMS") and designated as draft No. FA9451-20-D-0004. The contract will be issued by the Department of the Air Force to the University of Hawai'i Applied Research Laboratory ("ARL"), under ARL's authority as a University Affiliated Research Center (UARC) for the Navy. It is also requested that the Board authorize the Vice President for Research and Innovation, in the exercise of prudent business judgment, to agree to other indemnification obligations that may be requested during the course of this VaCUUMS award, subject at the discretion of the President to bring a particular request to Board for guidance or resolution. This request is made pursuant to Hawai'i Revised Statutes Section 304A-110, appended as "Attachment 1" to this memorandum.

**RECOMMENDED EFFECTIVE DATE:**

The recommended effective date is upon Board approval.

**ADDITIONAL COST:**

There are no specific additional costs associated with this request.

**PURPOSE:**

The purpose of this request is to obtain Board authorization to allow the University to indemnify the federal government, pursuant to various provisions in a proposed four (4) year contract. The contract is awarded to the University, funded by the Air Force Research Laboratory (AFRL), and administered through the administrative structure and authority currently handling the UARC agreement with the Naval Sea Systems Command (NAVSEA). The contract is an IDIQ (Indefinite Delivery/Indefinite Quantity) type, using task orders, with a maximum ordering ceiling currently estimated at \$75,000,000.

Pursuant to Hawai'i law (HRS § 304A-110), it is required that the Board authorize indemnification of a research sponsor.

**BACKGROUND:**

A. Current NAVSEA Award

The federal government recognizes that the University has developed "core competencies" in areas of ocean environmental effects, astronomical research, renewable energy, advanced electro-optical systems, laser, lidar, and remote sensing detection system, and research in various engineering programs to support sensors, communications, and information technology. These competencies are organized at the University under the ARL, which is currently housed at the Mānoa Innovation Center. ARL has been designated by NAVSEA as a UARC.

The ARL is currently performing a five (5) year contract issued by NAVSEA in the approximate amount of \$77,000,000. Under this contract, as the need arises, the U.S. Navy issues a "task order" to the University to obtain specific services to support NAVSEA. The NAVSEA contract was originally entered into in July 2008, and most recently was renewed for an additional five (5) years in 2018.

In November 2018, at the proposed renewal of the NAVSEA contract, the Board of Regents approved the various indemnity obligations required by NAVSEA. These indemnity obligations are set forth in the Federal Acquisition Regulations (FARS), or specific Defense Federal Acquisition Regulations (DFARS). These regulations are incorporated by or referenced in the NAVSEA contract.

The regulations cover the broad range of situations that might possibly arise during the performance of the contract. Several of these regulations also require that the University, as the contractor, indemnify the federal sponsor in case the University fails to comply with the regulations. Over the past 10 plus years with the NAVSEA contract, the University has successfully performed the contract and thus avoided, mitigated, or resolved any non-compliance claim that might give rise to a claim for indemnification.

It is not practical to conduct a robust risk assessment on each potential instance where indemnification, as a result of regulatory non-compliance, might be invoked, especially where there has been no actual loss history experience. Knowing this, the Board approved the NAVSEA indemnification provisions as a general matter, when the NAVSEA contract was renewed in 2018. The Board further "authorized the Vice President for Research and Innovation, in the exercise of prudent business judgment, to agree to other indemnification obligations that arise during the course of the [NAVSEA-ARL] contract, subject at the discretion of the President to bring a particular request to the Board for Guidance or resolution."

#### B. Air Force Research Laboratory Award

The Vanguard Center for High Performance Computing is located at the Maui High Performance Computing Center (MHPCC) in Kihei, Maui, and is one of five (5) Department of Defense (DoD) Supercomputing Resource Centers. The Vanguard Center researches, develops, evaluates, and optimizes early production High Performance Computing technology as part of DoD's program to modernize high performance computing. Emphasis is placed on transitioning technology and technical capability developed at the Vanguard Center to a wider user base.

The "VaCUUMS" will be awarded pursuant to the existing NAVSEA UARC authority and will be administered through the ARL support structure. It is akin to a subset or an extension of the existing NAVSEA award. The Vanguard Center is already performing some of the work under a NAVSEA task order.

The objective of VaCUUMS is to provide research, development, test and evaluation services to the Air Force to maintain its capabilities in the areas of sensor development;

image processing, command and control integration, advanced data visualization and analytics, machine learning and autonomy.

The contract will be funded by the AFRL. It is an Indefinite Delivery Indefinite Quantity (IDIQ) type contract with both Cost-Plus Fixed Fee (CPFF) completion and level of effort (LOE) type task orders. In broad scope, the first task order will cover services to address needs of the Air Force; the second task order will address needs requested by various "customers".

The Air Force work will use the follow ARL core competencies

1. Astronomical Research
2. Advanced Electro-Optical Systems, Detectors, Arrays and Instrumentation
3. Environmental Sensor Research and Remote Sensing

### **Indemnity Protection Sought by Federal Government in VaCUUMS**

The VaCUUMS contract, like the NAVSEA-ARL contract upon which it is based, will incorporate various FARS, DFARS, and regulations specific to the Air Force. Several of these regulations will obligate the University to indemnify the federal government in the event of regulatory non-compliance.

### **Risk Analysis**

The indemnification risks incurred by this VaCUUMS contract are similar to the risks of the current NAVSEA-ARL contract. As has been the University's experience the past 10 years with the NAVSEA contract, regulatory non-compliance has been avoided by careful and conscientious management of contract performance. If there is an issue of possible non-compliance, the University has taken prompt and responsive mitigation or corrective measures, and has reached a mutually satisfactory resolution with the federal sponsor. The monetary indemnification obligations have not been invoked by NAVSEA.

It is assessed that the VaCUUMS contract poses similar risks, and such risks can be effectively managed through avoidance, mitigation or resolution without the indemnification payments.

### **ACTION RECOMMENDED:**

It is recommended that the University of Hawai'i Board of Regents approve the indemnification provisions in favor of the federal government as set forth in the

VaCUUMS award designated as draft No. FA9451-20-D-0004. The contract will be issued by the Department of the Air Force to the University of Hawai'i ARL under ARL's authority as a UARC for the Navy. It is also recommended that the Board authorize the Vice President for Research and Innovation, in the exercise of prudent business judgment, to agree to other indemnification obligations that may be requested during the course of this VaCUUMS, subject to the discretion of the President to bring a particular request to Board for guidance or resolution.

Attachment 1 (HRS § 304A-110)

c: Executive Administrator and Secretary to the Board of Regents

**[\$304A-110] Indemnification.**

- (a) Notwithstanding any other law to the contrary, the board of regents may agree in writing to an indemnity provision by which the university agrees to indemnify, defend, and hold harmless any person, corporation, or entity that sponsors research at the university when all of the following conditions are satisfied:
  - (1) The person, corporation, or entity requires an indemnity in writing as a condition for providing a grant, benefit, service, or interest in or right to use property;
  - (2) The president, or the president's designee, following a favorable review by the university general counsel or the counsel's designee, approves the proposed indemnification; and
  - (3) The chief financial officer, pursuant to section 304A-108, has obtained an insurance policy or policies in an amount sufficient to cover the liability of the university that may be reasonably anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the university to obtain insurance.
- (b) Nothing in this section shall be construed to expand the scope of liability of the university beyond that set forth in chapters 661 and 662.
- (c) Nothing in this section shall be construed to waive the immunity of the university from suit in federal courts guaranteed by the Eleventh Amendment to the United States Constitution. An indemnity provision not in strict compliance with this section shall not give rise to a claim against the university under this chapter or chapter 661 or otherwise waive the university's sovereign immunity.



UNIVERSITY of HAWAII UNIVERSITY OF HAWAII BOARD OF REGENTS MĀNOA

Hawai'inuiākea School of Hawaiian Knowledge Office of the Dean

20 APR -6 P12:49

RECEIVED

April 3, 2020

'20 APR -6 P12:47

MEMORANDUM

UNIVERSITY OF HAWAII PRESIDENT'S OFFICE

TO: Benjamin Asa Kudo Chairperson, Board of Regents University of Hawai'i

VIA: David Lassner President University of Hawai'i

DocuSigned by: David Lassner ABF59A8C29C541A

FROM: Tim Dolan Chief Executive Officer University of Hawai'i Foundation

DocuSigned by: Tim Dolan

Jonathan Osorio Dean, Hawai'inuiākea School of Hawaiian Knowledge University of Hawai'i at Mānoa

DocuSigned by: Jonathan Osorio

SUBJECT: REQUEST FOR ACTION TO APPROVE THE ESTABLISHMENT OF THE DANA NAONE HALL ENDOWED CHAIR IN HAWAIIAN STUDIES, LITERATURE, AND THE ENVIRONMENT AT THE HAWAII'INUIĀKEA SCHOOL OF HAWAIIAN KNOWLEDGE AT THE UNIVERSITY OF HAWAII AT MĀNOA

SPECIFIC ACTION REQUESTED:

It is requested that the University of Hawai'i Board of Regents approve the naming of The Dana Naone Hall Endowed Chair in Hawaiian Studies, Literature, and the Environment for the University of Hawai'i at Mānoa Hawai'inuiākea School of Hawaiian Knowledge in recognition of a private donation.

RECOMMENDED EFFECTIVE DATE:

Request that this be effective upon Board of Regents approval.

Chairperson Benjamin Asa Kudo

April 3, 2020

Page 2 of 4

ADDITIONAL COST:

No additional costs are associated with this request.

PURPOSE:

The purpose of this Fund is to provide an endowed chair in the Hawaiʻinuiākea School of Hawaiian Knowledge ("School of Hawaiian Knowledge") to recruit and retain faculty of the highest caliber in the area of Hawaiian Studies, Literature, and the Environment.

This endowed chair will honor Dana Naone Hall, a poet, Hawaiian rights advocate, and environmental activist. A graduate of Kamehameha Schools, she earned an English degree from the University of Hawaiʻi at Mānoa. She was the editor of *The Hawaiʻi Review*, Mānoa's flagship literary journal, and has published poetry in literary journals of national and international esteem. Among her impressive bibliography are 2017's *Life and Land: Articulations of a Native Writer*, winner of an American Book Award from the Before Columbus Foundation; and editorship of Bamboo Ridge's winter 1985 issue, *Malama, Hawaiian Land and Water*.

In 2011, the Native Hawaiian Legal Corporation awarded her its 2011 Native Hawaiian Advocate of the Year Award, proclaiming she "continues to step up because of her sense of justice and unflinching courage under fire. She is an inspiration to us, she holds a very special place in Hawaiʻi's history, and our recognition and acknowledgment are long overdue."

Funds may be used by the recipient at his/her discretion to enhance and support the program.

Examples of how funds may be used include, but are not limited to:

1. Salary support for the recipient based on the determination of the Dean of the School of Hawaiian Knowledge ("Dean").
2. Program support as follows: The recipient will consider input from the Dean in determining priorities and activities for research, education, and community outreach initiatives in the program area of Hawaiian Studies, Literature, and the Environment.
  - a. Travel by the recipient and/or other members of the School of Hawaiian Knowledge to other universities, government agencies, and industry visits.
  - b. Attendance at workshops, short or extended courses, and other educational opportunities on or off campus by the recipient and/or other members of the School of Hawaiian Knowledge.
  - c. Support for faculty, junior faculty, fellows, graduate researchers, and other professionals in the School of Hawaiian Knowledge.
  - d. Support for research, curriculum, and/or program development in the School of Hawaiian Knowledge.

Chairperson Benjamin Asa Kudo  
April 3, 2020  
Page 3 of 4

Funds may also be used to support the recruitment and relocation expenses of the endowed chair position.

The Dean of the School of Hawaiian Knowledge ("Dean") will appoint a committee to recommend candidates for the Chair. The Dean will be in communication with the donor during the selection process. This ensures the donor will have an opportunity to provide meaningful feedback. The Dean will make the final decision in awarding the Chair after conferring with the Committee.

The recipient shall submit an annual budget to the Dean for approval. The recipient is also required to submit an annual report on the previous year's related activities to the Dean.

The criteria for the selection of the Chair are as follows:

The candidate must:

1. Be a current faculty member or new recruit.
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 Hawaiian Studies, Literature, and the Environment.
4. Be able to provide program leadership and to make contributions to the education and research goals of the School of Hawaiian Knowledge.
5. Have a strong interest in and substantial record of working with students.

The program and the recipient of the Chair shall be reviewed for assignment to another individual at five (5) year intervals.

#### BACKGROUND:

This endowed chair shall be funded by a \$3,284,263 pledge by The Laurence H. Dorcy Hawaiian Foundation of Forest Lake, Minnesota.

The late Laurence H. Dorcy was born in San Francisco and was the great grandson of James Jerome Hill, the railroad magnate who built the Great Northern Railway. For much of his life, Dorcy split his time between the Bay Area and Hawai'i, eventually making his home in Kula, Maui, where he lived until his passing in 2011. Affectionately called "Baron" by his friends, Dorcy was known for his generosity and heart for people with less privileged backgrounds than his, particularly those with a history of abuse and orphans. The eponymous foundation was formed to continue his legacy and to support charities and organizations in Hawai'i.

Chairperson Benjamin Asa Kudo

April 3, 2020

Page 4 of 4

ACTION RECOMMENDED:

It is recommended that the University of Hawai'i Board of Regents approve the naming of The Dana Naone Hall Endowed Chair in Hawaiian Studies, Literature, and the Environment at the University of Hawai'i at Mānoa Hawai'inuiākea School of Hawaiian Knowledge in recognition of a private gift.

c: Kendra Oishi, Executive Administrator and Secretary to the BOR

# MAUNAKEA MANAGEMENT

BOR Resolution 19-03

Amended April 13, 2020 (Slide 7)



# BOR Resolution 19-03

## Action #8

Following consultation with the Maunakea Management Board, Kahu Kū Mauna, 'Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, a reorganization and restructuring plan shall be presented to the Board of Regents as to all advisory, operating, and funding bodies involved in the management of Maunakea by April 2020. The purpose of the plan is to improve operations and management and make it more efficient, effective, and transparent. The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawaii Island community. The reorganization and restructuring plan shall be embodied into a governance document that is approved by the Board of Regents.

## Action #9

As part of the reorganization and restructuring plan, an in-depth analysis will be done to determine whether the management of the Maunakea Science Reserve would be better served if transferred to a governmental authority or other third-party entity, or through alternate management mechanisms (e.g., conservation easement agreement, etc.). The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawaii Island community. The results of this analysis, including input from the Maunakea Management Board, Kahu Kū Mauna, 'Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, will be presented to the Board of Regents by April 2020.

# What We Have Done

- ❑ Evaluation of current internal organization
- ❑ Review of State & Internal Audits
- ❑ Desktop research
  - Attached agency
  - Cooperative agreements
  - Community-based curatorships
- ❑ Agency interviews
- ❑ MKO Interviews
- ❑ Soft Stakeholder Consultation
- ❑ Internal/MKO vetting

# What We Were Told

- ❑ Increase transparency and participation
- ❑ Governing/Advisory Board composition, role, and authority are key
- ❑ Astronomy as a scientific endeavor, and UH's role in advancing that, are important to the State / Hawai'i County
- ❑ Legislation will be required for some models, introducing risk in moving forward on a timely basis
- ❑ Understand the ramifications of HRS Chapter 171 provisions regarding disposition of public lands
- ❑ There are multiple tools to address issues, not just organizational structure

# Principles and Objectives for Governance Models

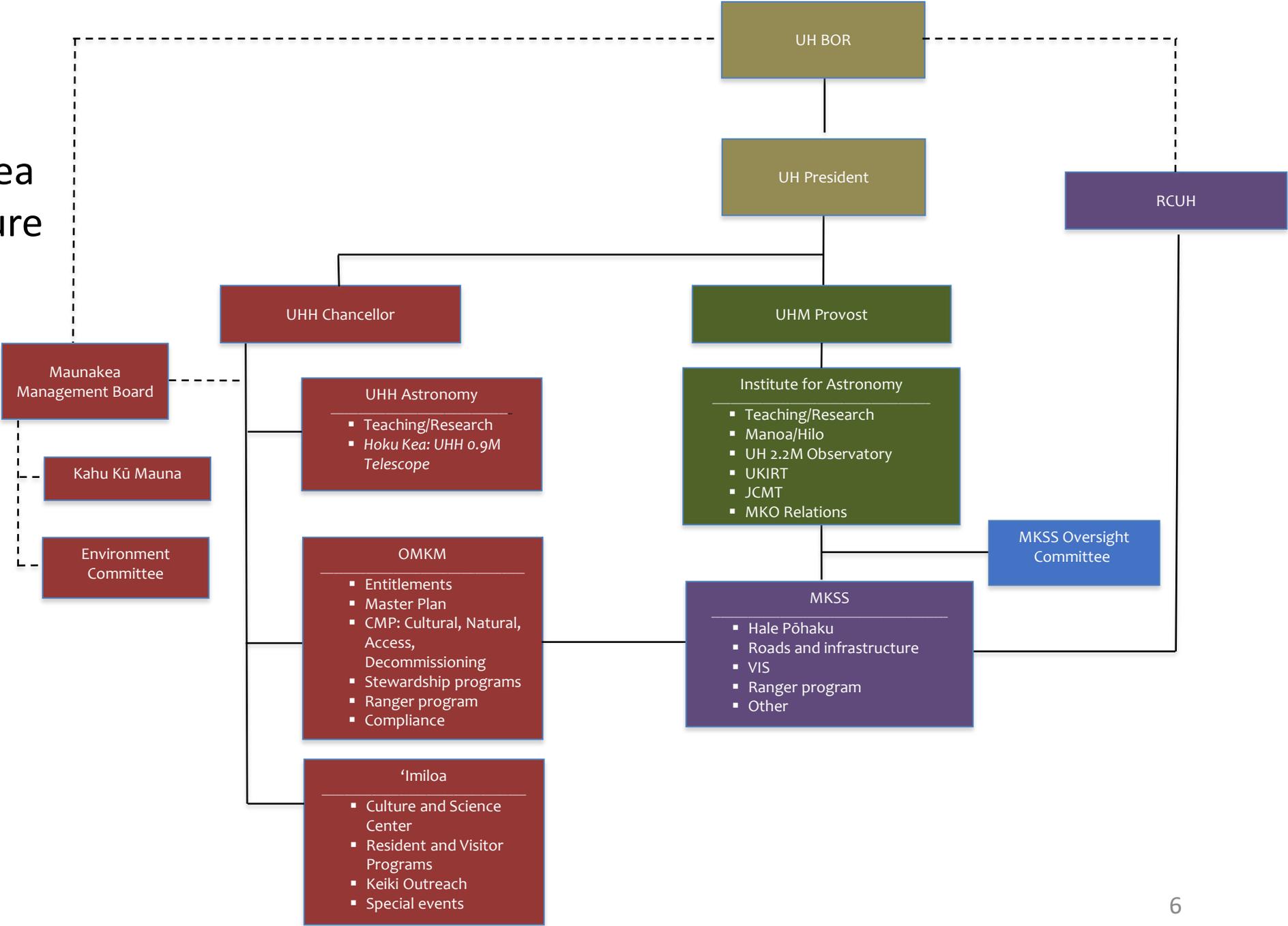
- ❑ Establish clear lines of accountability
  - Increase transparency
- ❑ Broaden diversity and participation of stakeholders in authoritative decision-making
  - Management systems should inform, support, and enable success, not drive how we organize
- ❑ Embrace our kuleana to culture, practitioners, and stewardship while continuing to support astronomy and UH's role in advancing both
- ❑ Optimize internal and external partnerships, collaborations, and networks
- ❑ Strive for portability of structures to other governance models
- ❑ Assume alternative models will be implementable
  - Any necessary legislative action is feasible
  - State will fund alternative governance models without UH extramural funds
  - Ramifications of HRS Chapter 171 governing the disposition of public lands will be addressed

Part 1  
Action #8 - Proposed Internal  
Reorganization

July 1, 2020



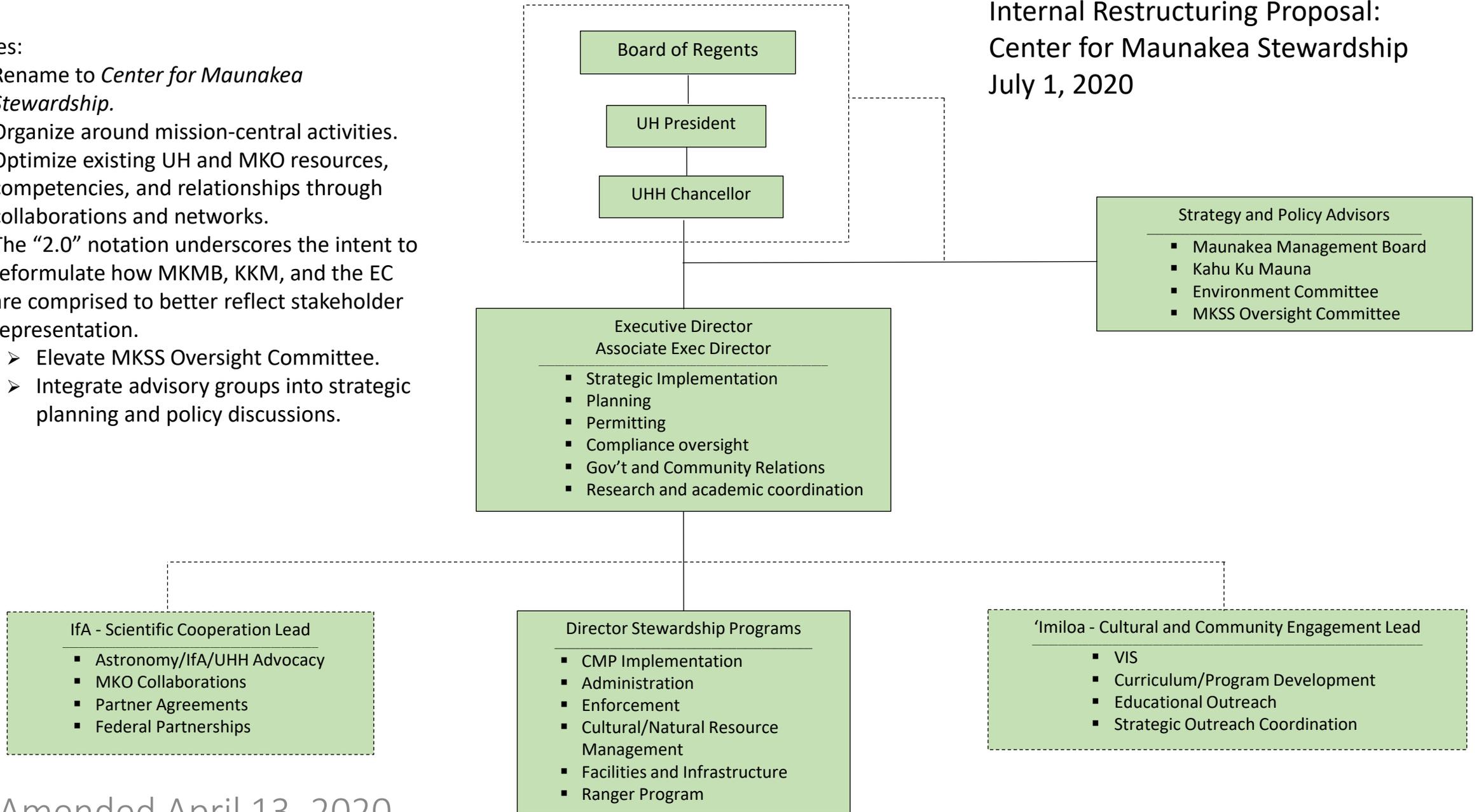
# Current UH Maunakea Management Structure



Notes:

- ❑ Rename to *Center for Maunakea Stewardship*.
- ❑ Organize around mission-central activities.
- ❑ Optimize existing UH and MKO resources, competencies, and relationships through collaborations and networks.
- ❑ The “2.0” notation underscores the intent to reformulate how MKMB, KKM, and the EC are comprised to better reflect stakeholder representation.
  - Elevate MKSS Oversight Committee.
  - Integrate advisory groups into strategic planning and policy discussions.

## Internal Restructuring Proposal: Center for Maunakea Stewardship July 1, 2020



Amended April 13, 2020



## Benefits of Proposed Internal Restructuring

- ❑ Improves transparency and lines of accountability
- ❑ Organizes UH functions based on mission
- ❑ Clarifies UH's oversight and stewardship roles
- ❑ Leverages and optimizes existing networks and partnerships
- ❑ Expands and formalizes entry points for broader stakeholder input
- ❑ Avoids complications from transfer of public lands
- ❑ Maintains governance continuity which is important for master lease discussions

## Part 2

# Action #9 - Alternative Governance Models

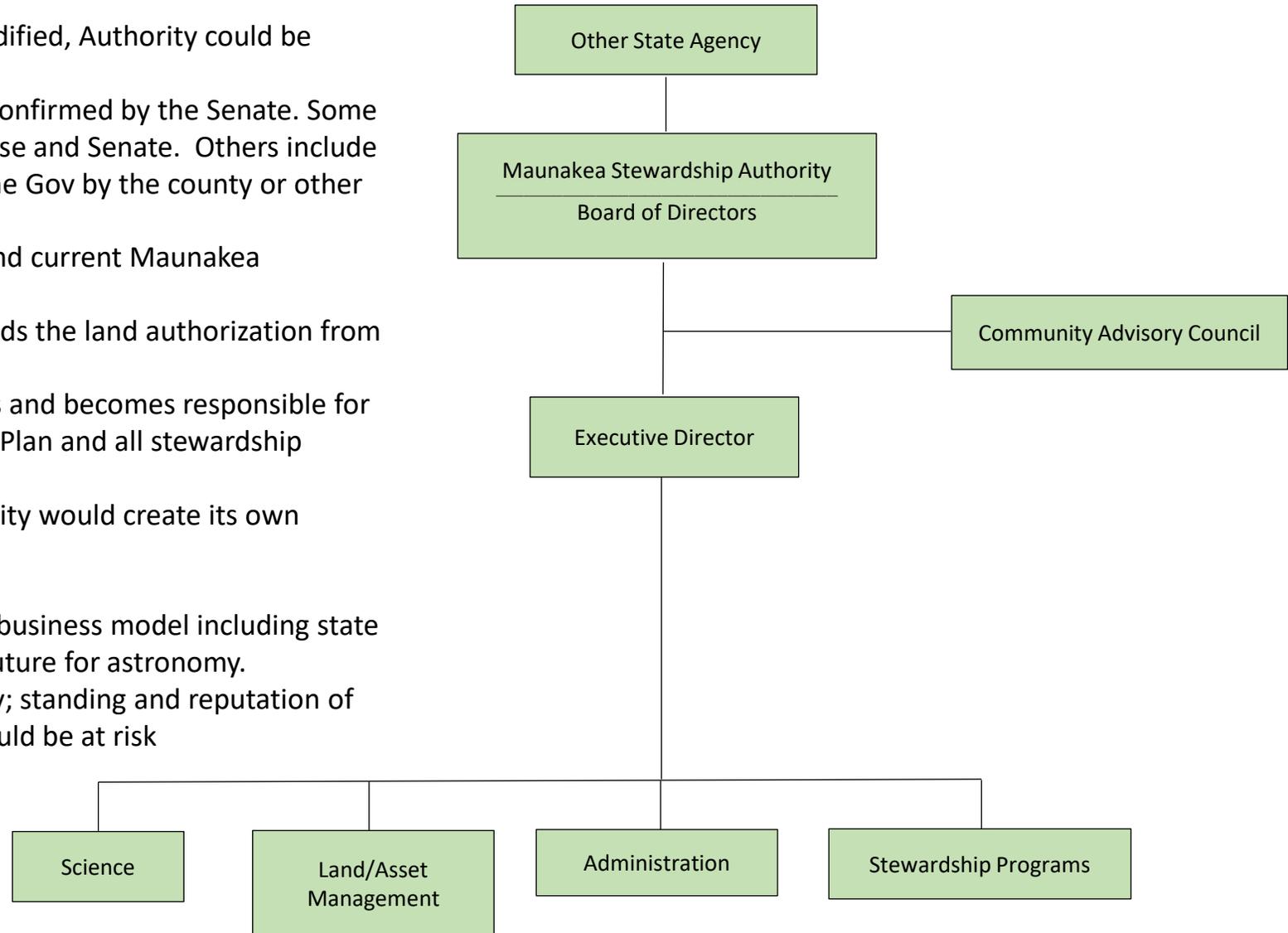
*Note: These are base models; elements can  
be mixed and matched*



# Maunakea Governance Model 1: Attached State Agency

## Notes:

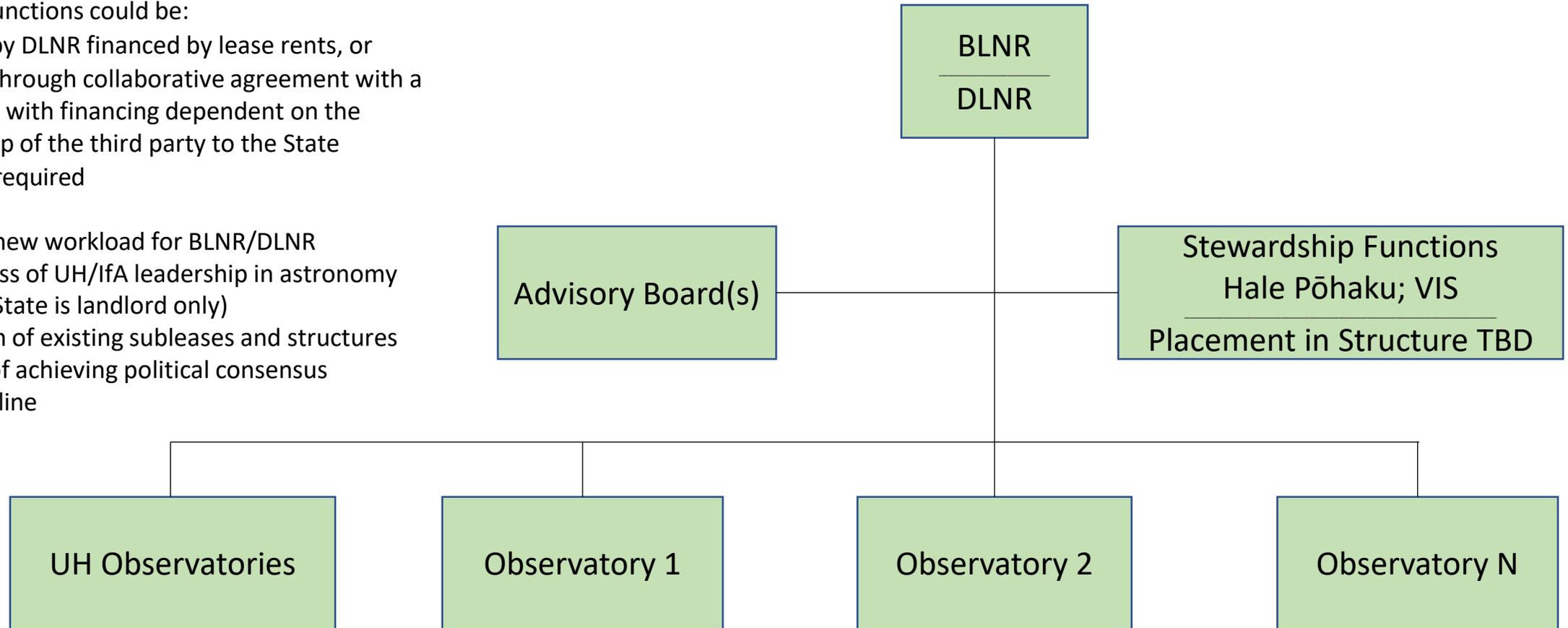
- ❑ Assuming the State's commitment to astronomy is codified, Authority could be attached to any State agency.
- ❑ Typically, Board members are appointed by Gov and confirmed by the Senate. Some boards include persons appointed directly by the House and Senate. Others include persons appointed from a list of names provided to the Gov by the county or other stakeholders.
- ❑ Maunakea Stewardship Authority replaces the BOR and current Maunakea Management Board.
  - The Authority becomes the legal entity that holds the land authorization from BLNR.
  - The Authority issues subleases to observatories and becomes responsible for the Master Plan, Comprehensive Management Plan and all stewardship programs.
- ❑ Everything below the ED is a placeholder; the Authority would create its own organization.
- ❑ Issues:
  - Codification through legislation of mission and business model including state funding will be contentious but critical to any future for astronomy.
  - Authority would be a landlord and steward only; standing and reputation of Hawai'i-based astronomy research (UH/IfA) would be at risk
  - Conversion of existing subleases and structures
  - Difficulty of achieving political consensus
  - 2025 deadline



## Maunakea Governance Model 2: BLNR Management

### Notes:

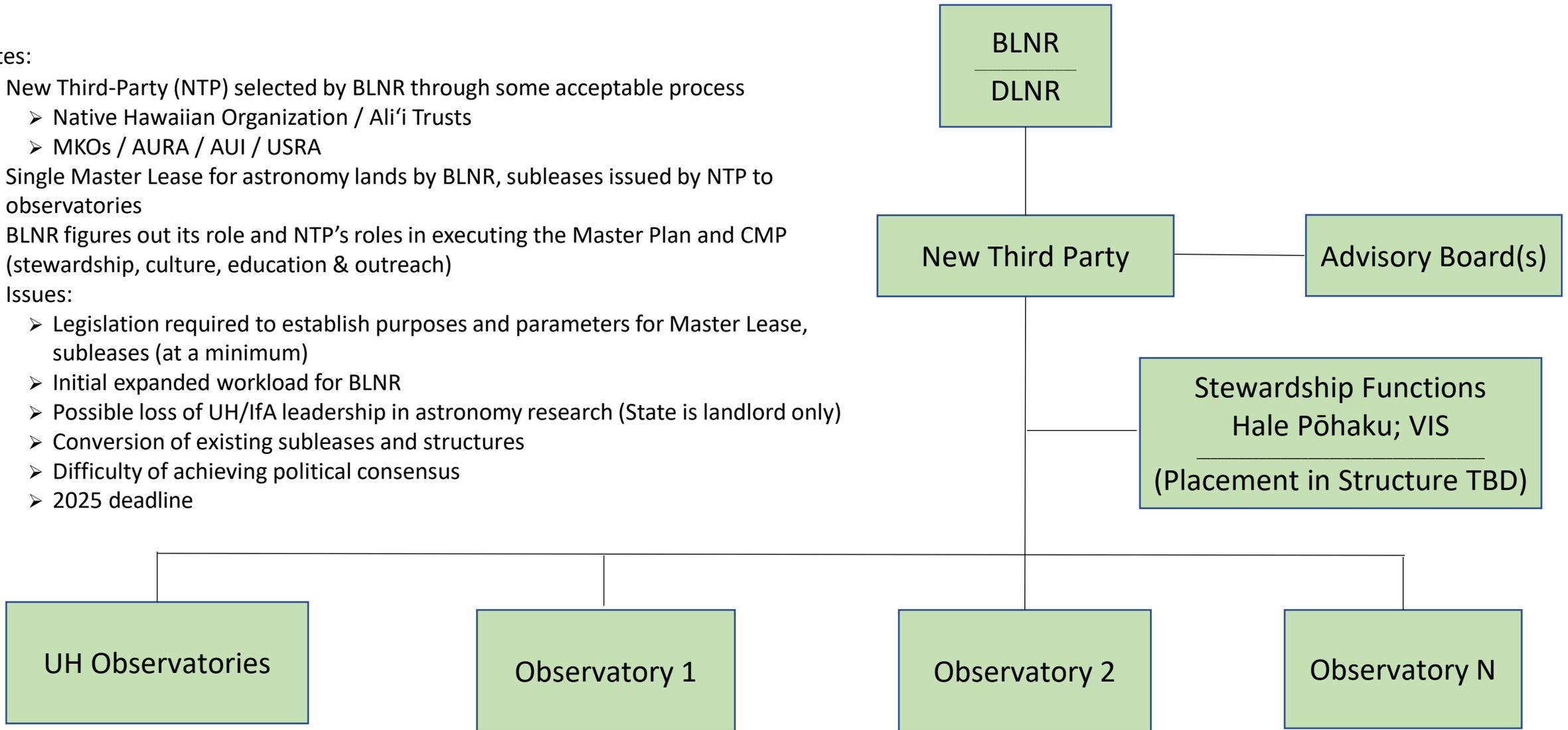
- ❑ No master lease; BLNR issues summit leases directly to observatories
- ❑ DLNR assumes the compliance oversight role that OMKM has served
- ❑ Stewardship functions could be:
  - Assumed by DLNR financed by lease rents, or
  - Executed through collaborative agreement with a third party with financing dependent on the relationship of the third party to the State
- ❑ No legislation required
- ❑ Issues:
  - Extensive new workload for BLNR/DLNR
  - Possible loss of UH/IfA leadership in astronomy research (State is landlord only)
  - Conversion of existing subleases and structures
  - Difficulty of achieving political consensus
  - 2025 deadline

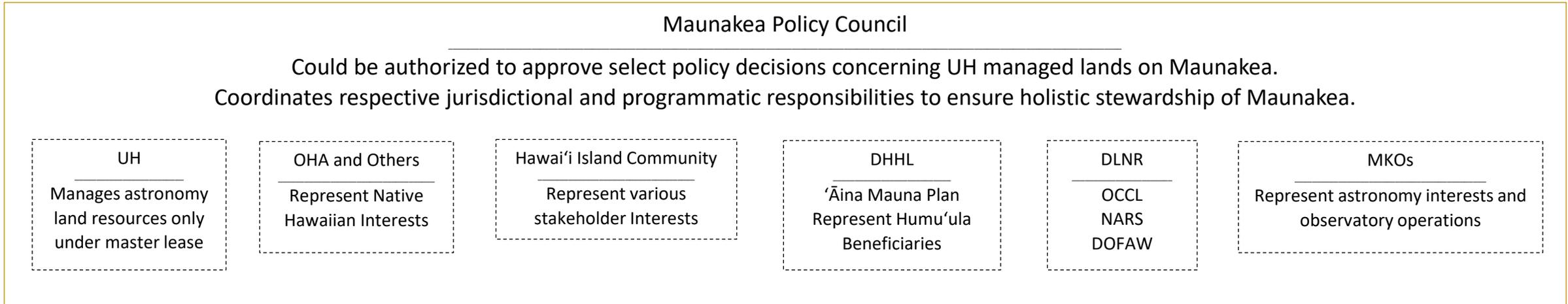


## Maunakea Governance Model 3: New Third-Party

### Notes:

- ❑ New Third-Party (NTP) selected by BLNR through some acceptable process
  - Native Hawaiian Organization / Ali'i Trusts
  - MKOs / AURA / AUI / USRA
- ❑ Single Master Lease for astronomy lands by BLNR, subleases issued by NTP to observatories
- ❑ BLNR figures out its role and NTP's roles in executing the Master Plan and CMP (stewardship, culture, education & outreach)
- ❑ Issues:
  - Legislation required to establish purposes and parameters for Master Lease, subleases (at a minimum)
  - Initial expanded workload for BLNR
  - Possible loss of UH/IfA leadership in astronomy research (State is landlord only)
  - Conversion of existing subleases and structures
  - Difficulty of achieving political consensus
  - 2025 deadline





**Notes:**

- ❑ Purpose is to bring a holistic focus and approach to the stewardship of Maunakea (not just UH-managed lands) through a co-management approach that integrates and balances stewardship, cultural, community, economic, and educational interests.
- ❑ Patterned after agreements such as Papahānaumokuākea, watershed partnerships, etc.
- ❑ Agency members agree to coordinate their respective plans, operations, and programs to enhance overall stewardship of the mauna. Each maintains their respective roles, authorities, jurisdictions and obligations.
- ❑ Includes return of 10K acres to DLNR's jurisdiction.
- ❑ Could involve sharing of resources, co-use of assets, advocacy and support for respective initiatives, and other actions as appropriate.

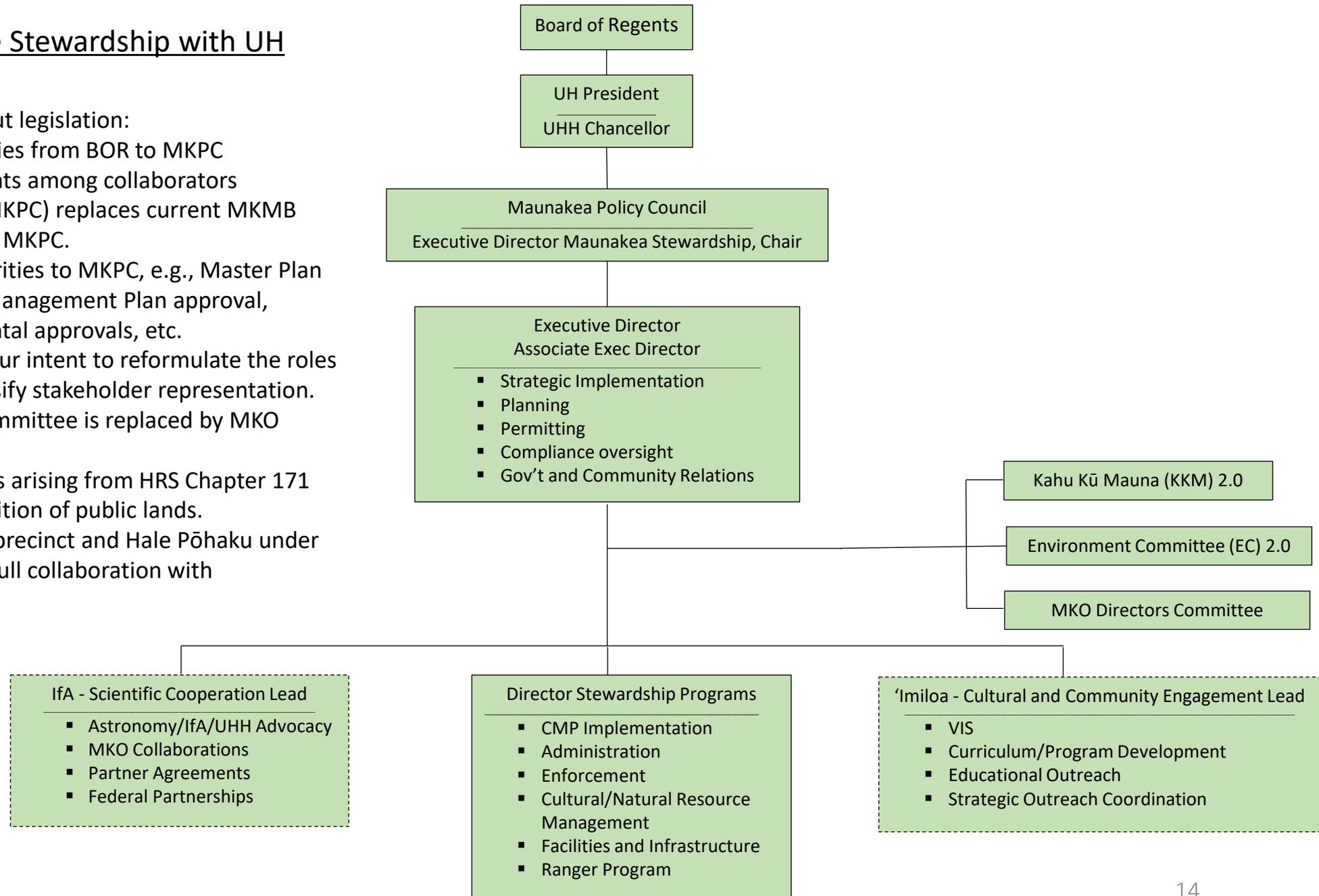
**Council composition (Total = 15; no designees other than as noted):**

- ❑ UH Executive Director Maunakea Stewardship (Designated Chair)
- ❑ OHA CEO or Chair
- ❑ Hawai'i Island Cultural Practitioner
- ❑ 'Aha Moku Representative
- ❑ Director, IfA
- ❑ MKO Director Representative
- ❑ Director, UH Hilo Ka Haka 'Ula O Ke'elikōlani or 'Imiloa
- ❑ Hawai'i Island Community At-Large / Chief Executive from one of the following: 1) HICoC, 2) HIEDB, or 3) HLPC.
- ❑ Ali'i Nui, Royal Order of Kamehameha
- ❑ Kamehameha Schools CEO
- ❑ Chair, BLNR (or Deputy)
- ❑ Chair, DHHL (or Deputy)
- ❑ Hawai'i County Mayor (or Managing Director)
- ❑ Hawai'i Island Regents (2)

## Model 4a: Collaborative Stewardship with UH

### Notes:

- ❑ Can be implemented without legislation:
  - Delegation of authorities from BOR to MKPC
  - Cooperative agreements among collaborators
- ❑ Maunakea Policy Council (MKPC) replaces current MKMB
  - ED is designated Chair MKPC.
- ❑ BOR delegates select authorities to MKPC, e.g., Master Plan approval, Comprehensive Management Plan approval, sublease policy, environmental approvals, etc.
- ❑ The 2.0 notation indicates our intent to reformulate the roles of KKM and EC and to diversify stakeholder representation.
- ❑ Current MKSS Oversight Committee is replaced by MKO Directors Committee.
- ❑ Minimizes the complications arising from HRS Chapter 171 provisions governing disposition of public lands.
- ❑ Leaves only the astronomy precinct and Hale Pōhaku under direct UH management, in full collaboration with stakeholders.

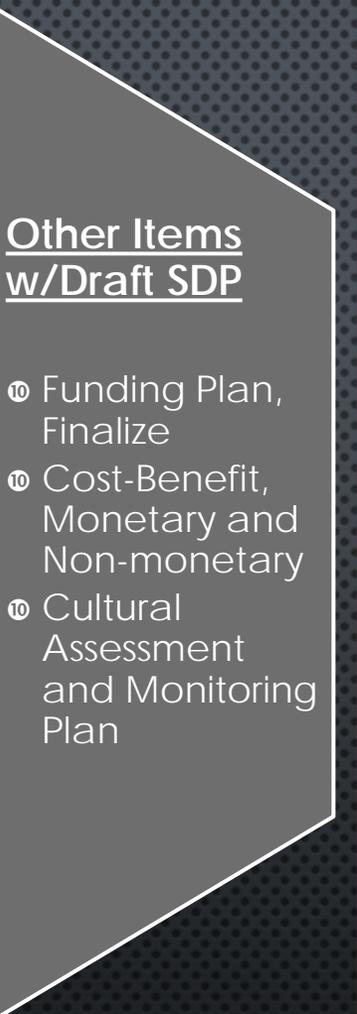
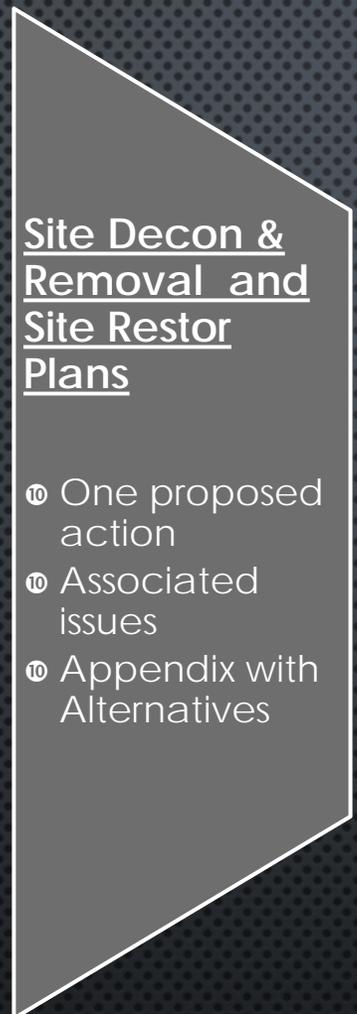


| <b>Model Comparison</b><br><br><b>Objectives + Other Factors →</b><br><b>Model ↓</b> | Establish clear lines of accountability; Increase Transparency | Broaden diversity and participation of stakeholders in authoritative decision-making | Embrace kuleana to culture and practitioners while continuing to support astronomy and UH's role in advancing both | Optimize internal and external partnerships, collaborations, and networks          | Requires Legislative Action<br><br>Level of Legal Risk and Complexity | Funding  | HRS Chapter 171 (Land Authorization Issues)   | Notes  |
|--|--|--|--|--|---|--|---|--|
| <b>Model 1: Attached State Agency</b>  |  |  |  |  |   |  |   | Legislation is critical and risky but could firmly establish the State's policy for astronomy on Maunakea.<br><br>OMKM and MKSS could be integrated into new agency. |
| <b>Model 2: BLNR Management</b>  |  |  |  |  |   |  |   | OMKM and MKSS could be integrated into DLNR.<br><br>Familiar model for DLNR.   |
| <b>Model 3: New Third Party</b>  |  |  |  |  |   |  |   | No known precedent.<br><br>Legislation is critical and risky but could firmly establish the State's policy for astronomy on Maunakea.                                |
| <b>Model 4A: Collaborative Stewardship w/UH</b>                                      | Yes  | High   | Current levels of support maintained, and expanded upon, with 'Imiloa.   | Multiple collaborations.<br><br>Leaves DLNR in quasi-regulatory role.<br><br>DRAFT | No<br><br>Low-Moderate  | Lease rent and commercial revenue goes directly to stewardship, i.e., Maunakea Lands Management Special Fund.<br><br>UH also supports stewardship. | UH holds land authorization.<br><br>As an agency-to-agency transaction this minimizes HRS Ch 171 ramifications.<br><br>15 | Will not satisfy those who want UH removed entirely.   |

# Decommissioning 'Imiloa-VIS Planning

## Updates





**Legend**

Planning

SDP

HEPA

HRS 343

Permitting

CDUP

# Decommissioning Update

## CSO

### Site Decommissioning Plan (SDP)

- ❑ March 24 - Submitted to UH for review
- ❑ 1 of 4 required components for UH approval

### Next step(s)

- ❑ CIA under review by KKM
- ❑ UH approval of SDP
  - KKM review
  - MKMB review & approval
- ❑ May 2020: CSO target date to submit Draft Environmental Assessment for UH review
  - OMKM and CSO agreement on major content points prior to initiating the public process

# Hōkū Kea and New Teaching Telescope

## Hōkū Ke'a

- ❑ Notice to Proceed issued to consultant (SSFM) on 21 February.
- ❑ Documenting existing conditions of site, buildings, and utilities
- ❑ Draft funding plan prepared
- ❑ Next major step(s):
  - Community consultation regarding removal and restoration
  - Preparation of Site Decommissioning Plan incorporating input from the community consultation
  - Consultation with agencies and community

## New Educational Telescope

- ❑ Consultant selected; preparing scope of work.
- ❑ Next major step(s):
  - Award contract and issue Notice to Proceed
  - Community consultations

# ‘Imiloa-VIS Planning Update

- ❑ Internal agreement between MKSS/VIS, OMKM, IFA, and ‘Imiloa.
- ❑ On-going planning meetings to discuss education and outreach via the VIS and affiliated programs (see matrix of education programming attached).
- ❑ Exhibit enhancement project in progress. Estimated install by December 2020.
- ❑ Legislative funds requested in the UH Supplemental budget for this 2020 session did not pass the House Finance Committee. Additionally, with the current legislative session paused, coupled by the projected budget shortfalls due to COVID-19, there is a high probability that the supplemental budget request will not be realized this year.
- ❑ Without additional financial resources, the execution of expanded educational programs and operations will be very challenging for the current ‘Imiloa staff to assume.

# VIS Collaboration Matrix

| PROGRAM AUDIENCE                        |  |   |  |
|---|--|---|--|
| TIMEFRAME                               | “High Touch” Intensive Educational Programs guided by staff  | Local Public  | General Public (Tourists)  |
| <b>SHORT-TERM (On-going)</b>            | <ul style="list-style-type: none"> <li>Continue with on-going educational programs such as:               <ul style="list-style-type: none"> <li>A Hua He ‘Inoa</li> <li>Maunakea Scholars</li> <li>Akamai Interns</li> </ul> </li> <li>Hire VIS Manager</li> </ul>          | <ul style="list-style-type: none"> <li>Continue with Kama‘āina Observatory Experience.</li> <li>Daytime VIS operations.</li> <li>Improved VIS displays               <ul style="list-style-type: none"> <li>Adze Display</li> <li>Piko Journals</li> </ul> </li> </ul>  | <ul style="list-style-type: none"> <li>Daytime VIS operations</li> <li>Improved VIS displays               <ul style="list-style-type: none"> <li>Adze Display</li> <li>Piko Journals</li> </ul> </li> </ul>                           |
| <b>MID-TERM (December ‘20)</b>          | <p>Expand educational program offerings to build and diversify audiences at VIS and Hale Pohaku.</p> <ul style="list-style-type: none"> <li>Joint field trips between ‘Imiloa and VIS.</li> <li>Culturally grounded consistent curriculum between ‘Imiloa and VIS</li> </ul> | <ul style="list-style-type: none"> <li>Establish a reservation system for special educational programs that target Kama‘āina- workshops, stargazing, etc</li> <li>Further Improvement to VIS displays.               <ul style="list-style-type: none"> <li>AR Table</li> <li>Wall Panels and Displays</li> </ul> </li> </ul> | <ul style="list-style-type: none"> <li>Further Improvement to VIS displays.               <ul style="list-style-type: none"> <li>AR Table</li> <li>Wall Panels and Displays</li> </ul> </li> </ul>                                     |
| <b>LONG-TERM (1-2 Years and Beyond)</b> | <p>Established staff and infrastructure to support regular and on-going educational offerings at VIS and Hale Pohaku that integrate staff between VIS and ‘Imiloa.</p>   | <ul style="list-style-type: none"> <li>Access Management</li> <li>Partnership and integration with ‘Imiloa</li> </ul>   | <ul style="list-style-type: none"> <li>Access Management</li> <li>If local need met, establish a reservation system for special educational programs that target tourists</li> <li>Partnership and integration with ‘Imiloa</li> </ul> |

# Exhibit Improvements

## Sharing Our Stories Through UH Innovation

NEW CERTIFICATE PROGRAM

## Data Science for EVERYONE



Computer Science - UH Hilo AR Table UH Hilo photo

By Dr. Keith Edwards  
Chair, Computer Science  
UH Hilo

Problem solving is an important skill for all different types of careers from public service to the private sector. It is also an activity that cuts across all the disciplines of academic inquiry including the arts, social sciences, and natural sciences.

Computer Science is the science of problem-solving using a computer. An important aspect of the field is the development of something known as computational thinking, which promotes a problem-solving process that is applicable to nearly every field and profession.

According to Inside Higher Ed (Oct 28, 2019),  
"Even students who will not need to program at all are likely to have important encounters with computational thinking later in life. For example, philosophers, politicians, reporters and, well, everyone -- not just software engineers -- must address privacy, security and ethical issues in software."

The computer science program at the University of Hawaii at Hilo offers a number of different options for developing computational thinking for a wide variety of learners.

For students interested in careers in industry or scientific computing, the department offers a bachelor's of science degree in computer science that conforms to the Association for Computing Machinery (ACM) and Institute of Electrical and Electronics Engineers (IEEE) curriculum recommendations. Within the major, the department offers courses in topics such as artificial intelligence, database design, software engineering, computer networks, programming languages, computer architecture, computer visualization, and data science.

An important aspect of successful problem solving is the ability for practitioners to work together in groups since the most challenging problems often require a diversity of perspectives and expertise. To support this type of collaboration, the computer science department has two open labs that offer an environment where students can work together to create solutions. The upper division lab is open 24 hours a day to support students.

Problem solving efforts are not just limited to the computer science department. Students and faculty actively collaborate with other departments at UH Hilo

## Working Together and Creating Solutions

solutions to problems facing Hawaii. Student and faculty teams get to work in partnership with stakeholders as diverse as the Tropical Conservation Biology and Environmental Science program, the Center for the Study of Active Volcanoes, UH Manoa's Lava Lab, the Art department, and Environmental Science, to name a few.

These active collaborations have produced tremendous results for UH Hilo's computer science students and the broader community. Two of these projects were able to propel students to the national finals for Microsoft's Imagine Cup with Team Polihau winning the National Championship for their efforts to track invasive species on Mauna Kea. A second team performed well on the national stage for constructing an application that allowed land stewards in Hawaii to determine the best mix of native and non-invasive plants to make land fit for a particular purpose.

Another active area of investigation and research for the department is computer visualization for scientific applications that operates in conjunction with the Academy for Creative Media, UH Manoa's LAVA lab, UH Hilo's College of Natural and Health Sciences, and the Art department. At the heart of this effort is a cross-disciplinary course between Natural Sciences, Art, and Computer Science where students work in interdisciplinary teams to produce visualizations that can assist stakeholders with understanding the unique challenges facing Hawaii. Students have produced compelling visualizations that highlight issues such as plastic pollution on beaches, invasive species, and the health of coral reefs.

In a different visualization project, UH Hilo students are using technology from UH Manoa's Lava Lab and 3D printing technology to put together an augmented reality (AR) table. Spearheaded by Faculty Specialist, Francis Cristobal, this AR table will help stakeholders better visualize the interplay of different geographic areas on Hawaii Island, such as critical habitats for endangered birds and fire zones. This distinctive project will eventually be implemented at Imiloa Astronomy Center.

Computer science is a broad effort and also includes courses for non-majors that help develop computational thinking and language development skills such as the Web Technology course sequence and digital tools such as Microsoft Office. The department also offers certificate programs for non-majors in areas such as the computer application development specialization and a digital visualization and communications certificate that stresses collaborations with the humanities.

If you have a penchant for problem solving and exploring the world with new tools, then there's a place in

An emerging field of collaboration for the computer science department is a new certificate program in data science. This program is being developed jointly across several fields with contributions from faculty in mathematics, marine science, the College of Business, and the biological sciences. The program focuses on developing skills relating to the acquiring, archiving, extracting knowledge from data in its various forms in order to find solutions to problems.

Students enrolled in the program take a set of core courses to learn to use tools and techniques unique to the field such as Python, R, applied statistics, and machine learning. After completing the core courses, students select two electives from an area of interest. The certificate program currently has courses from 11 different disciplines across campus and is constantly adding more to ensure that everyone can apply the tools of data science to their area.

The program in conjunction with an NSF EPSCoR grant is currently supporting several cutting edge research efforts by faculty members in the program. Current programs of research are examining areas such as coral reef health, native birds in Hawaii's forests, water quality and the role of artificial intelligence in data science.

Dr. Travis Mandel, an assistant professor in the computer science department at the University of Hawaii at Hilo was recently awarded a Faculty Early Career Development Program (CAREER) award from the National Science Foundation.



Dr. Travis Mandel, Asst. Professor, Computer Science

"This cross-disciplinary work will look at how to use human-in-the-loop artificial intelligence to transform the process of scientific data collection and will result in opportunities for UH Hilo students to be involved in cutting edge data science research," according to Dr. Mandel.

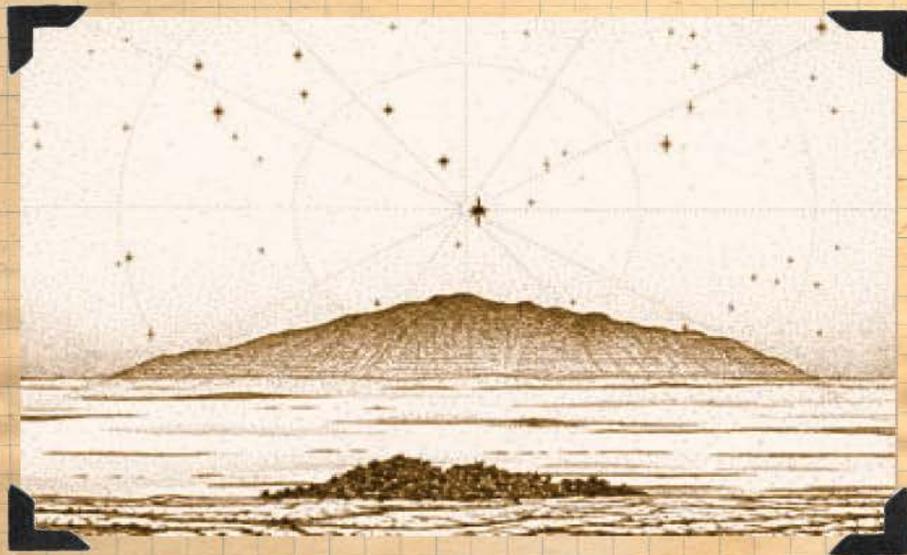
Like computer science, data science involves a wide variety of skills and can be applied to nearly every field of study. "It is also one of the fastest areas of growth in the 21st century economy and presents excellent job opportunities for graduates of the program."

**"It is also one of the fastest areas of growth in the 21st century economy."**

# Ka ʔā Mā'ama'ama A Nā Hōkū

I kēia 'auinalā, ua mōakāka iki a'e ke  
anilā, a 'ike akula au i wēkiu o ke kuahī-  
wi i waena o nā ao, ua uhi 'ia i ka hau.  
I ka pō, ua māla'e ho'i, a ua ikaika ka  
'imo'imo mā'ama'ama 'ana o nā hōkū.

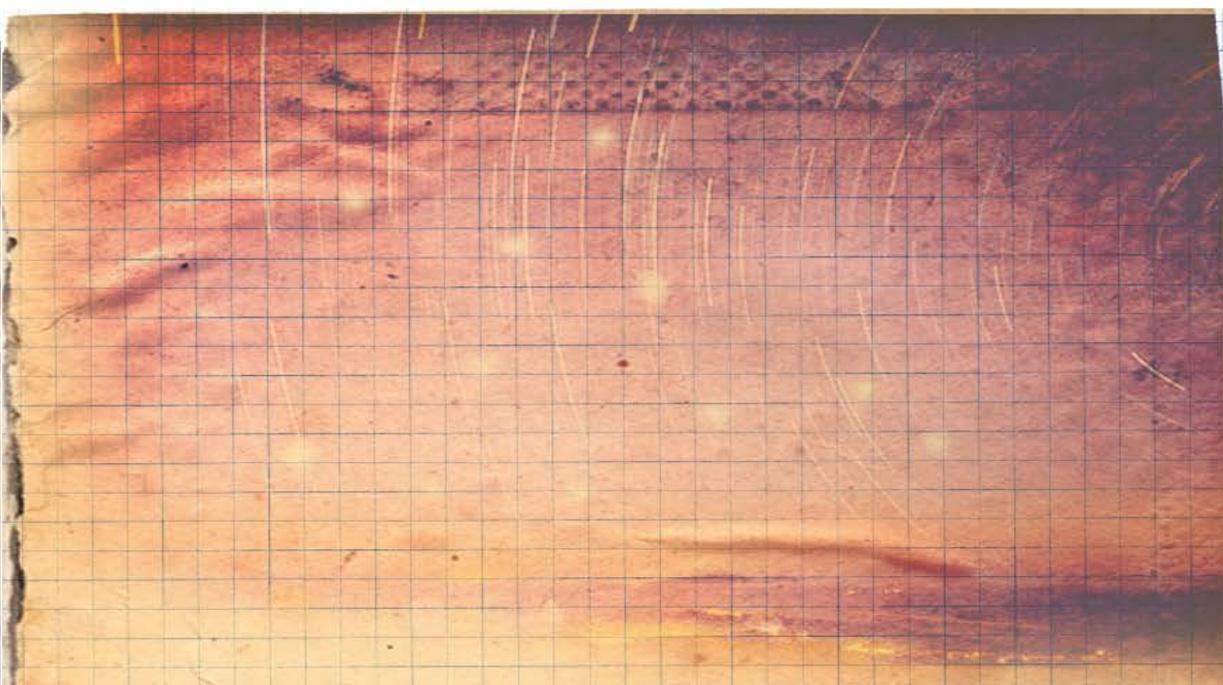
David Douglas, *Mea Kālaimēakau*, 1834



## The Intense Shine of Stars

A slight interval of better weather this afternoon  
afforded a glimpse of the summit between the clouds,  
it was covered with snow. At night, the sky became  
quite clear, and the stars shone with intense brilliancy.

David Douglas, *Botanist*, 1834



## He Huaka'i Ali'i i Ka Piko o Wākea

Ho'omana'o 'ia ma ke mele, kekahi huaka'i i Maunakea na ka Mō'i Wahine 'o 'Ema, ka wahine a Kamehameha IV. Ho'ohanohano pū 'ia kekahi māhele o kēia mele iā Wai'au 'o ia ka piko o Wākea, ke akua kāne nāna i hānau i ka hapanui o nā mokupuni o Hawai'i nei. E like me nā mele kahiko he nui, 'a'ole i 'ike 'ia ka mea nāna kēia mele i haku, he hoa hele paha 'o ia no ka Mō'i Wahine i kona huaka'i 'ana.



E ake ana 'o Kalani  
'O ka 'ike maka iā Wai'au  
Kau pono i ka piko o Wākea  
I ka hena o nā kuahini  
'Ike 'ole 'ia ka-meā haku mele

## A Royal Journey to the Navel of Wakea



A chant commemorates a journey to Maunakea by Her Highness, Queen Emma, Wife of Kamehameha IV. A portion of this composition also honors Lake Wai'au as the navel of Wakea, principal male creator of the Hawaiian Islands. The composer of this chant, like many traditional mele composers, is unknown but may have accompanied the Queen on her journey.



Her Highness has a great desire  
To see Lake Wai'au with her own eyes  
There at the navel of Wakea  
In the hollow of the mountain

Composer Unknown. Translation



Pau

University of Hawai‘i Board of Regents  
**R E S O L U T I O N**

19-03

## To Act on Items Relating to Maunakea Management

WHEREAS, the Board of Regents believes and acknowledges that Maunakea holds a special and important place in the history, culture, and hearts of the peoples of Native Hawaiian ancestry and all of Hawai‘i; and

WHEREAS, Maunakea has become a symbol of Native Hawaiian self-determination; and

WHEREAS, the Board of Regents recognizes that the University of Hawai‘i (“University”) has been criticized for past and present management of Maunakea; and

WHEREAS, the Board of Regents realizes that any mismanagement of Maunakea is hurtful and disrespectful to the sanctity and inviolability of this place to Native Hawaiians and others; and

WHEREAS, the Board of Regents in response to past criticisms, has clarified its roles, duties, and responsibilities beginning with the adoption of the Mauna Kea Science Reserve Master Plan (2000), Mauna Kea Comprehensive Management Plan UH Management Areas (2009), A Cultural Resources Management Plan for the University of Hawai‘i Management Areas on Mauna Kea (2009), Natural Resources Management Plan for the UH Management Areas on Mauna Kea (2009), Public Access Plan for the UH Management areas on Mauna Kea (2010), and Decommissioning Plan for the Mauna Kea Observatories (2010) (collectively hereinafter referred to as “Management Plans”); and

WHEREAS, under said Management Plans, the Board of Regents was principally responsible to fulfill and to carry out all of the recommendations, obligations, and duties promulgated under said Management Plans; and

WHEREAS, the Board of Regents takes its responsibility seriously and hereby affirms its commitment to follow through with the recommendations made in the Management Plans to better manage the impacts of the astronomy facilities and operations upon the natural environment, cultural resources, recreational resources, educational resources, and upon the broader community; and

WHEREAS, the Board of Regents has determined that there remain unmet responsibilities and ongoing compliance issues that have delayed completion of certain recommendations and requirements under the Management Plans; and

WHEREAS, ~~THE~~the Board of Regents therefore desires to remove any delays in compliance and to complete ongoing responsibilities in an accelerated and expeditious manner.

NOW, THEREFORE, BE IT RESOLVED that University of Hawai‘i President David Lassner, University of Hawai‘i at Hilo Chancellor Bonnie Irwin, University of Hawai‘i Vice President for Research and Innovation Vassilis Syrmos, Maunakea Support Services (MKSS), Institute for Astronomy (IfA), Office of Maunakea Management (OMKM), and any other necessary, related management or operation entity be directed to cause the following action items to be accomplished in the timeframes as specified herein below:

1. Two (2) observatory sites known as the Caltech Submillimeter Observatory and Hokukēa-Hōkū Kea site shall be decommissioned no later than ~~December 31, 2021~~November 30, 2022, and

**Proposed Amendment  
FOR DISCUSSION PURPOSES ONLY – NO ACTION TO BE TAKEN**

University of Hawai‘i Board of Regents

**R E S O L U T I O N**

**19-03**

December 31, 2023, respectively. For purposes of this resolution, the term “decommissioning” shall mean the ~~complete removal of all man-made structures at each respective site bringing each site to as close as feasible to its natural state prior to construction~~partial or total removal of all structures associated with an observatory facility and the restoration of the site, to the greatest extent possible, to its pre-construction condition. These will be the first two of five observatories to be decommissioned.

2. A schedule of decommissioning of these two sites will be laid out on a Gantt chart or other similar visual schedule for each of the above sites indicating function and timeframe for each major step in the decommissioning process to achieve completion on or by ~~December 31, 2024~~the above dates. The schedule for decommissioning ~~shall be~~was presented to the Board of Regents ~~on or before~~at its February 2020 meeting.
3. A new educational telescope facility for the University of Hawai‘i at Hilo shall be established on already developed land at Hale ~~Pōhaku~~Pōhaku or elsewhere, as soon as can be permitted, with a target date no later than December 31, ~~2024~~2023, to ensure the prompt availability of a teaching telescope. The Board of Regents shall support the funding of the planning, design, and construction of the new educational facility.
4. On or by December 30, 2025, a determination will be made on the decommissioning of three (3) additional observatory sites based upon compliance with existing or future permits or governmental approvals. If decommissioning is required, the three (3) observatory sites will be identified and reported to the Board of Regents by January 2026.
5. In collaboration with OMKM and MKSS, the ‘Imiloa Astronomy Center shall develop a suite of educational programs regarding Maunakea including but not limited to Native Hawaiian culture, history, environmental, and biological considerations designed for tour guides and drivers, employees, contractors, recreational users, scientists and observatory workers, and visitors, as required by the Management Plans, by August 31, 2020. OMKM shall report to the Board of Regents on its plans and progress to implement said educational programs at its February 2020 meeting. Administration shall make a budget request during the 2020 legislative session to fund this action item.
6. Administration shall make a CIP request during the 2020 legislative session for monies to plan, design, and construct an educational center at Hale ~~Pōhaku~~Pōhaku and/or another appropriate site on Maunakea that will educate visitors on cultural, environmental, and astronomy related topics relating to Maunakea.
7. The Maunakea Master Plan update will accommodate uses by Native Hawaiian cultural practitioners.
8. Following consultation with the Maunakea Management Board, Kahu Kū Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, a reorganization and restructuring plan shall be presented to the Board of Regents as to all advisory, operating, and funding bodies involved in the management of Maunakea by April 2020. The purpose of the plan is to improve operations and management and make it more efficient, effective, and transparent. The analysis will include consultation with the Maunakea

**Proposed Amendment  
FOR DISCUSSION PURPOSES ONLY – NO ACTION TO BE TAKEN**

University of Hawai‘i Board of Regents

**R E S O L U T I O N**

**19-03**

Management Board, Kahu Kū Mauna, and appropriate members of the Hawai‘i~~Hawaii~~ Island community. The reorganization and restructuring plan shall be embodied into a governance document that is approved by the Board of Regents.

9. As part of the reorganization and restructuring plan, an in-depth analysis will be done to determine whether the management of the Maunakea Science Reserve would be better served if transferred to a governmental authority or other third party entity, or through alternate management mechanisms (e.g., conservation easement agreement, etc.). The analysis will include consultation with the Maunakea Management Board, Kahu Kū Mauna, and appropriate members of the Hawai‘i~~Hawaii~~ Island community. The results of this analysis, including input from the Maunakea Management Board, Kahu Kū Mauna, ‘Imiloa Astronomy Center, existing Maunakea Observatories, and other community stakeholders, will be presented to the Board of Regents by April 2020.
10. The University will cooperate with the Department of Hawaiian Home Lands (DHHL) to resolve any outstanding issues relating to the roadway infrastructure on Maunakea and will seek opportunities to assist DHHL in its efforts to fulfill its trust duties and responsibilities on the use of its Maunakea lands.
11. As permitted by law, the University should pursue a partnership with an appropriate agency or organization whose primary beneficiary is the Native Hawaiian community, to operate commercial shuttles and tours on Maunakea.

Adopted by the Board of Regents  
University of Hawai‘i

~~November 6, 2019~~XXX XX, 2020

Item VI.  
Executive Session

**ITEM TO BE  
DISCUSSED IN  
EXECUTIVE  
SESSION**

DT 20528  
David Lassner  
President



UNIVERSITY  
of HAWAI'I

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

20 APR -9 AIO 59

April 9, 2020

RECEIVED

**MEMORANDUM**

'20 APR -9 AIO 57

**TO:** Benjamin A. Kudo  
Chair, Board of Regents

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

**VIA:** David Lassner *David Lassner*  
President

**FROM:** Michael Bruno *Michael Bruno*  
Provost

**SUBJECT: APPOINTMENT OF MS. CAMILLE NELSON AS DEAN, WILLIAM S. RICHARDSON SCHOOL OF LAW, UNIVERSITY OF HAWAI'I AT MĀNOA**

**SPECIFIC ACTION REQUESTED:**

It is requested that the Board of Regents approve the appointment of Ms. Camille Nelson as Dean of the William S. Richardson School of Law (Law School), University of Hawai'i at Mānoa (UH Mānoa), at an annual salary of \$420,000 (\$35,000 monthly), effective August 1, 2020, subject to executive/managerial adjustments, as appropriate.

Please be advised that a written offer was extended and formally accepted in writing before any freeze in hiring was issued by University of Hawai'i (UH) or the State, and in accordance with Executive Policy 9.215, *Tenure Upon Initial Appointment*, a separate request for tenure upon appointment for Ms. Nelson will be submitted.

**RECOMMENDED EFFECTIVE DATE:**

August 1, 2020.

**ADDITIONAL COST:**

There will be no additional cost since the current dean's annual salary is higher (\$433,428) than the requested salary for Ms. Nelson.

**PURPOSE:**

The purpose of the appointment for a regular Dean is to provide stability and continuity of leadership for the Law School. The current Dean, Aviam Soifer, plans to return to faculty effective August 1, 2020 at which time Ms. Nelson will begin her appointment as Dean. Thus, the need for a regular executive leader is crucial in providing leadership

2444 Dole Street, Bachman Hall  
Honolulu, Hawai'i 96822  
Telephone: (808) 956-8207  
Fax: (808) 956-5286

and guidance in all aspects of the Law School locally, nationally, and internationally, maximizing the benefit of its multicultural and Asia/Pacific region, intellectual development, fundraising, and management of all aspects of the Law School operations.

BACKGROUND:

In consideration of Executive Policy, EP 9.215, Executive/Managerial Classification and Compensation, the Board of Regents is authorized to appoint, reappoint, and make compensation decisions for salaries that are above the maximum of the pay range in the salary schedule.

In May 2019, the Office of the Provost organized a Search Advisory Committee (SAC) comprised of an executive, faculty, student services support staff, a graduate student, an undergraduate student, Kualii Council representative, and four distinguished community members. An executive search was formally announced in July 2019 to identify an individual for the position of Dean, Law School, UH Mānoa. After an extensive review by the SAC, ten (10) candidates were deemed to be the best qualified, however one (1) candidate withdrew. The remaining nine (9) were interviewed via Zoom/Skype. The SAC forwarded four (4) names who they recommended as finalists, however one (1) withdrew; the remaining three (3) candidates were invited for the campus visit phase of the search process.

The three (3) finalists' campus visits were held during the period January 22, 2020, through February 7, 2020. After each of the candidates' sessions, which included meetings with Law School faculty and staff, deans, administrators, a public presentation, and a Law School community/alumni event, evaluations were distributed to all attendees and collected by the Office of the Provost. In addition, the public talk video recordings of all three (3) finalists were made available to the HSBA members and the Law School Alumni Association Board made up of local attorneys and law firms throughout the State.

After careful consideration and review of all evaluations and references, Ms. Camille Nelson, was undoubtedly deemed the top candidate of the three by not only the unanimous support of the Search Advisory Committee, but it was also reflected in the evaluations received which showed a significant score of "10" in all the categories of Leadership, Instruction/Research/Service, Fundraising and Development, Internal and External Relations, and Commitment to Diversity. After a lengthy negotiation, an offer was made and accepted contingent upon Board approval and Board posting. Ms. Nelson is the best qualified to lead the prestigious William S. Richardson School of Law in their goals and mission, and will be a valuable leadership team member in fulfilling our vision at UH Mānoa.

Ms. Nelson is currently Dean of the American University Washington College of Law. Prior to this, she served as Dean of Suffolk University Law School in Boston. She was

also a Professor of Law at Maurice A. Deane School of Law at Hofstra University, a Dean's Scholar in Residence and Visiting Professor of Law at Washington University in St. Louis School of Law, and a Professor of Law at Saint Louis University School of Law. She has taught Contracts, Criminal Law, Torts, Critical Race Theory, Comparative Criminal Law, Transnational Law, Criminal Procedure, and Professional Responsibility. Prior to entering academia, Dean Nelson was a litigator at McCarthy Tétrault (a large Canadian law firm), and clerked for the Supreme Court of Canada.

Ms. Nelson's scholarship focuses on the intersection of critical race theory and cultural studies, with particular emphasis on health law, criminal law and procedure, and comparative law. She has published many impactful articles, chapters, and essays that have appeared in publications such as the *Berkeley Journal of Criminal Law*, *Yale Journal of Law & Feminism*, *New York University Review of Law & Social Change* and is currently a co-editor of the *Journal of Legal Education of the Association of American Law Schools*.

Her scholarship and leadership in higher education have been recognized through a variety of awards and honors. She was recently named among the Top 35 Women in Higher Education by *Diverse Issues in Higher Education* magazine, and was listed as one of the "Most Influential People in Legal Education" by the *National Jurist*. Ms. Nelson also received the Paul Robeson Distinguished Alumni Award from the Black Law Students Association of Columbia Law School in 2017. In recognition of her leadership in diversity and inclusion, Suffolk University Law School's annual diversity award has been named in her honor. During her time at Saint Louis University School of Law, she was recognized as both Professor of the year and with a Faculty Excellence Award.

Ms. Nelson's professional service engagements include serving on the Executive and Steering Committees of the Association of American Law Schools, the board of the Institute for the Advancement of the American Legal System, the board of the Law School Survey of Student Engagement (LSSSE), the President's Advisory Network on Global Legal Education for the Law School Admissions Council, the board of the Avasant Foundation (with a mission to improve lives and communities by empowering youth in emerging economies through education, employment and entrepreneurship), and the Overseers' Committee to Visit Harvard Law School. Ms. Nelson recently completed a three-year term on the American Bar Association Center for Innovation, where she chaired the Fellowship Committee and has previously been appointed to Senators Warren and Markey's Advisory Committee on Massachusetts Judicial Nominations.

Dean Nelson holds a B.A. *with high distinction* from the University of Toronto in Administration, a *magna cum laude* law degree from the University of Ottawa Faculty of Law, and an LL.M. from Columbia Law School.

The Dean of the William S. Richardson School of Law is currently classified as Band SM-5 for which the minimum is \$270,000, midpoint of \$322,500, and maximum of \$375,000. The 2018-2019 (public) CUPA-HR class, Dean, Law has a median salary of \$326,400, and a 80<sup>th</sup> percentile of \$372,775. Although the salary recommendation of \$420,000 is above the CUPA-HR median and above the 80<sup>th</sup> percentile of the class, the Law School's comparable institutions are as follows:

(2018)\*

UC Irvine: \$422,809 (if assume a 2%/year increase, current would be **\$439,720**)

UC Davis: \$393,849 (if assume a 2%/year increase, current would be **\$409,602**)

\*Source: *transparentcalifornia.com* which is a reputable site that lists all public university and non-profit organization salaries in the State of California.

It is worth mentioning that Ms. Nelson's current salary is \$447,720 (see attached letter from American University, Washington College of Law). Thus, Ms. Nelson will be taking a significant lower salary than if she remained at American University. This action reflects Ms. Nelson's commitment and belief in the Law School and her desire to return to Hawai'i, where she served her first sabbatical at the Law School in 2007. It is also worth mentioning that Ms. Nelson, along with her family continues to return to the islands on numerous occasions which further reflects her desire and her familiarity of the islands. She embraces the Hawaiian culture, its people, and is aware of the cost of living, which is comparable to her current work life and neighboring state (Washington, DC).

Attached for your reference is Ms. Nelson's curriculum vitae which reflects her outstanding and impressive record in higher education, specifically in the field of law. We feel the proposed salary is justified and appropriate based upon these factors.

Based on Ms. Nelson's background and experience, we are working on a faculty fallback tenure-track position and fallback salary. Her fallback salary will be in accordance with University policies and procedures and include all negotiated faculty salary adjustments.

**ACTION RECOMMENDED:**

It is recommended that the Board of Regents approve the appointment of Ms. Camille Nelson as Dean of the William S. Richardson School of Law, University of Hawai'i at Mānoa, at an annual salary of \$420,000 (\$35,000 monthly), effective August 1, 2020, subject to executive adjustments, as appropriate.

Attachment: Curriculum Vitae

c: Kendra Oishi, Executive Administrator and Secretary to the Board of Regents

## Camille A. Nelson

RE: Position Number 89113 - DEAN, WILLIAM S. RICHARDSON SCHOOL OF LAW

Dear Members of the Search Advisory Committee,

Few institutions are as well situated as the University of Hawai‘i William S. Richardson School of Law (hereinafter “William S. Richardson School of Law”) to make a unique and positive difference in the life of the law. From the people who teach the law and the ways in which they engage their students, to the staff and administrative support of the students, and alumni, the William S. Richardson School of Law is *sui generis*, not only because of its location, culture, and history, but because of its authentic embrace of a mission rooted in Native Hawaiian wisdom, values, and traditions. I have always cherished and learned much from my visits to the William S. Richardson School of Law. I respectfully ask that you consider this letter, together with my curriculum vitae and list of references, as my application for the position of Dean of William S. Richardson School of Law (Position Number 89113).

I am excited about this opportunity, as it seems to mesh nicely with my inclusive vision of legal education and its transformative potential. I often say that the manner in which we engage the law, and each other, is important as it demonstrates how we exist as lawyers and stewards of the rule of law. To paraphrase the William S. Richardson School of Law strategic plan, it is imperative that in fostering the acquisition of legal skills and expertise that we care for and respect one another as we work to further justice through a client-centered approach to our advocacy and representation of our clients and communities. In my experience, the embrace of such core values is important for institutional excellence as it frames the guiding principles and goals for leadership.

I am moved and inspired by the vision stated in the law school strategic plan of being “[a] community of creative problem solvers, effective advocates, and courageous leaders who seek justice.” I would be honored to further activate these principles to continue the elevation of the William S. Richardson School of Law. The opportunity stated in the prospectus to build “upon the many strengths of the University, as well as the unique attributes of Hawai‘i and its distinctively multi-cultural and diverse populations of students, faculty, and staff. [thereby creating] an exciting opportunity to lead the Law School in becoming a stronger intellectual presence in Hawai‘i and beyond,” is compelling. I believe my commitments and previous experience would be instrumental in achieving the ambitions of the law school.

I share the commitment of the William S. Richardson School of Law, “to excellence in legal education and scholarship, and the promotion of social justice, ethical responsibility, and public service.” I have reverence for the special role of these values in the context of Hawai‘i and would work hard to further the core of Kuleana, Nā‘au Pono, Aloha aku, aloha mai, Huli Ao, Mālama kekahi i kekahi, Kūpale, Ho‘owaiwai, and No‘eau, stated and explained in the William S. Richardson School of Law Strategic Plan.

I have often said that I consider legal education to be a passport – you never know how far it might take you, literally and figuratively; with it we might access many otherwise inaccessible sites and opportunities, and unlock our full potential in areas not formerly contemplated. Inspirationally conveying this message,

and being an exemplar of this potential, is a powerful component of what I would like to do if selected to serve as the Dean of the William S. Richardson School of Law.

I have been appointed as Dean of two law schools, Suffolk University Law School and American University Washington College of Law (“WCL”), where I presently serve. In both of these roles I have learned a great deal and have been fortunate to work with and to build fantastic teams in service of our communities, both inside and outside of the law schools and universities. I started “deaning” at a time of great challenge in the marketplace of legal education. These challenges have been driven by factors that include shifting economic realities for many employers of our graduates, the “Great Recession,” the technological evolution of legal practice, and by a number of the concerns facing institutions of higher education more generally.

I am pleased that at both of these law schools, together with my teams, we have not only weathered these storms, but we have fortified and built excellent teams, created and enhanced systems and infrastructure, and invested in ways that bode well for the ongoing success of both schools. In this respect I have worked closely with faculty, students, university leadership, admissions and financial aid professionals and committee chairs, finance and budget teams, advancement (fundraising and alumni engagement), grant offices, special events and CLE departments, career and professional development offices, IT and AV, student services, and with alumni and friends of the law schools, to ensure the inclusive strengthening of each school. I feel that I have played a significant role in improving both Suffolk University Law School and WCL for enhanced competitive excellence, with a strong ethic of caring, for the future.

I highlight caring because it matters greatly to me how we engage one another. I try to model these expectations of more than civility, as I regard civility as a minimum. Especially as many of us spend as much, if not more, time with our work colleagues as with our families, it is important to me that we live the type of professional lives, inclusively and with humanity, that we also expect of our students.

I believe that all community members, whether they are students, faculty, administrators, staff or alumni, fare better, and are more effective in their respective roles, when they are empowered, engaged, stimulated, welcomed, and included in meaningful ways that respect similarities and differences. Therefore, I very much appreciate working in inclusive institutions and embrace diverse leadership teams that exemplify our commitments in action. As such, I think it is particularly important to learn from community members about areas around which there is already synergistic energy, commitment, talent, and resources, as well as to probe for unexplored possibilities, which might bode well to further strategically situate the law school for the future.

My first order of business as Dean of William S. Richardson School of Law would be to take the pulse of the community and to go on a listening tour across the campus. I recognize that there are big shoes to fill following the service of Dean Avi Soifer for 16 years. As such, I would work to build on his many accomplishments to focus on the strengths of the William S. Richardson School of Law, while seeking out novel areas in which to invest and innovate. Through outreach with all constituencies I will get a sense of common interests and themes in order to gauge the ways in which faculty, administrators, staff and alumni might wish to be engaged to continue to move the law school forward. This basic orientation infuses my management style — it is an approach that is fundamentally respectful and which is grounded in the perspective that everyone has something to contribute. Thus my commitment is to a leadership style that is collaborative, and dedicated to institution building.

I have learned from the various national and international leadership roles in which I have served that a transparent, participatory, and collaborative leadership approach is not only consistent with my style of interaction, but also enhances the possibilities for cooperation, connectivity, and innovation. Over the last several years as dean of Suffolk Law and WCL, I have also realized the leadership potential of the words of Nelson Mandela who said, *“It is better to lead from behind and to put others in front, especially when you celebrate victory when nice things occur. You take the front line when there is danger. Then people will appreciate your leadership.”*

Of course, situational leadership necessitates that there are numerous occasions when the Dean is out front, visible, and spotlighted, but I have very much enjoyed working with, elevating, and uplifting our excellent faculty, administration, staff, and executive teams. Not only has this intensified our community’s dedication and commitment, but it has also furthered the professional development of our diverse team, and built loyalty to our strategic vision and educational brand. In this way, I have empowered, supported, showcased, and promoted many community members, and urged them to be both innovative and entrepreneurial as we move forward together.

I hold steadfast to the perspective that an essential part of the reputational enhancement of any law school involves supporting faculty members, administrators, and students in their endeavors to “spread the good word” through their various professional engagements, service activities, and community participation. By this I mean to emphasize that one of the ways to build upon the solid reputation of William S. Richardson School of Law is to increase support for, and encouragement of faculty, administrator, staff, and student ambassadorship. This ambassadorial approach is likely particularly important for the William S. Richardson School of Law, and admittedly requires a managerial commitment, as well as a financial one. I will elaborate further upon what this means for advancement momentarily, but it clearly has implications for the way in which the William S. Richardson School of Law might allocate constrained resources. For those community members who are more inclined towards an internal law school focus, I would want to facilitate the pursuit of their passions, and ensure that they too feel supported and empowered.

I have benefited from University leaders who have invested in both my external professional pursuits (such as my attendance and participation at conferences and symposia), and my internal professional development (such as research and teaching assistant support). Indeed, I have been supported in many of the key areas of academic success, including scholarship, teaching, and service. It will therefore come as no surprise that I want to support others in these ways as well. I would additionally want to build upon existing programmatic and departmental strengths, as well as explore innovative possibilities in conversation with other University, enterprise, and community leaders. This approach is essential in an organization as rich with diverse interests, ideas, and perspectives as the William S. Richardson School of Law. Such continuous outreach relates to my perspective on advancement work.

Advancement is about relationships. My goals regarding the alumni and friends of the William S. Richardson School of Law are two-fold. First, I want them to feel warmly about the law school by furthering their positive associations and memories. Secondly, I want them to feel invested in the success of the William S. Richardson School of Law in such a way that they appreciate that the success of their law school is also their own personal and professional success. Through ongoing engagement, alumni and friends appreciate that their commitment of time, money, and resources is an integral aspect of their

community membership, which will in turn allow the William S. Richardson School of Law to continue to thrive. As I have done at Suffolk University Law School and WCL, I would be an involved and effective part of these fundraising and alumni engagement efforts.

And so, it is with excitement that I read the position description and prospectus for this opportunity. I have experience and a proven track record in the criteria specified for the new Dean of the William S. Richardson School of Law. My curriculum vitae attests to the fact that I have achieved, with the support of my teams, impressive improvement along the desired trajectories. Writing this letter has provided me with an opportunity to reflect on what my teams and I have accomplished together over the last eight years serving as dean at two law schools. I think we achieved these accomplishments by supporting and recognizing talent and through active and engaged management that is founded on inclusive, generous, transparent, motivated, and good-natured leadership.

I look forward to discussing these and other matters with the search committee. I am humbled by the opportunity to be considered for this position. Please feel free to let me know of any questions you may have. I appreciate your consideration.

Yours Truly,

*Camille A. Nelson*

Camille A. Nelson

Enclosures

## Camille A. Nelson

### Academic/Administrative Experience

#### Dean and Professor of Law, American University Washington College of Law (July 2016 - Present)

- Manage academic and administrative operations of law school with over 1400 day and evening students, over 80 resident faculty, over 120 active adjunct faculty, and over 130 administrators and staff.
- Developed a *Five Year Plan* for WCL through which several strategic imperatives were achieved towards rankings elevation, including a renegotiation of indirect payments with AU, a class size reduction, and a quadrupling of financial aid.
- Bid for and successfully hosted the National People of Color Legal Scholarship Conference (largest such conference, and netted over \$80K for subsequent NPOC conferences, as compared to previous amounts of roughly \$10K).
- Created a Teaching Assistant program to support faculty with formative assessments in large classes.
- Worked to enhance WCL development and grant support and surpassed goals for fundraising and grant support, including lifting a Middle East and North Africa Initiatives (MENA) through a State Department Grant, launching the Program on Legislative Negotiation through a Hewlett Foundation Grant, and creating the *Defending the AU Dream Initiative*, to support D.C. area DACA students, thanks to the support of a generous donor.
- Created the Office of Academic Excellence to provide comprehensive bar examination support for our students.
- Created the COMPASS program to support our students through comprehensive multi-office advising starting in orientation.
- Undertook an equity analysis with an outside consultant to provide an overview of our compensation structure and to review our internal pay practices to ensure pay equity and a more competitive positioning relative to peer institutions.
- Led WCL to be a co-editor, with Northeastern University School of Law, of the Journal of Legal Education.
- Launched a new website, social media campaign, and communications strategy, including the resuscitation of our alumni magazine, *The Advocate*.
- Launch the Program on Technology, Law, and Security.
- Worked with all law school constituents to achieve a nine-point improvement in the USNWR ranking over two years, as well as the ranking of an additional specialty program (Health Law and Policy).
- Worked with the Admissions Office to improve the diversity of the student body and created and hired for the position of Assistant Dean of Diversity, Inclusion, and Affinity Relations.
- Spearheaded an orientation program with the United States Holocaust Memorial Museum for our law students around professional ethics.
- Successfully initiated greater focus on special events revenue and created a position to improve and enhance our continuing legal education offerings.
- Initiated the selling of WCL swag and merchandise.

- Created the position of Assistant Dean of Evening and Part Time programs to more comprehensively support our evening students.
- Created and launched an online Masters of Legal Studies Program with Kogod Business School at AU.
- Negotiated the creation of a Brazil Summer Law Program with FDV - Faculdade de Direito de Vitória
- Invested in our wellness program and recruited an in-residence WCL focused psychologist.

**Professor of Law**, Suffolk University Law School, Boston, MA (sabbatical in The Netherlands, July 2015 - June 2016)

**Dean and Professor of Law**, Suffolk University Law School, Boston, MA (August. 2010 – June 2015)

- Managed all academic and administrative operations of law school with over 1300 day and evening students, 80 resident faculty and 100 administrators and staff.
- Led creation of law school's first strategic plan, negotiated strategic reduction in class size to meet evolving demands in legal education, created and launched Institute for Law Practice Technology & Innovation, Accelerator-to-Practice Program (specialized course of instruction focused on preparing graduates to join or start sustainable law practices serving average income individuals and families), Women's Leadership Academy, Caribbean and Latin America Initiative (internship, exchange and joint symposia partnerships with legal employers and law schools in Cuba, El Salvador, Jamaica and Puerto Rico), Five Point Bar Success Program, and academic concentrations in labor and employment law and law technology and innovation.
- Generated record fundraising and alumni engagement success, achieving 123% of fundraising target constituting a 97% increase in dollars raised, 32% increase in donors and 117% increase in alumni participation. Created Dean's Scholarship Fund, secured funding for creation of Accelerator-to-Practice Program and increased stipends for faculty scholarship and created the Dean's Innovation Grants (supporting teaching innovations that result in new learning opportunities for students).
- Supported culture of grant writing with record success, yielding over \$2 million from The Century Council, Law School Admission Council, Liberty Mutual, The Moakley Charitable Foundation, and United States Department of Housing and Urban Development.
- Increased student, faculty and administrative diversity, created portfolio and recruited first Director of Diversity, Inclusion and Affinity Relations, and established new 3+3 and 4+3 pipeline programs.
- see Spring 2015 Suffolk University Law School Alumni Magazine for an excerpt on term as Dean <http://law2.suffolk.edu/offices/alumni/magazine/LawAlumniMag-Sum-2015.pdf>
- Courses: Introduction to Critical Race Theory in SU DiscoverLaw.org Plus Pipeline Program (2012-2014); Applying Identity Theories to the Criminal Justice System, Inaugural exchange course with University of Puerto Rico (March 2015)  
~ Certificate of Completion, Course Design Institute, Syllabus Design Workshop, Center for Teaching and Scholarly Excellence, Suffolk University (January 2015)

**Professor of Law**, Hofstra University School of Law, Hempstead, NY (Dec. 2009 – Aug. 2010)  
Selected to receive a Hofstra Faculty Diversity Research and Curriculum Development Grant  
(I did not accept the grant as I left Hofstra to pursue a decanal position) (2010)

**Dean's Scholar in Residence**, Washington University in Saint Louis School of Law, St. Louis, MO (July- Dec. 2009)

**Visiting Professor of Law**, Washington University in Saint Louis School of Law, St. Louis, MO (2008-2009)

**Professor of Law**, Saint Louis University School of Law, St. Louis, MO (2000-2009)  
Recipient of Faculty Excellence Award, Saint Louis University (University-wide award based upon competitive nomination process) (2006)  
Professor of the Year, Saint Louis University, School of Law (2004)

**Visiting Professor of Law**, University of Hawai'i, William S. Richardson School of Law, Honolulu, Hawai'i (Jan. – June 2007, summer 2009, 2010, 2015)

**Adjunct Visiting Professor**, Seattle University, School of Law, Seattle, WA (Summer 2006)

**Visiting Professor**, Université de Paris-Dauphine, Paris, France (Feb. – March 2006)

**Distinguished Scholar in Residence**, University of Ottawa Faculty of Law, Common Law Section, Ottawa, ON, Canada (Jan. term 2003, 2006-2009)

**Associate in Law**, Columbia Law School, New York, NY (1998-2000)

**Litigation Associate**, McCarthy Tétrault, Barristers and Solicitors, Toronto, Canada (Jan. 1996-Aug. 1998)

**Clerk in the Chambers of the Honorable Mr. Justice Frank Iacobucci**, Supreme Court of Canada, Ottawa, Canada (July 1994-July 1995)

**Summer Law Student – worked in Litigation, Labor, and Insolvency**, McCarthy Tétrault, Barristers and Solicitors, Toronto, Canada (Summer 1993 & Summer 1992)

## **Education**

**Master of Laws (LL.M.)** 1998-2000, *Associate in Law Post-Graduate Teaching Fellowship*, Columbia Law School, New York, NY

**Baccalaureate of Laws (LL.B.), and equivalent JD** 1991-1994 University of Ottawa Faculty of Law, Ottawa, ON, Canada  
Received Law Society of Upper Canada Bursary  
Recipient of the Montreal Association of Black Business Persons and Professionals, Scholarship for recognition of Educational and Community Achievement (1994)  
Women and the Law Award, (in recognition of excellence in research and writing)  
Recipient of the Fasken, Campbell, Godfrey Scholarship (1992 & 1993)  
*Magna Cum Laude*

**Bachelor of Arts (Honors), Administration** 1987-1991

University of Toronto, Faculty of Arts and Science, Toronto, Canada  
Recipient of the Scholastic Award (1991)  
Dean's Honor Roll (1987-1991)  
*With High Distinction*

### **Memberships & Committees**

**Member**, President's Advisory Network on Global Legal Education, Law School Admissions Council (2018-present)

**Co-Editor**, Journal of Legal Education of the Association of American Law Schools (2018-present)

**Elected Member**, American Law Institute (2010-present)

**Member of Advisory Board**, Avasant Foundation (2018-present)

**Member of Board**, Law School Survey of Student Engagement (LSSSE) (2018-present)

**Member of Board**, Institute for the Advancement of the American Legal System (2018-present)

**Member**, Executive Committee, Association of American Law Schools (2017-present)

**Member**, Steering Committee, AALS Deans Forum, Association of American Law Schools (2013-2015; 2016 - present)

**Member**, Governing Council, American Bar Association Center for Innovation (2016-present)

**Chair**, American Bar Association Center for Innovation, Fellows Committee (2016-present)

**Member**, Overseers' Committee to Visit the Harvard Law School (2015-present)

**Alumna**, The Partnership (Next Generation Executive and C-Suite Program) (2014-2015)

**Member**, Demography is Not Destiny Advisory Group, Open Society Foundation, New York, NY (2015)

**Member**, Nominating Committee, Association of American Law Schools, Washington DC (2015-present)

**Member**, Senator Warren and Senator Markey Advisory Committee on Massachusetts Judicial Nominations (Appointed by Senator Elizabeth Warren to Advisory Committee) to solicit, interview, and comment on applications for Federal District Court vacancies (2013-2015)

**Member**, Advisory Board, Mina's List (2014-present)

**Member**, Boston Bar Association (BBA) Board (2012-2014)

**Co-Chair Elect and Co-Chair**, AALS Section for the Dean, Law School (2014-2015)

**Member**, Working Group on Critical Race Theory and Empirical Research Methods (2013-2015)

**Member**, Executive Committee, AALS Section on the Law School Dean (2011)

**Member**, Editorial Board, Law and Society Review (2010)

**Member**, Planning Committee for 20th Anniversary Critical Race Theory Symposium and Speaker Series (held at the University of Iowa, College of Law) (2009)

**Member**, Board of Governors, Society of American Law Teachers (SALT), (Co-Chair Access to Justice Committee 2010, Member Pipeline Committee, Co-Chair SALT Teaching Conference Planning Committee 2006-7, Co-Chair Cover Workshop Committee, 2008-2010)

**Member of Board**, Steering Committee and Secretary for Latina & Latino Critical Legal Theory (LatCrit) Inc. (2007-2009)

**Member of Board**, AALS Section on Disability Rights (Co-Chair Program Committee for AALS conferences) (2006-2007)

**Member**, American Bar Association Commission on Racial and Ethnic Diversity (Co-Chair of planning committee for ABA panel in Honolulu) (2006)

**Member**, International Scientific Committee, International Academy of Law and Mental Health (2005-2008)

**Member**, Faculty Development Workshop Coordinating Committee, Latino and Critical Theory (this committee organized the junior faculty workshops and works-in-progress sessions for the annual LatCrit conferences) (2004-2008)

**Member**, National Steering Committee, National People of Color Legal Scholarship Conferences (National Conference are to be held every five years - involved in planning the 2004 and 2010 conferences.)

**Coordinator**, Race and Health Working Group, Saint Louis University (2003-2004)

**Member**, Planning Committee, Northeast People of Color Legal Scholarship Conferences (2001-2007)

**Member of the Bar**, Law Society of Upper Canada (Ontario, Canada) (1996-present)

### **Awards, Honors, and Scholarships**

*Leading Women in Higher Education*, Diverse: Issues in Higher Education (2019)

*Distinguished Alumni Award*, Columbia Law School Black Law Students Association (BLSA) (2017)

Named by National Jurist Magazine to list of *Most Influential People in Legal Education* (2016)

*Malcolm Donahue Award*, Suffolk Law Student Bar Association (2015)

Suffolk University Law School Student Bar Association Diversity Committee named the annual Diversity Award "*The Dean Camille A. Nelson Award*" (2015)

Harry H. Dow Memorial Legal Assistance Fund, *Special Appreciation Award* ("For fostering in students and community a lifetime commitment to justice and compassion in service to those who are often underserved.") (Dec. 2014)

*Trailblazer Award*, Suffolk University Law School, Black Law Students' Association ("In honor of your unwavering commitment to create new paths, and to lead others through the legal profession.") (April 2014).

Honored as one of the "*Top Women of Law*" by Lawyers Weekly (2013)

Named by On Being a Black Lawyer to the *Power 100, Most Influential Black attorneys* (2012-2015)

*Ida B. Wells Award*, Massachusetts Black Women Lawyers (2011)

Phi Delta Phi, Rehnquist Inn, Honorary Member (2010)

Elected to American Law Institute (2010)

Featured in documentary, *Seeking Freedom*, HEC-IV (this Emmy-winning documentary explores the impact of approximately 300 slave freedom suits which pre-date *Dred Scott v. Sanford*, filed in the St. Louis Circuit Court in the early to mid-1800's) (2008)

*Derrick A. Bell Jr. Faculty Award*, Association of American Law Schools, Section on Minority Groups {The Derrick A. Bell, Jr. Award, named in honor of the late Professor Derrick A. Bell, Jr., the first tenured African-American on the Harvard Law School faculty (later at New York University Law School), honors a junior faculty member who, through activism, mentoring, collegueship, teaching and scholarship, has made an extraordinary contribution to legal education, the legal system or social justice.} (2005)

*Extraordinary Service Award*, National People of Color Legal Scholarship Conference, George Washington University School of Law (2004)

Inducted into the *Common Law Honor Society*, University of Ottawa (inductee in inaugural year) (2004)

*Honorable Theodore McMillian Award*, Saint Louis University School of Law, Black Law Students' Association (2002)

## **Publications**

**Frankly Speaking: Leadership and the Law**, essay in the "To Be Frank" souvenir book collection of

essays celebrating the life and jurisprudence of the Honorable Mr. Justice Iacobucci, retired Justice of the Canadian Supreme Court, assembled my McGill Law School, Montreal, QC (2017)

**Frontlines: Policing at the Nexus of Race and Mental Health**, *Fordham Urban Law Journal*, special issue, *Mental Health, The Law, & The Urban Environment* (Spring 2016)

**Increasing Women's Political Participation in Lebanon: Reflections on Hurdles, Opportunities, and Hope**, Vol. 8, No. 4, *Journal of Politics and Law*, (2015), co-authored with Dr. Zeina Chemali and Tanya Henderson Esq.

**Lyrical Assault: Dancehall versus the Cultural Imperialism of the North- West**, (revised reprint), *Hip hop and the Law: The Key Writings that formed the Movement*, eds. Donald Tibbs, andre cummings (name intentionally lower case) and Pamela Bridgewater, Carolina Academic Press (Fall 2015)

**Time Flies: A Reflection Essay**, *Bearing Witness Reflections: A Journal on Law and Social Responsibility*, Suffolk University Law School, (Spring 2015)

**Law Schools Can't Sleep Through the Technological Revolution**, *Legal Rebels, The New Normal*, *ABA Journal*, (Nov. 2013)

**Sexuality Without Borders: Exploring the Paradoxical Connection between Dancehall and Colonial Law in Jamaica**, *Masculinities and the Law: A Multidimensional Approach*, New York Univ. Press, 2012 eds. Frank Rudy Cooper and Ann C. McGinley

**Colonial Optics: Dancehall and Legal Imperatives against the "Unnatural,"** *Exploring Masculinities: Feminist Legal Theory Reflections*, eds. Martha Fineman and Michael Thomson (2013)

**Love at the Margins: The Racialization of Sex and the Sexualization of Race**, *Loving v. Virginia in a Post-Racial World: Rethinking Race, Sex, and Marriage*, *Cambridge University Press* (2012), Eds. Kevin Noble Maillard and Rose Cuizon Villazor

**Annual Jotwell (Journal of Things We Like Lots) Review**, Contributing editor (2011-2016)

**Racializing Disability, Disabling Race: Policing Race and Mental Status**, *15 Berkeley Journal of Criminal Law 1* (2010) SSRN Top Ten CSN: Development (Topic), LSN: Ethical Issues (Topic) and PSN: Politics of Race (Topic), SSRN's Top Ten download list for Disability Law eJournal

**Racial Paradox and Eclipse: Obama as Balm for What Ails Us**, *86 Denver University Law Review* 743 (2009)

**The Radical King: Perspectives of One Born in the Shadow of a King**, *32 New York University Review of Law and Social Change* 485 (2009)

**O.J., Batson and Snyder: Lessons from an Intersecting Trilogy**, *93 Iowa Law Review*, 1687 (2008)

**Lyrical Assault: Dancehall versus the Cultural Imperialism of the North- West**, *17 Southern California Interdisciplinary Law Journal*, 231 (2008) SSRN Top Ten download for Music, October 7, 2009.

**Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity**, *543 Wisconsin Law Review* (2007)

**American Husbandry: Legal Norms Impacting the Production of (Re) Productivity**, *19 Yale J. L.*

& *Feminism* 1 (2007) (lead article)

**Multicultural Feminism: Assessing Systemic Fault in a Provocative Context**, 17 *University of Florida Journal of Law and Public Policy* 263 (2006)

**Honor in the American Criminal Law**, Max-Planck-Institut fuer auslaendisches und internationales Strafrecht (Max-Planck-Institute for Foreign and International Criminal Law in Freiburg Germany) (2006)

**Starting Anew: The ADA's Disability with respect to Episodic Mental Illness**, 75 *Mississippi Law Journal* 1039 (2006)

**Considering Tortious Racism**, 9 *DePaul Journal of Health Care Law* 905 (2006)

**The Conflicting And Contradictory Dance: The Essential Management Of Identity For Women Of Colour In The Legal Academy**, Chapter in refereed Canadian book (hence spelling), *Calling For Change: Women, Law And The Legal Profession Ten Years After Touchstones*, Elizabeth Sheehy and Sheila McIntyre, eds. (Ottawa: University of Ottawa Press, 2006)

**Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women**, 29, Issue 2 *The International Journal of Law & Psychiatry*, March-April 2006 (peer reviewed) (2006)

**Consistently Revealing the Inconsistencies: The Construction of Fear in the Criminal Law**, 48 *St. Louis University Law Journal* 1261 (2004) (Teaching Criminal Law Edition)

**Racism Eh? A Critical Inter-Disciplinary Anthology of Race and Racism in Canada**, *Captus Press*, Toronto, Canada (2004). Co-edited anthology with Dr. Charmaine Nelson

**Breaking the Camel's Back: A Consideration of Mitigatory Criminal Defenses and Racism-Related Mental Illness**, 9 *Michigan Journal of Race & Law* 77 (2003 – 2004)

**Carriers of Globalization: Loss of Home and Self Within the African Diaspora**, 55 *University of Florida Law Review* 539 (2003)

**Micro and Macro Economic Effects: Secreting Assets to Evade Non-Business (Private) Obligations and Responsibilities**, volume 10, number 2, *Journal of Financial Crime*, October 2002, co-authored article with Saint Louis University Professors Ellen Harshman, Ph.D., Dean of John Cook School of Business, Associate Professor of Management, Muhammad Islam, Ph.D., Professor of Economics and Henry M. Ordower, J.D., Professor of Law

**Towards a Bridge: The Role of Legal Academics in the Culture of Private Practice**, 10 *Journal of Law & Policy* 97 (2002)

**(En)Raged or (En)Gaged: The Implications of Racial Context to the Provocation Defense**, 35 *University of Richmond Law Review* 1007 (2002); excerpts reprinted in Cynthia Lee, *MURDER AND THE REASONABLE MAN: PASSION AND FEAR IN THE CRIMINAL COURTROOM*, New York University Press; excerpts reprinted in Lee & Harris, *CRIMINAL LAW: CASES AND MATERIALS*, Thomson West, St. Paul

**Racism in the Legal Profession**, Critical Legal Essay for the Working Group on Racial Equality in the Legal Profession – Appendix to the Report of the Working Group, Canadian Bar Association (1999)

**Out of Sync: Reflections on the Culture of Diversity in Private Practice**, Published Paper in *Canadian Woman Studies Journal* Spring/Summer 1999 (Women and Justice Issue) - Republished by the American Bar Association, Minority Retention Summit Journal, Boston, MA, April 2000

## **Keynotes & Speeches**

***Forthcoming -15<sup>th</sup> Annual National Black Pre-Law Conference and Law Fair***, Columbia Law School, NY (Nov. 2019)

***Forthcoming - ABA The Nuts and Bolts of Effective Leadership***, ABA Business Law Section Annual Meeting, Washington DC, (September 2019)

***Front Lines: Policing at the Intersection of Race and (Dis)Ability***, Faculdade de Direito de Vitória, Santa Lucia, Brazil (March 2019)

***Embracing the Culmination of Ourselves: Towards Authentic Leadership in the 21st Century***, Keynote 2018 Humphrey Global Leadership Forum (the Humphrey Fellowship Program is primarily supported by the Bureau of Educational and Cultural Affairs of the U.S. Department of State), Arlington, VA (Oct. 2018)

***Bending the Arc Towards Justice: Thoughts and Contemplations for Lawyers in this Hashtag Moment***, New York Law Department, NY (Sept. 2018)

***Frontlines: Policing at the Nexus of Race and Mental Health***, Race, Mental Health and State Violence Symposium, Birkbeck School of Law University of London (Apr. 2018)

***Sharing Power: Disrupting The Focus On What Woman Need to Do***, Keynote, Gender Sideline Conference, California Western School of Law, San Diego, CA (April 2018)

***Exploring the Unexplored: Policing at the Nexus of Race, Gender and Mental Health***, Annual Conference on Women and Gender, Seton Hall University, South Orange, NJ (March 2018)

***Leading an Ethically Unified Life in Today's Hyper Hectic World***, Inaugural Shrensky Lecture on Jewish Law and Ethics, American University Washington College of Law, Washington, DC (Feb. 2018)

***Time to Confront Dr. King's More Challenging Demands for Societal Restructuring in America***, 19th Annual Dr. Martin Luther King, Jr. Birthday Commemoration Program, American University Washington College of Law, Washington, DC (Jan. 2018)

***Next Steps in Health Reform 2017***, 3rd Annual Next Steps in Health Reform Conference, Health Law and Policy Program, American University Washington College of Law, Washington, DC (Oct. 2017)

***Critical Race Theory: Race and Justice at the Dawn of the Trump Era***, 2017 Symposium of WCL Journal of Gender, Social Policy & the Law, American University Washington College of Law, Washington, DC (Apr. 2017)

***Frontlines: Policing at the Nexus of Race and Mental Health***, UCLA Disability Studies Program,

American Indian Studies Program, Gender Studies Department and Repair: A Health and Disability Justice Organization) (Feb. 2016)

***The Importance of Relationship Building for the Long Haul***, 33rd Annual Workshop for New Law School Teachers and Workshop for Pretenured Law School Teachers of Color, Washington, DC (June 2015)

***Civil Conversations in Challenging Times: Reflections on the Intersection of Race and the American Criminal Justice System***, Pontifical University, School of Law, Ponce, Puerto Rico (March 2015)

***Deaning During Challenging Times***, Promoting Diversity in Law School Leadership, Co-sponsored by Seattle University, School of Law, University of Washington School of Law, and the Society of American Law Teachers, Seattle, WA (Sept. 2014)

***Diversity: a Leadership Imperative***, Society of American Law Teachers (SALT) Pipeline Conference, Denver, CO (March 2014)

***Our Civil Rights Milestones: Two Steps Forward...***, Emerson College, Victory Stride: Celebrating 60 Years of Civil Rights Progress, Boston, MA (Feb. 2014)

***Perpetual Crisis? Diversity with Equity in the Academy***, Canadian Association of University Teachers (CAUT) Equity and Diversity Forum, Toronto, ON, Canada (Feb. 2014)

***Dancehall in the Academy***, Law and Music, Section on Law and Humanities and ***Access to Legal Services***, President's Annual Workshop, American Association of Law Schools (AALS) Annual Meeting, New York, NY (Jan. 2014)

***St. John's University, Diversity Admissions Fair***, Queens, NY, Keynote speaker (Nov. 2013)

***Society of American Law Teachers (SALT) Diversity in Law School Leadership Conference***, Seattle, WA, Featured Speaker (Oct. 2013)

***Black Law Student Association of Canada***, Ottawa, ON, Canada Keynote speaker (Feb. 2013)

***University of Ottawa Alumni Keynote Speaker***, Royal Bank of Canada, Toronto, ON, Canada (Feb. 2013)

***St. John's University, Diversity Admissions Fair***, Queens, NY Keynote speaker (Nov. 2012)

***On Whose Backs?: Assessing a Restitutionary Response to Medical Advancements***, YWCA Boston Annual Meeting Keynote Speaker and Presenter, Boston, MA (Nov. 2012)

***Critical Race Deaning***, Lutie Lytle Annual Writing Workshop: Keynote Speaker & Panelist Suffolk University Law School, Boston, MA (June 2012)

***Deaning in the Weird Wired World: Speaker***, Association of American Law Schools Annual Meeting, Washington, DC (Jan. 2012)

***Love at the Margins: Laws on Love in Black & White***, Social Justice Symposium keynote speaker, Multicultural Programs for the Multicultural and International Student Affairs office at Hamline University, St. Paul, MN (March 2011)

***Sexuality Without Borders: Towards a Non-Neo Notion of Sexual Equality***, Get Up Stand Up: Homophobia in the Caribbean, *The Inter-American Center for Human Rights*, Nova Southeastern University (April 2010)

***Mission Possible: Achieving Diversity in Complicated Times***, Moving Forward: Advancing Diversity in Leadership, Annual Conference, Advisory Committee on Visible Minorities, Department of Justice, Ottawa, ON, Canada (March 2010)

***On Whose Backs?: Assessing a Restitutionary Response to Medical Advancements***, Hamline University, School of Law Symposium, Opening Our Eyes to Health Disparities: A Look Through the Lens of Critical Race Theory, St. Paul, MN (March 2010)

***Colonial Optics: Dancehall and the Legal Imperatives Against the “Unnatural,”*** Caribbean Studies Association conference, Kingston, Jamaica (June 2009)

***Racializing Disability, Disabling Race: Policing Race and Mental Status***, Southern Illinois University School of Law Dean's Colloquium Speaker, Carbondale, Illinois (April 2009)

***Pursuing the Dream: Revisiting Dr. King's Message in the Age of Obama***, selected as keynote speaker for Dr. Martin Luther King Jr. Day celebration, Shattering Ceilings: Celebrating Success in Pursuit of the Dream, Washington University in St. Louis, MO (Jan. 2009)

***Racializing Disability, Disabling Race: Policing The Intersection of Race and Mental Disability***, Delivered the Patricia Allen Memorial Lecture, McGill University, Faculty of Law, Montreal, QC, Canada (Nov. 2008)

***Racializing Disability, Disabling Race: Policing The Intersection of Race and Mental Disability***, Delivered the Marlee Kline Lecture in Social Justice, University of British Columbia, Vancouver, BC, Canada (Oct. 2008)

***Lovin' the Man: A Critical Comparative Perspective 40 years after Loving v. Virginia***, University of Toronto, School of Law, Feminism and the Law Speaker, Co-Sponsored by The Law and Diversity Workshop, Faculty Workshop and Presentation to Law School Community, Toronto, ON, Canada (Oct. 2006)

***Considering Tortious Racism and its Implications for the Rights of the (Mentally) Disabled***, Harvard Law School, invited by Professor Michael Stein to deliver paper to first year Torts students, Cambridge, MA (April 2006)

***Keynote address to the entering class at the University of Ottawa. Faculty of Law***, Ottawa, ON, Canada (Sept. 2004)

***Keynote speaker for City of Berkeley***, MO, Martin Luther King Day Celebrations (Jan. 2003)

***Race and Representation in the Legal Profession and the Judiciary***, Law Society of Upper Canada, Toronto, ON, Canada (March, 2001)

***Breaking Barriers: Strategically Assimilated or Assimilated Strategically***, Keynote Speaker, Black Law Students' of Canada Conference, Ottawa, ON, Canada (Feb. 2001)

***Towards a Bridge: The Role of Legal Academics in the Culture of Private Practice***, The Future of Canadian Legal Education: Critical Appraisals 2000, University of Ottawa, Ottawa, ON, Canada (Sept. 2000)

***American Bar Association Minority Retention Summit***, Commission on Opportunities for Minorities

in the Profession, Boston, MA (April 2000)

***Connecting Communities; Emerging Legal Issues for the New Millennium; Beyond Law Schools: Strategies for Survival; Shaping the Legal Paradigms for the 21st Century***, Speaker at Annual Black Law Students' Association Conferences, Canada (1995-1998)

***Diversity Issues in Legal Careers***, Queen's University School of Law, Kingston, Ontario, Canada (March, 1997)

***Issues at Examinations for Discovery: Opinion Evidence, Speculative and Hypothetical Questions***, McCarthy Tétrault, Annual Litigation Department Seminar, Vancouver, British Columbia (1996)

***Challenges to Inclusivity: Women's Rights and Social Justice***, University of Ottawa, International Women's Week Conference, Ottawa, ON, Canada (1995)

***Towards Black Justice***, University of Ottawa, Black History Month Celebrations, Ottawa, ON, Canada (1995)

## **Presentations**

***(In)Visible: Examining the Policing of Mentally Vulnerable Women of Color***, American Criminal Law Review, Women's Rights in the Criminal Justice System Symposium, Georgetown University Law Center, (March 2019)

***Frankly Speaking: Leadership and the Law***, "To Be Frank" symposium celebrating the life and jurisprudence of the Honorable Mr. Justice Iacobucci, retired Justice of the Canadian Supreme Court, assembled my McGill Law School, Montreal, QC (2017)

***Frontlines: Policing at the Nexus of Race and Mental Health***, Repair for Justice Annual Symposium: Damaging Minds and Bodies: Trauma, Violence and the Criminal Justice System, University of California, Los Angeles (Feb. 2017)

***So...You Want to be a Dean? Why Considering a Deanship Matters***, AALS Arc of the Career Program, San Francisco, CA (Jan. 2017)

***Inclusive Disability: Racing Vulnerability in Toxic Times***, The Present and Future of Civil Rights Movements: Race and Reform in 21st Century America, Duke Law, Raleigh, NC (Nov. 2015)

***From Selma to Ferguson: "Usual Suspects"*** Plenary, "D/scr/m/nat/on in the Criminal Justice System," International Crime and Punishment Film Festival, Academic Program, Istanbul University Congress and Culture Center, Istanbul, Turkey (Oct. 2015)

***Social Policy in the Middle East and North Africa: Challenges and Opportunities***, IPR/Mena Social Policy Network Conference, Bath Royal Literacy & Scientific Institute, Bath, U.K. (Nov. 2014)

***Law at a Crossroads: A Legal Race***, UNESCO, Paris, France (July, 2012)

***Presentations and Workshops on Domestic Violence, Women's Political Participation and Empowerment***, Ministry of Social Affairs, Gender Issues Conference, Beirut, Lebanon (July 2012)

***Cal and Atticus: Teasing out the threads of Miscegenation in To Kill a Mockingbird***, Seattle University School of Law Symposium, Seattle, WA (March, 2012)

***Racializing Disability, Disabling Race***, Harvard Law School Project on Disability, the Charles Hamilton Houston Institute for Race and Justice, Cambridge, MA (March 2011)

***Sexuality Without Borders: Exploring the Paradoxical Connection between Dancehall and Colonial Law in Jamaica***, UNLV, William S. Boyd School of Law, Multidimensional Masculinities and Law: A Colloquium, Las Vegas, NV (Feb. 2011)

***Consistently Revealing the Inconsistencies***, On the Chopping Block: Hard Choices in Teaching First-Year Criminal Law, AALS, Workshop on Criminal Justice: New Challenges and Persistent Controversies, San Francisco, CA (Jan. 2011)

***Racial Paradox and Eclipse: Obama as Balm for What Ails Us***, Workshop on Post Racial Civil Rights Law, Politics and Legal Education: New and Old Color Lines in the Age of Obama, AALS Mid-Year Meeting, New York, NY (June, 2010)

***Sexuality Without Borders: Towards a Non-Neo Notion of Caribbean Sexual Equality***, LatCrit XIV, American University Washington College of Law, Outsiders Inside: Critical Outsiders Theory and Praxis in the Policymaking of the New American Regime, Washington, DC (Oct. 2009)

***Colonial Optics: Dancehall and the Legal Imperatives Against the “Unnatural,”*** Feminism and Legal Theory Project, Masculinities Conference, Emory Law School, Atlanta, GA (Sept. 2009)

***Examining our Post-Racial Selves: Obama As Balm For What Ails Us***, Obama Phenomena: Facets of a Historic Campaign, University of Denver, Sturm College of Law, Denver, CO (Aug. 2008)

***Lyrical Assault: Dancehall versus the Cultural Imperialism of the North-West***, Association of Cultural Studies, Bi-Annual Conference, University of the West Indies, Mona Campus, Kingston, Jamaica (July, 2008)

Commentator on paper by Professor Oluyemisi Bamgbose, "Child Trafficking: A Transborder Journey of Hope to Hopelessness," sponsored by The Center for International and Comparative Law Speaker Series, Saint Louis University, part of ATLAS week series, MO (April, 2008)

***Dancing in the Closet: Lyrical Assault in Dancehall***, Association for the study of Law Culture and Humanities Conference, University of California, Berkeley, CA (March, 2008)

***Norms Towards Husbandry: Legal Imperatives Influencing (Re)productive Interference,*** "Routes to Freedom: Reflections on the Bicentenary of the Abolition of the Slave Trade," University of Ottawa Faculty of Law, Ottawa, ON, Canada (March 2008)

***Batson, O.J. and Snyder: Lessons from an Intersecting Trilogy, Batson v. Kentucky*** and the Use of Peremptory Challenges panel, Iowa Law Review Symposium, Procedural Justice: Perspectives on Summary Judgment, Peremptory Challenges, and the Exclusionary Rule, University of Iowa, College of Law, Iowa City, IA (Feb. 2008)

Three presentations at the Association of American Law Schools Annual Conference, Reassessing Our Roles as Scholars and Educators in Light of Change, New York, NY (Jan. 2008)

- ***Dancing in the Closet: Lyrical Assault in Dancehall versus the Cultural Imperialism of***

*the North-West*, Section on Law and Humanities, Law and Order: SVU - Sexuality, Videos and You (Jan. 2008)

- *The Radical King: Perspectives from One Born in the Shadow of a King*, Section on Minority Groups, "In the Name of Love": What Does Martin Luther King Jr. Mean on the 40th Anniversary of His Assassination? (Jan. 2008)
- *Considering Tortious Racism*, Section on Torts and Compensation Systems: Frontier Issues on Race and Torts (Jan. 2008)

University of California, Berkeley School of Law, Boalt Hall, organizer and presenter, **Loving v. Virginia 40th Anniversary Symposium** presenter *Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity* {two day symposium, other featured speakers included Dean Kevin Johnson (UC Davis), and Professors Richard Banks (Stanford), Charles Ogletree (Harvard) and Angela Onwuachi-Willig (then Iowa) (Nov. 2006)

University of Wisconsin Law School, Madison, Wisconsin, organizer and presenter, **Loving v. Virginia 40th Anniversary Symposium** presenter *Lovin' the Man: Examining the Nexus of Irony, Hypocrisy and Curiosity* {two day symposium, with publication of papers, other featured speakers and essayists included Professors Rachel Moran (Berkeley), Catherine Smith (Denver), Reginald Oh (then Texan Wesleyan), Carla Pratt (then Penn State, Dickenson)} (Nov. 2006)

*On Professionalism: Service and Balance, Constructing Life as a Law Professor (with an Emphasis on Life)*, and *Disability Issues at a Dangerous Intersection*, LatCrit XI, organizer and presenter, Faculty Development Workshop, Las Vegas, NV (Oct. 2006)

*Racial Crusades at a Gendered Intersection*, American Bar Association, Commission on Racial and Ethnic Diversity in the Profession (organizer and presenter), Honolulu, HI (Aug. 2006)

*Lovin' The Man: Can Film Inform the Law of Interracial Love?* and *Breaking the Camel's Back Through a Hawaiian Lens*, The Association for the Study of Law Culture and Humanities, Honolulu, HI (March, 2006)

*(Dis)Ability, Race and the Criminal Law Curriculum*, Disability Law section panel, American Association of Law Schools, Annual Meeting, Washington, DC (Jan. 2006)

*Bleeding for the Court: The ADA and Episodic Mental Illness*, The Americans with Disabilities Act at 15: Past, Present and Future, University of Mississippi, Law School, Oxford, MS (Nov. 2005)

*American Husbandry*, Queen's University, School of Law, Faculty Workshop and Presentation to Law School Community, Kingston, ON, Canada (Nov. 2005)

*American Husbandry*, California Western, School of Law, Faculty Workshop, San Diego, CA (Nov. 2005)

*On Professionalism: Constructing Academic Success; Critical Relationships: Political & Professional Consequences of Choosing Different-Race Partners*, LatCrit X, organizer and presenter, Faculty Development Workshop, San Juan, Puerto Rico (Oct. 2005)

*American Husbandry*, Washington and Lee, School of Law, Faculty Workshop, Lexington, VA (Sept. 2005)

*Critical Mental Health Issues: Tort Law Possibilities*, Minorities and Multiculturalism, 29th International Congress on Law and Mental Health, Paris, France (additionally, arranged for 15

participants and organized Critical Mental Health panels) (July 2005)

***American Husbandry***, Gender, Reproductive and Sexual Rights Panel, South East/South West People of Color Conference, “*The Struggle Continues: De Facto Segregation Educational Achievement and Beyond.*” New Orleans, LA (May 2005)

***Property Law as Oxymora***, Disentangling Fact from Fiction: The Realities of Unequal Health Treatment, DePaul University College of Law, Chicago, IL (March 2005)

***Legal Strategies to Eliminate Mental Health Disparities in People of Color.*** First Annual Winter Institute for Black Studies: Keys to Reducing Health Disparities Among People of Color, University of Hawai’i at Manoa, East-West Center, Honolulu, HI (Jan. 2005)

***Assessing our Role: Class and Legal Education***, Society of American Law Teachers Teaching Conference, University of Nevada, Las Vegas, William S. Boyd School of Law, Las Vegas, NV (Oct. 2004)

***Property Law as Oxymora: Organizing and participating in Family Balance and Professionalism Roundtable***, Second National People of Color Legal Scholarship Conference, George Washington University Law School, Washington, D.C. (Oct. 2004)

***Law Review Publishing: The Process and Politics***, Southeastern Association of Law Schools Annual Meeting, Kiawah Island, SC (July 2004)

***Breaking the Camel’s Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness***, The 28th Annual Health Law Teachers Conference, Seton Hall University School of Law, Newark, NJ (June 2004)

***Talking and Teaching about Race in the Law School Classroom: Critical Race Theory and its Implications***, Law and Society Association Annual Conference, Chicago, IL (May 2004)

***Breaking the Camel’s Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness***, Teleconference presentation to students of Southern University Law Center, Baton Rouge, LA (April 2004)

***Emerging Trends in Critical Scholarship***, National Black Law Students’ Association Mid-West Regional Convention, St. Louis, MO (Jan. 2004)

***Citizenship & the Constitution***, part of African American Heritage Series, National Parks Service, Old Courthouse, St. Louis, MO (Jan. 2004)

***A Dangerous Intersection: Exploring the Interplay of Race and (Mental) Disability***, 28th International Congress on Law and Mental Health, Sydney Australia (Sept. 2003)

***University of Michigan, Affirmative Action and the Supreme Court***, St. Louis Industry Liaison Group, hosted by University of Missouri – St. Louis, MO (July 2003)

***Breaking the Camel’s Back: A Consideration of Mitigatory Criminal Defenses and Racism – Related Mental Illness***, 2003 Critical Race Theory Workshop held at American University

Washington College of Law, Washington, DC (April 2003)

***Mentoring and Retention for Persons of Color in the Academy***, Seventh Annual Northeast People of Color Legal Scholarship Conference/St. John's Ronald H. Brown Center for Civil Rights and Economic Development Conference, St. John's University, School of Law, New York, NY (April 2003)

***The Construction of Fear: Rape, Race and Jack in the Box***, Sixth Annual Conference for the Study of Law, Culture, and the Humanities, Benjamin N. Cardozo Law School, New York, NY (March 2003)

***Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women***, Law, Cultures, and the Philosophy of 'Science,' Mid-Atlantic People of Color Conference, Washington and Lee, Lexington, VA (Jan. 2003)

***Property Law as Oxymora: Female Slaves as Breeders of Property***, Hawai'i International Conference on Arts and Humanities, Honolulu, HI (Jan. 2003)

***Affirmative Action: The Legacy***, Forest Park Community College, St. Louis, MO (Oct. 2002)

***Breaking the Camel's Back: Extreme Emotional Disturbance, Provocation and a Consideration of Race***, Northeast People of Color Legal Scholarship Conference, University of the West Indies, Barbados (June 2002)

***Walking on Eggshells: Racism and the Thin-Skull Doctrines***, Urban Health & Race Law Weekend: A Global Dialogue, DePaul University College of Law and Loyola University-Chicago Law School, Chicago, IL (April 2002)

***Micro and Macro Economic Effects: Secreting Assets to Evade Non-Business (Private) Obligations and Responsibilities***, 19th Cambridge International Symposium on Economic Crime, co-presenting co-authored paper, Cambridge, U.K. (Sept. 2001)

***Racism-Related Mental Disorders and the Applicability of the Thin Skull Doctrine***, XXVI International Congress on Law and Mental Health, Montreal, Quebec, Canada (July 2001)

***Adrift in the Diaspora***, LatCrit XI Conference, University of Florida School of Law, Gainesville, FL (April 2001)

***Property Law as Oxymora: Female Slaves as Breeders of Property***, Interdisciplinary Nineteenth Century Studies Conference, University of Oregon, "Exhibiting Culture/Displaying Race," Eugene, OR (April 2001)

***(En)Raged or (En)Gaged: The Implications of Racial Contextualization to the Provocation Defense***, Northeast People of Color Legal Scholarship Conference, CUNY Law School, New York, NY (March 2001)

***(En)Raged or (En)Gaged: The Implications of Racial Context to the Defense of Provocation***, Mid-Atlantic People of Color Legal Scholarship Conference, Dickinson School of Law, Pennsylvania State University, Carlisle, PA (Feb. 2001)

*The Culture of Private Practice*, Canadian Association of Law & Society Annual Conference, Sherbrooke, QC, Canada (June 1999)

*Equality Concepts and the Charter*, Nominated as a “Future Leader” and speaker at Conference on “Building a Human Rights Agenda for the 21<sup>st</sup> Century: A Practical Celebration of the 50<sup>th</sup> Anniversary of the Universal Declaration of Human Rights,” Human Rights Research and Education Center, Ottawa, ON, Canada (Oct. 1998)

*Submissions to the Working Group on Racial Equality in the Legal Profession*, Canadian Bar Association, Ottawa, ON, Canada (1996)

## **Panels**

*Innovations in Legal Education*, 2018 African Law School Leadership Forum, From Imitation to Innovation: Comparative Perspectives on Legal Education, University of Cape Town Faculty of Law, Cape Town, South Africa (March 2018)

*Women as Leaders in the Law*, 7th Annual Future of Lawyers Conference, Foreign Lawyers Section of Geneva Bar Association, Geneva, Switzerland (Jan. 2018)

*Arc of the Career Program: Opportunities and Challenges for Faculty of Color in Skills-Focused Law Teaching and Law Administration*, Section on Minority Groups, AALS Annual Meeting, San Diego, CA (Jan. 2018)

*Race and Disability in Policing and Criminal Justice Reform*, Criminal Law Practitioner Symposium, American University Washington College of Law, Washington, DC (Nov. 2017)

*Deaning in the Shadow of the New Administration*, ABA Dean's Workshop, Washington, DC (June 2017)

*Minding Oneself: An Imperative for Continued Consciousness*, AALS Annual Meeting, Section on Balance in the Legal Profession, New York, NY (Jan. 2016)

*Cuba & The Obama Administration's Cuba Initiative*, International Law Section of the Boston Bar Association - World Boston event, Boston, MA (March 2015)

*The 21st Century Lawyer's Evolving Ethical Duty of Competence*, AALS Annual Meeting, Section on Professional Responsibility, Washington, DC (Jan. 2015)

Moderator: *Collaborating During Times of Transition and Transformation*, Plenary Session: Working Together: What We Need and Why We Need It, AALS Annual Meeting, Section on Institutional Advancement, Washington, DC (Jan. 2015)

*Education as a Civil Right*, National Bar Association, 25th Annual Wiley A. Branton Symposium, Co-sponsored by the University of Houston Law Center and the Ronald H. Brown Center for Civil Rights and Economic Development at St. John's School of Law, New York, NY (Oct. 2014)

*Race and the Law*, Federal Bar Association Annual Convention, Providence, RI (Sept. 2014)

***Chasing Change: Why Legal Practice Will Never be the Same, and What it Means for You,*** American Bar Association Annual Meeting, ABA “Showcase CLE,” Boston, MA (Aug. 2014)

Panelists and Moderator: ***From Visible Invisibility to Visibly Successful: Women of Color Research and Strategies for the Workplace,*** American Bar Association Commission on Women in the Profession in Collaboration with the Boston Bar Association, Boston, MA (Aug. 2014)

***Women in the Law: Power and Progress,*** Federal Bar Association Breaking Barriers: The Glass Ceiling in the Legal Profession, Washington, DC (July 2014)

***Speaker, Lawyer’s Weekly Presents: Women’s Breakfast Forum,*** Boston, MA (May 2013)

***Presumed Incompetent Symposium: The Intersections of Race and Class for Women in Academia,*** UC Berkeley Law, Berkeley, CA (March 2013)

***Responding to Change: Decanal Views for Institutional Advancement,*** Officers, Plenary Session, American Association of Law Schools Annual Meeting, New Orleans, LA (Jan. 2013)

***Masculinities Panel,*** Law & Society Conference, Honolulu, HI (June 2012)

***Deans and Hiring Committee Members Tell All: Expected Skills and Preparation,*** SALT and Northeastern University School of Law Program, Breaking into Teaching, The Pipeline to the Legal Academy, Boston, MA (June 2011)

***Hip Hop Legal Theory: Hip Hop in the Law School Classroom,*** Roots and Reality II: Hip Hop, Law, and Social Justice Organizing, American University Washington College of Law, Washington, DC (April 2011)

***Hip Hop in Legal Education: The Bridge Between Pedagogy and Practicality & Teaching While Black (and Female) in the 21st Century Law School: Voices from One Generation,*** Society of American Law Teachers, Teaching Conference, Teaching in a Transformative Age: The Law School of the Future, Honolulu, HI (Dec. 2010)

***Teaching: Strategies to Success,*** Workshop for Pre-tenured Minority Law School Teachers, AALS Workshop for New Law School Teachers, Washington, DC (June 2010)

***Breaking In: A Workshop on Becoming a Law Professor, Adjunct, or Administrator,*** SALT Pipeline Project, Golden Gate University School of Law and SALT, San Francisco, CA (March 2010)

***Intersectional Transnationalities,*** UCLA School of Law 4th Annual CRS Symposium, Intersectionality: Challenging Theory, Reframing Politics, Transforming Movements, Los Angeles, CA (March 2010)

Discussant, ***Power, Politics and Public Service: The Legal Ethics of Lawyers in Government,*** Hofstra Law School Legal Ethics Conference, Long Island, NY (Oct. 2009)

***On Pedagogy: Teaching, Authenticity, and Critical Reflection,*** also ***Roundtable on SALT/Best Teaching Practices: Developing Best Practices for International Programs Run by U.S. Law***

**Schools**, LatCrit XIII, Representation and Republican Governance: Critical Interrogation of Election Systems and the Exercise of the Franchise, Seattle, WA (Oct. 2009)

Moderator, **The Job of the Dean**, Promoting Diversity in Law School Leadership Conference, SALT, Seattle University School of Law, and the Fred T. Korematsu Center on Law and Equality, Seattle, WA (Sept. 2009)

**On Teaching in the Law School**, Mentorship for the Junior professor, LatCrit Mini-Junior Development Workshop, Association of American Law Schools Annual Conference, Reassessing Our Roles as Scholars and Educators in Light of Change, New York, NY (Jan. 2008)

Discussant, **Suddenly Senior Session**, LatCrit XII Conference, Florida International University, College of Law, Miami, FL (Oct. 2007)

**Just Between Us: A Mentoring Session**, Northeast People of Color Legal Scholarship Conference, Criminal Justice and Immigration in the 21st Century, Southern New England School of Law, North Dartmouth, MA (Sept. 2007)

**Constitution Day Program**, Saint Louis University, School of Law, St. Louis, MO (Sept. 2007)

**Critical Relations: Identity Matters**, LatCrit XI, UNLV Nevada, Las Vegas, NV (Oct. 2006)

**Respondent to the paper of Professor Lani Guinier, Bennett Bosky Professor of Law, Harvard University, Law School, "Meritocracy INC: How Wealth Become Merit, Class Became Race and College Education became a Gift from the Poor to the Rich,"** Washington University St. Louis, Assembly Series, Chancellor's Fellowship Lecture, St. Louis, MO (Jan. 2006)

**Ebony Roots, Northern Soil: Perspectives on Blackness in Canada**, McGill University, Montreal, QC, Canada (Feb. 2005)

**Engaged Scholarship, Evaluating Students and Evaluating Outputs: Vision, Revision, Envision: Critical Perspectives in Assessment**, Small Group Leader, American Association of Law Schools Annual Meeting, San Francisco, CA (Jan. 2005)

**Can a Constitution Really Guarantee Socio-Economic Rights? Respondent to Chief Justice Chasklson, South African Supreme Court**, Millstone Lecture, Saint Louis University School of Law, St. Louis, MO (Nov. 2004)

**Of Egg-shells and Thin Skulls: A Consideration of Racism-Related Mental Illness Impacting Black Women**, Saint Louis University Women Law Students' Association & Health Law Association annual panel, St. Louis, MO (March 2003)

**Panelist, Courts and Insanity**, NPR affiliate KWMU 90.7, St. Louis On The Air, <http://www.kwmu.org/Programs/Slota/Archives/030220.html>, St. Louis, MO (Feb. 2003)

**Panelist, The Courts and Insanity**, Saint Louis Psychoanalytic Institute, St. Louis, MO (Feb. 2003)

**Selected participant in the Law and Society Summer Institute on Race and the Law**, Baldy Center

for Law and Social Policy, School of Law, State University of New York at Buffalo, Buffalo, NY (July 2000)

***Different Perspectives: Understanding Some of the Sources of The Problem - Appreciating Different Cultural Values an Understanding Community Pressures Upon Lawyers***, American Bar Association Minority Retention Summit, Commission on Opportunities for Minorities in the Profession, Boston, MA (April 2000)

***Roundtable Consultation on Provocation, Self-defense and Mandatory Minimum Sentences***, Canadian Association of Elizabeth Fry Societies, Ottawa, Ontario, Canada, Consultation Proposal requested by the Honorable Minister of Justice, Ottawa, ON, Canada (July 1999)

**Participant on *Diversity Issues Panel*** with David Lepofsky, Ministry of the Attorney General, Keith Norton, Chief Commissioner of the Ontario Human Rights Commission and Susan Elliot, former Treasurer of the Law Society of Upper Canada, Queen's University, School of Law, Kingston, ON, Canada (1997)

**Participant, *Reformulation of the Criminal Code, Self-Defense Roundtable***, National Action Committee on the Status of Women, Ottawa, ON, Canada (1995)

**Participant, *Reformulation of the Criminal Code, Provocation Defense Roundtable***, Ontario Women's Directorate, Ottawa, ON Canada (1994)

**Provocation Defense Reformation Proposals**, Recognized contributor in submissions to the Honorable Minister of Justice, Ottawa, ON, Canada (1994)

### **Additional Information**

[LinkedIn Profile](#)

### **Hobbies and Activities**

Tennis, zumba, hiking, meditation, cooking. (and eating).

# Item VII.F.

Discussion on Board and  
Committee Meetings for May  
and June 2020 Due to the  
COVID-19 Health Crisis

**NO MATERIALS  
ORAL REPORT**