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, February 16, 2023
Time: 9:45 a.m.
Place: University of Hawai’i Maui College
Ka’a’ike Building Room 105BCD
310 W. Ka’ahumanu Avenue
Kahului, HI 96732

See the Board of Regents website to access the live broadcast of the meeting and related updates: www.hawaii.edu/bor

AGENDA

I. Call Meeting to Order

II. Approval of the Minutes of the January 19, 2023 Meeting

III. Public Comment Period for Agenda Items:

Individuals who are unable to provide testimony at this time will be allowed an opportunity to provide testimony before each agenda item.

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 through the testimony link provided on the Meeting Agendas, Minutes and Materials page. Testimony may also be submitted via email at bor.testimony@hawaii.edu, U.S. mail at 2444 Dole Street, Bachman 209, Honolulu, HI 96822, or facsimile at (808) 956-5156.

Those wishing to provide oral testimony virtually may register here. Given the constraints with the format of hybrid meetings, individuals wishing to orally testify virtually must register no later than 7:45 a.m. on the day of the meeting in order to be accommodated. Registration for in-person oral testimony on agenda items will also be provided at the meeting location 15 minutes prior to the meeting and closed at the posted meeting time. It is highly recommended that written testimony be submitted in addition to registering to provide oral testimony. Oral testimony will be limited to three (3) minutes per testifier.
Although remote oral testimony is being permitted, this is a regular meeting and not a remote meeting by interactive conference technology under Section 92-3.7, Hawai‘i Revised Statutes (HRS). Therefore, the meeting will continue notwithstanding loss of audiovisual communication with remote testifiers or loss of the public broadcast of the meeting.

All written testimony submitted are public documents. Therefore, any testimony that is submitted orally or in writing, electronically or in person, for use in the public meeting process is public information and will be posted on the board’s website.

IV. Report of the President
   A. SCR 201 Consultation Update
   B. Enrollment Update
   C. Extramural Funding Update
   D. Independent Assessment of UHM Athletics Update
   E. Other
   F. University of Hawai‘i Maui College Campus Presentation

V. Report of the University of Hawai‘i Foundation

VI. Committee Reports
   A. Report from the Committee on Planning and Facilities
   B. Report from the Committee on Academic and Student Affairs
   C. Report from the Committee on Research and Innovation

VII. Agenda Items
   A. Consent Agenda
      1. Approval of Letters of Intent and a Long-Term Agreement for the Use of a Portion of the University of Hawai‘i at Hilo Campus Property (Tax Map Key No. (3) 2-4-001:122) to Develop and Operate a Photovoltaic Energy System Under a Power Purchase Agreement Between Hawaiian Electric Companies (HECO) Stage 3 Request for Proposals for Hawai‘i Island for the Supply of Qualified Renewable Energy Under HECO’s Renewable Dispatchable Generation Power Purchase Agreement
      2. Approval of Amendments to Regents Policy (RP) 6.203, Attachment 1, Board of Regents Approved Fees
   B. Legislative Update
   C. Discussion and Possible Board Action on Pending Legislation including:
H.B. No. 231/ S.B. No. 631: Proposing an Amendment to Article X, Section 6, of the Hawai‘i State Constitution to Modify the Appointment Process for the Board of Regents of the University of Hawai‘i

H.B. No. 545/ S.B. No. 1196: Relating to Boards and Commissions

S.B. No. 547: Relating to the Board of Regents

S.B. No. 838: Relating to the University of Hawai‘i Community Colleges

S.B. No. 960: Relating to the University of Hawai‘i Board of Regents Candidate Advisory Council

S.B. No. 1513: Relating to Public Agency Meetings

H.B. No. 414: Relating to Resident Tuition at the University of Hawai‘i

S.B. No. 249: Relating to the President of the University of Hawai‘i System

S.B. No. 1414: Relating to the University of Hawai‘i

S.B. No. 1567: Relating to Career and Technical Education

VIII. Executive Session (closed to the public):

A. Personnel: (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))
   1. Discussion of Personnel Actions (A-1 for approval)

IX. Agenda Items (continued)

A. Personnel Actions (A-1 for approval)

B. Faculty Workload Annual Report

X. Announcements

A. Next Meeting: March 23, 2023, at University of Hawai‘i at Manoa

XI. Adjournment

ATTACHMENTS

Attachment A1 – Personnel actions posted for approval

Attachment A2 – Personnel actions posted for information only, pursuant to Section 89C-4, HRS. These actions are not subject to approval by the Board of Regents.

If you need an auxiliary aid/service or other accommodation due to a disability, contact the Board Office at (808) 956-8213 or bor@hawaii.edu as soon as possible. If a response is received less than five (5) days in advance of the meeting, we will try to obtain the auxiliary aid/service or accommodation, but we will not guarantee that the request will be fulfilled. Upon request, this notice is available in alternate formats such as large print, Braille, or electronic copy.
Attachment A: Personnel Action for BOR approval. Pursuant to §89C-4, HRS, the following proposed compensation actions for excluded Executive/Managerial are disclosed for purposes of public comment.

Executive/Managerial

<table>
<thead>
<tr>
<th>Campus</th>
<th>Last Name</th>
<th>First Name &amp; Middle Initial</th>
<th>Proposed Title</th>
<th>Unit</th>
<th>Nature of Action</th>
<th>Monthly Salary</th>
<th>Effective Date</th>
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</thead>
<tbody>
<tr>
<td>UH Mānoa</td>
<td>Ortega</td>
<td>Alexander</td>
<td>Dean</td>
<td>Thompson School of Social Work &amp; Public Health</td>
<td>Appointment</td>
<td>$26,000</td>
<td>September 1, 2023</td>
</tr>
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</table>

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

David Lassner
President
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.

<table>
<thead>
<tr>
<th>Campus</th>
<th>Last Name</th>
<th>First Name &amp; Middle Initial</th>
<th>Proposed Title</th>
<th>Unit</th>
<th>Nature of Action</th>
<th>Monthly Salary</th>
<th>Effective Date</th>
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<tr>
<td>UH Mānoa</td>
<td>Elliott-Engel</td>
<td>Jeremy</td>
<td>Associate Dean (Cooperative Extension)</td>
<td>College of Tropical Agriculture &amp; Human Resources</td>
<td>Appointment</td>
<td>$13,750</td>
<td>March 1, 2023</td>
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<td>UH Mānoa</td>
<td>Takanishi</td>
<td>Danny</td>
<td>Interim Associate Dean (Academic Affairs)</td>
<td>John A. Burns School of Medicine</td>
<td>Appointment</td>
<td>$19,448</td>
<td>March 1, 2023 - December 31, 2023</td>
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BOARD OF REGENTS MEETING
JANUARY 19, 2023

I. CALL TO ORDER

Chair Moore called the meeting to order at 9:58 a.m. on Thursday, January 19, 2023, at the University of Hawai‘i at West O‘ahu, Campus Center, Room C208, 91-1001 Farrington Highway, Kapolei, HI 96707, with regents participating from various locations.

Quorum (11): Chair Randy Moore; Vice-Chair Alapaki Nahale-a; Vice-Chair Ernest Wilson; Regent Eugene Bal; Regent William Haning; Regent Wayne Higaki; Regent Gabriel Lee; Regent Luarel Loo; Regent Abigail Mawae; Regent Diane Paloma; and Regent Laurie Tochiki.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Academic Strategy Debora Halbert; 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; VP for Advancement/University of Hawai‘i Foundation Chief Executive Officer Tim Dolan; UH Mānoa (UHM) Provost Michael Bruno; UH West O‘ahu (UHWO) Chancellor Maenette Benham; Interim Executive Administrator and Secretary of the Board of Regents (Interim Board Secretary) Jamie Go; and others as noted.

II. WELCOME NEW INTERIM REGENTS LOO AND MAWAE

Chair Moore welcomed new Interim Regents Laurel Loo and Abigail Mawae to the board.

Regent Loo and Regent Mawae remarked that they were looking forward to serving on the board.

III. APPROVAL OF THE MINUTES

Chair Moore inquired if there were any corrections to the minutes of the November 17, 2022, and December 1, 2022, meetings which had been distributed. Hearing none, the minutes for both meetings were approved.

IV. PUBLIC COMMENT PERIOD

Interim Board Secretary Go announced that the Board Office received numerous written and late written comments, as well as resolutions from the Associated Students of UHM, the Graduate Student Organization Executive Council at UHM, and the Mānoa Faculty Senate, all of which were in support of renaming the Life Sciences Building at UHM as the Isabella Aiona Abbott Life Sciences Building.
Rosie Alegado, Robert Perkinson, Celia Smith, Sophia Manalo, Maile Cunningham, and Marissa Danta provided oral comments in support of renaming the Life Sciences Building at UHM as the Isabella Aiona Abbott Life Sciences Building.

Jenny Brown provided oral comments regarding the proposed tuition schedule.

Written testimony may be viewed at the following link of the Board of Regents website as follows:

- Written Testimony Comment Received
- Late Written Testimony Comment Received

Chair Moore announced that Agenda Item IX.E. which relates to the renaming of the Life Sciences Building at UHM as the Isabella Aiona Abbott Life Sciences Building would be taken up at this time.

IX. AGENDA ITEMS

E. Approval to Rename the Life Sciences Building at UHM as the Isabella Aiona Abbott Life Sciences Building

Citing the accolades contained within the public comments, as well as those provided via oral testimony, President Lassner stated that Doctor Isabella Aiona Abbott truly exemplified what it means to be a person of significance to the University of Hawai‘i. He lauded Dr. Abbott’s many achievements and noted that renaming the new Life Sciences Building in her honor would be a fitting tribute to her life and career and was highly befitting of this remarkable individual.

Regent Mawae moved to approve the renaming of the Life Sciences Building at UHM as the Isabella Aiona Abbott Life Sciences Building. The motion was seconded by Vice-Chair Wilson.

Regents expressed their admiration for the work and accomplishments of, as well as the numerous contributions made to the university and Hawaii by, Dr. Abbott noting that they were moved by the spirit behind the public testimony received regarding this proposal.

There having been a motion that was moved and seconded, a roll call vote was conducted, and the motion carried with all members present voting in the affirmative.

V. ADOPTION OF RESOLUTIONS HONORING UNIVERSITY OF HAWAI‘I REGENT KELLI ACOPAN AND UNIVERSITY OF HAWAI‘I REGENT ROBERT WESTERMAN

Chair Moore stated that resolutions honoring former University of Hawai‘i regents Kelli Acopan and Robert Westerman were contained within the meeting materials, read each resolution into the record, and asked if regents had any comments.
Regents offered their thanks to Regent Emeritus Westerman and Regent Emeritus Acopan for their service and commitment to the university and their outstanding work as members of the board.

Vice-Chair Wilson moved to adopt the resolution honoring University of Hawai‘i Regent Robert Westerman, and the motion was seconded by Regent Higaki.

Regent Emeritus Westerman thanked his fellow regents, the administration, and staff for all the support he’s received over the years stating that it was a tremendous honor and privilege to serve the university as a member of the board. He also expressed his belief that the University of Hawai‘i is a premier public institution of higher education because of the efforts of the board and the administration, as well as numerous others associated with the university, including faculty and staff.

There having been a motion that was moved and seconded, a roll call vote was conducted, and the motion carried with all members present voting in the affirmative.

Vice-Chair Nahale-a moved to adopt the resolution honoring University of Hawai‘i Regent Kelli Acopan, and the motion was seconded by Regent Haning.

Regent Emeritus Acopan thanked her fellow regents, the administration, and staff, as well as the students of the university, for the instrumental support she received during her tenure as the student regent on the board. She expressed her gratitude for the opportunity to serve the university as a member of the board and stated that she will continue to advocate for the best interests of the university.

There having been a motion that was moved and seconded, a roll call vote was conducted, and the motion carried with all members present voting in the affirmative.

VI. REPORT OF THE PRESIDENT

A. Attainment Goal

President Lassner reported that the Hawai‘i P-20 Advisory Council adopted a new educational attainment goal for the State of Hawaii entitled “Hawai‘i’s Graduates for Hawai‘i’s Future” stating that the specifics of this goal were presented to the board at its meeting in July of 2022. He noted that the new attainment goal encompasses the entire educational pipeline from pre-Kindergarten through transitions into the workforce and spoke about its vision and goals, which include universal access to high quality early learning opportunities; universal preparation of every K-12 student throughout their education for college, career, and citizenship; universal access to postsecondary opportunity and success; and universal education and training of Hawai‘i residents to fill and create living wage jobs available across the state. Discussions on the new attainment goal will now shift to implementation.

B. Enrollment Update

As of today compared to the same day last year, overall headcount enrollment for the spring 2023 semester is down by approximately 0.4 percent. This is an
improvement from the fall-over-fall census decline of 2.8 percent. UHM, Hawai‘i Community College, Honolulu Community College, and Windward Community College have experienced modest increases to spring-over-spring enrollment. Five of the university’s ten campuses have witnessed increases in spring student semester hours to date and there has been an over 15 percent increase in early college enrollments which the university is hoping will bode well for the college-going rate of public high school graduates in the future. President Lassner emphasized that the enrollment declines being experienced by the university are consistent with national trends and noted that an increase in students taking courses at multiple campuses does have an inflationary impact on duplicated headcount enrollment numbers.

The university also continues to monitor trends with respect to the instructional modalities being selected by students post-pandemic. As a system, slightly more than 53 percent of students were taking fully online courses, 26 percent took at least one fully online course, and 20 percent did not take any online courses during the fall semester of 2022. President Lassner noted that, while the number of students engaging in a fully online instructional modality has decreased from the height of the pandemic, it remains higher than what was observed pre-pandemic. However, the situation remains dynamic.

C. Extramural Funding and Federal Budget Bill Update

The university has received approximately $331.5 million in extramural funding to date, which represents slightly more than a 4 percent increase over the $318.4 million received as of the same day last year.

President Lassner remarked that the recently passed Federal Omnibus Spending Bill (Spending Bill) contained appropriations and congressionally directed spending initiatives that are very favorable to the university. He advised that these appropriations and projects have been widely reported on and communicated and highlighted one project of note given the meeting location at UHWO. A $1 million appropriation will help the university to build an indigenous data science hub that will develop sustainability solutions rooted in ancestral knowledge and indigenous practices. He stated that one of the primary goals of this indigenous data science hub will be to strengthen knowledge preservation using data visualization and technology-driven research focusing on energy security, food security, and place-based learning, and he highlighted that some of this work will be done in the Create X space in the Academy of Creative Media building on the UHWO campus.

It was noted that the Spending Bill also includes billions of dollars in nationwide higher-education funding with a large portion of these funds being directed towards support for minority serving institutions, including those serving Alaska Natives and Native Hawaiian, as well as Asian American and Native American Pacific Islander, populations. Moneys are also being allocated for the TRIO program, which assists individuals from disadvantaged backgrounds in obtaining a post-secondary education and the GEAR UP program, a college access program that provides students and families the services needed for college success. In addition, the maximum amount for annual Pell Grant awards has been increased for a second time in as many years.
Although not being provided directly to the university, President Lassner stressed that the increase in funding for these programs provides the university with additional chances to compete for and maximize federal funding opportunities.

D. SCR 201 Consultation Update

President Lassner spoke about some of the activities that have taken place regarding the proposals contained within the SCR 201 Task Force Report that was presented to the board at its November 17, 2022, meeting. Since that time, initial drafts of the proposed revisions to Executive and Regents Policies have been reviewed by the Office of General Counsel; a group made up of Vice Chancellors for Academic Affairs has been convened to review and edit the proposed policy revisions; and work has begun on ascertaining procedures to delineate between issues requiring formal consultation and those that are subject to collective bargaining, which may necessitate entering into a memorandum of agreement with the respective collective bargaining units to address changes in existing contracts. A summary of the amendments to Executive and Regents Policies that will be required in order to effectuate the proposals and an estimated timeframe for implementation was also provided.

E. Other

Although the university is no longer experiencing any significant impact related to COVID-19, it remains present in the community. The university continues to urge individuals to get vaccinated and obtain booster shots and will be holding a vaccine clinic on the UHM campus on January 26, 2023.

President Lassner discussed the process for selecting a new Athletic Director (AD) at UHM stating that any appointment to this position must be approved by the board. Given the level of interest in the UHM AD position, he expressed his belief that hiring a search firm will be unnecessary. Instead, he announced his intention to convene a small search advisory committee consisting of both university and community members that will screen applicants and provide a list of qualified candidates from which one individual can be selected for recommendation to the board for appointment. He noted that this was the same process used eight years ago that resulted in the successful selection and appointment of current AD David Matlin. He also emphasized that the search advisory committee has not been selected or appointed and that an announcement about its membership will occur in the coming weeks.

Last month the UHM Esports program was named the 2022 Best Collegiate Esports Program of the Year by Esports Awards. President Lassner acknowledged Chris Lee, Director and Founder of the systemwide Academy for Creative Media, Regent Emeritus Jan Sullivan, and UH Esports Director, Sky Kauweloa, all of whom have played a role in supporting and driving this successful systemwide program.

F. UHWO Campus Presentation

Chancellor Benham provided an overview of the nine degree programs offered by the six divisions that comprise UHWO and the Academy for Creative Media, as well as the concentrated areas of study contained within each program, noting that their
interdisciplinary nature provides UHWO with the ability to quickly respond to workforce and real-world needs. She highlighted UHWO’s interactive quick-facts dashboard which includes information on topics such as student demographics and academic programs of study, and reviewed data specifically related to enrollment, including enrollment trends and projections; degrees awarded; student retention rates; six-year graduation rates; distance education, average time-to-degree for first-time freshman and transfer students; and student diversity. She also spoke about the impact financial aid has on graduation rates at UHWO, noted that a large percentage of individuals earning a degree from UHWO are over the age of 25, and discussed efforts to increase awareness among community members about the monetary resources available to pursue a post-secondary education.

Noting post-pandemic changes to the method of educational instruction being selected by students, Chancellor Benham reviewed the characteristics of four course delivery methods used for the classes and programs offered at UHWO which include fully online, blended, hybrid, and fully in-person coursework modalities. She also went over spring-to-spring trend data related to each modality highlighting that, while there has been an increase in on-site class offerings amid a return to more traditional forms of course instruction, students opting for fully in-person classes at UHWO remain below pre-pandemic levels. It was noted that UHWO continues to gather and analyze data on the demands for various instructional modalities so that course offerings can be optimized to meet the needs of students.

In addition to optimizing course offering modalities, UHWO does face other academic and administrative challenges including recovering and increasing enrollment, boosting the on-campus presence, and aligning academic programming with workforce and economic needs, particularly those of West O‘ahu. Chancellor Benham talked about some of these challenges and discussed various strategic actions being taken to address these issues.

**Faculty Report**

Ka‘iulani Akamine, Chair of the UHWO Faculty Senate, provided an overview of operations, composition, and committee structure of the Faculty Senate and reported on several activities undertaken by the Faculty Senate over the past year. She stated that, in addition to providing the UHWO faculty with a voice in campus governance, the Faculty Senate strives to promote and improve communications and mutual understanding among faculty, students, administration, and the UHWO community. She also spoke about the changing roles of faculty given the volume and complexity of issues that students currently face; discussed the sense of responsibility felt by the Faculty Senate to serve as a campus steward and to continue its work towards fulfilling the campus strategic plan; highlighted several achievements of, and accolades received by, UHWO faculty members; noted innovative coursework developed by faculty resulting from the idea of personal kuleana; and went over some of the challenges encountered by UHWO faculty.

**Student Report**
Gabriel Navalta, former President of the Associated Students of the University of Hawai‘i – West O‘ahu (ASUH-WO), stated that he would be providing the student report on behalf of current ASUH-WO President Malie Moe who could not attend the meeting. He summarized the work of ASUH-WO during the prior academic year stating that these efforts were aimed at maintaining its primary role as an advocate for students while striving to refine campus infrastructure and learning environments in order to improve educational experiences and better meet student needs. While the current iteration of ASUH-WO has been attempting to build upon these efforts, it was noted that special elections are currently being planned to fill numerous vacancies on the chartered student organization.

Mr. Navalta also provided a snapshot of several student-led activities that are occurring at UHWO stating that undertakings such as the distribution of student-designed planners, the establishment of student-led webinar programs, the provision of mentorship and tutoring programs through student organizations, and the holding of academic symposiums and other community related events have served to increase campus and community engagement.

**Staff Report**

Therese Nakadomari, Information Technology Director at UHWO, explained that efforts are currently underway to establish a governing body at UHWO that represents the interests of staff. She discussed the purposes, expectations, and goals of the proposed staff senate and reviewed the steps that are being taken to form this entity which is expected to begin operating as an official campus governance organization by fall 2023.

**Kūlana o Kapolei**

Dr. Manulani Aluli Meyer, Konohiki for Kūlana o Kapolei, spoke about the collective stewardship activities of UHWO’s campus organizations, including the Nālimakui Council, Kapwa - the Filipino Council, and faculty and staff service programs. She expounded upon the essence and meaning of Kūlana, explaining that it is the activating energy of individual kuleana and promotes transformation via a shared purpose. She also stated that through the embodiment and practicing of the five established pahuhopu, or goals, of UHWO that were inspired by indigenous culture, campus organizations are able to foster a dynamic learning environment rooted in Native Hawaiian values. Initiatives and endeavors infused with the concepts of true wealth, excellence, and service to land and people within the community that serve to nurture relationships were also reviewed.

Referencing the statistics provided on enrollment by academic programs, Vice-Chair Wilson requested clarification about the low figures associated with the data analytics concentration given the growing importance of this subject matter. Chancellor Benham replied that data analytics is the newest concentration to be offered at UHWO and noted that enrollment in this specialized area of emphasis within the Bachelor of Arts in Business Administration is expected to increase over the next several semesters.
Vice-Chair Wilson asked if there were identifiable reasons for the decline in enrollment of Native Hawaiian students at UHWO considering the demographics of the surrounding community. Chancellor Benham responded that, while the number of Native Hawaiian students enrolled at UHWO has begun to stabilize, ascertaining an explanation for lower enrollment figures of a particular demographic is complex and challenging. The administration of UHWO continues to analyze the different cultural, socioeconomic, educational, and historical elements of the community that impact an individual’s decision to pursue a post-secondary education or enter the workforce. Additionally, UHWO personnel frequently work with area schools to ensure that students and families are given the opportunity to learn more about the near- and long-term benefits of a post-secondary education.

Vice-Chair Nahale-a expressed his belief that the efforts to embrace kuleana at UHWO has led to a greater sense of place that not only impacts a student’s educational experience, but also has a positive effect on the community it serves. However, he noted that quantitative metrics, such as the number of students in a classroom or the number of degrees awarded, are often used as a measurement of success, and asked about efforts to improve upon these criteria. Chancellor Benham described the approach being taken by UHWO to increase on-campus activity stating that these efforts are intended to strike a balance between qualitative and quantitative metrics as a measurement of the campus’ success. She also stated that UHWO serves as an educational hub for the community that allows individuals to further their knowledge, improve upon their skills, or earn a degree. As such, UHWO has endeavored to provide degree earning and other educational opportunities in a manner that is manageable for the West O'ahu community which consists of a large number of working adults.

Given his understanding that many students across the university system take advantage of UHWO’s distance education programming, Vice-Chair Wilson asked whether this information could be disaggregated to further highlight the successes being experienced by the campus despite having a lower on-campus presence. Chancellor Benham replied in the affirmative stating that this can be done via UHWO’s data dashboard.

Regent Mawae asked whether there continues to be an interest in taking online courses and whether they will still be offered as an alternative to in-person classes at UHWO. She also inquired about the availability of in-person classes at UHWO. Chancellor Benham stated that in-person classes tend to be better suited for the population served by UHWO which is one reason for the emphasis being placed on increasing an on-campus presence. However, there continues to be a desire for the convenience offered by online coursework and attempts are being made to strike a balance between the two instructional modalities. As for the availability of in-person classes, she stated that the student affairs committee and academic affairs committee engage in a collaborative process to determine sufficient coursework section availability to best meet the academic needs of students.

Regent Paloma echoed the sentiments expressed by Vice-Chair Nahale-a regarding UHWO’s efforts to develop a sense of place. She also commended the UHWO administration for its use of data in furthering the educational mission of the campus.
Chancellor Benham replied that one of the recommendations made during the campus’s accreditation visit was to better utilize data analysis to inform its decision-making and is something the administration seeks to continually improve on.

VII. REPRESENTATIVEAMY PERUSSO, CHAIR OF THE HOUSE COMMITTEE ON HIGHER EDUCATION AND TECHNOLOGY

Chair Moore remarked that Representative Amy Perruso, Chair of the House Committee on Higher Education and Technology, had requested to address the board but sent her regrets to the Board Office stating that she would be unable to attend due to a scheduling conflict.

VIII. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Planning and Facilities (P&F Committee)

B. University of Hawai‘i Health Partners (UHP)

C. Mauna Kea Stewardship and Oversight Authority (MKSOA)

D. Research Corporation of the University of Hawai‘i (RCUH)

E. Career and Technical Education Coordinating Advisory Council (CTECAC)

Chair Moore stated that the P&F Committee met immediately prior to the board meeting to discuss initiatives involving parcels of land at UHWO and the University of Hawai‘i at Hilo (UHH) noting that all regents were present at that meeting. He also referred regents to the respective affiliate reports for UHP, MKSOA, RCUH, and CTECAC, which were contained in the materials packet.

Vice-Chair Nahale-a, who serves as the Chair of the P&F Committee, pointed out that the committee recommended approval of the proposal related to the parcel of land at UHWO and recommended deferral of the proposal involving the parcel at UHH, which would be further reviewed at a special meeting in February.

IX. AGENDA ITEMS

A. Consent Agenda

1. Approval of Amendments to Regents Policy (RP) 2.203, Policy on Evaluation of the President and Other Persons Reporting Directly to the Board

2. Approval to Convey to the State of Hawai‘i Department of Transportation (HDOT) via Quitclaim Deed for an Approximate 5 – 7 Acre Parcel of Land Owned by University of Hawai‘i Adjacent to the University of Hawai‘i – West O‘ahu Campus (Tax Map Key Nos. (1) 9-1-016: 179, 183, and 220 (portions)) Pursuant to a Conveyance Agreement for the Construction, Operation, Maintenance and Repair of HDOT’s Farrington Highway Widening Project
3. Approval of Letters of Intent and a Long-Term Agreement for the Use of a Portion of the University of Hawai‘i at Hilo Campus Property (Tax Map Key No. (3) 2-4-001:122) to Develop and Operate a Photovoltaic Energy System Under a Power Purchase Agreement Between Hawaiian Electric Companies (HECO) Stage 3 Request for Proposals for Hawai‘i Island for the Supply of Qualified Renewable Energy Under HECO’s Renewable Dispatchable Generation Power Purchase Agreement

4. Approval of an Indemnification Provision in a Contract Issued by the British Council with the University of Hawai‘i

Given that the P&F Committee deferred action on Agenda Item IX.A.3., Chair Moore removed this matter from the consent agenda.

Regent Haning moved to approve the consent agenda with the exception of Agenda Item IX.A.3, seconded by Vice-Chair Wilson, and noting the temporary absence of Regent Higaki, the motion carried with all members present voting in the affirmative.

Chair Moore announced that Agenda Item IX.B would be discussed after the Executive Session and that Agenda Items IX.C, IX.D, and IX.F would be taken up at this time.

C. Review of the Executive Summary of the Annual Institutional Review of Graduate Medical Education (GME) Programs at the John A. Burns School of Medicine (JABSOM) for Academic Year 2021-2022

Lee Buenconsejo-Lum, M.D., Acting Dean and Associate Dean for Academic Affairs at JABSOM, explained that the annual institutional review of GME programs at JABSOM is a major component of the Accreditation Council for Graduate Medical Education’s accreditation process. She also introduced Susan Steinmann, M.D, who serves as the Designated Institutional Official for the GME Programs at JABSOM and would be able to answer any questions about contents of the materials provided to the board. While the board is required to review these materials, it was noted that no further action would be necessary since the meeting minutes will serve as certification for the purposes of the review of the executive summaries of the annual institutional reviews of GME programs at JABSOM for the 2021-2022 academic year. No questions about the report were raised by regents.

D. Approval of the Establishment and Naming of the Cades Foundation Term Professorship at the UHM William S. Richardson School of Law (WSRSL)

Provost Bruno provided information on a financial commitment of $500,000, pledged over a ten-year period for the establishment and naming of the Cades Foundation Term Professorship at WSRSL stating that additional details about this donation and its uses are contained within the materials provided to the board.

President Lassner offered his congratulations to VP Dolan, for his efforts in securing this financial commitment highlighting the uniqueness of this donation in that it is not
capital preserved but will provide greater funding versatility through an annual pledged income stream that will terminate at the conclusion of the commitment period.

Vice-Chair Wilson moved to approve the establishment and naming of the Cades Foundation Term Professorship at WSRSL, seconded by Vice-Chair Nahale-a, and the motion carried with all members present voting in the affirmative.

F. 2023 University of Hawai‘i Legislative Pre-Session Review and Legislative Budget Update

VP Young furnished a preview of the 2023 legislative session and updated the board on the university’s operating and capital improvement project (CIP) budget requests, highlighting several key elements of each. He also went over additional funding requests made by the Governor that were not contained within the university’s submitted budgets including the restoration of approximately $10 million to fund currently authorized general funded positions. While the Governor’s budget request for the university includes about $61 million in operating funds and $120 million in CIP funding in each year of the fiscal biennium, it was emphasized that the budget process is dynamic, and these figures will be adjusted throughout the course of the session. Information about the membership of the current legislature, including the House Committees on Finance and Higher Education and Technology and the Senate Committees on Ways and Means and Higher Education; briefings that were held regarding the university’s budget; and the legislative timetable was also presented.

Regent Tochiki asked if the administration could respond to recently raised questions about the relationship of the university’s budget request to the goals of its strategic plan and the provision of information about the disbursement of tuition monies in an easily understandable format. VP Young replied that the administration is working on delineating the relationships between the university’s budget request and its strategic plan. While particularizing the distribution of funds received by the university, based upon revenue source would be a difficult exercise given the complexity of the university’s budget, the various sources of funding received in addition to tuition revenues, and the multitude of operational uses for these monies, it is something that could be given future consideration.

Vice-Chair Nahale-a questioned whether alignment of the university’s expenditures with the imperatives contained within its strategic plan would help to convey the funding requirements of the university to the Legislature and the public. VP Young expressed his belief that this would be helpful in communicating to the public and the Legislature that the university responsibly manages the funds requested from the State and ultimately, the taxpayer. However, he cautioned that some of the funding requests, particularly those associated with the day-to-day operations of the university, may not necessarily be thought of as being strategic despite meeting a strategic purpose and that articulating this point may be challenging.

Discussion ensued on the intricacies and challenges of the budgeting process.

X. EXECUTIVE SESSION (closed to the public)
Regent Higaki moved to convene in executive session, seconded by Vice-Chair Wilson, and with all other members present voting in the affirmative, the board approved convening in executive session 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), Hawai‘i Revised Statutes.

The meeting recessed at 12:38 p.m.

Regent Higaki left at 1:27 p.m.

Chair Moore called the meeting back to order at 1:55 p.m. and announced that the board met in executive session to discuss matters as stated on the agenda.

XI. AGENDA ITEMS (CONTINUED)

B. Approval of the Tuition Schedule, 2023-2024 through 2026-2027

VP Halbert explained that the proposed tuition schedule for the 2023-2024 through 2026-2027 academic years was presented to the board at its October 20, 2022, meeting during which the administration presented details on each of the recommended tuition adjustments including factors taken into consideration when formulating the various proposals; the rationale and justification for the respective proposals, as well as their fiscal impacts on both the university and the students; and the process that would be used to seek and gather public input on this matter.

Since that time, the administration has held four open public meetings at campuses on Hawai‘i Island, Maui, Kaua‘i, and O‘ahu to inform students about, and receive comments on, the proposed tuition adjustments, with a fifth meeting being held to discuss tuition increases specific to the WSRSL. A website was also created to receive public comments on the proposals. In all, 62 persons attended the five meetings either in person or via zoom and 60 individuals, the majority of whom were students, submitted comments through a survey conducted online. VP Halbert spoke about the outcomes of the meetings along with the survey results, highlighting the most frequently mentioned concerns and the administration’s responses to those concerns.

Regent Bal asked about the extent of the tuition survey’s distribution and whether his understanding that responses were only received from 60 individuals was correct. VP Halbert replied that, despite numerous requests for feedback on the tuition schedule, multiple announcements regarding the tuition meetings, and widespread dissemination of information on the tuition survey by means of multiple forms of media, the administration only received 60 responses to the survey.

Regent Tochiki questioned whether each proposal received the same number of survey responses and asked if the responses could be disaggregated by enrollment status. VP Halbert answered that she believed there was an equivalent number of responses received for each proposal but would need to confirm that her supposition was correct. As for the enrollment categorization of respondents, the survey did not specifically ask for information about a student’s enrollment level and the administration
would be unable to make this determination based upon the content of the individual responses.

Given the numerous opportunities and the various modes afforded to provide comments, Regents expressed their surprise at the low number of responses received regarding the tuition proposals, although Regent Mawae opined that the number of comments received may not be an accurate reflection of the views of students.

Regent Mawae asked for historical context to the proposed tuition increase at WSRSL. Camille Nelson, Dean of WSRSL, noted that the law school’s tuition was last increased in 2016, which would mean that it will have been eight years since tuition adjustments were made at WSRSL, assuming the tuition schedule is approved as proposed and implementation of the increase occurs in the 2024 academic year as scheduled. She stated that, to the best of her knowledge, none of the law school’s peers faced a similar situation. She also expressed her concern about WSRSL’s ability to maintain its standards consistent with accreditation requirements if it does not receive additional resources to meet the needs of the law school and its students.

Regents voiced their support for the proposed tuition schedule, agreeing with the administration that it is fiscally responsible to proceed with gradual, small increases to deal with budget deficits rather than wait and be forced to make larger increases in the future. They also spoke about the value and quality of higher education offered by the university and commended the administration for its efforts in this matter.

Regent Mawae expressed her concerns about the proposed tuition increase.

Although she endorsed the proposed tuition schedule, Regent Tochiki urged the administration to continue to provide every opportunity for students to obtain financial aid and other assistance necessary to meet their basic needs.

Regent Mawae asked about the relationship between funding for UHM and the WSRSL, as well as the specific uses for the additional resources expected to be received by the law school from the tuition increase. VP Halbert replied that some of the proposed uses for the additional resources received by the law school were contained within the materials provided to the board. Dean Nelson pointed out that WSRSL leadership reached out to a number of student-oriented offices to gather information on the concerns, needs, and experiences of WSRSL students in order to generate ideas for the proposed uses of any additional revenues raised from the tuition increase. In light of these conversations, she stated that WSRSL intends to use funding received from the tuition increase to carry out its core endeavor and make additional resources available for extracurricular and other activities that enhance a law student’s educational experience. President Lassner stressed that all of the revenue obtained by WSRSL through its tuition adjustment would go directly back to the law school, adding that these funds would be derived from the differential between the law school’s tuition and the tuition for the rest of the UHM campus.

Vice-Chair Wilson moved to approve the 2023-2024 through 2026-2027 tuition schedule, seconded by Regent Haning, and noting the no vote of Regent Mawae and
the excused absence of Regent Higaki, the motion carried with all other members present voting in the affirmative.

XII. ANNOUNCEMENTS

Chair Moore announced that the next board meeting was scheduled for February 16, 2023, at the University of Hawai'i Maui College.

XIII. ADJOURNMENT

There being no further business, Chair Moore adjourned the meeting at 2:32 p.m.

Respectfully Submitted,

Jamie Go
Interim Executive Administrator and Secretary of the Board of Regents
Item IV.
Report of the President
A-E

NO MATERIALS
ORAL REPORT
Item VI.F.

Report of the President
UHMC Campus Report

MATERIALS
Aloha
Board of Regents
February 16, 2023
Chancellor Lui K. Hokoana
Enrollment & Demographics
Major Trends between Fall 2019 and Fall 2022

Trending up
- Creative Media
- Natural Science
- Applied Business Information Technology (ABIT)

Trending down
- Hawaiian Studies
- Hospitality and Tourism
- Sustainable Science
- Culinary Arts

Highest Enrolled Majors (Fall ’22)
- Liberal Arts
- ABIT
- Business Admin
- Nursing
- Culinary Arts
About UHMC Students - Fall 2022

**GENDER**
- Men: 60.1%
- Women: 33.7%
- No Data: 6.2%

**AGE**
- Less than 18 years: 6.5%
- 18 to 24 years: 24.4%
- 25 to 34: 15.8%
- 35 to 44 years: 8.0%
- 45 and over: 45.3%

**FIRST GENERATION**
- Yes: 43.8%
- No: 10.5%
- No Response: 45.7%

**HOME BASED ENROLLMENT**
- Home-Based Enrollment: 7.6%
- Not-Home Based: 92.4%
## Spring 2023 Enrollment as of 01/30 Compared to Spring 2022

<table>
<thead>
<tr>
<th>Category</th>
<th>Spring 2023</th>
<th>Spring 2022</th>
<th>% Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total</td>
<td>2,203</td>
<td>2,283</td>
<td>-3.5%</td>
</tr>
<tr>
<td>Home-Based Degree Seeking</td>
<td>1,487</td>
<td>1,626</td>
<td>-8.5%</td>
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<tr>
<td>Home-Based Unclassified</td>
<td>109</td>
<td>75</td>
<td>45.3%</td>
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<tr>
<td>Not-Home-Based</td>
<td>203</td>
<td>199</td>
<td>2.0%</td>
</tr>
<tr>
<td>Early Admit</td>
<td>404</td>
<td>383</td>
<td>5.5%</td>
</tr>
<tr>
<td>Filipino</td>
<td>508</td>
<td>475</td>
<td>6.9%</td>
</tr>
<tr>
<td>Hawaiian / Part-Hawaiian</td>
<td>635</td>
<td>727</td>
<td>-12.7%</td>
</tr>
<tr>
<td>Men</td>
<td>734</td>
<td>691</td>
<td>6.2%</td>
</tr>
<tr>
<td>Women</td>
<td>1,329</td>
<td>1,395</td>
<td>-4.7%</td>
</tr>
<tr>
<td>Freshman-Classified &amp; First Time</td>
<td>84</td>
<td>96</td>
<td>-12.5%</td>
</tr>
<tr>
<td>Transfer</td>
<td>114</td>
<td>106</td>
<td>7.5%</td>
</tr>
<tr>
<td>Returning</td>
<td>198</td>
<td>124</td>
<td>59.7%</td>
</tr>
<tr>
<td>Other (Other Entering/NonCred/ContEd Conversion)</td>
<td>425</td>
<td>420</td>
<td>1.2%</td>
</tr>
<tr>
<td>Continuing</td>
<td>1,382</td>
<td>1,537</td>
<td>-10.1%</td>
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</tbody>
</table>
Fall Enrollment

Enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
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</thead>
<tbody>
<tr>
<td>Fall 2018</td>
<td>3092</td>
</tr>
<tr>
<td>Fall 2019</td>
<td>2992 (-3.2%)</td>
</tr>
<tr>
<td>Fall 2020</td>
<td>2936 (-1.9%)</td>
</tr>
<tr>
<td>Fall 2021</td>
<td>2724 (-7.2%)</td>
</tr>
<tr>
<td>Fall 2022</td>
<td>2472 (-9.3%)</td>
</tr>
</tbody>
</table>

Full-Time/Part-Time Enrollment

- Full-Time Status
- Part-Time Status

<table>
<thead>
<tr>
<th>Year</th>
<th>Full-Time</th>
<th>Part-Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall 2018</td>
<td>2098</td>
<td>999</td>
</tr>
<tr>
<td>Fall 2019</td>
<td>1986</td>
<td>1006</td>
</tr>
<tr>
<td>Fall 2020</td>
<td>2093</td>
<td>843</td>
</tr>
<tr>
<td>Fall 2021</td>
<td>1987</td>
<td>737</td>
</tr>
<tr>
<td>Fall 2022</td>
<td>1863</td>
<td>609</td>
</tr>
</tbody>
</table>
UHMC Enrollment from Maui County DOE
Early College Enrollment

<table>
<thead>
<tr>
<th>Year</th>
<th>Enrollment</th>
<th>Change</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fall 2018</td>
<td>401</td>
<td></td>
</tr>
<tr>
<td>Fall 2019</td>
<td>427</td>
<td>6.1%</td>
</tr>
<tr>
<td>Fall 2020</td>
<td>453</td>
<td>5.7%</td>
</tr>
<tr>
<td>Fall 2021</td>
<td>452</td>
<td>-0.2%</td>
</tr>
<tr>
<td>Fall 2022</td>
<td>555</td>
<td>18.6%</td>
</tr>
</tbody>
</table>
Course Modality

- **FALL 2018**: 58% IN PERSON, 42% ONLINE
- **FALL 2019**: 66% IN PERSON, 34% ONLINE
- **FALL 2020**: 77% ONLINE
- **FALL 2021**: 61% ONLINE
- **FALL 2022**: 53% ONLINE
## UHMC Apprenticeship Enrollment

<table>
<thead>
<tr>
<th>Apprenticeship</th>
<th>FY 2019</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apprenticeship</td>
<td>806</td>
<td>506</td>
<td>636</td>
<td>719</td>
<td>786</td>
</tr>
</tbody>
</table>

*FY 2023 year does not end until 06/30/2023*
Performance Measures
Degrees & Certificates

Native Hawaiian Degrees

Pell Recipient Degrees
STEM UHMC Degrees

Transfers to UH 4-Year

STEM UHMC + 4-YR Degrees

Transfers to Any 4-Year
Reimagining Higher Education for Maui Nui

UHMC Strategic Plan

- **Native Hawaiian Sense of Place**
  - Establish a NH center at UHMC

- **Student Success**
  - Increase enrollment in credit and non credit programs at UHMC

- **Workforce Development**
  - Create a Workforce Development Center at UHMC

- **Innovation**
  - Develop 4 innovation hubs at Maui College
    - Sustainability
    - Cybersecurity / Data Science
    - Wellness
    - Food Security
Enrollment
● Learn what we don’t know to address new enrollment dynamic post-covid.
  ○ Dropping high school enrollments
  ○ Competition from the economy
  ○ Retention
  ○ Opt-out culture

Space Utilization
● Enter into community partnerships to expand student learning and serve the Maui Nui community.
  ○ Community-Based Outreach Clinic (CBOC)
  ○ Community Dental Clinic
  ○ ‘Aha Pūnana Leo Preschool / Public Charter Preschool
  ○ On-campus & off-campus DOE partnerships
    ■ Alternative Learning Center
    ■ Teaching English on Lāna‘i
Student Life

Bre Rodrigues
President, ASUH-MC
Student Engagement Post Pandemic

- Encourage Collaboration
- Clubs (NSLS, PTK, Kabatak, Business, Culinary, SOS)
- Virtual Tour
- Full Measure
- Fulfilling Autonomy
Cultivating Wellness

- Real Age Test
- Share Care
- Partnership With Nursing Cohort under Van Ho’s Leadership
- Personal Training Now Available!
- Maui Fit
  - UH Maui Health & Wellness Initiative
  - Maui Fit Equipment/ Usage Orientation
Lauʻulu
UHMC Native Hawaiian Council

Aubrey Matsuura
Chair
Native Hawaiian Student Success

- Enrollment: NH enrollment is declining
- Working to understand the current trend and address the decline, while also supporting and retaining existing students
- Data driven - Analyzing metrics and reasoning
- Action: Reach out to high schools to assist with applications, onboarding, etc.
- Action: Organize educational event series to create a strong sense of place, highlight Hawaiian research and scholarship, and promote campus engagement
Native Hawaiian Student Center

- Create a NH student center to serve students and campus community
  - One of only a few UH campuses without a dedicated NH Center
- UHMC Student Support Services - create a 'one stop' for wrap around services where we can address the whole student
- Action: Design NH Center
Academic Senate

UHMC Academic Senate - Composition

Group A - Instructional Faculty
Group B - Non-Instructional Faculty
Group C - APTs
Group D - Lauʻulu

(selected from Groups A-B-C)

Group E - Lecturers

With Benefits - 8 or more credits
W/o Benefits - Less than 8 credits

Spring Semester 2023

- Group A + B (BU 07) - 87
- Group C (BU 08 and 78) - 63
- Group D - 37
- Lecturers with 8 or more credits - 33
- Lecturers with less than 8 credits - 49

Senate Officers

- Chair - Debasis Bhattacharya
- Vice Chair - Kathleen Hagan
- Secretary - Samantha Bowe
- Parliamentarian - Kealii Ballao
Key Senate Initiatives - AY 2022-23

**UH Strategic Plan - 2023-2029**
- Senate reviewed the overall UH Plan
- Senate contributed to the UHMC Plan
- Innovation Hubs for Applied Research Projects

**GenEd Redesign - 2021-2022-2023**
- Participated in System-wide review
- Various groups provided input/ideas
- Campus lead will consolidate ideas
- Senate will review final doc in April 2023
- Vote in May 2023

**Teaching Modality post-Covid**
- In-person classes
- Hybrid - In-person and over Zoom
- Online - Async or Sync Zoom

**Office of Innovation and Commercialization**
- Innovation and Entrepreneurship!
- Learning Management System - Vendor Review by System-wide team
- 2 Campus Reps + Student Rep
Mahalo
MEMORANDUM

TO: Randy Moore, Chairperson
University of Hawai‘i Board of Regents

VIA: David Lassner, President
University of Hawai‘i

FROM: Tim Dolan, Vice President of Advancement
University of Hawai‘i Foundation

SUBJECT: UH Foundation Report

DATE: February 7, 2023

Please find information submitted by the Foundation for the February 16 Board of Regents meeting:

- Development Operations Report as of December 31, 2022 for FY 2023
- Funds Raised Leadership Report by Campus as of December 31, 2022 for FY 2016 through FY 2023
- Funds Raised by Source, Gift Type, Account Category and Purpose as of December 31, 2022 for FY 2023
- Funds Expended by UH Programs as of December 31, 2022 for FY 2020 through FY 2023

Thank you for your assistance and please let us know if anything further is needed or required.

Attachments
Development Operations
Fiscal Year 2023
As of 12/31/2022
All dollars in thousands

Fundraising Result Summary
Fundraising Result (07/01/2022 - 12/31/2022): $61.2 M

<table>
<thead>
<tr>
<th>Account Type</th>
<th>Gifts &amp; Pledges</th>
<th>Deferred Gifts</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Endowment</td>
<td>$4,002</td>
<td>$1,582</td>
<td>$5,584</td>
</tr>
<tr>
<td>Expendable</td>
<td>$38,802</td>
<td>$1,413</td>
<td>$40,215</td>
</tr>
<tr>
<td>Revocable Deferred Gifts</td>
<td>$0</td>
<td>$8,106</td>
<td>$8,106</td>
</tr>
<tr>
<td>Gifts-In-Kind</td>
<td>$576</td>
<td>$0</td>
<td>$576</td>
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<tr>
<td>Grants Directly to UH</td>
<td>$6,746</td>
<td>$0</td>
<td>$6,746</td>
</tr>
<tr>
<td>Total</td>
<td>$50,126</td>
<td>$11,101</td>
<td>$61,227</td>
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</table>

Comparison to Previous Fiscal Year

<table>
<thead>
<tr>
<th></th>
<th>Number of Major Gifts</th>
<th>Major Gifts Total</th>
<th>Number of Annual Gifts &lt;$25k</th>
<th>Annual Gifts Total</th>
<th>Gifts Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Fiscal Year</td>
<td>241</td>
<td>$53,916</td>
<td>13,664</td>
<td>$7,311</td>
<td>$61,227</td>
</tr>
<tr>
<td>Previous Fiscal Year</td>
<td>256</td>
<td>$128,816</td>
<td>13,840</td>
<td>$6,574</td>
<td>$135,390</td>
</tr>
<tr>
<td>Comparison Favorable/(Unfavorable)</td>
<td>(15)</td>
<td>($74,900)</td>
<td>(176)</td>
<td>$737</td>
<td>($74,163)</td>
</tr>
</tbody>
</table>

**Current Fiscal Year**
- 241 major gifts accounted for 88% of the total funds raised
- 12% of total funds raised

**Previous Fiscal Year**
- 256 major gifts accounted for 95% of the total funds raised
- 5% of total funds raised
# Funds Raised Leadership Report

## Fiscal Years 2016-2023


*All dollars in thousands*  
(Gifts, Pledges, Matching Gifts, Gifts in Kind, Grants and Planned Gifts)

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Manoa</td>
<td>$19,211</td>
<td>$24,093</td>
<td>$24,897</td>
<td>$24,040</td>
<td>$19,372</td>
<td>$50,845</td>
<td>$119,502</td>
<td>$41,179</td>
</tr>
<tr>
<td>Hilo</td>
<td>$2,409</td>
<td>$1,843</td>
<td>$2,507</td>
<td>$1,165</td>
<td>$1,919</td>
<td>$1,865</td>
<td>$4,812</td>
<td>$2,674</td>
</tr>
<tr>
<td>West Oahu</td>
<td>$1,009</td>
<td>$122</td>
<td>$439</td>
<td>$315</td>
<td>$540</td>
<td>$532</td>
<td>$100</td>
<td>$516</td>
</tr>
<tr>
<td>Hawaii CC</td>
<td>$260</td>
<td>$165</td>
<td>$613</td>
<td>$1,119</td>
<td>$550</td>
<td>$1,499</td>
<td>$171</td>
<td>$958</td>
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<tr>
<td>Honolulu CC</td>
<td>$279</td>
<td>$123</td>
<td>$73</td>
<td>$1,182</td>
<td>$229</td>
<td>$460</td>
<td>$84</td>
<td>$622</td>
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<tr>
<td>Kapiolani CC</td>
<td>$750</td>
<td>$620</td>
<td>$1,422</td>
<td>$2,408</td>
<td>$686</td>
<td>$1,956</td>
<td>$2,349</td>
<td>$3,478</td>
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<tr>
<td>Kauai CC</td>
<td>$636</td>
<td>$327</td>
<td>$248</td>
<td>$517</td>
<td>$500</td>
<td>$173</td>
<td>$562</td>
<td>$900</td>
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<tr>
<td>Leeward CC</td>
<td>$93</td>
<td>$190</td>
<td>$55</td>
<td>$89</td>
<td>$174</td>
<td>$84</td>
<td>$1,905</td>
<td>$267</td>
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<tr>
<td>Maui College</td>
<td>$898</td>
<td>$546</td>
<td>$465</td>
<td>$313</td>
<td>$726</td>
<td>$532</td>
<td>$848</td>
<td>$801</td>
</tr>
<tr>
<td>Windward CC</td>
<td>$84</td>
<td>$362</td>
<td>$241</td>
<td>$51</td>
<td>$1,522</td>
<td>$300</td>
<td>$523</td>
<td>$104</td>
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<tr>
<td>Multi-Campuses</td>
<td>$6,563</td>
<td>$8,269</td>
<td>$5,639</td>
<td>$4,109</td>
<td>$3,327</td>
<td>$5,076</td>
<td>$4,534</td>
<td>$9,728</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>$32,193</strong></td>
<td><strong>$36,661</strong></td>
<td><strong>$36,600</strong></td>
<td><strong>$35,308</strong></td>
<td><strong>$29,544</strong></td>
<td><strong>$63,321</strong></td>
<td><strong>$135,390</strong></td>
<td><strong>$61,227</strong></td>
</tr>
</tbody>
</table>
Funds Raised By Source, Gift Type, Account Category and Purpose

Fiscal Year 2022
As of December 31, 2022
All dollars in thousands

**Funds Raised by Source**
- Alumni: $9,111
- Faculty & Staff: $1,335
- Friends: $27,437
- Corporations: $7,566
- Foundations: $12,693
- Other Organizations: $3,086

**Funds Raised by Gift Type**
- Gifts and Pledges: $42,804
- Deferred Gifts: $11,101
- Grants: $6,746
- Gifts-In-Kind: $576

**Funds Raised by Account Category**
- Grants: $14,042
- Gifts-In-Kind: $576
- Revocable Gifts: $8,106
- Endowment: $5,584
- Expendable: $40,215

**Funds Raised by Purpose**
- Research: $10,560
- Faculty and Academic Support: $23,508
- Capital Improvement: $130
- Other Programs: $12,526
- Student Aid and Services: $14,503
## Funds Expended by UH Programs

### Fiscal Years 2020-2023

As of December 31, 2019, 2020, 2021, 2022

*All dollars in thousands*

<table>
<thead>
<tr>
<th>Purpose</th>
<th>FY 2020</th>
<th>FY 2021</th>
<th>FY 2022</th>
<th>FY 2023</th>
<th>Total</th>
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<tbody>
<tr>
<td>Student Aid &amp; Services</td>
<td>$5,360</td>
<td>$5,933</td>
<td>$6,795</td>
<td>$7,308</td>
<td>$20,781</td>
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<td>Faculty &amp; Academic Support</td>
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<td>$3,182</td>
<td>$3,975</td>
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<td>$18,445</td>
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<td>Research</td>
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<td>$1,758</td>
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<td>Capital Projects</td>
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<td>$598</td>
<td>$4,282</td>
<td>$1,242</td>
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<td>Athletics</td>
<td>$898</td>
<td>$643</td>
<td>$2,269</td>
<td>$1,306</td>
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<td>Other Programs</td>
<td>$4,144</td>
<td>$4,050</td>
<td>$5,219</td>
<td>$5,191</td>
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<td><strong>Total</strong></td>
<td><strong>$20,781</strong></td>
<td><strong>$18,445</strong></td>
<td><strong>$24,297</strong></td>
<td><strong>$24,436</strong></td>
<td><strong>$96,755</strong></td>
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</table>
Funds Expended by UH Programs, continued

Fiscal Years 2020-2023
As of December 31, 2019, 2020, 2021, 2022

All dollars in thousands
UNIVERSITY OF HAWAII FOUNDATION  
Statement of Operations- Unaudited  
For the Fiscal Periods Ending December 31, 2022, 2021, 2020 and 2019

<table>
<thead>
<tr>
<th></th>
<th>December 31, 2022</th>
<th>December 31, 2021</th>
<th>December 31, 2020</th>
<th>December 31, 2019</th>
</tr>
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<tbody>
<tr>
<td><strong>REVENUES:</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Unrestricted gifts</td>
<td>$ 210,595</td>
<td>$ 206,292</td>
<td>$ 613,937</td>
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<td>Income from expendable accounts</td>
<td>1,765,113</td>
<td>1,359,123</td>
<td>(435,441)</td>
<td>1,955,966</td>
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<td>Income from endowment accounts</td>
<td>2,823,717</td>
<td>2,478,114</td>
<td>2,161,856</td>
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<td>Service fee on gifts and non-gifts</td>
<td>1,924,987</td>
<td>2,505,864</td>
<td>1,322,157</td>
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<td>UH contract for services</td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>1,500,000</td>
<td>1,500,000</td>
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<tr>
<td>Other payments from UH &amp; UHAA</td>
<td>200,230</td>
<td>223,443</td>
<td>187,397</td>
<td>222,584</td>
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<td><strong>Total Revenues</strong></td>
<td>$ 8,424,641</td>
<td>$ 8,272,836</td>
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<td><strong>EXPENSES</strong></td>
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<td></td>
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<tr>
<td>Development</td>
<td></td>
<td></td>
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<tr>
<td>Personnel</td>
<td>$ 3,086,125</td>
<td>$ 2,914,649</td>
<td>$ 2,900,855</td>
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<td>693,731</td>
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<td>Campaign</td>
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<td>-</td>
<td>-</td>
<td>3,200</td>
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<td>Alumni Relations</td>
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<td>Personnel</td>
<td>242,614</td>
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<td>Program</td>
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<td>58,542</td>
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<tr>
<td>Service &amp; Support</td>
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<td>Personnel</td>
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<td>Program</td>
<td>264,656</td>
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<td>240,572</td>
<td>297,635</td>
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<td>UH Support Fund</td>
<td>75,000</td>
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<td>75,000</td>
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<td>King Street Office</td>
<td>301,032</td>
<td>265,808</td>
<td>271,131</td>
<td>273,770</td>
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<td><strong>Total Expenses</strong></td>
<td>$ 6,606,357</td>
<td>$ 6,055,526</td>
<td>$ 5,896,876</td>
<td>$ 6,104,414</td>
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<td><strong>Net Revenues Over(Under) Expenses</strong></td>
<td>$ 1,818,284</td>
<td>$ 2,217,310</td>
<td>$ (546,970)</td>
<td>$ 1,877,809</td>
</tr>
</tbody>
</table>
Board of Regents
Tim Dolan, Vice President of Advancement

FEBRUARY 16, 2023
# Funds Raised Leadership Report FY16-23

As of December 31, 2022  |  All dollars in thousands  |  Includes Gifts, Pledges, Matching Gifts, Gifts in Kind, Grants and Planned Gifts

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
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<tbody>
<tr>
<td>Manoa</td>
<td>$19,211</td>
<td>$24,093</td>
<td>$24,897</td>
<td>$24,040</td>
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<td>$50,845</td>
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<td>Hilo</td>
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<td>$2,507</td>
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<td>$1,865</td>
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<td>West Oahu</td>
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<td>$439</td>
<td>$315</td>
<td>$540</td>
<td>$532</td>
<td>$100</td>
<td>$516</td>
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<td>Hawaii CC</td>
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<td>$1,499</td>
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<td>$958</td>
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<tr>
<td>Honolulu CC</td>
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<td>$622</td>
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<td>Kapiolani CC</td>
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<td>$620</td>
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<td>$686</td>
<td>$1,956</td>
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<td>$3,478</td>
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<tr>
<td>Kauai CC</td>
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<td>$517</td>
<td>$500</td>
<td>$173</td>
<td>$562</td>
<td>$900</td>
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<tr>
<td>Leeward CC</td>
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<td>$190</td>
<td>$55</td>
<td>$39</td>
<td>$174</td>
<td>$84</td>
<td>$1,905</td>
<td>$267</td>
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<tr>
<td>Maui College</td>
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<td>$546</td>
<td>$485</td>
<td>$313</td>
<td>$726</td>
<td>$532</td>
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<td>$801</td>
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<tr>
<td>Windward CC</td>
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<td>$241</td>
<td>$51</td>
<td>$1,522</td>
<td>$300</td>
<td>$523</td>
<td>$104</td>
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<tr>
<td>Multi-Campuses</td>
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<td>$5,639</td>
<td>$4,109</td>
<td>$3,827</td>
<td>$5,076</td>
<td>$4,534</td>
<td>$9,728</td>
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<tr>
<td><strong>Totals</strong></td>
<td><strong>$32,193</strong></td>
<td><strong>$36,661</strong></td>
<td><strong>$36,600</strong></td>
<td><strong>$35,308</strong></td>
<td><strong>$29,544</strong></td>
<td><strong>$63,321</strong></td>
<td><strong>$135,390</strong></td>
<td><strong>$61,227</strong></td>
</tr>
</tbody>
</table>
Comprehensive Campaign: Quiet Phase

As of 02/06/2023:
48% of $1B Goal
$484,608,617 raised
Agenda Items:

A. Recommend Board Approval of Letters of Intent (LOI) and a Long-Term Agreement (LTA) for the Use of a Portion of the University of Hawai‘i at Hilo Campus Property (Tax Map Key No. (3) 2-4-001:122) to Develop and Operate a Photovoltaic (PV) Energy System Under a Power Purchase Agreement Between Hawaiian Electric Companies (HECO) Stage 3 Request for Proposals for Hawai‘i Island for the Supply of Qualified Renewable Energy (Stage 3 RFP) Under HECO’s Renewable Dispatchable Generation Power Purchase Agreement

Michael Shibata, Director of the Office of Strategic Development and Partnership, provided a synopsis of the process used to solicit proposals from renewable energy developers intending to respond to HECO’s Stage 3 RFP. He also presented information on the parcel under consideration for this project; reviewed the university’s critical milestones and timelines for the project, key terms of a binding LOI, necessary board actions, projected next steps, and some of the benefits that will be afforded to the university, State, HECO, and the community by this proposal; and highlighted some of the community engagement efforts that have occurred on this matter to date. It was emphasized that the university’s role in this project is only as a landowner.

Officials from HECO spoke about HECO’s efforts to procure renewable energy generation from large scale, utility-sized projects, including from ventures located on Hawai‘i Island. They also went over details specific to the HECO’s Stage 3 RFP; provided an overview of HECO’s renewable energy procurement process; expounded upon HECO’s community engagement efforts; noted several community outreach requirements that will be imposed upon the selected renewable energy developer; highlighted a number of community benefit requirements included in the RFP; emphasized that opportunities for the public to provide comment on the proposal are embedded throughout the procurement process; and went over the current Stage 3 RFP schedule.

Discussions ensued on various aspects of the project including community outreach efforts; benefits of the project; potential community concerns; project site improvements and restoration efforts; and the generation of revenue for the university, as well as its dispersal.

Action: The committee recommended board approval of LOI and a LTA for the use of a portion of UHH campus property to develop and operate a PV energy system under a power purchase agreement between HECO’s Stage 3 RFP under HECO’s renewable dispatchable generation power purchase agreement.
Agenda Items:

A. General Education (Gen Ed) Redesign Update

Debora Halbert, Vice President (VP) for Academic Strategy, provided a brief history on the administration’s efforts to examine and revamp the Gen Ed curriculum. She also reviewed the procedures used to formulate the initial Gen Ed curriculum redesign plan; discussed several guiding principles utilized throughout the redesign process; noted efforts to solicit input and feedback on the original proposal; spoke about faculty engagement initiatives as well as the pursuit of formal consultation on the redesign plan; and went over revisions made to the initial proposal. Based upon feedback received on the most current Gen Ed redesign plan, a conference committee was convened to discuss and resolve any lingering concerns. It is anticipated that a final draft of the proposal will be ready for board approval by the end of the academic year at which time the administration will begin the process of implementing any necessary academic changes.

B. Small Program Policy Review and Discussion

VP Halbert reviewed policies regarding the provision of two academic reports to the board, including a report about programs with a small number of graduates and a report on the overview of academic program reviews conducted at each campus during the prior academic year. She noted that the foundation for these reports is contained within Executive Policy 5.229 and provided a synopsis of this policy highlighting parameters that will prompt a program review, in addition to the elements and potential outcomes of the assessment. She also spoke about the overall impact of these reports on unit level planning for program redesign and collaboration, as well as determining plans for future academic programming, and went over questions that should be considered when contemplating policy revisions.
Agenda Items:

A. Research Project Briefing: “Advancing the Innovation Ecosystem in Hawai‘i”
   Presentation by the University of Hawai‘i Office of Innovation and Commercialization (OIC)

Steven Auerbach, Interim Director of OIC, offered insights into some of the work conducted by OIC over the past 18-months including operational enhancement efforts. He also spoke about the university’s importance to developing and nurturing new economic sectors in Hawai‘i; noted the alignment of OIC’s mission with the economic diversification through research and innovation imperative contained within the university’s 2023-2029 Strategic Plan; reviewed the tenets of OIC’s plan to increase innovation commercialization at the university; and highlighted the some of the successes experienced by OIC thus far. Several partnerships and programs in which OIC is actively engaged were also reviewed.

B. Research Corporation of the University of Hawai‘i (RCUH) Presentation

Leonard Gouveia, Jr., Executive Director of RCUH, provided a historical overview of RCUH along with the rationale for its creation. He reviewed RCUH's organizational structure; noted changes made to the composition of the RCUH Board of Directors since the 1990s; touched upon various exemptions from State procurement, civil service, and accounting laws that were given to RCUH; spoke about the services provided by RCUH; went over information on revenue sources and revenue and expenditure amounts for fiscal year 2022; and talked about the four goals contained within RCUH’s 2022-2026 Strategic Plan. He also discussed RCUH’s priorities for 2023.

C. Recommend Board Approval of Amendments to Regents Policy (RP) 6.203, Attachment 1, Board of Regents Approved Fees

VP Syrmos provided the rationale for the administration’s request to amend RP 6.203, Attachment 1, Board of Regents Approved Fees, stating the amendment would allow the university to collect fees related to the Research Recharge Center (RRC) Special Fund accounts and emphasizing that board has sole authority over the establishment of university fees. He spoke about the administration’s review of revolving fund accounts currently in existence within RCUH noting that a decision was made to transfer control of these accounts to university in order to implement oversight, promote transparency, and ensure compliance with federal regulations and university policies and procedures. He also expounded upon the purposes of an RRC; gave examples of RRCs in existence at the university, as well as the special fund accounts associated with these recharge centers; and discussed the methodology used to calculate RRC fees.

Action: The committee voted to recommend board approval of the proposed amendments to RP 6.203, Attachment 1, Board of Regents approved fees.

D. Fiscal Year 2023 (FY23) Mid-Year Extramural Awards Update

1. FY 23 Mid-Year Extramural Awards Analysis
2. FY 23 Mid-Year Research and Innovation Metrics Summary
3. FY 23 Monthly Report of Extramural Awards (as of December 31, 2022)
VP Syrmos reported that the university received approximately $322.6 million in extramural awards as of December 31, 2022, which was approximately 4.5 percent higher than the same period in FY 2022. He indicated that, if current trends continue, the university anticipates receiving in excess of $500 million in extramural research funding for the second year in a row. It was noted that more detailed information was contained within the materials packet.
January 12, 2023

TO: Randolph G. Moore  
Chairperson, Board of Regents

Alapaki Nahale-a  
Chair, Committee on Planning and Facilities  
Board of Regents

VIA: David Lassner  
President

Kalbert K. Young  
Vice President for Budget and Finance/Chief Financial Officer

FROM: Bonnie Irwin  
Chancellor

University of Hawai‘i at Hilo

SUBJECT: Approval of Letters of Intent and a Long-Term Agreement for the Use of a Portion of the University of Hawai‘i at Hilo campus property (Tax Map Key No. (3) 2-4-001: 122) to develop and operate a photovoltaic energy system under a power purchase agreement between Hawaiian Electric Companies Stage 3 Request for Proposals for Hawaii Island for the Supply of Qualified Renewable Energy Under HECO’s Renewable Dispatchable Generation Power Purchase Agreement

SPECIFIC ACTIONS REQUESTED:

We request the following as further discussed herein:

1. **Committee on Planning and Facilities:** Recommend to the Board of Regents the approval of Letters of Intent (“LOI”) with prospective photovoltaic energy system (“PV”) developers (“Developers”), for the long-term use of certain lands within the University of Hawai‘i at Hilo (“UHH”) campus property (“UHH Property”) to construct, operate, maintain and repair a PV System, consistent with the terms contained in the attached Major Term Sheet, and authorization for the President and/or the Vice President for Budget and Finance/Chief Financial Officer to execute the LOIs with qualified
Developers and such other documents and take any further action as they deem necessary to effectuate the LOIs, including finalizing and executing a long-term agreement (such as a lease, use and occupancy agreement, easement or similar use agreement) ("Long-Term Agreement") with the Developer selected ("Awardee") by Hawaiian Electric Companies ("HECO") to deliver a supply of qualified renewable energy to HECO's system under a HECO power purchase agreement ("PPA") from the UHH Property.

2. **Board of Regents:** If the Committee on Planning and Facilities approves the above recommendation, approval of the LOIs and authorization for the President and/or the Vice President for Budget and Finance/Chief Financial Officer to execute the LOIs, the Long-Term Agreement and such other documents and take any further action as they deem necessary to effectuate the LOIs, including finalizing and executing the Long-Term Agreement with the Awardee to deliver a supply of qualified renewable energy (solar generated power) to HECO's system under the PPA.

**RECOMMENDED EFFECTIVE DATE:**

Upon approval of the Board of Regents.

**ADDITIONAL COST:**

The LOIs and the Long-Term Agreement are not anticipated to increase costs to the University of Hawai‘i ("University"). The Awardee will be responsible for all costs relating to the construction, operation, maintenance and repair of the PV System, including any improvements and utility service and connections.

**BACKGROUND:**

1. **HECO Stage 3 Hawai‘i Island Request for Proposals:**

   In November 21, 2022, HECO issued its Stage 3 Hawai‘i RFP, seeking proposals to acquire up to 325 gigawatt hours annually of solar energy, and up to 65 megawatts of capacity to meet potential energy reserve margin needs for the Hawai‘i Island electrical system. The Stage 3 Hawai‘i RFP was approved by the State of Hawai‘i Public Utilities Commission by Order issued on October 17, 2022.

   Under the Stage 3 Hawai‘i RFP, the Developer is to be responsible for determining the PV System's location on Hawai‘i Island ("Project Site"). The Developer is also responsible for working directly with landowners to secure "site control" of the Project Site prior to submitting any proposal to HECO. "Site control" under the Stage 3 Hawai‘i RFP requires that the Developer provide to HECO documentation confirming that the Developer: (1) owns the Project Site; (2) has obtained a leasehold interest for at least twenty (20) years in the Project Site (equal to the minimum 20-year term of the PPA);
or (3) has secured an executed option agreement to purchase or lease the Project Site for at least twenty (20) years, which option agreement need not be exclusive to the Developer and may be contingent upon selection of the Developer as the Awardee. For government- or publicly-owned lands, the Developer must provide a credible and viable plan, including evidence of any steps taken to date, to secure all necessary approvals from the government agency or authorities.

On or around December 1, 2022, the University issued an invitation to submit LOIs via the Hawai‘i eProcurement System seeking Developers interested in submitting LOIs and entering into the Long-Term Agreement to use the UHH Property as the Project Site. Each Developer was required to certify that it had demonstrated experience and skill in designing, developing, operating, and maintaining electricity generation projects, particularly renewable energy and photovoltaic and solar energy systems, as well as the financial resources and strength to complete and operate such projects.

In order to submit its proposal to HECO in response to HECO’s Stage 3 Hawai‘i RFP, each Developer will need an executed LOI for the Property in order to demonstrate the requisite “site control” and steps taken to secure necessary approvals for government-owned land. The deadline to submit proposals to HECO pursuant to HECO’s Stage 3 Hawai‘i RFP, including an executed LOI, is February 23, 2023.

Thereafter, HECO will evaluate all proposals and may select one (1) single Developer as the Awardee of the PPA to install and operate the PV System on the UHH Property. Note that the University has no involvement whatsoever in the HECO Stage 3 Hawai‘i RFP or its evaluation of proposals submitted in response thereto. The University’s only role is as landowner of the UHH Property, which may be utilized if HECO, in its sole discretion, selects one (1) of the Developers as the Awardee for the PPA covering the UHH Property.

HECO’s evaluation and selection process is based upon price and non-price factors, including impacts to customers and communities. HECO may also choose not to select any Developer for the UHH Property. Upon selection of the Awardee, HECO and the Awardee will execute a PPA under which the solar generated energy will be delivered to HECO’s system on Hawai‘i Island. If HECO selects one (1) of the Developers as the Awardee for the PPA covering the UHH Property, then at or around this time, the Awardee will also work with the University to finalize the Long-Term Agreement for use of the UHH Property to construct, operate, maintain and repair the PV System for at least a 20-year term.

As set forth above, the LOI with each Developer will be consistent with the terms and conditions contained in the attached Major Term Sheet. Of note, the LOI terminates if the Developer fails to: (1) submit a proposal in response to HECO’s Stage 3 Hawai‘i RFP by the February 23, 2023 deadline; or (2) be selected as the Awardee, among other things. The LOI commits the University to enter into the Long-Term Agreement with the Developer if HECO selects the Developer as the Awardee, upon the terms and conditions consistent with those set forth in the LOI.
2. University Process:

The University acquired ownership of the UHH Property in 2000, when the Governor of Hawai‘i set aside the UHH Property to the University by issuing Governor’s Executive Order (“EO”) No. 3814 on April 11, 2000 covering approximately 323.470 net acres. EO 3814 was later amended by EO 3891 dated January 9, 2002, that withdrew approximately 30.00 acres from EO 3814. The University's position is that lands set aside to the University by Governor's executive orders are owned in fee simple by the University.

EO 3814 specifies that the lands set aside are to be used “for the University of Hawai‘i and its allied purposes.” The Chair of the Board of Land and Natural Resources (“BLNR”) was apprised by a letter from the University dated August 16, 2022, that the University planned to allow the UHH Property to be used as the Project Site and considered this proposed use consistent with the purposes specified in EO 3814, as amended.

The UHH Property was previously envisioned as part of the UH Hilo Mauka Lands ("Mauka Lands") Master Plan that was completed in 2005 which proposed the relocation of the Hawai‘i Community College (“HawCC”) Manono Campus and a new University Park project. After considering Board of Regents concerns in 2018, the University prepared an analysis that compared having HawCC remain at the existing Manono Campus with two relocation options: Mauka Lands and University Village lands. The University determined that having the HawCC campus remain at the existing Manono site was the best option due to lower development costs and the ability to phase improvements to respond to campus development needs and growth requirements. UHH is not currently using the UHH Property in a manner that advances its mission or generates revenue to support its mission. UHH is in the process of providing approximately 6 acres of land via a long-term use and occupancy agreement to the U.S. Department of the Interior, U.S. Geological Survey for a Hawaiian Volcano Observatory and Pacific Island Ecosystem Research Center.

Should the Developer be selected by HECO as the Awardee for the UHH Property as the Project Site, it would help the Hawai‘i Island community become less dependent on fossil fuel generated power. While the PV System on UHH Property will not furnish solar generated power directly to the UHH campus, it will aid the University in achieving its sustainability goals, including a net-zero energy state by 2035. In addition, the Long-Term Agreement is expected to generate rental revenue to the University to support its higher education mission. The Awardee will be required to establish an education program affording faculty and students from both UHH and HawCC the opportunity to study alternative energy and PV projects like the PV System, including having the Awardee participate in and/or provide classes, seminars, briefings, tours, internships, research activities, and similar educational opportunities.
APPLICABLE REGENTS POLICY:

The six decision-making considerations enumerated under Board of Regents Policy 10.201.III.A are addressed in turn as follows.

1. *Promote and support the mission and goals of the university in education, research, service, and economic development.*

   UHH offers programs that take advantage of the unique physical and social characteristics of Hawai‘i Island, attracting and serving students who are qualified for baccalaureate entry and seek opportunities for highly engaging and experiential learning. Under the Long-Term Agreement, the Awardee will be required to establish an education program affording faculty and students from both UHH and HawCC the opportunity to study alternative energy and PV projects like the PV System, including having the Awardee participate in and/or provide classes, seminars, briefings, tours, internships, research activities, and similar educational opportunities.

2. *Advance principles and practices of sound environmental stewardship and sustainability.*

   The PV System is expected to help the Hawai‘i Island community become less dependent on fossil fuel generated power by creating a new renewable energy generation project. The construction and operation of the PV System on UHH Property will aid the University in achieving its sustainability goals and net-zero energy mandate by 2035. Renewable energy generated upon University property (such as the solar generated power to be produced by the PV System constructed by the Awardee upon the UHH Property) may be counted toward the University’s net-zero goal as described in Hawai‘i Revised Statutes (HRS) section 304A-119.

3. *Ensure that alternative actions are considered, investigated and analyzed.*

   As noted above, the UHH Property was previously envisioned as part of the UH Hilo Mauka Lands Master Plan that was completed in 2005 which proposed the relocation of the HawCC Manono Campus and a new University Park project. After considering Board of Regents concerns in 2018, the University prepared an analysis that compared having the HawCC campus remain at the existing Manono site with two relocation options: Mauka Lands and University Village lands. The University determined that having the HawCC campus remain at the existing Manono site was the best option due to lower development costs and the ability to phase improvements to respond to campus development needs and growth requirements.

4. *Be fairly priced in the context of applicable fair market values and other relevant factors.*

   The rent amounts proposed to be paid to the University under a Long-Term Agreement that have been provided up to this point by Developers compare very favorably to other rents on agricultural lands in the region.
5. Generate revenue from real property not critical to long range plans for the university to support the university’s core mission.

Should the Developer be selected by HECO as the Awardee for the UHH Property as the Project Site, the Developer would enter into a Long-Term Agreement with the University upon terms and conditions consistent with the LOI. The Long-Term Agreement is expected to generate rental revenue to the University to support its higher education mission. Submitted rent amounts payable to the University that were received from four prospective Developers range from $255,000 to $762,000 per year.

6. Be consistent with and support long range plans that have been approved by the Board of Regents.

As noted above, the Property was previously envisioned as part of the UH Hilo Mauka Lands Master Plan that was completed in 2005 which proposed the relocation of the HawCC Campus and a new University Park project. UHH is not currently using the UHH Property in a manner that advances its mission or generates revenue to support its mission. The construction and operation of the PV System on UHH Property will aid the University in achieving its sustainability goals and its net-zero energy mandate by 2035. Renewable energy generated upon University property (such as the solar generated power to be produced by the PV System constructed by the Awardee upon the UHH Property) may be counted toward the University’s net-zero goal as described in HRS section 304A-119. Allowing the PV System to be constructed upon the UHH Property would also be consistent with the UH System’s Strategic Directions 2015 – 2021.

**ACTION REQUESTED:**

We respectfully request that the Committee on Planning and Facilities recommend that the Board of Regents approve, and that the Board of Regents approve and accept LOIs from prospective Developers, consistent with the terms and conditions contained in the attached Major Term Sheet, and authorize the President and/or the Vice President for Budget and Finance/Chief Financial Officer to execute the LOIs, the Long-Term Agreement and such other documents and take any further action as they deem necessary to effectuate the LOIs, including eventually finalizing and executing the Long-Term Agreement with the Awardee to deliver a supply of qualified renewable energy (solar generated power) to HECO’s system under the PPA.

C: Interim Executive Administrator and Secretary to the Board Jamie Go

Attachment: Major Term Sheet
MAJOR TERM SHEET

SUMMARY OF LETTER OF INTENT – TERMS AND CONDITIONS

For Long-Term Use Agreement – UH Hilo Mauka Lands

1. **HECO RFP.** Hawaiian Electric Companies, including the Hawaii Electric Co., Inc. (collectively “HECO”) Request for Proposals (“RFP”), seeking proposals to acquire up to 325 gigawatt hours annually of solar energy, and up to 65 megawatts of capacity to meet potential energy reserve margin needs for the Hawai’i Island electrical system. The HECO RFP was approved by the State of Hawai’i Public Utilities Commission on October 17, 2022.

2. **HECO PPA Award.** Under the HECO RFP, HECO plans to award a renewable dispatchable generation power purchase agreement (“RDG PPA”) to one of the photovoltaic energy generating (“PV”) project developers (“Offerors”) seeking to use portions of the UH Hilo Mauka lands.

3. **Multiple Offerors.** The University of Hawai’i (“University”) has received inquiries from as many as four (4) potential Offerors interested in including portions of the UH Hilo Mauka lands in the PV project proposals they plan to submit to HECO in response to the HECO RFP.

4. **HECO “Site Control” Requirement.** Under the HECO RFP, each Offeror must secure “site control” for the PV project site by obtaining one of the following: (a) fee ownership; (b) a long-term lease; or (c) an option agreement to purchase or lease the project site.

5. **Multiple LOIs.** The University, with Board of Regents approval, plans to enter into LOIs with multiple Offerors containing template provisions and terms proposed by the Offerors (location, area, and configuration of the project site, minimum rent, percentage rent, University benefits, etc.) that are acceptable to the University.

6. **One Long-Term Agreement.** Each LOI commits the University to enter into a long-term minimum 20-year agreement, such as a lease, use and occupancy agreement, easement, or other long-term arrangement (“Agreement”) but only if HECO awards the RDG PPA to the Offeror for the UH Hilo Mauka lands.

7. **LOI Parties.** University and each Offeror who proposes LOI terms acceptable to the University.
8. **Premises.** Portion of UH Hilo Mauka lands (up to about 277 acres) identified as suitable for a PV project, with location, size, and configuration to be proposed by the Offeror, subject to University approval.

9. **Purpose.** Develop and operate a PV project to generate electricity pursuant to HECO RDG PPA.

10. **Condition of Premises.** As is, with no warranties or representations.

11. **Term.** 20 years, with two 5-year options to extend.

12. **Rent.** Minimum Rent or Percentage Rent, whichever is greater, payable in annual installments and subject to University audit. The amount and percentages of Minimum Rent and Percentage Rent will be proposed by Offeror, subject to University approval.

13. **In-Kind Use Fee.** Option of providing non-monetary benefits to the University, such as infrastructure improvements, educational programs, demonstration PV projects, and employment and internship opportunities in lieu of or in addition to rent.

14. **Entry Preconditions.** Before entering, using, or taking possession of any portion of the Premises for constructing and installing the PV project, Offeror must satisfy certain pre-entry conditions, including implementing adverse impact mitigation measures, preparing access and traffic management plans, and obtaining all proper government approvals.

15. **Security Deposit.** Minimum Rent for Year 1.

16. **Risk Mitigation.** Offeror required to indemnify, defend, and hold harmless the University against all claims or actions seeking recovery for injuries, losses, or damages sustained as a result of Offeror’s acts or omissions. Offeror required to provide the following insurance coverage naming University as an additional insured and requiring waivers of subrogation rights from all insurers: commercial general liability, commercial automobile liability, all risk property, pollution liability, builder’s risk, and workers compensation/employer’s liability, all with standard or statutory minimum limits.

17. **Improvements.** The University’s prior written consent is required for placement of and construction plans for all improvements, facilities, structures and utility infrastructure (collectively the “Improvements”). Upon termination of the Agreement, the University has the option to require Offeror, at Offeror’s sole cost, to: (a) transfer title to the Improvements to the University; or (b) remove the Improvements and restore the Premises.
18. **Assignment and Transfer Restrictions.** The University’s prior written consent is required before Offeror transfers any interest under the Agreement to a third party. Offeror may obtain the University’s consent by entering into a separate assignment agreement with its assignee and the University, substantially in a form to be approved by the University, under which the University consents to the assignment subject to certain conditions and representations/warranties from Offeror and its assignee.

19. **Negotiation Period.** Upon notification by the Offeror to the University that the Offeror has been selected for the RDG PPA, the University and the Offeror will have sixty (60) days to finalize the terms of the Agreement and execute it.

20. **LOI Termination.** Each LOI may be terminated upon: (1) mutual written agreement; (2) failure of the Offeror to submit a timely and complete response to the HECO RFP; (3) failure of the Offeror to be selected for the RDG PPA; (4) the cancellation or withdrawal of the HECO RFP; (5) the withdrawal of the Offeror from the HECO RFP at any time during the HECO RFP process; or (6) the final execution of the Agreement between the University and the Offeror.
UH-Hilo Mauka Lands

Letters of Intent/Option Agreements Relating to HECO RFP for the Supply of Qualified Renewable Energy

February 2, 2023
HECO Hawai‘i Island Stage 3 Request for Proposals (RFP) seeks proposals from photovoltaic developers to acquire up to 325 gigawatt hours (GWh) annually of energy, and up to 65 Megawatts (MW) of capacity to HECO’s grid.
Parcel Info
TMK (3) 2-4-001: 122

Land Use Conditions
State Land Use: Agricultural
County Zoning: Agriculture, A-1a
County LUPAG: University Use and Urban Expansion
Land Study Bureau: Primarily E with small portions of C and D

Current Uses
Generally fallow/vacant land with unimproved roadways and utilities.
UH HILO MAUKA LANDS
Buffers were previously identified in prior UH Hilo Mauka Lands Final Environmental Impact Statement dated February 2005.
UH CRITICAL MILESTONES AND TIMELINE

- **UH RECEIVES LETTERS OF INTENT FROM MULTIPLE PV DEVELOPERS**
- **FINALIZE DEVELOPERS’ POWER PURCHASE AGREEMENT PROPOSALS**
  - **ESTABLISH LAND AND CONSTRUCTION COSTS**
- **SUBMIT PROPOSALS TO HECO RFP**
  - **INCLUDE $0.XX/kWh**
- **SELECTED PV PROVIDER NEGOTIATE LONG-TERM AGREEMENT WITH UH**

**Note:** The Dark Blue boxes are Actions in which UH is involved.

- **November 21, 2022**
  - RFP Issuance by HECO
- **February 16, 2023**
  - Obtain Board approval for UH to enter into LOIs with PV Developers
- **February 24, 2023**
  - RFP Proposal Deadline (including executed LOI)
- **August 31, 2023**
  - HECO RFP Award
- **October 31, 2023**
  - Executed Long-Term Agreement with PV Provider and UH
LETTER OF INTENT - KEY TERMS

• Guaranteed Annual Base Rate Schedule
• Payments calculated and paid annually
• 20-year Initial Term with two Option terms to Extend
• Developer responsible for all infrastructure, installation, operation and maintenance costs associated with PPA
• Condition of premises is “as is” with no warranties or representations
• Upon award by HECO, the successful PPA Provider will have 60 days to execute long-term agreement with UH
• Unsuccessful PPA Providers = LOI with UH is null and void
HECO Hawai‘i Island RFP Community Engagement

• HECO held a virtual community meeting to discuss the Hawai‘i Island RFP on October 28, 2021.

• The HECO Hawai‘i Island RFP has extensive requirements for community outreach, engagement, and community benefits, above and beyond what was required in prior HECO RFPs. **Beyond** what is already required by permitting and planning.

• Community Benefits of a minimum of $3,000/MW/year are required to be set aside to directly address Host Community-identified needs.

• HECO’s evaluation criteria for Developers weighs Community Outreach twice as heavily as other metrics.
Example of Developer Community Engagement for UHWO Mauka

Early-Stage Public Community Meeting
- Changed Design based on Community input

Environmental Assessment (EA) 2019-2020
- EA Scoping
- Draft EA Comment Period
- Notifications
- Present to Neighborhood Board
- FEA FONSI
- Public Hearing 1
- Public Hearing 2
- Public Hearing 3
- Special site tours
- Special site tours
- Public Status Announcements

Special Use Permit 2020-2021
OVERALL BENEFITS

**UH**
Meet 2035 Net Zero mandate
Ground Lease revenue to support Higher Education
UH Hilo Higher Education programs around sustainability renewable energy and smart grid technologies

**State of Hawaiʻi**
Help to reach its 100% renewable goals
Reduce Carbon Footprint and foreign oil dependency
Global impact of reduced carbon emissions

**HECO**
Expand renewable program
Reduce imported carbon fuel use
Control its renewable assets

**Community**
Opportunity to participate in community-based renewables program
Improve community sustainability and resilience
Job creation
Renewable Energy for Hawaiʻi Island
Hawaiʻi Stage 3 Request for Proposals

University of Hawaii
Planning and Facilities Committee Meeting
February 2, 2023
Introductions

Hawaiian Electric

- Becca Dayhuff Matsushima
  Vice President, Resource Procurement

- Greg Shimokawa
  Director, Renewable Acquisition
Stage 3 Procurement Highlights

Renewable Dispatchable Generation and Energy Storage Projects

Up to 325 GWh of energy annually
Up to 65 MW of capacity

In operation by end of 2030
Renewable Energy Procurement Process

1. Regulatory Approval Process for RFP
2. Final RFP Issued (Nov. 2022)
3. Developers Submit Proposals (Feb. 2023)
4. Eligibility and Threshold Evaluation
5. Detailed Evaluation
6. Best and Final Offer Submission (May 2023)
7. Select Priority List (May 2023)
8. Initial Evaluation
9. Selection of Final Award(s) (Aug. 2023)
10. Contract Negotiations / Public Meeting (Sep. 2023)
11. Regulatory Approval Process for PPA(s)
12. First Projects Online (By 2030)
Community Benefits Package

- Based on feedback from Community Outreach meetings
- Funds Proposer will commit to provide on an annual basis and other community benefits (in addition to funding) that the proposer intends to provide
- At a minimum, Proposers should commit to setting aside at least $3,000 per MW, for community benefits
- Directed to a Host Community or non-profit organization for distribution to the community
- Part of the Community Outreach non-price criteria
Community outreach is part of the RFP process

- Update Community Outreach Plan
- Perform Media Outreach and Advertising
- Develop Project Website
- Update Stakeholders
- Hold Community Meetings
- Develop Project Presentation
- Compile and File Public Comments
# Current RFP Schedule

<table>
<thead>
<tr>
<th>Milestone</th>
<th>Schedule Dates</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1) First RFP Draft Filed</td>
<td>October 15, 2021</td>
</tr>
<tr>
<td>(2) Community Meeting</td>
<td>October 28, 2021</td>
</tr>
<tr>
<td>Various Regulatory Steps…</td>
<td></td>
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<tr>
<td>(5) Technical Conference</td>
<td>April 14, 2022</td>
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<tr>
<td>Various Regulatory Steps…</td>
<td></td>
</tr>
<tr>
<td>(9) RFP is Issued</td>
<td>November 21, 2022</td>
</tr>
<tr>
<td><strong>Where We Are in Process</strong></td>
<td></td>
</tr>
<tr>
<td>(10/11) Proposal Due Date</td>
<td>February 24, 2023 at 2:00 pm HST</td>
</tr>
<tr>
<td>(12) Selection of Priority List</td>
<td>May 10, 2023</td>
</tr>
<tr>
<td>(13/14) BAFO Due Date</td>
<td>May 18, 2023</td>
</tr>
<tr>
<td>(15) Selection of Final Award Group</td>
<td>August 31, 2023</td>
</tr>
<tr>
<td>(16) Contract Negotiations Start</td>
<td>September 7, 2023</td>
</tr>
</tbody>
</table>
Mahalo

- Questions?
MEMORANDUM

TO: Randolph G. Moore  
Chairperson, Board of Regents

Eugene Bal III  
Chair, Committee on Research and Innovation  
Board of Regents

VIA: David Lassner  
President  

Debora Halbert  
Vice President for Academic Strategy

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

SUBJECT: RECOMMEND AMENDMENT OF ATTACHMENT 1 TO RP 6.203, ENTITLED “BOARD OF REGENTS APPROVED FEES” TO ADD REFERENCES TO RESEARCH RECHARGE CENTER IN SECTION 5

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents ("BOR") approve the amendment of Attachment 1 to RP 6.203, Fees, to add a reference to Research Recharge Center fees in Section 5 (Ancillary and Auxiliary Service Fees) of the attachment as a type of BOR approved fee. Research Recharge Centers are being established at the University of Hawaii ("UH") under Hawai’i Revised Statutes (HRS) §304A-2157 University of Hawaii auxiliary enterprises special fund.

RECOMMENDED EFFECTIVE DATE:

The recommended effective date is upon Board approval.

PURPOSE:

The purpose of the requested action is to allow for UH to collect fees related to the Research Recharge Center Special Fund accounts.

BACKGROUND INFORMATION:
As presented by Dr. Vassilis Syroms, Vice President for Research and Innovation to the BOR Committee on Independent Audit on April 7, 2022 with an update on June 1, 2022 (available at https://www.hawaii.edu/offices/bor/archive/index.php), UH Revolving Funds that are currently established at RCUH will be transferred to UH accounts in order to implement oversight, promote transparency and ensure compliance with Federal regulations (2 CFR 200.468 Specialized service facilities) and UH Policies and Procedures (AP 12.204). Oversight and monitoring of such accounts will also ensure that user fees / billing rates are set to recover no more than the total costs of providing such goods or services. Research Recharge Center Special Fund accounts shall accumulate no more than sixty days of working capital to cover cash expenses.

Attachment 1, Section 5, to RP 6.203 lists various Ancillary and Auxiliary Service Fees approved by the BOR. Given the plan to transfer the UH Revolving Funds from RCUH to UH, the BOR is requested to approve the addition of Section 5.m. to RP 6.203, and other edits for clarity, such that Section 5.m. will read as follows:

"Research Recharge Center fees"

**ACTION RECOMMENDED:**

It is recommended that the BOR approve the amendment of Attachment 1 to RP 6.203, entitled "Board of Regents Approved Fees" to add reference to 5.m., Research Recharge Center fees.

Attachments
RP 6.203 (original)
RP 6.203 (redline)
RP 6.203 (clean)

c: Executive Administrator and Secretary to the Board of Regents
I. **Purpose:**

To set forth policy establishing board-approved fees and fee adjustment authority.

II. **Definitions:**

No policy specific or unique definitions apply.

III. **Policy:**

A. The following fees, which impact a student’s cost of attendance, are established by the board and in specific instances the fee amounts themselves require approval by the board. Proposals for new fees that impact a student’s cost of attendance must be approved by the board, and accompanied by operational and financial plans that describe when the proposed fees will begin, when the proposed services will be available, and whether and how fee revenue will be utilized in any interim period to support start up the new services. These include:

1. Professional fees, which may be assessed to students enrolled in select undergraduate professional programs that have high costs in comparison to other instructional programs with the same tuition. Revenues from fees are earmarked to ensure programs have the equipment, supplies, and services available to meet accreditation standards. The students are generally assessed the professional fee once each semester during enrollment in the program. The fee is not necessarily applied during summer or other short terms;

   Increases to professional fees are capped at the rate of undergraduate resident tuition increases for that campus during the same academic year the proposed fee increase will take effect. For example, if the rate of increase for resident undergraduate tuition at a campus is three percent in the next academic year, likewise, professional fee increases can be increased up to no more than three percent in that same academic year;
The president or the president’s designee is delegated the authority to approve proposed adjustments to previously established professional fees that fall at or below the cap. Proposed increases above the cap must be approved by the board. Proposals must be submitted for approval at least one semester in advance of the effective date. Professional fees are to be reviewed annually by the campus. The schedule of professional fees is available in Executive Policy E6.201, Tuition Schedules.

2. Mandatory student fees

a. Mandatory student fees shall be generally assessed of all students, in amounts set in accordance with Board of Regents policies, and as set forth in a fees schedule attached to Executive Policy EP 6.208.

b. Student organization fees are mandatory fees used to fund the operations of student governance organizations and other co-curricular student activities, publications, broadcasting, and campus center operations.

c. Distance education students who cannot take advantage of services offered by the student organizations, such as those requiring on-campus attendance, may be exempt from the assessment of these fees; and

d. The president or the president’s designee is delegated the authority to adjust these fees (with the exception of mandatory student fees related to intercollegiate athletics and UPASS), provided that fee increases shall not exceed the increase in the real cost of services provided to the students or 3% per year, whichever is less. The president shall first consult with the respective student government and provide a minimum of a one semester notice to the student body of a fee increase, and a written report to the board outlining the rationale for the increase.

B. The following fees are established by the board. Once a fee is established by the board in the following categories, the board delegates to the president the authority to make adjustments to the fee rate. These types of fees include:

1. Housing fees, including but not limited to application and cancellation fees. Housing room rates are distinct from “housing fees,” and student housing room rates are established pursuant to Regents Policy RP 7.205.

2. Course and laboratory fees, which may be assessed to students enrolled in select courses that have unique costs in comparison to standard offerings or which are outside the normal credit course offerings;

3. Transaction and service fees, which may be assessed to users of selected services as a means to offset all or part of the cost of providing the service or as a result of other directly related costs incurred to the institution;
4. Ancillary and auxiliary service fees, which are the charges for certain university services used by students, faculty, staff, and the general public. The revenues are used to offset all or part of the operational costs of providing those services, including in some instances the bond indebtedness. Programs shall be responsible for providing public notice of the applicable charges;

5. Commercial enterprise and other self-supporting operations which are certain programs, goods, and services provided by the university to students and the general community on a self-support basis. These programs are expected to make sufficient revenue to offset their costs and to provide overhead support to overall campus operations. Because the charges associated with these programs, goods, and services are subject to market demand, changing supply costs, competition, and rapid change, they are not subject to prior approval by the board; and

6. Athletic admission fees and charges to athletic events, which are charges to university athletic events based on the premise that athletic programs are expected to be largely self-sufficient while providing one of the major venues for interaction between the university and its external constituencies.

C. A list of board-approved fees (including, but not limited to, mandatory student fees, housing fees, course and laboratory fees, transaction and service fees, ancillary and auxiliary service fees, and athletic admission fees and charges to athletic events) may be found as Attachment 1 at the end of this chapter.

IV. Delegation of Authority:

Authority to approve proposed increases to previously established professional fees that fall at or below the cap is delegated to the president or president’s designee. See RP 6.203(A)(1).

Authority to raise mandatory student fees (with the exception of mandatory student fees related to intercollegiate athletics and UPASS) by up to 3% per year, but no more than the increase in the real cost of services provided to the students is delegated to the president or president’s designee. See RP 6.203(A)(2)(d).

Authority to adjust fee rate delegated to the president. See RP 6.203(B).

V. Contact Information:

Office of the Vice President for Academic Planning & Policy, 956-6897, ovpaa@hawaii.edu
VI. References:

A. http://www.hawaii.edu/offices/bor/
B. RP 7.205
C. EP 6.202

Approved as to Form:

/S/ ________________________________  09/20/2018
Kendra Oishi  Date
Executive Administrator and
Secretary of the Board of Regents
I. **Purpose:**

To provide Attachment 1 to RP 6.203 that sets forth policy establishing board-approved fees and adjustment authority.

II. **Definitions:**

None.

III. **Policy:**

See RP 6.203.

IV. **Delegation of Authority:**

See RP 6.203.

V. **Contact Information:**

Office of the Vice President for Academic Planning & Policy, 956-6897, ovpaa@hawaii.edu

VI. **References:**

- [http://www.hawaii.edu/offices/bor/](http://www.hawaii.edu/offices/bor/)
- RP 7.205
- EP 6.202

**Approved as to Form:**

/S/ ___________________________ 09/20/2018
Kendra Oishi
Executive Administrator and
Secretary of the Board of Regents
1. **Mandatory Student Fees**
   a. Student activity and program fees;
   b. Student publication fees;
   c. Campus center/student union fees;
   d. Student government fees;
   e. Campus communication fees;
   f. Student health fees in cases where the health fee is mandatory for all students;
   g. Student technology fees;
   h. U-PASS/Transportation fees; and
   i. Student athletic fees.

2. **Housing Fees**
   a. Student housing at UH-Mānoa, UH-Hilo, and Maui College; and
   b. Faculty housing.

3. **Course and Laboratory Fees**
   a. Credit by examination;
   b. Laboratory fees designed to recover costs of supplies and materials consumed including fees for televised courses to recover the costs associated with the use of copyrighted materials that carry a per-student license charge; and
   c. Applied music fees.

4. **Transaction and Service Fees**
   a. Application fee;
   b. Late registration fee;
   c. Change in registration fee;
   d. Thesis fee;
   e. Diploma fee;
f. Transcript and associated rush fees;

g. Returned check fees;

h. Collection agency fee;

i. ID Card fees;

j. Test proctoring and examination fees;

k. New student orientation fee; and

l. Health insurance fees where health insurance is not mandatory.

5. **Ancillary and Auxiliary Service Fees**

   a. Parking and parking fines;

   b. Transportation services;

   c. Library fines and non-return costs;

   d. Library cost recovery fees including but not limited to: copying, digitizing, microform services, preservation services, archival research, document retrieval and delivery, photographic services, and other library-related services.

   e. Other copying and printing charges;

   f. Charges associated with use of University facilities;

   g. Locker fees;

   h. Dental hygiene clinic fee (UH Mānoa);

   i. Individual health services visits where a mandatory health fee is not charged;

   j. Child care;

   k. Laboratory animal services; and

   l. Telecommunications charges.

6. **Commercial Enterprise and Other Self-Supporting Operations.**

   a. All commercial enterprise activities, goods and services including charges to the public for services provided or produced by students in the course of their studies;

   b. UH Bookstore charges;

   c. Food service operations conducted by the University;
d. Non-credit offerings made available to the general public and/or to companies and organizations through contract;

e. Conference and symposium activities;

f. Special events such as lectures, performances, video presentations, and similar events;

g. Information technology services including videoconferencing and software licenses;

h. Agricultural diagnostic service fees; and

i. Waikīkī Aquarium admission and user fees.

7. Athletic Admission Fees and Charges to Athletic Events

a. Football

b. Women’s Volleyball

c. Men’s Basketball

d. Wahine Basketball

e. Men’s Volleyball

f. Baseball

g. Wahine Softball

h. Wahine Soccer

i. Water Polo
I. Purpose:

To provide Attachment 1 to RP 6.203 that sets forth policy establishing board-approved fees and adjustment authority.

II. Definitions:

None.

III. Policy:

See RP 6.203.

IV. Delegation of Authority:

See RP 6.203.

V. Contact Information:

Office of the Vice President for Academic Planning & Policy, 956-6897, ovpaa@hawaii.edu

VI. References:

- [http://www.hawaii.edu/offices/bor/](http://www.hawaii.edu/offices/bor/)
- RP 7.205
- EP 6.202

Approved as to Form:

/ /S/ ___________________________________________ 09/20/2018
Kendra Oishi
Executive Administrator and
Secretary of the Board of Regents
1. **Mandatory Student Fees**
   a. Student activity and program fees;
   b. Student publication fees;
   c. Campus center/student union fees;
   d. Student government fees;
   e. Campus communication fees;
   f. Student health fees in cases where the health fee is mandatory for all students;
   g. Student technology fees;
   h. U-PASS/Transportation fees; and
   i. Student athletic fees.

2. **Housing Fees**
   a. Student housing at UH-Mānoa, UH-Hilo, and Maui College; and
   b. Faculty housing.

3. **Course and Laboratory Fees**
   a. Credit by examination;
   b. Laboratory fees designed to recover costs of supplies and materials consumed including fees for televised courses to recover the costs associated with the use of copyrighted materials that carry a per-student license charge; and
   c. Applied music fees.

4. **Transaction and Service Fees**
   a. Application fee;
   b. Late registration fee;
   c. Change in registration fee;
   d. Thesis fee;
   e. Diploma fee;
f. Transcript and associated rush fees;
g. Returned check fees;
h. Collection agency fee;
i. ID Card fees;
j. Test proctoring and examination fees;
k. New student orientation fee; and
l. Health insurance fees where health insurance is not mandatory.

5. Ancillary and Auxiliary Service Fees
   a. Parking and parking fines;
b. Transportation services;
c. Library fines and non-return costs;
d. Library cost recovery fees including but not limited to: copying, digitizing, microform services, preservation services, archival research, document retrieval and delivery, photographic services, and other library-related services.
e. Other copying and printing charges;
f. Charges associated with use of University facilities;
g. Locker fees;
h. Dental hygiene clinic fee (UH Mānoa);
i. Individual health services visits where a mandatory health fee is not charged;
j. Child care;
k. Laboratory animal services; and
l. Telecommunications charges; and
m. Research recharge center fees.

6. Commercial Enterprise and Other Self-Supporting Operations.
   a. All commercial enterprise activities, goods and services including charges to the public for services provided or produced by students in the course of their studies;
b. UH Bookstore charges;
c. Food service operations conducted by the University;

d. Non-credit offerings made available to the general public and/or to companies and organizations through contract;

e. Conference and symposium activities;

f. Special events such as lectures, performances, video presentations, and similar events;

g. Information technology services including videoconferencing and software licenses;

h. Agricultural diagnostic service fees; and

i. Waikīkī Aquarium admission and user fees.

7. **Athletic Admission Fees and Charges to Athletic Events**

   a. Football

   b. Women’s Volleyball

   c. Men’s Basketball

   d. Wahine Basketball

   e. Men’s Volleyball

   f. Baseball

   g. Wahine Softball

   h. Wahine Soccer

   i. Water Polo
I. **Purpose:**

To provide Attachment 1 to RP 6.203 that sets forth policy establishing board-approved fees and adjustment authority.

II. **Definitions:**

None.

III. **Policy:**

See RP 6.203.

IV. **Delegation of Authority:**

See RP 6.203.

V. **Contact Information:**

Office of the Vice President for Academic Planning & Policy, 956-6897, ovpaa@hawaii.edu

VI. **References:**

- [http://www.hawaii.edu/offices/bor/](http://www.hawaii.edu/offices/bor/)
- RP 7.205
- EP 6.202

**Approved as to Form:**

________________________________  ___

Date

Executive Administrator and
Secretary of the Board of Regents
Board of Regents Policy, RP 6.203, Attachment 1
Board of Regents Approved Fees

1. Mandatory Student Fees
   a. Student activity and program fees;
   b. Student publication fees;
   c. Campus center/student union fees;
   d. Student government fees;
   e. Campus communication fees;
   f. Student health fees in cases where the health fee is mandatory for all students;
   g. Student technology fees;
   h. U-PASS/Transportation fees; and
   i. Student athletic fees.

2. Housing Fees
   a. Student housing at UH-Mānoa, UH-Hilo, and Maui College; and
   b. Faculty housing.

3. Course and Laboratory Fees
   a. Credit by examination;
   b. Laboratory fees designed to recover costs of supplies and materials consumed including fees for televised courses to recover the costs associated with the use of copyrighted materials that carry a per-student license charge; and
   c. Applied music fees.

4. Transaction and Service Fees
   a. Application fee;
   b. Late registration fee;
   c. Change in registration fee;
   d. Thesis fee;
   e. Diploma fee;
f. Transcript and associated rush fees;

g. Returned check fees;

h. Collection agency fee;

i. ID Card fees;

j. Test proctoring and examination fees;

k. New student orientation fee; and

l. Health insurance fees where health insurance is not mandatory.

5. Ancillary and Auxiliary Service Fees

a. Parking and parking fines;

b. Transportation services;

c. Library fines and non-return costs;

d. Library cost recovery fees including but not limited to: copying, digitizing, microform services, preservation services, archival research, document retrieval and delivery, photographic services, and other library-related services.

e. Other copying and printing charges;

f. Charges associated with use of University facilities;

g. Locker fees;

h. Dental hygiene clinic fee (UH Mānoa);

i. Individual health services visits where a mandatory health fee is not charged;

j. Child care;

k. Laboratory animal services;

l. Telecommunications charges; and

m. Research recharge center fees.

6. Commercial Enterprise and Other Self-Supporting Operations.

a. All commercial enterprise activities, goods and services including charges to the public for services provided or produced by students in the course of their studies;

b. UH Bookstore charges;
c. Food service operations conducted by the University;
d. Non-credit offerings made available to the general public and/or to companies and organizations through contract;
e. Conference and symposium activities;
f. Special events such as lectures, performances, video presentations, and similar events;
g. Information technology services including videoconferencing and software licenses;
h. Agricultural diagnostic service fees; and
i.  Waikīkī Aquarium admission and user fees.

7. Athletic Admission Fees and Charges to Athletic Events
   a. Football
   b. Women’s Volleyball
   c. Men’s Basketball
   d. Wahine Basketball
   e. Men’s Volleyball
   f. Baseball
   g. Wahine Softball
   h. Wahine Soccer
   i. Water Polo
2023 Legislative Session

- 2023 Legislative Tracking Statistics
- 2023 Budget/Funding Bills
- 2023 UH Legislative Package (Admin Bills)
- 2023 Select Bills of Interest
  o Board of Regents
  o UH Operations
- Legislative Calendar
2023 Legislative Tracking Statistics

Number of Bills Introduced in 2023: 3132
- House Bill range: 1 – 1514
- Senate Bill range: 1 – 1618

Number of Bills Tracked by UH: 679
- House Bills: 301
- Senate Bills: 378

Number of Testimonies Submitted (as of 2/15/23): 186

Number of bills with an appropriation to UH: 76
HAWAIʻI PROMISE
HB 1114 (Saiki)
RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM
Provides scholarships for the unmet needs of qualified students at any four-year University of Hawaii campus who meet certain criteria.
Position:
Update: Referred to House HET, FIN

SB 1412 (Kouchi)
RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM
Provides scholarships for the unmet needs of qualified students at any four-year University of Hawaii campus who meet certain criteria.
Position:
Update: Referred to Senate HRE, WAM
HAWAIʻI PROMISE
HB 390 HD1(Woodson)
RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM
Provides scholarships for the unmet direct cost needs of qualified students at any four-year University of Hawaii campus who meet certain eligibility criteria. Makes an appropriation for the Hawaii promise program. Effective 6/30/3000.
Position: Support
Update: House HET passed as an HD1; referred to FIN

HB 873 (Perruso)
RELATING TO THE UNIVERSITY OF HAWAII PROMISE PROGRAM
Provides scholarships for the unmet needs of qualified students at any four-year University of Hawaii campus who meet certain eligibility criteria. Appropriates funds for the Hawaii promise program.
Position:
Update: Referred to House HET, FIN
HAwAI'I PROMISE
HB 78 HD1 (Kapela)
RELATING TO STRENGTHENING ACCESS TO HIGHER EDUCATION
Expands eligibility for the Hawaii community college promise program to all qualified students. Appropriates funds to expand access to community college to qualified Hawaii residents through Hawaii community college promise program scholarships. Effective 6/30/3000.
Position: Support
Update: House HET passed as an HD1; referred to FIN

SB 172 (Rhoads)
RELATING TO STRENGTHENING ACCESS TO HIGHER EDUCATION
Expands eligibility for the Hawaii community college promise program to all qualified students. Appropriates funds to expand access to community college to qualified Hawaii residents through Hawaii community college promise program scholarships.
Position:
Update: Referred to Senate HRE, WAM
HAWAI‘I PROMISE
SB 1151 SD1 (McKelvey)
RELATING TO THE HAWAI'I COMMUNITY COLLEGE PROMISE PROGRAM
Exempts University of Hawai‘i Community College students who are enrolled in certificate programs from the requirement to complete the Free Application for Federal Student Aid each academic year to be considered eligible for the Hawai‘i Community College Promise Program. (SD1)
Position: Supports the Intent
Update: Senate HRE passed as an SD1; referred to WAM
RESIDENT TUITION
HB 1115 (Saiki)
RELATING TO THE UNIVERSITY OF HAWAI'I RESIDENT TUITION FEE
Requires the tuition residency rules for the University of Hawai'i to grant the resident tuition fee for enrollment at any University of Hawai'i campus to individuals who have graduated from a Hawai'i high school and are enrolling in an undergraduate degree program, under certain conditions.
Position: Support
Update: Referred to House HET, FIN

SB 1413 SD1 (Kouchi)
RELATING TO THE UNIVERSITY OF HAWAI'I RESIDENT TUITION FEE
Requires the University of Hawai'i to grant resident tuition fees for enrollment at any University of Hawai'i campus to individuals who have graduated from a Hawai'i high school and are enrolling in an undergraduate degree program, under certain conditions. (SD1)
Position: Support
Update: Senate HRE passed as an SD1; referred to WAM
RESIDENT TUITION
HB 919 (Ilagan)
RELATING TO RESIDENCE FOR TUITION PURPOSES
Requires the tuition residency rules for the University of Hawaii to grant the resident tuition fee for enrollment at any University of Hawaii campus, including any community college, to adult or minor students who have obtained a Hawaii high school diploma or equivalent credential and are working toward their first undergraduate degree, under certain conditions. (HD1)
Position: Supports the intent
Update: House HET passed as an HD1; referred to FIN

HB 414 (Todd)
RELATING TO RESIDENT TUITION AT THE UNIVERSITY OF HAWAI'I
Requires the University of Hawaii Board of Regents to allow all Hawaii high school graduates to qualify for resident tuition.
Position:
Update: Referred to House HET, FIN
HB 230 HD1 (Aiu)
RELATING TO THE UNIVERSITY OF HAWAII.
Designates the vice president for budget and finance and chief financial officer of the University of Hawaii as the chief procurement officer for the university. Effective 6/30/3000.
Position: Oppose
Update: House HET passed as an HD1; referred to FIN

SB 1197 SD1 (Kim)
RELATING TO THE UNIVERSITY OF HAWAII.
Designates the Vice President for Budget and Finance and Chief Financial Officer of the University of Hawai‘i as the Chief Procurement Officer for the University and appropriates funds for the transition. Appropriates funds for repair and maintenance of University of Hawai‘i campus buildings and infrastructure. Effective 7/1/2050. (SD1)
Position: Oppose
Update: Senate HRE passed as an SD1; referred to JDC

SB 249 SD1 (Fevella)
RELATING TO THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM
Prohibits the President of the University of Hawai‘i from serving concurrently as a campus chancellor. (SD1)
Position: Oppose
Update: Senate HRE passed as an SD1; referred to JDC/WAM
SB 838 (Dela Cruz)
RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES
Requires the Vice President of Community Colleges to report directly to the Board of Regents.
Position:
Update: Referred to Senate HRE

SB 1414 SD1 (Kim)
RELATING TO THE UNIVERSITY OF HAWAII.
Exempts the University of Hawai‘i and the University's Board of Regents from the Hawai‘i Public Procurement Code for certain contracts involving research and training. Repeals the requirement that the Board of Regents develop internal policies and procedures for the procurement of construction. Requires the Board of Regents to develop internal policies and procedures exempt from chapter 103D, Hawai‘i Revised Statutes, solely for the procurement of goods and services for research and training and moneys expended from the Research and Training Revolving Fund in support thereof. Authorizes the University of Hawai‘i President to delegate procurement authority for research and training to the University's Vice President for Research and Innovation. Requires the Board of Regents to submit reports to the Legislature.
(SD1)
Position: Support
Update: Senate HRE passed as an SD1; referred to WAM
HB 412 (Garrett)
RELATING TO THE STADIUM AUTHORITY
Makes the president of the University of Hawaii system and the superintendent of the department of education, or their designees, voting members of the stadium authority.

Position:
Update: Referred to House ECD, FIN
HB 231 HD1 (Aiu)
PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII
Proposes an amendment to article X, section 6, of the Hawaii State Constitution to modify the appointment process for the Board of Regents of the University of Hawaii. Repeals the requirement that the governor shall only appoint from pools of candidates presented by the Candidate Advisory Council for the Board of Regents of the University of Hawaii. Effective 6/30/3000.
Position:
Update: House HET passed as an HD1; referred to JHA

SB 631 (Kim)
PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII
Proposes an amendment to article X, section 6, of the Hawaii State Constitution to modify the appointment process for the Board of Regents of the University of Hawaii. Repeals the requirement that the governor shall only appoint from pools of candidates presented by the Candidate Advisory Council for the Board of Regents of the University of Hawaii.
Position:
Update: Senate HRE passed unamended; referred to JDC/WAM
SB 960 (Kim)
RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL
Repeals the University of Hawaii Board of Regents Candidate Advisory Council. Authorizes the Governor to directly appoint members to the University of Hawaii Board of Regents. Effective upon ratification of a constitutional amendment.
Position:
Update: Senate HRE passed unamended; referred to JDC/WAM
HB 300 (Saiki)
RELA TING TO THE STATE BUDGET
Appropriates funds for the operating and capital improvement budget of the Executive
Branch for fiscal years 2023-2024 and 2024-2025.
Position:
Update: Referred to House FIN

SB 354 (Kouchi)
RELA TING TO THE STATE BUDGET
Appropriates funds for the operating and capital improvement budget of the Executive
Branch for fiscal years 2023-2024 and 2024-2025.
Position:
Update: Referred to Senate WAM

SB 1537 (Keith-Agaran)
RELA TING TO THE STATE BUDGET
Appropriates funds for capital improvement projects for fiscal biennium 2023–2025.
Position:
Update: Referred to Senate WAM
HB 812 HD1 (Saiki)
RELATING TO THE UNIVERSITY OF HAWAII
Appropriates funds to the University of Hawai‘i for various university programs and projects. Effective 6/30/3000. (HD1)
(Hawai‘i Climate Smart Commodities Program; STEM training through Hawai‘i Space Flight Laboratory; Center for Pacific Innovations, Knowledge, and Opportunities; Change Hawai‘i Project and Hawai‘i Mesonet Project; and Prototype Designer Artificial Coral Reef Project)
Position: Supports the intent
Update: House HET passed as an HD1; referred to FIN

SB 835 (Dela Cruz)
RELATING TO GENERAL FUND BUDGET APPROPRIATIONS FOR THE UNIVERSITY OF HAWAII
Repeals the requirement that the annual general fund budget appropriation for the University of Hawaii shall be 3 to 5 times the estimated regular tuition and related fee revenues for that year.
Position: Oppose
Update: Senate WAM decision making on 2/15/23 at 10:30am
HB 562 HD1 (Yamashita)
RELATING TO PERMITS
Establishes an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of the Department of Education, University of Hawai‘i, or School Facilities Authority. Effective 6/30/3000. (HD1)

Position:
Update: House CPC hearing on 2/15/23 at 2:00pm

SB 1096 (Keith-Agaran)
RELATING TO PERMITS
Establishes an exemption from applicable county permit requirements for repetitive construction projects for facilities under the control of the Department of Education, University of Hawaii, or School Facilities Authority.

Position:
Update: Referred to Senate PSM/EDU/HRE, JDC
HB 1136 (Kitagawa)
RELATING TO THE HAWAII INSTITUTE OF MARINE BIOLOGY
Authorizes the issuance of bonds and appropriates bond funds for the sewage system repair and replacement project and the seawall and pier repair and replacement project of the Hawaii institute of marine biology's facility at Moku o Lo‘e.
Position: Support
Update: House WAL/HET passed as an HD1
SB 164 (San Buenaventura)
RELATING TO LOAN REPAYMENT FOR HEALTH CARE PROFESSIONALS
Appropriates funds for the Loan Repayment Program for Health Care Professionals, provided that the funds are matched on a dollar-for-dollar basis by funds from a private or another public source.
Position: Support
Update: Senate HHS hearing on 2/15/23 at 1:00pm

HB 73 (Todd)
RELATING TO THE JOHN A. BURNS SCHOOL OF MEDICINE
Requires that if a student pays resident tuition fees at the John A. Burns school of medicine, the student must work in Hawaii for at least five years within the ten years immediately following the student's graduation from the John A. Burns school of medicine; otherwise, the student must pay the difference between resident and nonresident tuition fees.
Position:
Update: Referred to House HET, FIN
SB 62 (Keohokalole)  
RELATING TO MEDICAL EDUCATION AND TRAINING
Reestablishes the Hawaii medical education special fund to enable the John A. Burns School of Medicine, in consultation with the Hawaii Medical Education Council, to provide funding for medical education and training in Hawaii, with an emphasis on supporting residency training in medically underserved areas. Appropriates moneys to create more residencies and training opportunities in medically underserved areas for medical students at the University of Hawaii John A. Burns School of Medicine. Appropriates funds to the John A. Burns School of Medicine to create further medical residency and training opportunities through a partnership between the John A. Burns School of Medicine and the United States Department of Veterans Affairs.
Position: Support

Update: Senate HRE/HHS hearing on 2/16/23 at 3:00pm
HB 258 (Garrett)
RELATING TO THE ACQUISITION OF THE SAINT FRANCIS SCHOOL CAMPUS FOR THE UNIVERSITY OF HAWAII AT MANOA
Appropriates moneys to the University of Hawaii for the acquisition of the Saint Francis School campus located at 2707 Pamoa Road in Honolulu.
Position: Support
Update: House HET hearing on 2/15/23 at 2:00pm

SB 1508 (Fukunaga)
RELATING TO THE ACQUISITION OF THE SAINT FRANCIS SCHOOL CAMPUS FOR THE UNIVERSITY OF HAWAII AT MANOA
Appropriates moneys to the University of Hawaii for the acquisition of the Saint Francis School campus located at 2707 Pamoa Road in Honolulu.
Position:
Update: Referred to Senate HRE, WAM
2023 Select Bills of Interest
Personnel/Students

HB 554 HD1 (Kapela)
RELATING TO CAMPUS SAFETY
Requires that University of Hawaii students and employees receive training on sexual misconduct awareness and trauma informed responses, sexual harassment, sexual assault, domestic violence, dating violence, and stalking. Requires that the University of Hawaii ensure that any individual who participates in implementing the university's disciplinary process has training or experience in handling sexual misconduct complaints and the university's disciplinary process. Requires that the university provide mandatory annual trauma informed, gender inclusive, LGBTQ+ inclusive sexual misconduct primary prevention and awareness programming for students and employees of the university. Prohibits the university from taking disciplinary action against individuals reporting sexual misconduct unless certain exceptions apply. Establishes positions and appropriates funds. Effective 6/30/3000. (HD1)

Position: Support the Intent

Update: House JHA passed as an HD2
SB 236 (Kidani)
RELATING TO VICTIM-COUNSELOR PRIVILEGE
Expands the victim-counselor privilege under the Hawaii Rules of Evidence to include confidential advocates employed by the University of Hawaii. Increases the minimum number of hours of training a domestic violence victims' counselor must complete to be considered a victim counselor.
Position: Support
Update: Senate HRE passed unamended; referred to JDC

SB 1415 (Kim)
RELATING TO THE UNIVERSITY OF HAWAII
Requires the University of Hawaii to submit annual reports of all university employees who performed work from a location outside of the State during the applicable year to the Legislature no later than December 31 of that year.
Position: Comments
Update: Senate HRE/LBT passed as an SD1
HB 874 (Perruso)
RELATING TO COLLECTIVE BARGAINING
Establishes a collective bargaining unit for graduate assistants employed by the University of Hawai‘i and community college system. Effective 6/30/3000. (HD1)
Position: Comments
Update: House HET hearing on 2/15/23 at 2:00pm

SB 394 (Dela Cruz)
RELATING TO COLLECTIVE BARGAINING
Establishes a collective bargaining unit for graduate assistants employed by the University of Hawaii and community college system.
Position:
Update: Referred to Senate LBT/HRE, WAM
SB 81 SD1 (Inouye)
RELATING TO NATURAL RESOURCE MANAGEMENT
Clarifies that the Board of Land and Natural Resources' authority shall supersede the Mauna Kea Stewardship and Oversight Authority for all lands designated under the state conservation district. Effective 7/1/2050. (SD1)
Position:
Update: Senate WTL passed as an SD1; referred to JDC/WAM
SB 1511 (Kim)
RELATING TO THE RESEARCH CORPORATION OF THE UNIVERSITY OF HAWAII
Clarifies the purpose of the Research Corporation of the University of Hawaii and that its undertakings shall be limited to acts that are reasonably necessary to carry out its purpose. Repeals the requirement that the University of Hawaii contract with the Research Corporation when the University determines that other various agencies cannot more effectively or efficiently accomplish certain research and training activities. Grandfathers existing Research Corporation contracts and requires new contracts be subject to new limitations. Authorizes the Research Corporation to conduct certain minor renovation projects at costs of $2,000,000 or less. Requires revolving accounts to follow Corporation policies. Requires biannual reports to the Legislature regarding internal service orders and revolving accounts of the Research Corporation that utilize University of Hawaii intramural funds.

Position: Comments

Update: Senate HRE passed as an SD1
February 16: First Lateral Filing (Bills)
February 17: First Lateral Deadline (Bills)
February 23 to March 1: 5-Day Mandatory Recess
March 3: First Decking (Bills)
March 9: First Crossover (Bills)
March 10: Substantive Resolution Cutoff
March 13: Budget Decking
March 15: Budget Crossover
Conclusion
MEMORANDUM

TO: Board of Regents
   University of Hawai‘i

FROM: Randolph G. Moore
       Chair, Board of Regents

SUBJECT: Discussion and Possible Board Action on Pending Legislation

PURPOSE

The intent of Agenda Item VII.D on the Board’s February 16, 2023, meeting agenda is to discuss statutory open meeting and notification requirements that impact the Board’s ability to quickly respond to matters before the Legislature involving the Board or university governance.

BACKGROUND:

One of the major impediments for the Board to address legislative matters in a timely fashion is Hawai‘i’s Sunshine Law which, among other things, includes a six-day meeting notice requirement prior to conducting a meeting to discuss a legislative measure. Since the Board generally meets once a month, there are limited options to timely notice a meeting for the purposes of discussing the adoption of legislative testimony or the Board’s position on an issue prior to a legislative hearing on the matter. Further details on this issue can be found in the Office of Information Practices’ (OIP) publications, QUICK REVIEW: Sunshine Law Options to Address State Legislative Issues and Measures and Open Meetings Guide to “The Sunshine Law” for State and County Boards (specifically pp. 28-29) which have been attached for your convenience.

Under limited circumstances as set forth in Section 92-2.5, Hawai‘i Revised Statutes (HRS), Hawai‘i’s Sunshine Law does afford board members with an opportunity to discuss board business outside a meeting. Some of the permitted interactions that might be useful to the Board as it relates to the submittal of legislative testimony are noted below.
POSSIBLE COURSES OF ACTION:

OIP has opined that permitted interactions that are most useful in developing or adopting positions on legislative measures are as follows:

(1) Allowing two members of a board to discuss board business between themselves so long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board (Section 92-2.5(a), HRS);

(2) Allowing a board to assign less than a quorum of its membership to present, discuss, or negotiate any board position that the board had previously adopted at a meeting (Section 92-2.5(b)(2), HRS);

(3) Allowing less than a quorum of board members to attend a legislative hearing (or other “informational meeting”) and report their attendance at the next board meeting (Section 92-2.5(e), HRS);

(4) Circulating a statement regarding a position previously adopted by the board for approval providing that certain requirements under Section 92-2.5(h), HRS are met; and

(5) Delegating the responsibility for drafting and submitting legislative testimony to two board members or staff.

In the alternative, an investigative permitted interaction group similar to those the Board has previously formed under Section 92-2.5(b)(1), HRS, may be formed to address legislative matters. However, use of this type of permitted interaction group would require at least three meetings to be held prior to a decision being rendered which would prohibit any quick decisions being made about positions to be taken on legislation.

PENDING LEGISLATION:

Information on legislation that has been introduced during the Regular Session of 2023 which pertains to, or has an impact on, the Board or Board operations, including a description of their contents, is contained within the attached table. Please note that the information provided reflects the status of measures as of 12:00 p.m. on Friday, February 10, 2023, and may have changed since the submittal of this memorandum. This information is being provided for the purposes of determining whether the Board desires to take a position on any of these matters.

Attachments:

OIP publications
Table of Introduced Bills 2023
QUICK REVIEW: Sunshine Law Options to Address
State Legislative Issues and Measures
(Revised August 2022)

Sunshine Law boards that track legislation and submit testimony on legislative
issues or measures are faced with the annual question: how can they keep up with the
legislative calendar and submit testimony on a timely basis while still following the
Sunshine Law? The State Office of Information Practices has prepared this Quick
Review to provide several options. This Quick Review was written to address issues
boards commonly have in tracking bills and testifying during the Hawaii State
Legislature’s regular session, but most of the options discussed could be adapted for
use with other legislative bodies such as the federal Congress or a county council.

When dealing with legislative matters when legislative committees often give less
than six days’ notice of their hearings, one major hurdle that boards face is the
Sunshine Law’s six-day notice requirement before conducting a meeting to discuss a
legislative measure. Since most boards typically meet on a monthly or less frequent
basis, their meeting schedule together with the six-day notice requirement leave them
with limited options to timely notice a meeting and discuss the adoption of its legislative
testimony or position before the legislative hearing.

The Sunshine Law, however, allows board members to discuss board business
outside a meeting in limited circumstances, as set forth in the “permitted interactions”
section of the law. HRS § 92-2.5. These permitted interactions are not considered to
be “meetings” of a board or subcommittee subject to the Sunshine Law’s six-day
advance notice requirements. HRS §92-2.5(i). Note, however, that the Sunshine Law
does not allow permitted interactions to “be used to circumvent the spirit or
requirements” of the law and thus permitted interactions generally cannot be mixed and
matched or used serially because the resulting communication would go beyond the
limits of any one permitted interaction. For instance, if four of nine board members are
assigned to a permitted interaction group on a bill, the law would not allow one of those
members to also talk about the same bill to a member who was not part of the group
under the two-person permitted interaction, because doing so would mean the bill was
serially discussed by a total of five members, more than allowed by either of those
permitted interactions.

Among the various types of permitted interactions authorized under section 92-
2.5, HRS, the most useful in developing or adopting positions on legislative measures
are the four described in:

(1) section 92-2.5(a), HRS, which allows two members of a board to discuss
board business between themselves so long as no commitment to vote is made or
sought;
(2) **section 92-2.5(b)(2)**, HRS, which allows a board to create a permitted interaction group (“PIG”) with less than a quorum of its membership to present, discuss, or negotiate any board position that the board had previously adopted at a meeting;

(3) **section 92-2.5 (e)**, HRS, which allows less than a quorum of board members to attend a legislative hearing (or other “informational meeting”) and report their attendance at the next board meeting; and

(4) **section 92-2.5(h)**, HRS, allowing an unlimited number of board members to circulate draft State legislative testimony for members’ review, written comment, and approval, subject to various limitations.

Permitted interactions are discussed in greater detail in OIP’s three-part Quick Review series on “Who Board Members Can Talk To and When,” which may be viewed on OIP’s [Training page at oip.hawaii.gov](oip.hawaii.gov).

Besides permitted interactions, other options for a board to address legislative matters are by delegation to staff, or through the special limited meeting provision for county councils, or at an emergency meeting of the board. What follows are the various options and practical considerations for a board to discuss and submit timely testimony on legislative issues or measures.

**First Option: Delegation to Staff**

At the outset of the legislative session, a board may file a notice of a public meeting with an agenda indicating that the board will consider the adoption of a position or the general policy direction it will take on specific legislative topics, subject matters and legislative measures, including the relevant bill numbers, if available, which the board desires to present in testimony during a legislative session. (A board may contact OIP’s Attorney of the Day to discuss whether the notice of an agenda item is legally sufficient.)

The board could then delegate to staff (e.g., executive director) the authority to track legislative measures and draft testimony in accordance with the positions and policy directives previously adopted by the board. The members of a board’s staff (assuming they are not board members) can freely discuss legislative measures the board is tracking among themselves without implicating the Sunshine Law or requiring a permitted interaction. Likewise, discussions involving staff and a single board member would not raise Sunshine Law concerns, unless the discussions comprise a serial communication between staff and individual board members to solicit a commitment to vote on a specific matter.

If the entire board wanted the opportunity to comment on and approve testimony drafted by staff, the board’s staff could then circulate draft testimony to all board members for their review and written comment and approval under section 92-2.5(h),
HRS, (discussed as the fifth option) so long as (1) the legislative deadline was too soon to allow the board to notice a meeting and (2) the board posts all drafts and communications about the testimony within 48 hours on the board’s website or an appropriate state or county website. Alternatively, the staff could submit the testimony without further review or approval by the board, or after running it by one member, such as the board chair. Throughout the legislative session, the board’s staff could also report on legislative measures and testimony at board or committee meetings conducted pursuant to the Sunshine Law, at which time the entire board or committee could discuss and deliberate on the measures.

**Second Option: Delegation to Two Board Members**

A board could delegate to two board members the authority to prepare and submit legislative testimony, talk to legislators, and attend legislative hearings, all in accordance with the position or policy direction the board had previously adopted. Under the permitted interaction authorized in section 92-2.5(a), HRS, two board members may discuss between themselves official board business, including legislative measures of interest to the board, provided that no commitment by the board members to vote on board business is made or sought and the two members do not constitute a quorum of the board.

The two board members working on a legislative issue or measure can provide reports at any meeting of the board when the issue is on the agenda. Moreover, different combinations of members may be assigned to work on different legislative issues or measures. However, the two board members assigned to a legislative measure or issue must be careful to avoid involving additional members in discussions of that matter outside a board meeting because these discussions could constitute a serial discussion among three or more members in violation of the Sunshine Law.

Discussions by all members may take place at duly noticed board meetings. The full board can continue to oversee the implementation of the general policy direction by the two board members and address any new issues that arise during the legislative session at its regularly scheduled meetings. If necessary, the full board may also hold emergency meetings, as described in the sixth option below.

**Third Option: Permitted Interaction Group under Section 92-2.5(b)(2), HRS**

Some boards may prefer to have more than two members involved in legislative matters. If so, a board may consider the establishment of a PIG under section 92-2.5(b)(2), HRS, which could consist of more than two members, so long as it is less than a quorum of the board.

Initially, the board should adopt its position or establish policy directives at a public meeting duly noticed under the Sunshine Law. The agenda item in the public meeting notice would describe the specific topic, subject matter, or legislative measure,
including any bill number, if known, that the board desires to adopt a position on or to set a policy directive in response to any legislative measure the board anticipates could be discussed during a legislative session. An additional agenda item for the public meeting should describe the PIG to be established under section 92-2.5(b)(2), HRS, including the assignment of specific board members to the PIG and the establishment of the scope of each member’s authority to present, discuss, or negotiate any position that the board had previously adopted.

A legislative PIG established under section 92-2.5(b)(2), HRS, and acting within the scope of each member’s previously defined authority, would not be subject to the investigative PIG’s requirements under section 92-2.5(b)(1), HRS, to initially report its findings at a public meeting before the full board could discuss or act on the report at a subsequent meeting. Nor would a legislative PIG established under section 92-2.5(b)(2), HRS, be subject to the reporting requirements of section 92-2.5(e), HRS, for attending informational meetings described in the fourth option below.

Fourth Option: Permitted Interaction for Informational Meeting or Presentation

Section 92-2.5(e), HRS, allows two or more members of a board, but less than a quorum, to attend and participate in discussion at an informational meeting or presentation on matters relating to official board business, including meetings of another entity or a legislative hearing. The meeting or presentation, however, must not be specifically and exclusively organized for or directed toward board members, and a commitment by board members relating to a vote on a matter cannot be made or sought. At the next duly noticed board meeting, the board members must report their attendance at the informational meeting or presentation and the matters relating to official board business that were discussed during the meeting or presentation.

Under this permitted interaction, it would not be necessary for the full board to have previously created a PIG under section 92-2.5(b), HRS, or to have established a position or policy on a legislative measure or issue.

Fifth Option: Permitted Interaction for Board to Draft and Approve Testimony

If a board has no staff or if its members wish to take a more active role in legislative matters, then a board’s own members may prepare and submit any legislative testimony in accordance with the position or policy direction the board had previously adopted. When a legislative deadline is too soon to allow the board to hold a meeting to approve testimony, any number of board members may circulate draft testimony for approval, so long as all drafts and comments are in writing and are posted within 48 hours of the statement’s circulation to the board, on the board’s website or an appropriate state or county website, pursuant to the legislative permitted interaction found at section 92-2.5(h), HRS.
This testimony permitted interaction, however, may be of limited benefit to boards because it would foreclose the use of other permitted interactions. To comply with specific statutory requirements and to avoid creating a serial use of permitted interactions, the testimony permitted interaction could not be readily used in combination with other permitted interactions, such as a general delegation of legislative authority to two members under section 92-2.5(a), HRS, or to a permitted interaction group (PIG) under section 92-2.5(b)(2), HRS. While these latter two permitted interactions allow in-person or phone communications between board members, the legislative permitted interaction requires all communications to be in writing and posted on the board’s website. Additionally, the two other permitted interactions allow only a limited number of board members to communicate with each other, but the testimony permitted interaction allows communication among all board members.

Given these inherent conflicts between the requirements of different permitted interactions, a board that wants its board members to not just prepare and submit testimony but also talk about legislative issues generally outside a meeting, including attending hearings and meeting with legislators, will be better served by delegating the authority to pursue the board’s previously adopted legislative positions to a subset of members acting under another permitted interaction, rather than drafting and approving testimony as a board under the testimony permitted interaction of section 92-2.5(h), HRS. Alternatively, the board could delegate that authority to staff as discussed in option one while retaining the option to have the board’s members review and approve the testimony drafted by staff under this permitted interaction.

**Sixth Option: Limited Meeting by County Council as Guests of Another Group**

Any number of county councilmembers may attend a limited meeting that is open to the public, as guests of a board or community group holding its own meeting, provided that the following requirements of section 92-3.1(b), HRS, are met:

1. six days’ advance notice of the limited meeting must be provided to indicate whose board or community group the council is attending, but no agenda is necessary as it is not the council’s own meeting;

2. if the other board or community group is subject to the Sunshine Law, then that board or group must still meet the Sunshine Law’s notice requirements;

3. no more than one limited meeting per month may be held by the County Council involving the same board or community group;

4. no limited meetings may be held outside the State; and

5. the limited meeting shall not be used to circumvent the purpose of the Sunshine Law.
Additional requirements under section 92-3.1(c), HRS, for limited meetings apply, such as prior OIP approval and videotaping of the limited meeting, as well as the general meeting requirements, such as keeping minutes.

This option would allow more than a quorum of a county council to meet with constituents or community groups regarding their legislative concerns, but would not be a preferred way for the council itself to address legislative matters. If a quorum or more of a board wanted to attend a specific legislative hearing together, however, this form of limited meeting would be the only option for doing so, other than noticing the hearing as a regular board meeting.

Sephenth Option: Emergency Meeting

If an unanticipated legislative issue or measure arises that requires the full board’s action, an emergency meeting could be noticed under section 92-8(b), HRS, but this would not be a preferred option. An emergency meeting requires the board to meet the following conditions:

1. The board must state in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary, and must obtain the Attorney General's concurrence.

2. Two-thirds of all members to which the board is entitled must agree that the conditions necessary for an emergency meeting exists.

3. Although six days’ advance notice is not required, the written finding that an unanticipated event has occurred and that an emergency meeting is necessary, and an emergency meeting agenda, must be electronically posted in the same way as for a regular meeting notice and agenda, and copies provided to the office of the Lt. Governor or appropriate county clerk’s office and made available in the board’s office.

4. Persons requesting notification of board meetings on a regular basis must be contacted by postal mail, email, or telephone as soon as practicable.

5. The board’s action must be limited to only action that must be taken on or before the date that a meeting would have been held, had the board noticed the meeting pursuant to section 92-7, HRS.

Because of the additional requirements for noticing an emergency meeting, as well as the logistical challenges of frequently gathering a quorum of a board’s membership on short notice, this option is not one that would be used on a regular basis to deal with legislative issues or measures.

In closing, there are various options available to a Sunshine Law board to deal with legislative matters in a timely fashion. For additional guidance, please feel free to contact OIP’s Attorney of the Day at 586-1400 or oip@hawaii.gov.
OPEN MEETINGS
Guide to
“The Sunshine Law”
for State and County Boards

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October 2021

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OPEN MEETINGS

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Part I of Chapter 92,
Hawaii Revised Statutes

CONTENTS

Introduction ................................................................................... 4
1. General Information ............................................................... 6
2. Public Meetings ........................................................................ 8
   Meetings Defined ....................................................................... 8
   Multi-site and Remote Meetings .............................................. 9
   Board Packets .......................................................................... 16
   Testimony ................................................................................ 18
   Recessing, Continuing, Cancelling, or Relocating Meetings .... 21
   Discussions Between Board Members Outside of a Meeting .. 24
   Social Events ............................................................................ 25
   Permitted Interactions ............................................................. 26
   Board Discussion of Legislative Issues .................................... 28
   Discussions Between Multiple Boards .................................... 29
3. Executive Meetings ................................................................ 30
4. Other Types of Meetings ........................................................ 37
   Emergency Meetings ............................................................... 37
   Unanticipated Events ............................................................. 37
   Limited Meetings ................................................................... 38
5. Procedural Requirements ....................................................... 40
   Notice and Agenda ............................................................... 40
   Minutes .................................................................................. 44
Recordings by the Public... ............................................................ 47
6. Suit to Void Board Action... ..................................................... 48
7. Office of Information Practices............................................. 49

Appendices:
Public Meeting Notice Checklist.............................................50

Request for OIP Concurrence to Hold Limited Meeting......... 54

Notice of Continuance of Meeting ............................................ 56

The Law: Chapter 92, Part I (Meetings),
updated through the 2021 legislative session...... .......... 57
INTRODUCTION

This Open Meetings Guide (Guide) was prepared by the Office of Information Practices (OIP) as a reference tool for board members and members of the public to understand the open meetings requirements of Hawaii’s “Sunshine Law” (Part I of Chapter 92, HRS). This edition of the Guide is applicable to all State and county boards, except neighborhood boards. A separate edition was developed by OIP specifically for neighborhood boards, which have some unique provisions under Part VII of Chapter 92, HRS. Both editions have been revised to incorporate changes to the Sunshine Law that allow boards to remotely conduct meetings online, effective January 1, 2022.

Every year, in response to questions and complaints about the manner in which State and county boards conduct their business, OIP initiates investigations into alleged Sunshine Law violations. Many of the questions, complaints, and violations arise because of a misunderstanding or a lack of understanding, and sometimes both, about the statute and its requirements.

The Sunshine Law imposes numerous requirements and restrictions on the manner in which a State or county board can conduct its business. Many board members, especially those who serve or have served on non-governmental boards, are surprised by the restrictions placed on how they, in their capacity as State or county board members, must conduct board business.

For instance, with a few exceptions, board members are not allowed to discuss board business with each other outside of a meeting, including by telephone or through email or social media. In addition, a board usually cannot consider at a meeting matters that were not included in its published agenda.

If you are elected or appointed to a government board, the honor and privilege of serving comes with the added responsibility of learning and complying with the Sunshine Law. We hope that this Guide will assist you and members of the public in generally understanding the statute’s requirements.
We have attempted to present the law in “plain English” through the types of questions that are most frequently asked. We have also included the statute, various forms, and checklists.

Please note that the comments contained in this Guide are general in nature. OIP provides more detailed comments on various topics in Quick Reviews and other guidance that can be found on the Training page at oip.hawaii.gov.

If you have questions about specific factual circumstances that may not be answered by this Guide, you should consult with your attorney, your board’s attorney, or OIP. OIP provides an “Attorney of the Day” (AOD) service, through which you may speak with an OIP staff attorney to receive, typically on the same day, general legal guidance and assistance with Sunshine Law issues.

Thank you for your participation in Hawaii’s open government.

Cheryl Kakazu Park, Director
GENERAL INFORMATION

What is the Sunshine Law?

The Sunshine Law is Hawaii’s open meetings law. It governs the manner in which all State and county boards must conduct their business. The law is codified at Part I of chapter 92, Hawaii Revised Statutes (HRS).

What is the general policy and intent of the Sunshine Law?

The intent of the Sunshine Law is to open up governmental processes to public scrutiny and participation by requiring State and county boards to conduct their business as openly as possible. The Legislature expressly declared in the statute that “it is the policy of this State that the formation and conduct of public policy — the discussions, deliberations, decisions, and actions of governmental agencies — shall be conducted as openly as possible.”

In implementing this policy, the Legislature directed that the provisions in the Sunshine Law requiring open meetings be liberally construed and the provisions providing for exceptions to open meeting requirements be strictly construed against closed meetings. Thus, with certain specific exceptions, all discussions, deliberations, decisions, and actions of a board relating to the official business of the board must be conducted in a public meeting.

In other words, absent a specific statutory exception, board business cannot be discussed in secret. There must be advance notice; public access to the board’s discussions, deliberations, and decisions; opportunity for public testimony; and board minutes.
What boards are covered by the Sunshine Law?

There is no list that specifically identifies the boards that are subject to the Sunshine Law. As a general statement, the Sunshine Law applies to all State and county boards, commissions, authorities, task forces, and committees that have supervision, control, jurisdiction, or advisory power over a specific matter and are created by the State Constitution, statute, county charter, rule, executive order, or some similar official act. A committee or other subgroup of a board that is subject to the Sunshine Law is also considered to be a “board” for purposes of the Sunshine Law and must comply with the statute’s requirements.

Examples of State and county boards that are subject to the Sunshine Law include the county councils, neighborhood boards, police commissions, liquor commissions, licensing boards, island burial councils, Board of Water Supply, Board of Land and Natural Resources, Land Use Commission, Board of Agriculture, Board of Health, University of Hawai‘i’s Board of Regents, Board of Education, Small Business Regulatory Review Board, Real Estate Commission, and the boards of the Hawaii Tourism Authority, Aloha Tower Development Corporation, Hawaii Health Systems Corporation, Natural Energy Laboratory of Hawaii Authority, and Stadium Authority.

The Sunshine Law does not apply to the judicial branch or to the adjudicatory functions exercised by certain boards (with the exception of Land Use Commission hearings, which are open to the public). The Legislature sets its own rules and procedures concerning notice, agenda, minutes, enforcement, penalties, and sanctions, which take precedence over similar provisions in the Sunshine Law.

What government agency administers the Sunshine Law?

Since 1998, OIP has administered the Sunshine Law. OIP also oversees the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA), which is commonly referred to as Hawai‘i’s “open records” law or Hawai‘i’s version of the federal Freedom of Information Act.
PUBLIC MEETINGS

MEETINGS DEFINED

Are all meetings of State and county boards open to the public?

Generally, yes. All meetings of State and county boards are required to be open to the public unless an executive meeting or other exception is authorized under the law. The open meeting requirement also applies to the meetings of a board’s committees or subgroups.

Are site inspections, presentations, workshops, retreats and other informal sessions that involve board business considered to be meetings open to the public?

Generally, yes. Apart from the permitted interactions set forth in section 92-2.5, HRS, which are discussed below, the Sunshine Law requires a board to conduct, in either open or executive meeting, all of its discussions, deliberations, decisions, and actions regarding matters over which the board has supervision, control, jurisdiction, or advisory power.

Moreover, based upon the express policy and intent of the Legislature that the formation and conduct of public policy be conducted as openly as possible, OIP interprets the statute to require that any site inspection or presentation regarding a matter before the board, or which is reasonably likely to come before the board for a decision in the foreseeable future, be conducted as part of a properly noticed meeting.

Because the site inspection or presentation of a matter before the board are an integral part of the board’s deliberation and decision-making process, they must be conducted in a properly noticed meeting. If it is not practical to allow the public to attend a site inspection as part of a meeting, the board may still be able to conduct the site inspection as a “limited” meeting under section 92-3.1, HRS.
With respect to board retreats, if board business is to be discussed, the retreat must be conducted as a meeting, which requires public notice, the keeping of minutes, the opportunity for public testimony, and public access to the board’s discussions, deliberations, and decisions. Conversely, so long as no board business is discussed, the retreat is not considered a meeting subject to the Sunshine Law’s requirements.

**MULTI-SITE AND REMOTE MEETINGS**

**Can a member of the public attend public meetings in person?**

Yes. Public meetings have traditionally been held in person, whether at a single site or multiple connected sites. Although the Sunshine Law now allows boards to hold remote meetings over the internet, as described below, a board must still provide at least one physical location where members of the public may attend a public meeting in person, even if the rest of the meeting is being conducted remotely.

**Must board members attend public meetings in person?**

It depends on what type of meeting the board is holding. For an in-person meeting held at a single site or multiple connected sites, members must generally attend in person at a public meeting site listed in the board’s notice. However, if the board is holding a remote meeting, board members can attend the meeting remotely from private locations such as their homes or offices.

Even when a board is holding an in-person meeting, a board member with a disability that limits or impairs the member’s ability to physically attend may participate from a location not noticed and not accessible to the public, so long as the member is connected by audio and video means and identifies where the member is and who else is present with the member. Thus, for example, a disabled board member may participate from a non-noticed location such as a private residence or hospital, so long as the other Sunshine Law requirements are met. § 92-3.5, HRS.

**What is a remote meeting?**

Effective January 1, 2022, the Sunshine Law allows a board to hold a remote meeting by interactive conference technology (ICT). The law does not define a “remote meeting,” but ICT is defined in section 92-2, HRS, as “any form of audio and visual conference technology, or audio
conference technology where permitted under this part, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members.” Because remote meetings require video interactivity with limited exceptions, a remote meeting held by ICT will typically be hosted via an online meeting platform such as Zoom or WebEx.

The new remote meeting option requires the ICT used by the board to allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting. The new section also establishes various requirements for remote meetings discussed below that would allow members of boards and the public to participate in a public meeting held online, from the privacy of their own homes, offices, or other nonpublic locations.

**What is the difference between a remote meeting and a multi-site meeting?**

A remote meeting allows “remote” board and public participation, typically online, from private locations. By contrast, a multi-site meeting is an in-person meeting held at multiple public locations that are connected by ICT. Even though ICT is used to connect the different sites, **board members must attend a multi-site meeting in person** at one of the physical locations identified in the notice as a public meeting site, unless they are disabled and meet the requirements of section 92-3.5, HRS, to be able to participate remotely. Members of the public are not necessarily required to be in-person — the board has the option, but is not required, to allow members of the public to participate remotely in a multi-site meeting, such as by phoning in oral testimony.

**What is the difference between an “additional location” and the official meeting location(s)?**

Besides the official in-person meeting site(s) that a board is required to provide for every meeting, the Sunshine Law allows boards to also set up additional unofficial in-person sites, also known as “courtesy” sites. Before the Sunshine Law was amended to allow remote meetings, OIP had interpreted the requirement for meetings held via ICT to terminate if connection was lost to one site as only applying to sites noticed as official meeting sites where board members may be present. OIP’s interpretation was codified by Act 220, SLH 2021, to expressly allow boards the option to set up unofficial “additional locations” for the public’s convenience. There are two differences between an official meeting site and an additional location. First, for any type of meeting, if a noticed “additional location” is cut off from the rest of the meeting by
a connection failure, the meeting can still continue without that location so long as the notice made it clear that such an occurrence could happen. This is in contrast to an official meeting site where the meeting would have to recess and perhaps terminate if that site was cut off. Second, for an in-person meeting, board members cannot participate from an “additional location,” but instead must go to an official meeting site; the “additional location” is offered as an option for the public rather than for board members.

This option allows boards with a widespread constituency to improve public access to their in-person meetings for constituents in rural areas or on other islands while still limiting the number of sites for which a communication failure could require cancellation of the whole meeting.

What are the requirements for a board to hold a remote meeting online?

A board must provide public access to the remote meeting. The meeting has to be on a platform that allows for audio-visual interaction between board members and the public, who can attend and participate from anywhere they wish via an online connection, or in some cases a phone connection. Board members and the public do not need to be at a public meeting site, and the meeting notice is not required to list private locations where board members are attending from or to allow the public to join members at private locations. Instead, the notice must tell the public how to remotely view and testify at the meeting. This will usually be in the form of a link to an online platform, perhaps with a phone number as an additional option for the public. A board can choose to have separate connections for viewing and for testifying at a meeting; for instance, a board expecting large public interest in a contentious issue might prefer to offer the public a view-only online connection separate from the link used by board members, paired with a phone number for presenting oral testimony, to avoid the potential for abuse of the online platform and disruption to the meeting. In most cases, though, boards will find it easier to use the same online meeting link for all meeting attendees. In either case, public access to the meeting must be contemporaneous with the meeting and allow members and the public to hear the oral testimony provided.

Although board members and the public need not physically attend a remote meeting and can instead participate from private locations, the board must still provide for the public at least one physical meeting site linked by ICT to the remote meeting. This requirement recognizes that in-person meetings are the traditional way of holding public meetings and that not all persons, including board members, have
the ability, equipment, internet capacity, or desire to attend online meetings.

Except during executive meetings closed to the public or when the ICT connection is interrupted, a **quorum of board members must be visible** to other members and the public during the public portion of a remote meeting. As with an in-person meeting, a board member’s brief absence from view during a meeting, such as to take a five-minute restroom break, would not cause the board to lose quorum. However, if a board member who is needed to meet the quorum requirement will be out of view for an extended period of time or will be absent during a vote, the board should call for a recess until quorum can be reestablished.

At the start of the meeting, the presiding officer must **announce the names** of the participating board members, and board members attending from private locations must state who else is with them. All votes must be conducted by **roll call**, unless the vote is unanimous.

The notice and minutes requirements for remote meetings are discussed later in the Procedural Requirements section. The requirements when a remote meeting’s ICT connection is interrupted or lost are discussed below.

**What happens if the ICT connection is interrupted or lost?**

If the audio-visual connection is lost during the public portion of a remote meeting or during a multi-site meeting, the Sunshine Law **requires the meeting to automatically recess for up to 30 minutes while the board attempts to restore the connection.** This requirement applies for all official meeting sites and the remote connection(s) provided as part of a remote meeting, however, it does not apply when the remote connection is working properly but a member of the public has lost internet connectivity or is otherwise unable to access the remote connection due to issues on that person’s end.

The board **may reconvene with audio-only communication** if the visual link cannot be restored, **provided that the board has provided reasonable notice** to the public as to how to access the reconvened meeting after an interruption. For remote meetings only, the law specifically **requires speakers to state their names before speaking**, if the meeting has been reconvened with audio-only communication.

**Within 15 minutes of establishing audio-only communication,**
copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation must be made available by posting on the internet or other means to all meeting participants (including those participating remotely), otherwise agenda items with unavailable visual aids cannot be acted upon at the reconvened meeting.

If the meeting cannot be reconvened within 30 minutes after interruption to communication, and reasonable notice has not been provided to the public of how the meeting will be continued to another date or time, then the meeting is automatically terminated. OIP recommends that board prepare in advance for the possibility of technical difficulties and has provided tips in the next section.

What are some tips to provide reasonable notice to continue any Sunshine Law meeting, whether in person or connected by ICT?

Here are some tips for providing reasonable notice to continue any Sunshine Law meeting:

- **The board’s notice may contain a contingency provision** stating that if the board loses online connection, then people should check the board’s website (give address) for reconnection information. Alternatively, the notice could provide that if the connection is lost for more than 30 minutes, the meeting will be continued to a specific date and time, with the new link for the continued meeting either on the agenda itself or to be provided on the board’s website.

- **At the start of the online meeting, the board could announce audibly** that if online connection is lost, information on reconvening or continuing the meeting will be posted on its website and give the website address.

- If the audio and video have gone down but there is still a chat function or something similar available, the board should also **post a visual notice** of the continuation of a meeting in that way.

- If visual connection has been lost during a meeting using ICT, the board could **audibly announce** that the meeting will be continued and direct people to its website where the relevant information has been posted.
• If time permits, the board can email people on its email list with a notice of continuation of the meeting. See the appendix or OIP’s website for a form notice of continuation.

May a board hold an in-person multi-site meeting via telephone?

Yes. Section 92-3.5, HRS, continues to allow board members to participate at an in-person meeting held at multiple meeting sites connected by ICT that provides for audio or audiovisual interaction among all board members and meeting participants. Unless the disability provisions of section 92-3.5, HRS, apply as described below, board members may participate only from the official, physical meeting sites noticed. Therefore, while the multiple sites may be connected only via telephone, board members must be at one of the in-person locations that was identified on the meeting notice as being open to the public.

If copies of visual aids are brought to such a meeting by board members or members of the public, they must be available to all meeting participants at all locations. Therefore, if audio-only interactive conference technology (e.g., teleconference) is being used, all visual aids must be available within 15 minutes to all participants, or those agenda items for which visual aids are not available cannot be acted upon at the meeting.

If audio communication cannot be maintained at all noticed locations, then the meeting is automatically recessed for up to 30 minutes to restore communication. The meeting may reconvene if either audio or audiovisual communication is restored within 30 minutes. If it is not possible to timely reconvene the meeting, and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated. Note that the failure to maintain at least audio communication at all noticed locations will require termination of the meeting, even if all or a quorum of board members are physically present in one location.

May a sick or disabled board member participate in a meeting from home or another private location?

Yes. If it is a remote meeting, that member can participate via the remote meeting link from a private location in the same way that other members and the general public can. Even for an in-person meeting, under the provisions for in-person multi-site meetings “a board member
with a disability that limits or impairs the member's ability to physically attend the meeting” may attend a meeting via a connection by audio and video means (e.g., by videoconference, Skype, or Zoom) from a private location not open to the public, such as a home or hospital room. HRS § 92-3.5. The disability need not be permanent, so for example, a board member that has the flu or is hospitalized may participate via videoconference from home or a hospital room. A disabled board member attending from a private location must identify the location and any persons who are present at that location with the member. To protect the disabled member’s privacy interests and because members of the public are not able to participate from the private location, the disabled member’s location during a meeting may be generally identified, such as “home” or “hospital,” without providing an exact address.

Because members of the public are not able to participate from the private location, the filed notice does not have to state that a disabled board member will be participating from home, a hospital, or other location. It is sufficient for the disabled board member to announce at the meeting that he or she is participating from a stated location, without providing an exact address, and to state the names of any person that are present at the location with the member.

Must a board provide additional in-person meeting sites to allow the public to more easily participate?

No. The Sunshine Law does not require a board to provide more than the one in-person meeting site for any meeting. For an in-person meeting, it also does not require accommodating requests to remotely participate. At the same time, the Sunshine Law does not restrict remote participation in an in-person meeting by people who are not board members. However, it is up to the board to decide whether or not to allow testifiers, presenters, and other members of the public to watch, testify, or otherwise participate in an in-person meeting from places other than the official meeting site(s) by:

- Allowing testifiers to call in from home;
- Allowing their participation via audio or videoconferencing from a location not listed on the notice; or
- Setting up audio or videoconferencing at a location where no board member will be present, such as an additional location listed as such on the notice and not guaranteed to remain open for the whole meeting.
Boards are not required by the Sunshine Law to provide additional locations or accommodate requests from testifiers to testify remotely by telephone or other means. Boards may be required, however, to reasonably accommodate individuals with disabilities under the Americans with Disabilities Act (ADA), and should consult with their own attorneys or the State Disability and Communication Access Board at (808) 586-8121 (Voice) or (808) 586-6162 (TTY), email dcab@doh.hawaii.gov, or go to DCAB’s website at health.hawaii.gov/dcab/ for advice on how to comply with the ADA. OIP does not have authority to provide legal advice on the ADA.

If the notice lists one or more additional locations for the convenience of members of the public who cannot make it to the official in-person meeting location(s), the notice must make clear the distinction between the noticed official meeting location(s) and the listed additional location. An additional location may be cancelled or shut down early while the meeting continues at the public meeting locations listed on the filed notice. Moreover, in most cases, board members themselves cannot attend an in-person meeting from an additional location or another non-noticed location, which also means that they cannot call in, cannot participate or just listen in by phone, and cannot vote or be counted toward quorum for an in-person meeting if they are at an additional location or other non-noticed location. The only exception to this rule is for disabled board members, as described above.

**BOARD PACKETS**

**What is a board packet?**

A board packet consists of the documents that are compiled by the board or its staff and distributed to board members before a public meeting for use at that meeting. Not all boards create and distribute board packets, and the requirements relating to board packets only apply to those boards that actually distribute board packets.

**Must board packets be made available to the public?**

Yes, but documents may be redacted or withheld as discussed below. Any board packet prepared for a meeting must be made available for public inspection in the board’s office at the time it is distributed to board members. Although the board is not required to automatically mail or email the packet itself to people on its
notification list, it must notify them that the board packet is available for inspection in the board’s office and must provide “reasonably prompt” access to the packet to any person upon request. The board must accommodate requests for electronic access to the board packet as soon as practicable, which it can do by emailing the packet to requesters or by posting the packet on its website or in a file-sharing site and letting the public know where it can be found.

**What board packet documents may be withheld or redacted from public inspection?**

The public disclosure requirement for board packets only applies to information that would be disclosable under the UIPA; in other words, non-public information within board packets can be redacted. In addition, the law allows the board to potentially withhold more records in creating the public version of the board packet than could have been withheld in response to a formal UIPA record request. Specifically, the public version of a board packet is not required to include executive meeting minutes, license applications, and other records for which the board cannot reasonably complete its redaction of non-public information in the time available before the meeting. In this way, the board packet provision recognizes the challenge facing a board when it must both put together a board packet and create a public version of the board packet in the short time before a meeting, when the board packet may include materials from third parties that the board has not previously reviewed, or materials with public information and non-public information mixed together.

For example, if a board packet includes a long document with confidential information embedded throughout it, which would make redaction unreasonable or overly time-consuming in the days before the board meeting, the board could withhold the entire record from the public board packet. On the other hand, if a similarly long document is made up of several distinct sections, only some of which are confidential, then it may be relatively straightforward for the board to separate them and include only the non-confidential sections in the public board packet. If a document includes some confidential information but is only a few pages long, then the confidential information can readily be redacted before the record is included in the public board packet. If a document of any length is fully public, then it should be included in an unredacted form in the public board packet.
If a board has made a public board packet available, does it still need to respond to a UIPA request for the original packet?

Yes. The UIPA has separate and different requirements from the Sunshine Law, and the Sunshine Law’s board packet disclosure requirement does not replace the right of a member of the public to request a board packet under the UIPA. In responding to such a request, a board would follow the UIPA’s deadlines, standards for what may be redacted, and fees. For most members of the public, however, free access to the public version of the board packet prior to the meeting under the Sunshine Law will be preferable to waiting two weeks or more to receive what may be a slightly less redacted version for which review and segregation fees may be assessed under the UIPA.

Do you have any practice tips for boards to prepare public board packets?

• When compiling a board packet, prepare the public version at the same time. As each document comes in, determine whether it must be included in the public packet and prepare a redacted version if necessary.

• Have a copy of the public board packet available in the board’s office by the time the packet goes out to board members. If the public board packet is available for public inspection only in electronic format, have equipment available for the public to be able to view the packet.

• Have a PDF version of the public packet ready to be emailed or faxed upon request, or if the board prefers, available to download from the board’s website or a file-sharing service.

Testimony

Must a board accept testimony at its meetings?

Yes. Boards are required to accept both oral and written testimony from the public on any item listed on the meeting agenda. Boards can decline to accept public testimony that is unrelated to a matter listed on the agenda.
Can the public provide testimony from a remote location by telephone, videoconference, or using other interactive technology?

If a board is holding a remote meeting via ICT, the public has a right to attend and testify at the meeting from a remote location using the ICT link(s) provided by the board.

If a board is conducting an in-person meeting, however, the law does NOT require a board to allow public testimony or participation from a location that was not listed on the notice as a meeting site, such as a person’s home. Thus, unless the board is conducting a remote meeting, the board may choose, but is not required by the Sunshine Law, to hear testimony online or via telephone from members of the public who are not physically present at a meeting location.

Note, however, that a board may choose to establish additional locations to allow the public to testify remotely when holding an in-person meeting. See the discussion on additional locations in the earlier section for Multi-Site and Remote Meetings.

Is a board required to read aloud the written testimony during its meeting?

No. There is no requirement that a board read aloud each piece of written testimony during its meeting for the benefit of those attending the meeting. A board, however, must ensure that written testimony is distributed to each board member for that member’s consideration before the board’s action. Moreover, upon request, any member of the public is entitled to receive copies of the written testimony submitted to the board.

Is written communication received by only one board member regarding a matter on the board’s meeting agenda considered written testimony?

Possibly. For instance, on occasion, the board chair or individual board members may receive email or other written correspondence regarding a matter on the board’s agenda. If a written communication is received prior to the meeting and reasonably appears to be testimony relating to an agenda item (as opposed to correspondence directed only to the recipient), irrespective of whether the writing is specifically identified as “testimony,” the board member receiving the communication must make reasonable efforts to cause the testimony to be distributed to the
other members of the board by the board’s staff. The receiving board member should not directly distribute the testimony to other board members as it may be considered a serial communication or discussion outside of a meeting, which are prohibited by the Sunshine Law.

How can a board avoid the possible problem of only one board member receiving testimony intended for the entire board?

The Sunshine Law now requires that the posted notice for a meeting provide the board’s electronic and postal contact information for submission of testimony before the meeting. This requirement avoids possible confusion as to whether an email or other written communication received by only one board member is intended to be “testimony” to the entire board, because the public will know the mailing address and email address written testimony should be directed to.

Providing the board’s contact information does not completely relieve individual board members of their obligation to consider whether written communication that they individually receive was intended by the sender to be “testimony” for consideration by the entire board. Nonetheless, it reduces the likelihood of written testimony being sent to individual board members and may excuse a board member’s reasonable failure to recognize that a written communication was intended to be “testimony.”

How must a board distribute written testimony to its members?

Subject to the board packet requirements discussed above, the board is empowered to determine how to best and most efficiently distribute the testimony to its members, e.g., whether to transmit it electronically or to circulate copies in paper format, and whether to distribute it in advance of the meeting or at the beginning of the meeting, so long as the testimony is distributed in a way that is reasonably calculated to be received by each board member. To avoid improper discussion of board business outside a meeting, however, the distribution of any testimony or other documents should be done by the board’s staff, not members.

May a board limit the length of each person’s oral testimony offered at its meetings?

Yes. Boards are authorized to adopt rules regarding oral testimony, including, among other things, rules setting limits on the amount of
time that a member of the public may testify. For instance, a council could adopt rules limiting each person’s oral testimony to three minutes per item. Boards also are not required to accept oral testimony unrelated to items on the agenda for the meeting.

**RECESSING, CONTINUING, CANCELLING, OR RELOCATING MEETINGS**

Can a board recess and later reconvene a meeting?

Yes, as a general rule, boards are authorized to recess both public and executive meetings, and to reconvene at another date and time to continue and/or complete public testimony, discussion, deliberation, and decision-making relating to the items listed on the agenda. Meeting continuances were extensively discussed by the Hawaii Supreme Court in *Kanahele v. Maui County Council*, 130 Haw. 228, 307 P.3d 1174 (*Kanahele*) (2013). The Court recognized that section 92-7(d), HRS, requires items of reasonably major importance, which are not decided at a scheduled meeting, to “be considered only at a meeting continued to a reasonable date and time.” The Court also found that a board is not limited by this statute to only one continuance of a meeting and is not required to post a new agenda or accept oral testimony at a continued meeting.

There are specific procedures that boards must follow if the ICT connection to a remote or multi-site meeting has been interrupted or lost. See the previous sections on In-Person, Multi-Site, and Remote Meetings.

What kind of notice should a board provide for a meeting that will be continued?

Although the Sunshine Law contains no specific requirements for a written public notice or oral announcement for continued meetings, the Hawaii Supreme Court stated in *Kanahele*, discussed above, that “the means chosen to notify the public of the continued meeting must be sufficient to ensure that meetings are conducted “as openly as possible; and in a manner that ‘protect[s] the people’s right to know.” *Id.* at 1198. When a meeting is being recessed for longer than 24 hours, the board should provide, if practicable, both oral and written (including, if possible, electronic) notice of the date, time, and place of a continuance. The date, time, and location of the reconvened meeting generally should be orally announced at the time that the meeting is recessed.
Based on the Court’s guidance and examples in Kanahele, OIP has prepared a “Notice of Continuance of Meeting” form, which is available on the Forms page at oip.hawaii.gov and as an appendix to this Guide. This notice may be used to continue an ongoing meeting that had been originally posted as required under section 92-7, HRS. Consequently, the continuance notice is not subject to the same requirements of the original notice under section 92-7, HRS. Rather than post a new agenda for a continued meeting, a board should attach the agenda of the meeting being continued to a “Notice of Continuance of Meeting,” on which the board should type, hand write, or otherwise note the agenda item(s) being continued.

**Can the meeting be reconvened at a different location?**

Yes. A board may reconvene a meeting at a location different from where the meeting was initially convened, as long as the board announces the location where the meeting is to be reconvened at the time when it recesses the meeting or otherwise notifies the public of the new location. The new location should be included in all announcements and other such publications, if any, regarding the reconvened meeting.

**Must the continuance notice be posted?**

Yes. A board should physically post in the board’s office and, if practicable, at the physical meeting site, a “Notice of Continuance of a Meeting,” with the agenda from the continued meeting attached thereto. Additionally, if possible and time permits, the Notice and agenda should be electronically posted on the board’s website or the State or county electronic calendar, as appropriate, and emailed to persons on the board’s email list.

Keep in mind that because the meeting notice requirements of section 92-7, HRS, do not apply to the notice of continuance, the failure to electronically post the continuance notice on the State or county electronic calendar or to give six days’ advance notice would not require the cancellation of the continued meeting. State boards are also able to post a notice of a meeting being continued within six days by contacting NIC Hawaii (not OIP) at Hawaiicalendar@hawaii.gov from 7:45 a.m. to 4:30 p.m. on Mondays through Fridays (excluding state holidays).
**Does a board have to re-hear testimony or accept new testimony at a continuation of a meeting?**

No. A board does not need to re-hear or accept new testimony for completed agenda items at the continued meeting.

**Must a notice be posted online when cancelling a meeting?**

Boards are not required by the Sunshine Law to electronically file a notice when cancelling a meeting. A board’s mere failure to be present at a noticed meeting automatically cancels the meeting. However, as a courtesy to the public, OIP recommends posting notification of a cancelled meeting at the board’s office and at the meeting location, taking down the original meeting notice from the online calendar, and informing those people who have asked to receive notice by email.

**What notice must be provided if a physical meeting location must be changed?**

If a board must change the physical location of a meeting on the day of the meeting (for example, the room loses power or air conditioning), it may call the meeting to order at the noticed location and announce that it will be recessed and then reconvened shortly thereafter in the new location. A written notification of the new meeting location should be posted at the originally noticed physical location.

**What happens if the link to a remote meeting provided in the meeting notice has changed or does not work?**

The meeting notice for a remote meeting must include the remote meeting location, typically a link for an online meeting platform. If a board must change the online location of a meeting on the day of the meeting, perhaps because the original link is not working, it may do so if its meeting notice also provided the alternative online location in its meeting notice as a back-up link in case of connection problems with the first. If a board cannot use its noticed remote meeting location and it has not previously provided an alternative, it would be unable to convene the meeting in the first place, and thus would not have the option to convene it and announce its continuation at a different online location.
DISCUSSIONS BETWEEN BOARD MEMBERS OUTSIDE OF A MEETING

Can board members discuss board business outside of a meeting?

The Sunshine Law generally prohibits discussions about board business between board members outside of a properly noticed meeting, with certain statutory exceptions. While the Sunshine Law authorizes interactions between board members outside of a meeting in specified circumstances, the statute expressly cautions that such interactions cannot be used to circumvent the requirements or the spirit of the law to make a decision or to deliberate towards a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power.

In practical terms, this means that board members cannot “caucus” or meet privately before, during, or after a meeting to discuss business that is before the board or that is reasonably likely to come before the board in the foreseeable future.

The statute, however, does not prohibit discussion between board members outside of a properly noticed meeting about matters over which the board does not have supervision, control, jurisdiction, or advisory power. For instance, where the chair of a board has the sole discretion to set the agenda, the board has no “power” over that decision and, therefore, board members may request the addition of possible agenda items outside of a properly noticed meeting, so long as they do not discuss the substance of items. Similarly, logistical issues, such as when members are available to meet, are typically not “board business” and thus may be discussed in an email sent to all board members.

Does the Sunshine Law also prohibit board members from communicating between themselves about board business by telephone, memo, fax, or email outside of a meeting?

Yes. Board members cannot discuss board business between themselves outside of a properly noticed meeting by way of the telephone or by memoranda, fax, email, or social media, such as Facebook. As a general rule, if the statute prohibits board members from discussing board business face-to-face, board members cannot have that same discussion through other media.
Can board members discuss board business with non-board members outside of a meeting?

Generally, yes. The Sunshine Law only applies to boards and their discussions, deliberations, decisions, and actions. Because the Sunshine Law does not apply to non-board members, a board member may discuss board business with non-board members outside of a meeting.

Board members should not discuss with non-board members any matters discussed during a closed executive meeting, or the members could risk waiving the board’s ability to keep the matters confidential.

Social Events

What about social and ceremonial events attended by board members?

The Sunshine Law does not apply to social or ceremonial gatherings where board business is not discussed. Therefore, board members can attend functions such as Christmas parties, dinners, inaugurations, orientations, and ceremonial events without posting notice or allowing public participation, so long as they do not discuss official business that is pending or that is reasonably likely to come before the board in the foreseeable future.

If I am a board member, what should I do if another board member starts talking about board business at a social event?

The Sunshine Law is, for the most part, self-policing. It is heavily dependent upon board members understanding what they can and cannot do under the law. In the situation where a board member raises board business with other board members outside of a meeting, board members should remind each other that such discussion can only occur at a duly noticed meeting. If a board member persists in discussing the matter, the other board members should not participate in the discussion and should physically remove themselves from the discussion.
PERMITTED INTERACTIONS

What are “permitted interactions”?

Over the years, the Sunshine Law has been revised to recognize eight “permitted interactions,” which are designed to address instances when members of a board may discuss certain board matters outside of a meeting and without the procedural requirements, such as notice, that would otherwise be necessary. The statute specifically states that the “[c]ommunications, interactions, discussions, investigations, and presentations described in [the permitted interaction] section are not meetings for purposes of [the Sunshine Law].” These permitted interactions are summarized below.

What are the types of “permitted interactions” allowed by the Sunshine Law?

• **Two Board Members.** Two board members may discuss board business outside of a meeting as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board. Nevertheless, it would be a serial communication contrary to the Sunshine Law for a board member to discuss the same board business with more than one other board member through a series of one-on-one meetings.

• **Investigations.** A board can designate two or more board members, but less than the number of members that would constitute a quorum of the board, to investigate matters concerning board business. The board members designated by the board are required to report their resulting findings and recommendations to the entire board at a properly noticed meeting. This permitted interaction can be used by a board to allow some of its members (numbering less than a quorum) to participate in, for instance, a site inspection outside of a meeting or to gather information relevant to a matter before the board.

• **Presentations/Negotiations/Discussion.** The board can assign two or more of its members, but less than the number of members that would constitute a quorum of the board, to present, discuss, or negotiate any position that the board has adopted.

• **Selection of Board Officers.** Two or more board members, but less than the number of members that would constitute a quorum of the board, can discuss between themselves the selection of the board’s
Acceptance of Testimony at Cancelled Meetings. If a board meeting must be cancelled due to lack of quorum or conference technology problems, the board members present may still receive testimony and presentations on agenda items from members of the public and may question them, so long as there is no deliberation or decision-making at the cancelled meeting. The members present must create a record of the oral testimony or presentations. At the next duly noticed meeting of the board, the members who were present at the cancelled meeting must provide the record and copies of the testimony or presentations received at the cancelled meeting. Deliberation and decision-making on any item, for which testimony or presentation were received at the cancelled meeting, can only occur at a subsequent duly noticed meeting of the board.

Discussions with the Governor. Discussions between one or more board members and the Governor are authorized to be conducted in private, provided that the discussion does not cover a matter over which a board is exercising its adjudicatory function. This permitted interaction does not allow discussions with county mayors.

Administrative Matters. Certain routine administrative matters, such as board budget or employment matters, can be discussed between two or more members of a board and the head of a department to which the board is administratively assigned.

Attendance at Informational Meetings or Presentations. The Sunshine Law allows two or more members of a board, but less than a quorum, to attend an informational meeting. The board members may participate in discussions, even among themselves, so long as the discussions occur as part of the informational meeting or presentation and no commitment relating to a vote on the matter is made or sought. At the next duly noticed meeting of the board, the members who attended the informational meeting or presentation must report their attendance and the matters presented and discussed that related to official board business.

This informational meeting provision thus allows less than a quorum of board members to attend, for example, neighborhood board meetings, legislative hearings, and seminars, at which official board business is discussed, so long as no commitment to vote is made and the subsequent reporting requirements are met. The law is intended to improve communication between the public and board members and to enable board members to gain a fuller understanding of the issues and various
perspectives. As with the rest of the law, this permitted interaction will be interpreted to prevent circumvention of the spirit of the Sunshine Law and its open meeting requirements.

For a more detailed discussion, please see OIP’s three-part “Quick Review: Who Board Members Can Talk to and When,” which is posted on the Training page at oip.hawaii.gov.

**BOARD DISCUSSION OF LEGISLATIVE ISSUES**

**How can a Sunshine Law board keep up with the fast-paced legislative calendar and submit timely testimony on legislative issues?**

When dealing with legislative matters, one major hurdle that boards face is the Sunshine Law’s six-day notice requirement prior to conducting a meeting to discuss a legislative measure, even though legislative committees often give less than six days’ notice of their hearings. Since most boards typically meet on a monthly or less frequent basis, their meeting schedule together with the notice requirement leave them with limited options to timely notice a meeting and discuss the adoption of its legislative testimony or position prior to the legislative hearing.

The Sunshine Law, however, allows board members to discuss board business outside a meeting in limited circumstances, as set forth in the “permitted interactions” section of the law, as discussed above. The permitted interactions that are most useful in developing or adopting positions on legislative measures are (1) the one allowing two members of a board to discuss board business between themselves so long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board; (2) the one allowing a board to assign less than a quorum of its membership to present, discuss, or negotiate any board position that the board had previously adopted at a meeting; and (3) the one allowing less than a quorum of board members to attend a legislative hearing (or other “informational meeting”) and report their attendance at the next board meeting.

Besides permitted interactions, other options for a board to address legislative matters are through emergency or limited meetings or delegation to staff.

The various options or practical approaches that a board could take to discuss and submit timely testimony on legislative issues or measures
are discussed in more detail in OIP’s “Quick Review: Sunshine Law Options to Address State Legislative Issues and Measures,” which is posted on the Training page at oip.hawaii.gov.

DISCUSSIONS BETWEEN MULTIPLE BOARDS

When members of multiple Sunshine Law boards hold a joint meeting, roundtable discussion or similar event, how can they do so without violating the Sunshine Law?

When planning an event that will bring together members of multiple Sunshine Law boards, every attendee who is a member of a Sunshine Law board must be able to justify his or her presence under the Sunshine Law with respect to his or her own board. The justification could be that no one else from that particular board was present, so there was no discussion of board business among that board's members; or it could be that one of the Sunshine Law's permitted interactions applied to the particular board's members who attended; or it could be that the event was noticed as a meeting of the members’ own board (or a joint meeting of multiple boards including theirs). The justification does not have to be the same for all the boards with members attending, but all members of each board should have a Sunshine Law justification before attending and participating in the discussion of their board's business during the roundtable meeting.

For a more detailed discussion, please see OIP’s “Quick Review: Roundtable Discussions with Multiple Boards Subject to the Sunshine Law,” which is posted on OIP’s Training page at oip.hawaii.gov.
EXECUTIVE MEETINGS

What is an executive meeting?

An executive meeting (also called an executive session) is a meeting of the board that is closed to the public. Because an executive meeting is a narrowly construed exception to the Sunshine Law’s presumption that all government board meetings will be open to the public, board members are advised to carefully weigh the interests at stake before voting to exercise their discretion to close a meeting. Because the “final action” taken by the board in an executive meeting may be voided by the courts if the board has violated the procedural requirements for going into such a closed meeting, boards must be careful to follow all requirements.

Must a board give notice that it intends to convene an executive meeting?

Yes, if the executive meeting is anticipated in advance.

What must the agenda contain when the board anticipates convening an executive meeting?

In addition to listing the topic the board will be considering (as is required for all items the board will consider whether in public or executive session), the agenda for the open meeting generally must indicate that an executive meeting is anticipated and should cite the statutory authority for convening the anticipated executive meeting. For an executive meeting, the listing of the topic should describe the subject of the executive meeting with as much detail as possible without compromising the closed meeting’s purpose. For instance, if the board is to consider a proposed settlement of a lawsuit in an executive meeting, the agenda would note that the purpose of the executive session was consulting with the board’s attorney on questions or issues regarding the board’s powers, duties, privileges, immunities, and liabilities, and cite section 92-5(a)(4), HRS. The agenda in such a case should also describe the topic of the meeting as, at a minimum, the lawsuit identified by case name and civil number, and unless such description would compromise the purpose of closing the meeting from the public, that the board would consider a proposed settlement.
Can a board convene an executive meeting when it is not anticipated in advance?

With significant restrictions, the Sunshine Law allows the board to convene an executive meeting when the need for excluding the general public from the meeting was not anticipated in advance. If, for example, during the discussion of an open meeting agenda item, the board determines that there are legal issues that need to be addressed by its attorney, the board may announce and vote to immediately convene an executive meeting to discuss those matters pursuant to section 92-5(a)(4), HRS.

The board, however, cannot convene an executive meeting to discuss an item that is not already on its meeting agenda without first amending the agenda to add the item in accordance with the Sunshine Law’s requirements. No item can be added to an agenda if it is of reasonably major importance and the board’s action will affect a significant number of persons. At least two-thirds of the board’s total members (present or absent) must vote in favor of amending the agenda.

How does a board convene an executive meeting?

To convene an executive meeting, a board must vote to do so in an open meeting and must publicly announce the purpose of the executive meeting. The minutes of the open meeting must reflect the vote of each board member on the question of closing the meeting to the public. Two-thirds of the board members present must vote in favor of holding the executive meeting, and the members voting in favor must also make up a majority of all board members, including members not present at the meeting and vacant membership position. Note that the 2/3 vote of all members present that is required to convene an executive meeting is different from the 2/3 vote of a board’s total membership (including vacant positions) that is required to amend an agenda.

What are the eight purposes for which an executive meeting can be convened?

Section 92-5(a), HRS, gives the board the discretion to go into an executive meeting only for the following eight specific reasons:

1. **Licensee Information.** A board is authorized to meet in an executive meeting to evaluate personal information of applicants for professional and vocational licenses.
(2) **Personnel Decisions.** A board may hold an executive meeting to “consider the hire, evaluation, dismissal or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved.” However, if the person who is the subject of the board’s meeting requests that the board conduct its business about him or her in an open meeting, the request must be granted and an open meeting must be held.

(3) **Labor Negotiations/Public Property Acquisition.** A board is allowed to deliberate in an executive meeting concerning the authority of people designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations.

(4) **Consult with Board’s Attorney.** A board is authorized to consult in an executive meeting with its attorneys concerning the board’s powers, duties, immunities, privileges, and liabilities.

(5) **Investigate Criminal Misconduct.** A board with the power to investigate criminal misconduct is authorized to do so in an executive meeting.

(6) **Public Safety/Security.** A board may hold an executive meeting to consider sensitive matters related to public safety or security.

(7) **Private Donations.** A board may consider matters relating to the solicitation and acceptance of private donations in executive meetings.

(8) **State/Federal Law or Court Order.** A board may hold an executive meeting to consider information that a State or federal law or a court order requires be kept confidential.

**Does “embarrassing” or “highly personal” information allow a board to hold an executive meeting?**

A board may not hold such discussions in an executive meeting unless the discussion falls within one of the eight circumstances listed in the statute for which an executive meeting is allowed.

**Can confidential or proprietary information be considered in a closed-door meeting?**

Again, unless there is an exception that permits the board to convene in
an executive meeting, no matter how sensitive the information may be, a board cannot consider such information in a closed meeting. In such a case, a board may be better off using an applicable permitted interaction in section 92-2.5, HRS, to allow less than a quorum of board members to take a close look at the sensitive information so that it can be discussed in more general terms at the board’s meeting.

**Does the Sunshine Law require a closed meeting when one of the eight purposes is applicable?**

No. A board may, but is not required to, enter an executive meeting closed to the public when one of the eight purposes listed above is applicable.

**Is a board subject to the Sunshine Law’s criminal penalties for holding an open meeting, even if one of the eight purposes is applicable?**

No. Although section 92-13, HRS, provides for the criminal prosecution of board members who willfully violate the Sunshine Law, the Hawaii Supreme Court has held that holding an open meeting does not violate the Sunshine Law. Consequently, board members are not subject to criminal prosecution under section 92-13, HRS, for holding an open meeting.

**When personnel matters concerning an individual will be discussed, can an open meeting be held only upon the subject employee’s request?**

No. Section 92-5(a)(2), HRS, gives the subject employee the right to request an open meeting, but does not require the employee’s consent to hold an open meeting. Because the Sunshine Law presumptively requires open meetings, the board may choose to discuss personnel matters in the open. Meetings related to personnel matters are not required to be closed to the public.

**Must all personnel matters be discussed in a closed executive meeting?**

No. Certain personnel matters must be discussed in an open meeting. Under the Uniform Information Practices Act (Modified), chapter 92F, HRS (UIPA), certain types of government employment information must be disclosed upon request, such as employee names, job titles, and salary information. HRS § 92F-12(a)(4). Consequently, government employees do not have a legitimate expectation of privacy.
in such information, and the board cannot justify closing a meeting simply to discuss those types of personnel matters. Additionally, if the discussion is about personnel policies, and not about an individual, then there is no legitimate expectation of privacy at stake, so the meeting cannot be closed to discuss such policies. To the extent possible, policy-making must be conducted in public meetings.

The personnel matters that may be discussed in a closed meeting under section 92-5(a)(2), HRS, must relate to “the hire, evaluation, dismissal or discipline” of an individual officer or employee, or to “charges brought against” such an individual, and also requires a showing that “consideration of matters affecting privacy will be involved.” Just because a matter involves an employee’s personnel status does not necessarily mean that a legitimate privacy interest will be impacted. If no legitimate privacy interest will be involved in the board’s discussion, then the board cannot properly close the meeting to the public.

How do you determine if there is a legitimate privacy interest under the personnel exception allowing closed executive meetings?

Unlike the test balancing private interests against the public interest that is set forth in the UIPA at section 92F-14(a), HRS, to determine if disclosure of a record would constitute a clearly unwarranted invasion of personal privacy, the Sunshine Law requires a case-by-case analysis of the specific person and information at issue to see whether the person being discussed has a legitimate expectation of privacy. Only people, not companies or entities, can have an expectation of privacy. There is a legitimate expectation of privacy in “highly personal and intimate” information, which may include medical, financial, education, or employment records. Some circumstances, however, may reduce or entirely defeat the legitimacy of a person’s expectation of privacy, as in the case of government officials with high levels of discretionary and fiscal authority, like the University’s president or a head coach. Moreover, if the information must be disclosed by law, rule or regulation, or if it has already been disclosed, then there is no legitimate expectation of privacy that would warrant holding a closed executive meeting to discuss such information.

May a board vote in an executive meeting?

Generally, no. In most instances, the board must vote in an open meeting on the matters considered in an executive meeting. In rare instances, the Sunshine Law allows the board to vote in the executive meeting when the vote itself, if conducted in an open meeting, would
defeat the purpose of the executive meeting, such as by revealing the matter for which confidentiality may be needed.

**Can non-board members participate in an executive meeting?**

The board is entitled to invite into an executive meeting any non-board member whose presence is either necessary or helpful to the board in its discussion, deliberation, and decision-making regarding the topic of the executive meeting. Once the non-board member’s presence is no longer needed, however, the non-board member must be excused from the executive meeting. Because the meeting is closed to the general public, the board should allow the non-board members to be present during the executive meeting only for the portions of the meeting for which their presence is necessary or helpful, such as when a board staff member, attorney, or applicant is there to address a particular issue. Non-board members who may be needed throughout an executive session may include those providing technical or production support, or who are taking the minutes of the meeting. All persons attending an executive meeting, however, would be required to maintain the confidentiality of what was discussed in the meeting.

There are additional requirements for an executive meeting held as part of a remote meeting, which are discussed next.

**What are the requirements for an executive meeting when the meeting is held remotely?**

During a remotely held meeting when board members go into an executive session closed to the public, they can participate via telephone or audio only, without being visible online as is generally required for the public portion of a remote meeting. Because participants may not be visible during an online executive session, and to preserve the executive nature of any portion of a meeting closed to the public, the presiding officer must **publicly state the names and titles of all authorized participants**. Upon convening the executive session, **all participants must confirm that no unauthorized person is present or able to hear them** at their remote locations or via another audio or audiovisual connection. Additionally, if the remote meeting platform allows doing so, **the person organizing the ICT must look at the listed participants and confirm that no unauthorized person has access** to the executive session.

These statutory requirements are intended to prevent the executive session from being breached by or remotely transmitted to unauthorized
persons during remote meetings. The “authorized participants” that the presiding officer must identify at the start of an executive session would generally be anyone properly included in the closed portion of the meeting, such as board members, staff members necessary to running the meeting (e.g., technical or production staff), and in some cases, third parties whose presence is necessary to the closed meeting (e.g., applicant, witness, or attorney).

For additional discussion of executive session issues, see OIP’s Quick Review: Executive Meetings Closed to the Public.
OTHER TYPES OF MEETINGS

EMERGENCY MEETINGS

Where public health, safety, or welfare requires a board to take action on a matter, can a board convene a meeting with less than six days’ notice?

A board may hold an emergency meeting with less notice than required by the statute or, in certain circumstances, no notice when there is “an imminent peril to the public health, safety, or welfare.” When the board finds that an emergency meeting is appropriate, (1) the board must state its reasons in writing; (2) two-thirds of all members to which the board is entitled must agree that an emergency exists; (3) the board must electronically file an emergency agenda and the board’s reasons in the same way it would file its regular notice and agenda, except for the usual six-days’ advance notice deadline; and (4) persons requesting notification on a regular basis must be contacted by postal or electronic mail or telephone as soon as practicable.

UNANTICIPATED EVENTS

When an unanticipated event requires a board to take immediate action, can a board convene a meeting with less than six days’ notice?

A board may convene a special meeting with less than six calendar days’ notice because of an unanticipated event when a board must take action on a matter over which it has supervision, control, jurisdiction, or advisory power. The law defines an unanticipated event to mean (1) an event that the board did not have sufficient advance knowledge of or reasonably could not have known about; (2) a deadline beyond the board’s control established by a legislative body, a court, or an agency; and (3) the consequence of an event for which the board could not have reasonably taken all necessary action.

The usual rule is that a State or county board may deliberate and decide whether and how to respond to the unanticipated event as long as (1) the board states, in writing, its reasons for finding that an unanticipated
event has occurred and that an emergency meeting is necessary; (2) the attorney general and two-thirds of all members to which the board is entitled concur with the board’s finding; (3) the board’s findings and the agenda for the emergency meeting are electronically filed in the same way it would file its regular notice and agenda, except for the usual six-days’ advance notice deadline; and (4) persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable. At an emergency meeting, the board can only take those actions that need to be immediately taken.

**LIMITED MEETINGS**

**If a board finds it necessary to inspect a location that is dangerous or impracticable for public attendance, may the board hold a meeting that is not open to the public?**

Yes. A board may hold a “limited meeting” that is not open to the public when it determines it is necessary to do so and specifies that the meeting location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable, and the OIP Director concurs in that determination. Prior to the limited meeting, the board must publicly deliberate in a regular meeting on the need for the limited meeting, and two-thirds of all members to which the board is entitled must adopt the determination specified above.

Public notice of a limited meeting must still be provided, and a videotape of the meeting must be made available at the next regular board meeting, unless the OIP Director waives the videotape requirement. No decision-making can occur during the limited meeting.

*See* the forms section of this Guide for a checklist to use when requesting the OIP Director’s concurrence for a limited meeting or to request a waiver of the videotaping requirement.

**Can county councils have limited meetings to attend other boards’ or community groups’ meetings, such as candidate forums?**

Yes. County councils have a special limited meeting provision that allows an unlimited number of councilmembers to be the guests of a board or community group holding its own meeting, such as for candidate forums or neighborhood board meetings. To qualify for this
“guest meeting,” the council must follow the requirements to hold a limited meeting, as described above. But unlike the regular limited meetings described above, the guest meeting must be open to the public. The council need not file an agenda. However, if the host organization itself is a board which must follow the Sunshine Law requirements, then that board must file an agenda. The council can have no more than one guest meeting per month for any one board or community group, and no guest meetings can be held outside of Hawaii.

See the appendices to this Guide for a checklist to use when requesting the OIP Director’s concurrence for a council to attend a meeting as guests of another board or community group meeting or to request a waiver of the videotaping requirement.
NOTICE AND AGENDA

What are the Sunshine Law’s requirements for giving notice of meetings?

With the exception of emergency meetings, a board must give at least six calendar days’ advance notice of any regular, special, or rescheduled meeting or any anticipated executive meeting. Meetings held by interactive conference technology (section 92-3.5, HRS), and limited meetings (section 92-3.1, HRS) are subject to the following provisions on notice as well as other conditions set forth in the applicable sections of the Sunshine Law. Emergency meetings (section 92-8, HRS) must also be noticed, but notice may be filed within a shorter time period than the normal six days, and there are additional conditions.

Sunshine Law meeting notices must be posted on State and county electronic calendars as the official notice of the meeting. If there is a dispute as to whether an agenda was electronically filed at least six calendar days prior to the meeting, a printout of the electronic time-stamped agenda is conclusive evidence of the posting date.

A board must also file the notice with the Lt. Governor’s office or the county clerk’s office, which must continue to post the notices in a central location in a public building in paper form or in electronic format, such as via a monitor linked to the electronic calendar. This enables the public to still inspect courtesy copies of the meeting notices posted outside of the Auditorium at the State Capitol or at county buildings. The board must also retain proof of filing the notice with the Lt. Governor’s or county clerk’s office. The electronic calendar, however, will provide the official notice required by the Sunshine Law. Therefore, the failure to file timely copies of notices with the Lt. Governor’s office or county clerks does not require cancellation of the meeting. Moreover, the Lt. Governor or county clerks have the discretion to determine whether they want paper documents to be provided to them, or if
electronic copies can be faxed to them or emailed to an email address designated by them.

The notice must also be posted at the meeting site, whenever feasible. Newspaper publication is not required for Sunshine Law meeting notices.

In addition to the date, time, and place of the meeting, the meeting notice must include an agenda, which lists all of the items to be considered at the forthcoming meeting. (The “guest meeting” form of limited meeting, discussed above, is an exception to this requirement.) The agenda requirements are discussed later herein.

If an executive meeting is anticipated, the notice must also state the purpose of the executive meeting. The Sunshine Law also requires all meeting notices to include the board’s electronic and postal contact information for submission of testimony before the meeting, and provide instructions on how to request an auxiliary aid or service or an accommodation due to a disability, which may include a reasonable deadline. Sample language is provided on page 43 of this Guide.

**Does a board have to notify individual members of the public of every meeting?**

The Sunshine Law requires the board to maintain a list of names and addresses of those persons who have requested notification of meetings and to mail or email a copy of the notice to those persons at the time that the notice is filed. A meeting must be cancelled if the board fails to send notice at least six days in advance of the meeting via postal mail (as determined by postmark date) or email to people on its notification list.

**What happens if a board files its notice less than six days before the date of the meeting?**

The State electronic calendar will not allow a board to file a regular meeting notice with less than six days’ notice, unless authorization is received after contacting NIC Hawaii (not OIP) at hawaiicalendar@ehawaii.gov from 7:45 a.m. to 4:30 p.m. on Mondays through Fridays (excluding state holidays). Unless the short notice is specifically allowed (such as for an emergency meeting), if a board files its notice less than six calendar days before the meeting, the meeting is cancelled as a matter of law and no meeting can be held. The board chair or the director of the department within which the board is
established must ensure that a notice is posted at the meeting site to inform the public of the cancellation of the meeting.

Note that notices for emergency meetings may be posted on the State calendar with less than six days’ notice, but only after special permission is obtained from the calendar’s administrator (not OIP).

**What happens if there is a joint meeting of two boards that are both subject to the Sunshine Law?**

If there is a joint meeting with two or more boards, then each board is responsible for meeting the Sunshine Law’s requirements, but they can coordinate to avoid duplicative actions. All boards must ensure that notices are timely mailed or emailed to persons on their own notification lists; but if a person is on more than one mailing list, then only one of the boards must send the notice to that person. If one board meets all Sunshine Law requirements, but the other board in a joint meeting fails to do so, then the first board can proceed with the meeting without the second board. The second board must cancel its meeting and cannot have a quorum or more of its members in attendance at what would have been a joint meeting with the first board.

**Do you have any practice tips for boards to help them comply with the notice requirements?**

- Be careful to keep accurate records of postal and email addresses of persons on the notification list, and any changes to those addresses, so that notices will be timely and properly sent to them, as the board’s errors in an address that made a notice non-deliverable could potentially require the cancellation of a meeting.

- Reduce opportunities for clerical errors by board employees, particularly with email addresses. If possible, have requesters directly enter their own email or mailing addresses online to be added to the board’s notification list, and keep a record of the addresses entered by the requesters so that any mistakes will be attributed to the correct source. Consider emailing an acknowledgement after requesters register for email notification, to ensure that the correct email address has been entered onto the board’s email notification list.

- If mail is not deliverable, check the address to make sure that it was sent to the correct postal or email address. Keep a record of postal and email addresses that are returned as undeliverable and dates that they were sent to provide proof that the notification was timely sent to
the address provided by the requester.

- Consider filing agendas well before the six-day requirement, so that any potential errors in postal or email addresses can be corrected and timely notices can be sent to people on the notification list.

- Use technology to automate the notification process, reduce duplicative requests to the boards themselves, and eliminate potential clerical errors by the board in entering email addresses. Check to see whether the State or county electronic calendars will automatically notify those persons who subscribe to certain meeting notices.

- Keep a time-stamped copy of the agenda to provide conclusive evidence of the date when the notice was filed. The State electronic calendar shows the date and time that a meeting notice was posted or last updated. If a county calendar does not have this feature, then the board could print out and time-stamp a copy of the electronically filed meeting notice to keep in its files as evidence of the date that the meeting notice was posted.

What must the agenda contain?

The agenda must list all of the business to be considered by the board at the meeting. It must be sufficiently detailed so as to provide the public with adequate notice of the matters that the board will consider so that the public can choose whether to participate.

For anticipated executive meetings, as noted above, the agenda must be as descriptive as possible without compromising the purpose of closing the meeting to the public and must identify the statutory basis that allows the board to convene an executive meeting regarding the particular matter.

To meet the Sunshine Law’s requirement to include instructions on how to request an auxiliary aid or accommodation, the Disability and Communication Access Board recommends that boards include the following language on its agendas: “If you require an auxiliary aid or accommodation due to a disability, please contact (808) _______ (voice/tty) or email [the board] at__________ by [date].”

For a more detailed discussion, please see OIP’s “Agenda Guidance for Sunshine Law Boards,” which is posted on the Training page at oip.hawaii.gov.
Are general descriptions such as “Unfinished Business” or “Old Business” allowed?

No. The practice of listing general descriptions on agendas such as “Unfinished Business” or “Old Business” without any further description is insufficient and does not satisfy the agenda requirements.

Can a board amend its meeting agenda once it has been filed?

Adding an item to the agenda is not permitted if (1) the item to be added is of reasonably major importance and (2) action on the item by the board will affect a significant number of persons. Determination of whether a specific matter may be added to an agenda must be done on a case-by-case basis.

If the requirements above are met, boards may amend an agenda during a meeting to add items for consideration, but only after the affirmative vote of two-thirds of all board members to which the board is entitled, which includes members not present at the meeting and vacant membership positions. For example, if a board is entitled to 9 members, but only 5 are appointed and present, then it does not have the 6 votes needed to meet the 2/3 requirement to amend an agenda during the meeting.

Note that the voting requirement for amending an agenda is not the same as, and is typically harder to obtain than, the vote of two-thirds of members present and a majority of the total membership that is needed to go into an executive meeting.

MINUTES

Is a board required to keep minutes of its meetings?

Yes. Boards must either keep written minutes, or recorded minutes with a written summary. If boards chose to keep written minutes, they must include the date, time, and place of the meeting; the members recorded as either present or absent; the substance of all matters proposed, discussed, or decided; a record by individual member of votes taken; and any information that a board member specifically asks at the meeting to be included.
Boards are not required to create a transcript of the meeting or to electronically record the meeting. But they may choose to keep a recording of the entire meeting instead of doing written minutes. For this option, a board must keep its minutes in a digital or analog recording format (e.g., via a cell phone, video, or tape recorder) and provide a written summary, which is required to include:

- The date, time, and place of the meeting;
- The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;
- A record, by individual members, of motions and votes made by the board; and
- A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.

The written summary requirements will allow the public to quickly find key information about a meeting and skip to the point in the recording where an item of interest was discussed, without having to listen to the entire recording which may be hours long. Although a board does have the choice to record its minutes in either digital (audio or video computer file) or analog (e.g., a magnetic tape recording) format, OIP recommends that boards record in a digital format to avoid having to convert an analog recording into digital format to be able to place the recording online.

The option to create recorded minutes does not impose any general requirement to record meetings for boards that prefer using written minutes. Moreover, if a board is recording a meeting solely to help it prepare written minutes and plans to delete or record over the recording once those minutes are prepared, the temporary recording need not be posted online and typically need not be retained once the board no longer needs it. However, for one specific type of meeting — a remote meeting held using ICT — boards are required to record the meeting “when practicable” and make the recording electronically available to the public as soon as practicable after the meeting and until the board’s actual minutes (whether written or recorded) are posted on the board’s website. This provision recognizes that it is usually easy to record an online meeting but still allows boards to skip doing so in those unusual circumstances where recording an online meeting presents a more significant challenge.

For a more detailed discussion of what must be included in minutes,
please see OIP’s “Quick Review: Sunshine Law Requirements for Public Meeting Minutes,” which is posted on the Training page at oip.hawaii.gov.

Must the minutes of a board’s meeting be posted online?

Yes. The Sunshine Law requires all boards to post their written or recorded minutes online within 40 days after the meeting. If the board chooses to post a recording of its meeting, it still needs to also post a written summary within 40 days after its meeting, because the written summary is part of the recorded minutes.

A board that is preparing written minutes for an in-person meeting does not need to post a recording, even if it has one – for instance, temporary recordings intended to be used for note-taking to prepare written minutes do not need to be posted online, since the written minutes will be posted online instead. However, for a remote meeting held via ICT, a board is required to record the meeting “when practicable” and make that recording available to the public until its actual minutes are posted online.

Must draft minutes be posted online within 40 days after a meeting, even if they have not yet been approved by the board?

Yes. The Sunshine Law does not require boards to approve minutes. If a board does approve its minutes as a usual practice but has not had the opportunity to approve minutes for a meeting, minutes that satisfy the Sunshine Law’s requirements must nevertheless be posted online within 40 days after the meeting, because there is no exception to the posting requirement when a board has not approved its minutes. The board can post its draft minutes online, marked as a “draft,” and replace them with the board-approved minutes when those are ready, so long as it has minutes that satisfies the Sunshine Law’s requirements posted within the required 40 days.

If the board does not have its own website, where must its minutes be posted?

A board that has its own website will most likely prefer to post its minutes there, but a board that does not have its own website may post its minutes on an appropriate State or county website instead, such as
the website for the department to which the board is administratively attached.

To provide enough time for an IT office or website administrator to post minutes online after they have been prepared by the board, the deadline for posting is 40 days after a meeting.

**Must executive meeting minutes be posted online?**

No. Minutes of an executive meeting closed to the public need not be posted online if the disclosure would defeat the purpose of going into executive meeting.

Keep in mind, however, that the Sunshine Law is different from the UIPA. The Sunshine Law permits boards to delay publication of executive meeting minutes for so long as publication would defeat the lawful purpose of the executive meeting. At some point in the future, the minutes may have to be disclosed in response to a UIPA request, when disclosure would no longer compromise the purpose for going into the executive meeting. For example, minutes of an executive meeting to discuss a property's acquisition should be disclosed after the property has been acquired. Thus, boards must review the minutes to determine if the need for confidentiality has passed, and may be required to disclose all or part of the executive meeting minutes in response to a UIPA request for the minutes.

**Recordings by the Public**

**Must a board allow a member of the public to record the meeting?**

The board must allow the public to record any portion or all of an open meeting, as long as the recording does not actively interfere with the meeting.
SUIT TO VOID BOARD ACTION

Can a member of the public file a lawsuit for an alleged Sunshine Law violation?

Yes. When the open meetings and the notice provisions of the Sunshine Law are not complied with, any person may file a lawsuit to void the board’s action within 90 days of the allegedly improper board action. An OIP determination of wrongdoing is not necessary for a lawsuit to be filed. Enforcement is in circuit court of the circuit in which the prohibited act occurred.

Under certain circumstances, the judge may grant an injunction, but the filing of a lawsuit challenging a board’s action does not stay enforcement of the action. Attorneys’ fees and costs may be awarded to the prevailing party.

What is the penalty for an intentional violation of the statute?

A willful violation of the Sunshine Law is a misdemeanor and, upon conviction, may result in the person being removed from the board. The Attorney General and the county prosecutor have the power to enforce any violations of the statute.

Can a board appeal an OIP decision regarding the Sunshine Law?

Yes. OIP issues decisions in response to complaints that a board violated the Sunshine Law, and also on the question of whether a particular body is a board subject to the Sunshine Law. A board may appeal an OIP decision to the courts in accordance with section 92F-43, HRS. For more information, see OIP’s Guide to Appeals to the Office of Information Practices, available on the Training page at OIP’s website at oip.hawaii.gov.
OFFICE OF INFORMATION PRACTICES

If I have additional questions about the Sunshine Law, where can I go?

For general information on the Sunshine Law, please visit OIP’s website at oip.hawaii.gov, call OIP at (808) 586-1400, or email oip@hawaii.gov. The full text of the Sunshine Law, as well as OIP’s opinions relating to various open meeting issues, are posted on the website.
1. Notice Includes:

☐ Date: In addition to the date itself, if the notice also specifies the day of the week, make sure it matches the date.

☐ Time: While the starting time must be provided, an ending time is not required.

☐ Location: All notices must list at least one physical location for the meeting. For an in-person meeting, the notice must list all locations where board members will be physically present and must state that the public can attend the meeting at any of those locations.

☐ For a remote meeting using interactive conference technology (ICT), the link(s) allowing the public to contemporaneously view and hear the meeting and provide remote oral testimony.

☐ If additional locations (formerly known as "courtesy" locations) are being provided for the public's convenience, specify whether the meeting will continue without the additional location if the ICT connection between the additional location and the public meeting site(s) is lost, or will be automatically recessed to restore communication.

☐ Board’s electronic and postal contact information for submission of testimony before the meeting.

☐ Instructions on how to request an auxiliary aid or service or an accommodation due to a disability. If there is a deadline to make such a request, it must be stated in the notice and must be reasonable.

☐ Agenda describing with reasonable specificity all matters to be considered.

☐ If an executive meeting is anticipated, the agenda describes the purpose and statutory authority in section 92-5(a), HRS, or other laws applicable to your board that allow the executive meeting. Use as much detail as
possible without compromising the executive meeting's purpose.

☐ Optional: For a meeting using ICT, information about what will happen in the event of a connection failure, such as where to find reconnection information and any necessary visual aids online or an alternative date, time, and place for continuation of the meeting if the ICT connection cannot be restored.

2. Filing Notice:

☐ 6 calendar days prior to meeting:

   Electronically post on:
   - State Calendar: http://calendar.ehawaii.gov/calendar/html/event (State only)
   - County Calendar (counties only)
   - Board's website (unlike the above, this is not a legal requirement)

   Physically post for public inspection in:
   - Board's Office
   - Site of meeting (when feasible or if meeting is canceled)

   File (and keep proof of filing) with:
   - Lieutenant Governor's Office (State)
   - County Clerk (counties)

   Mail or email to persons who requested notification of meetings (MUST be postmarked/mailed no later than 6 calendar days before the meeting):
   - Postal mailing list
   - Email list

3. Meeting Canceled for Late Filing of Notice:

It is suggested but not required that the board post a notice canceling the meeting at:

☐ Meeting site
☐ State Calendar: http://calendar.ehawaii.gov/calendar/html/event (State only)
☐ County Calendar (counties only)
☐ Anywhere else notice was previously posted, mailed, or filed such as county or board website (not a legal requirement)
4. Special Instructions for Emergency Meetings
(held less than 6 calendar days prior to meeting):

- Board must first decide to hold emergency meeting by vote of two-thirds
  of members to which board is entitled (include authorized but vacant
  positions)

- Must meet criteria in section 92-8, HRS, either:
  o when “imminent peril to the public health, safety, or welfare,” or
  o because of an “unanticipated event” and board must take action.
    - For an unanticipated event, the Attorney General must
      concur (even for county boards).

□ File board’s findings justifying emergency meeting with emergency agenda
  as set forth in section 2 above (but without the 6-day notice requirement).

5. Special Instructions for Limited Meetings

- Limited meetings not open to the public may be held when a board
determines it necessary to inspect a location that is dangerous or that is
impracticable for public attendance.

- Must obtain concurrence from OIP’s Director.
  See OIP’s Request for the Office of Information Practices’ Concurrence
  for a Limited Meeting form at www.oip.hawaii.gov/forms/.

- For county councils only: See OIP’s Checklist and County Council’s
  Request to Waive Videotaping of a Meeting as Guests of a Board or
  Community Group form at www.oip.hawaii.gov/forms/.

- Notice must be filed 6 days before limited meeting.

□ File board’s limited meeting agenda as set forth in section 2 above.

6. Special Instructions for In-Person Meetings Involving
Board Members with a Disability

- Notwithstanding the general requirements for multi-site in-person meetings
  in section 1 above, a “board member with a disability that limits or impairs
  the member’s ability to physically attend the meeting” may attend an
  in-person meeting via a connection by audio and video means from a private
  location (e.g., home or hospital room). The specific address of the private

OIP Notice Checklist
Rev. October 2021
location need not be listed on the notice, but a board member with a disability attending from a private location must generally identify the location (e.g., home; hospital) and all persons present with the member.

- See OIP’s Quick Review: Sunshine Law Requirements for In-Person Meetings held at Multiple Sites on OIP’s Training Page at oip.hawaii.gov.

7. Other Considerations

There are matters outside of OIP’s jurisdiction that you may wish to consider when preparing a meeting notice, such as:

- Although the Sunshine Law requires a notice to include instructions for requesting a reasonable accommodation for disabled persons (for example, provision of sign language interpreters for individuals who are deaf or hard of hearing), OIP does not have authority to advise as to what constitutes a reasonable accommodation. If you have questions about what accommodations or auxiliary aids must be provided in response to a request, you may wish to contact your board’s attorney or the State Disability and Communication Access Board: (808) 586-8121 (Voice or TTY) or email: deaf@doa.hawaii.gov for assistance.

- Applicable statutes or administrative rules related to your board.

- For county boards, your County’s applicable charter, ordinances, or other provisions.

- Your board’s own procedural rules or policies; or instructions for the public regarding, among other things, your board’s preferred method for submission of written testimony and opportunity to provide oral testimony at the meeting.

- Whether the public can find and get into the meeting site. For example, is the meeting site large enough that someone might have trouble finding the right room? Are there improper barriers to public access such as a security checkpoint requiring attendees to show identification?
Request for the Office of Information Practices’ Concurrence for a Limited Meeting
(HRS § 92-3.1)

Date: _______________________

Name of Board: __________________________
Contact Person: ___________________________ Tel: _______________________
Fax: _________________________ Email: _______________________
Board’s Attorney: _________________________ Tel: _______________________
Fax: _________________________ Email: _______________________

Date of Proposed Limited Meeting: __________________________
Place/Location of Proposed Limited Meeting: __________________________

1. Type of Limited Meeting:
   □ location is dangerous to health or safety of the public
   □ public attendance is impracticable

2. (Attach relevant portion of draft or adopted minutes.) Board has, after sufficient public deliberation at a prior regular meeting, determined by vote of two-thirds of all voting members that:
   □ the limited meeting is necessary and the location would be dangerous to the health or safety of the attending public, or
   □ the on-site inspection is necessary and public attendance is impracticable

   The Board has made this determination based upon the following reasons:

   ___________________________________________________________________
   ___________________________________________________________________

3. Notice of the Limited Meeting under HRS § 92-7 (attach agenda):
   □ was filed on ___________________________
   □ will be filed by ___________________________

4. Required Videotape of the Limited Meeting:
   □ will be made
   □ Board requests a waiver of this requirement because:

   ___________________________________________________________________
   ___________________________________________________________________
   ___________________________________________________________________

OIP 5 (10/21)
CONCURRENCE

The Director of the Office of Information Practices has reviewed the request made for a Limited Meeting and:

☐ concurs
☐ does not concur
☐ waives the videotape requirement

If concurrence is granted above, the Board must:

1. provide notice in accordance with HRS § 92-7;
2. make no decisions at the Limited Meeting;
3. comply with all requirements of HRS § 92-9; and
4. videotape the meeting and make it available at its next regular meeting, unless this requirement is waived above.

Cheryl Kakazu Park
Director
NOTICE OF CONTINUANCE OF MEETING

ORIGINALLY CONVENED ON __________ 20__, AT _______ __M.
See attached agenda for original meeting

TO BE CONTINUED TO:

DATE: __________________
TIME: __________________ __M
PLACE: __________________

___ Public testimony will be allowed in the manner described and on the items shown on the attached agenda as being continued.

___ Public testimony has concluded and no further testimony will be allowed on the items described in the attached agenda. The board will discuss, deliberate, decide, and/or act upon the items described in the attached agenda.

This notice has been physically posted at the following location(s):

___ Board Office
___ Meeting Site

(Optional) This notice has been electronically posted at __________________

(This notice is not subject to the filing requirements of HRS Sec. 92-7.)
§92-1 Declaration of policy and intent. In a democracy, the people are vested with the ultimate decision-making power. Governmental agencies exist to aid the people in the formation and conduct of public policy. Opening up the governmental processes to public scrutiny and participation is the only viable and reasonable method of protecting the public’s interest. Therefore, the legislature declares that it is the policy of this State that the formation and conduct of public policy - the discussions, deliberations, decisions, and action of governmental agencies - shall be conducted as openly as possible. To implement this policy the legislature declares that:

(1) It is the intent of this part to protect the people’s right to know;
(2) The provisions requiring open meetings shall be liberally construed;
and
(3) The provisions providing for exceptions to the open meeting requirements shall be strictly construed against closed meetings. [L
§92-1.5 Administration of this part. The director of the office of information practices shall administer this part. The director shall establish procedures for filing and responding to complaints filed by any person concerning the failure of any board to comply with this part. An agency may not appeal a decision by the office of information practices made under this chapter, except as provided in section 92F-43. The director of the office of information practices shall submit an annual report of these complaints along with final resolution of complaints, and other statistical data to the legislature, no later than twenty days prior to the convening of each regular session. [L 1998, c 137, §2; am L 2012, c 176, §2]

§92-2 Definitions. As used in this part:
“Board” means any agency, board, commission, authority, or committee of the State or its political subdivisions which is created by constitution, statute, rule, or executive order, to have supervision, control, jurisdiction, or advisory power over specific matters and which is required to conduct meetings and to take official actions.
“Chance meeting” means a social or informal assemblage of two or more members at which matters relating to official business are not discussed.
“Interactive conference technology” means any form of audio and visual conference technology, or audio conference technology where permitted under this part, including teleconference, videoconference, and voice over internet protocol, that facilitates interaction between the public and board members.
“Meeting” means the convening of a board for which a quorum is required in order to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. [L 1975, c 166, pt of §1; am L 1976, c 212, §1; am L 2012, c 202, §1; am L 2021, c 220, §3]

§92-2.5 Permitted interactions of members.
(a) Two members of a board may discuss between themselves matters relating to official board business to enable them to perform their duties faithfully, as long as no commitment to vote is made or sought and the two members do not constitute a quorum of their board.
(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:
(1) Investigate a matter relating to the official business of their board; provided that:
(A) The scope of the investigation and the scope of each member’s authority are defined at a meeting of the board;
(B) All resulting findings and recommendations are presented to the board at a meeting of the board; and
(C) Deliberation and decisionmaking on the matter investigated, if any, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the findings and recommendations of the investigation were presented to the board; or
(2) Present, discuss, or negotiate any position which the board has adopted at a meeting of the board; provided that the assignment is made and the scope of each member's authority is defined at a meeting of the board prior to the presentation, discussion, or negotiation.

(c) Discussions between two or more members of a board, but less than the number of members which would constitute a quorum for the board, concerning the selection of the board's officers may be conducted in private without limitation or subsequent reporting.

(d) Board members present at a meeting that must be canceled for lack of quorum or terminated pursuant to section 92-3.5(c) may nonetheless receive testimony and presentations on items on the agenda and question the testifiers or presenters; provided that:

(1) Deliberation or decisionmaking on any item, for which testimony or presentations are received, occurs only at a duly noticed meeting of the board held subsequent to the meeting at which the testimony and presentations were received;

(2) The members present shall create a record of the oral testimony or presentations in the same manner as would be required by section 92-9 for testimony or presentations heard during a meeting of the board; and

(3) Before its deliberation or decisionmaking at a subsequent meeting, the board shall:

(A) Provide copies of the testimony and presentations received at the canceled meeting to all members of the board; and

(B) Receive a report by the members who were present at the canceled or terminated meeting about the testimony and presentations received.

(e) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may attend an informational meeting or presentation on matters relating to official board business, including a meeting of another entity, legislative hearing, convention, seminar, or community meeting; provided that the meeting or presentation is not specifically and exclusively organized for or directed toward members of the board. The board members in attendance may participate in discussions, including discussions among themselves; provided that the discussions occur during and as part of the informational meeting or presentation; and provided further that no commitment relating to a vote on the matter is made or sought.

At the next duly noticed meeting of the board, the board members shall report their attendance and the matters presented and discussed that related to official board business at the informational meeting or presentation.

(f) Discussions between the governor and one or more members of a board may be conducted in private without limitation or subsequent reporting; provided that the discussion does not relate to a matter over which a board is exercising its adjudicatory function.

(g) Discussions between two or more members of a board and the head of a department to which the board is administratively assigned may be conducted in private without limitation; provided that the discussion is limited to matters specified in section 26-35.
(h) Communications, interactions, discussions, investigations, and presentations described in this section are not meetings for purposes of this part. [L 1996, c 267, §2; am L 2005, c 84, §1; am L 2012, c 177, §1]

§92-3 Open meetings. Every meeting of all boards shall be open to the public and all persons shall be permitted to attend any meeting unless otherwise provided in the constitution or as closed pursuant to sections 92-4 and 92-5; provided that the removal of any person or persons who wilfully disrupts a meeting to prevent and compromise the conduct of the meeting shall not be prohibited. The boards shall afford all interested persons an opportunity to submit data, views, or arguments, in writing, on any agenda item. The boards shall also afford all interested persons an opportunity to present oral testimony on any agenda item. The boards may provide for reasonable administration of oral testimony by rule. [L 1975, c 166, pt of § 1; am L 1985, c 278, §1]

§92-3.1 Limited meetings.
(a) If a board determines that it is necessary to meet at a location that is dangerous to health or safety, or if a board determines that it is necessary to conduct an on-site inspection of a location that is related to the board’s business at which public attendance is not practicable, and the director of the office of information practices concurs, the board may hold a limited meeting at that location that shall not be open to the public; provided that at a regular meeting of the board prior to the limited meeting:
   (1) The board determines, after sufficient public deliberation, that it is necessary to hold the limited meeting and specifies that the location is dangerous to health or safety or that the on-site inspection is necessary and public attendance is impracticable;
   (2) Two-thirds of all members to which the board is entitled vote to adopt the determinations required by paragraph (1); and
   (3) Notice of the limited meeting is provided in accordance with section 92-7.

(b) A county council may hold a limited meeting that is open to the public, as the guest of a board or community group holding its own meeting, and the council shall not be required to have a quorum of members in attendance or accept oral testimony; provided that:
   (1) Notice of the limited meeting shall be provided in accordance with section 92-7, shall indicate the board or community group whose meeting the council is attending, and shall not be required to include an agenda;
   (2) If the board or community group whose meeting the council is attending is subject to part I, chapter 92, then that board or community group shall comply with the notice, agenda, testimony, minutes, and other requirements of part I, chapter 92;
   (3) No more than one limited meeting per month shall be held by a county council for any one board or community group;
   (4) No limited meetings shall be held outside the State; and
   (5) Limited meetings shall not be used to circumvent the purpose of part I, chapter 92.
(c) At all limited meetings, the board shall:
   (1) Videotape the meeting, unless the requirement is waived by the
director of the office of information practices, and comply with all
requirements of section 92-9;
   (2) Make the videotape available at the next regular meeting; and
   (3) Make no decisions at the meeting.

(d) Each county council shall submit an annual report to the legislature no later
than twenty days prior to the convening of each regular session on the
effectiveness and application of limited meeting procedures provided in
subsection (b), including any recommendations or proposed legislation. [L
1995, c 212, §1; am L 2008, c20, §1; am L 2014, c 221, §2; am L 2016, c 56,
§1, 2]

§92-3.5 In-person meeting at multiple sites by interactive conference technology; notice;
quorum.

(a) A board may hold an in-person meeting at multiple meeting sites connected
by interactive conference technology; provided that the interactive
conference technology used by the board allows audio or audiovisual
interaction among all members of the board participating in the meeting and
all members of the public attending the meeting, and the notice required by
section 92-7 identifies all of the locations where participating board members
will be physically present and indicates that members of the public may join
board members at any of the identified locations. The board may provide
additional locations open for public participation but where no participating
board members will be physically present. The notice required by section 92-
shall list any additional locations open for public participation but where
no participating board members will be physically present and specify, in the
event one of those additional locations loses its audio connection to the
meeting, whether the meeting will continue without that location or will be
automatically recessed to restore communication as provided in subsection
(c).

(b) Any board member participating in a meeting by interactive conference
technology under this section shall be considered present at the meeting for the
purpose of determining compliance with the quorum and voting requirements
of the board.

(c) A meeting held by interactive conference technology under this section shall
be automatically recessed for up to thirty minutes to restore communication
when audio communication cannot be maintained with all locations where
the meeting by interactive technology is being held, even if a quorum of the
board is physically present in one location. The meeting may reconvene
when either audio or audiovisual communication is restored. Within fifteen
minutes after audio-only communication is established, copies of
nonconfidential visual aids that are required by or brought to the meeting by
board members or as part of a scheduled presentation shall be made
available either by posting on the Internet or by other means to all meeting
participants, and those agenda items for which visual aids are not available
for all participants at all meeting locations shall not be acted upon at the
meeting. If it is not possible to reconvene the meeting as provided in this
subsection within thirty minutes after an interruption to communication, and
the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

(d) Notwithstanding the other provisions of this section to the contrary, a board member with a disability that limits or impairs the member’s ability to physically attend the meeting may participate in a board meeting from a location not accessible to the public; provided that the member with a disability is connected to other members of the board and the public by both visual and audio means, and the member identifies where the member is located and who, if anyone, is present at that location with the member. [L 1994, c 121, §1; am L 2000, c 284, §2; am L 2006, c 152, §1; am L 2012, c 202, §2; am L 2021, c 220, §4]

§92-3.7 Remote meeting by interactive conference technology; notice; quorum.

(a) A board may hold a remote meeting by interactive conference technology; provided that the interactive conference technology used by the board allows audiovisual interaction among all members of the board participating in the meeting and all members of the public attending the meeting, except as otherwise provided under this section; provided further that there is at least one meeting location that is open to the public and has an audiovisual connection. A board holding a remote meeting pursuant to this section shall not be required to allow members of the public to join board members in person at nonpublic locations where board members are physically present or to identify those locations in the notice required by section 92-7; provided that at the meeting, each board member shall state who, if anyone, is present at the nonpublic location with the member. The notice required by section 92-7 shall:

1. List at least one meeting location that is open to the public that shall have an audiovisual connection; and
2. Inform members of the public how to contemporaneously:
   (A) Remotely view the video and audio of the meeting through internet streaming or other means; and
   (B) Provide remote oral testimony in a manner that allows board members and other meeting participants to hear the testimony, whether through an internet link, a telephone conference, or other means.

The board may provide additional locations open for public participation. The notice required by section 92-7 shall list any additional locations open for public participation and specify, in the event an additional location loses its audiovisual connection to the remote meeting, whether the meeting will continue without that location or will be automatically recessed to restore communication as provided in subsection (c).

(b) For a remote meeting held by interactive conference technology pursuant to this section:

1. The interactive conference technology used by the board shall allow interaction among all members of the board participating in the meeting and all members of the public attending the meeting;
2. Except as provided in subsections (c) and (d), a quorum of board members participating in the meeting shall be visible and audible to other members and the public during the meeting; provided that no
other meeting participants shall be required to be visible during the meeting;
(3) Any board member participating in a meeting by interactive conference technology shall be considered present at the meeting for the purpose of determining compliance with the quorum and voting requirements of the board;
(4) At the start of the meeting the presiding officer shall announce the names of the participating members;
(5) All votes shall be conducted by roll call unless unanimous; and
(6) When practicable, boards shall record meetings open to the public and make the recording of any meeting electronically available to the public as soon as practicable after a meeting and until a time as the minutes required by section 92-9 are electronically posted on the board's website.

(c) A meeting held by interactive conference technology shall be automatically recessed for up to thirty minutes to restore communication when audiovisual communication cannot be maintained with all members participating in the meeting or with the public location identified in the board's notice pursuant to subsection (a)(1) or with the remote public broadcast identified in the board's notice pursuant to subsection (a)(2)(A). This subsection shall not apply based on the inability of a member of the public to maintain an audiovisual connection to the remote public broadcast, unless the remote public broadcast itself is not transmitting an audiovisual link to the meeting. The meeting may reconvene when either audiovisual communication is restored, or audio-only communication is established after an unsuccessful attempt to restore audiovisual communication, but only if the board has provided reasonable notice to the public as to how to access the reconvened meeting after an interruption to communication. If audio-only communication is established, then each speaker shall be required to state their name before making their remarks. Within fifteen minutes after audio-only communication is established, copies of nonconfidential visual aids that are required by or brought to the meeting by board members or as part of a scheduled presentation shall be made available either by posting on the Internet or by other means to all meeting participants, including those participating remotely, and those agenda items for which visual aids are not available for all participants shall not be acted upon at the meeting. If it is not possible to reconvene the meeting as provided in this subsection within thirty minutes after an interruption to communication and the board has not provided reasonable notice to the public as to how the meeting will be continued at an alternative date and time, then the meeting shall be automatically terminated.

(d) During executive meetings from which the public has been excluded, board members shall be audible to other authorized participants but shall not be required to be visible. To preserve the executive nature of any portion of a meeting closed to the public, the presiding officer shall publicly state the names and titles of all authorized participants, and, upon convening the executive session, all participants shall confirm to the presiding officer that no unauthorized person is present or able to hear them at their remote locations or via another audio or audiovisual connection. The person organizing the interactive conference technology shall confirm that no unauthorized person has access to the executive meeting as indicated on the
control panels of the interactive conference technology being used for the meeting, if applicable. [L 2021, c 220, §2]

§92-4 Executive meetings. A board may hold an executive meeting closed to the public upon an affirmative vote, taken at an open meeting, of two-thirds of the members present; provided the affirmative vote constitutes a majority of the members to which the board is entitled. A meeting closed to the public shall be limited to matters exempted by section 92-5. The reason for holding such a meeting shall be publicly announced and the vote of each member on the question of holding a meeting closed to the public shall be recorded, and entered into the minutes of the meeting. [L 1975, c 166, pt of §1; am L 1985, c 278, §2]

§92-5 Exceptions.
(a) A board may hold a meeting closed to the public pursuant to section 92-4 for one or more of the following purposes:
   (1) To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both;
   (2) To consider the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or employee, where consideration of matters affecting privacy will be involved; provided that if the individual concerned requests an open meeting, an open meeting shall be held;
   (3) To deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations;
   (4) To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities;
   (5) To investigate proceedings regarding criminal misconduct;
   (6) To consider sensitive matters related to public safety or security;
   (7) To consider matters relating to the solicitation and acceptance of private donations; and
   (8) To deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order.
(b) In no instance shall the board make a decision or deliberate toward a decision in an executive meeting on matters not directly related to the purposes specified in subsection (a). No chance meeting, permitted interaction, or electronic communication shall be used to circumvent the spirit or requirements of this part to make a decision or to deliberate toward a decision upon a matter over which the board has supervision, control, jurisdiction, or advisory power. [L 1975, c 166, pt of §1; am L 1985, c278, §3; gen ch 1985; am L 1996, c 267, §3; am L 1998, c 48, §1; am L 1999, c 49, §1]

§92-6 Judicial branch, quasi-judicial boards and investigatory functions; applicability.
(a) This part shall not apply:
   (1) To the judicial branch.
(2) To adjudicatory functions exercised by a board and governed by sections 91-8 and 91-9, or authorized by other sections of the Hawaii Revised Statutes. In the application of this subsection, boards exercising adjudicatory functions include, but are not limited to, the following:

(A) Hawaii labor relations board, chapters 89 and 377;
(B) Labor and industrial relations appeals board, chapter 371;
(C) Hawaii paroling authority, chapter 353;
(D) Civil service commission, chapter 26;
(E) Board of trustees, employees’ retirement system of the State of Hawaii, chapter 88;
(F) Crime victim compensation commission, chapter 351; and
(G) State ethics commission, chapter 84.

(b) Notwithstanding provisions in this section to the contrary, this part shall apply to require open deliberation of the adjudicatory functions of the land use commission. [L 1975, c 166, pt of §1; am L 1976, c 92, §8; am L 1985, c 251, §11; am L 1998, c 240, §6]

§92-7 Notice.

(a) The board shall give written public notice of any regular, special, emergency, or rescheduled meeting, or any executive meeting when anticipated in advance. The notice shall include an agenda that lists all of the items to be considered at the forthcoming meeting; the date, time, and place of the meeting; the board's electronic and postal contact information for submission of testimony before the meeting; instructions on how to request an auxiliary aid or service or an accommodation due to a disability, including a response deadline, if one is provided, that is reasonable; and in the case of an executive meeting the purpose shall be stated. If an item to be considered is the proposed adoption, amendment, or repeal of administrative rules, an agenda meets the requirements for public notice pursuant to this section if it contains a statement on the topic of the proposed rules or a general description of the subjects involved, as described in section 91-3(a)(1)(A), and a statement of when and where the proposed rules may be viewed in person and on the Internet as provided in section 91-2.6. The means specified by this section shall be the only means required for giving notice under this part notwithstanding any law to the contrary.

(b) No less than six calendar days prior to the meeting, the board shall post the notice on an electronic calendar on a website maintained by the State or the appropriate county and post a notice in the board’s office for public inspection. The notice shall also be posted at the site of the meeting whenever feasible. The board shall file a copy of the notice with the office of the lieutenant governor or the appropriate county clerk’s office and retain a copy of proof of filing the notice, and the office of the lieutenant governor or the appropriate clerk’s office shall timely post paper or electronic copies of all meeting notices in a central location in a public building; provided that a failure to do so by the board, the office of the lieutenant governor, or the appropriate county clerk’s office shall not require cancellation of the meeting. The copy of the notice to be provided to the office of the lieutenant governor or the appropriate county clerk's office may be provided via electronic mail to an electronic mail address designated by the office of the lieutenant governor or the appropriate county clerk's office, as applicable.
(c) If the written public notice is electronically posted on an electronic calendar less than six calendar days before the meeting, the meeting shall be canceled as a matter of law and shall not be held. The chairperson or the director shall ensure that a notice canceling the meeting is posted at the place of the meeting. If there is a dispute as to whether a notice was timely posted on an electronic calendar maintained by the State or appropriate county, a printout of the electronic time-stamped agenda shall be conclusive evidence of the electronic posting date. The board shall provide a copy of the time-stamped record upon request.

(d) No board shall change the agenda, less than six calendar days prior to the meeting, by adding items thereto without a two-thirds recorded vote of all members to which the board is entitled; provided that no item shall be added to the agenda if it is of reasonably major importance and action thereon by the board will affect a significant number of persons. Items of reasonably major importance not decided at a scheduled meeting shall be considered only at a meeting continued to a reasonable day and time.

(e) The board shall maintain a list of names and postal or electronic mail addresses of persons who request notification of meetings and shall mail or electronically mail a copy of the notice to the persons by the means chosen by the persons at their last recorded postal or electronic mail address no later than the time the agenda is required to be electronically posted under subsection (b). [L 1975, c 166, pt of §1; am L 1976, c 212, §2; am L 1984, c 271, §1; am L 1985, c 278, §4; am L 1995, c 13, §2; am L 2012, c 177, §2; am L 2014, c 68, §1; am L 2017, c 64, §2; am L 2018, c 63, §1; am L 2019, c 244, §2; am L 2021, c 220, §5]

§92-7.5 Board packet; filing; public inspection; notice. At the time the board packet is distributed to the board members, the board shall also make the board packet available for public inspection in the board’s office. The board shall provide notice to persons requesting notification of meetings pursuant to section 92-7(e) that the board packet is available for inspection in the board’s office and shall provide reasonably prompt access to the board packet to any person upon request. The board is not required to mail board packets. As soon as practicable, the board shall accommodate requests for electronic access to the board packet.

For purposes of this section, “board packet” means documents that are compiled by the board and distributed to board members before a meeting for use at that meeting, to the extent the documents are public under chapter 92F; provided that this section shall not require disclosure of executive session minutes, license applications, or other records for which the board cannot reasonably complete its redaction of nonpublic information in the time available before the public inspection required by this section. [L 2017, c 64, §1]

§92-8 Emergency meetings.

(a) If a board finds that an imminent peril to the public health, safety, or welfare requires a meeting in less time than is provided for in section 92-7, the board may hold an emergency meeting provided that:

1. The board states in writing the reasons for its findings;
2. Two-thirds of all members to which the board is entitled agree that the findings are correct and an emergency exists;
An emergency agenda and the findings are electronically posted pursuant to section 92-7(b), filed with the office of the lieutenant governor or the appropriate county clerk’s office, and posted in the board’s office; provided further that the six calendar day requirement for filing and electronic posting shall not apply; and

Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable.

If an unanticipated event requires a board to take action on a matter over which it has supervision, control, jurisdiction, or advisory power, with less time than is provided for in section 92-7 to notice and convene a meeting of the board, the board may hold an emergency meeting to deliberate and decide whether and how to act in response to the unanticipated event; provided that:

1. The board states in writing the reasons for its finding that an unanticipated event has occurred and that an emergency meeting is necessary and the attorney general concurs that the conditions necessary for an emergency meeting under this subsection exist;
2. Two-thirds of all members to which the board is entitled agree that the conditions necessary for an emergency meeting under this subsection exist;
3. The finding that an unanticipated event has occurred and that an emergency meeting is necessary and the agenda for the emergency meeting under this subsection are electronically posted pursuant to section 92-7(b), filed with the office of the lieutenant governor or the appropriate county clerk’s office, and posted in the board’s office; provided further that the six calendar day requirement for filing and electronic posting shall not apply;
4. Persons requesting notification on a regular basis are contacted by postal or electronic mail or telephone as soon as practicable; and
5. The board limits its action to only that action which must be taken on or before the date that a meeting would have been held, had the board noticed the meeting pursuant to section 92-7.

For purposes of this part, an “unanticipated event” means:

1. An event which members of the board did not have sufficient advance knowledge of or reasonably could not have known about from information published by the media or information generally available in the community;
2. A deadline established by a legislative body, a court, or a federal, state, or county agency beyond the control of a board; or
3. A consequence of an event for which reasonably informed and knowledgeable board members could not have taken all necessary action.

§92-9 Minutes.

The board shall keep written or recorded minutes of all meetings. Unless otherwise required by law, neither a full transcript nor a recording of the meeting is required, but the minutes shall give a true reflection of the matters discussed at the meeting and the views of the participants. Written minutes shall include, but need not be limited to:

1. The date, time and place of the meeting;
(2) The members of the board recorded as either present or absent;
(3) The substance of all matters proposed, discussed, or decided; and a record, by individual member, of any votes taken; and
(4) Any other information that any member of the board requests be included or reflected in the minutes.
(b) The minutes shall be made available to the public by posting on the board’s website or, if the board does not have a website, on an appropriate state or county website within forty days after the meeting except where such disclosure would be inconsistent with section 92-5; provided that minutes of executive meetings may be withheld so long as their publication would defeat the lawful purpose of the executive meeting, but no longer. A written summary shall accompany any minutes that are posted in a digital or analog recording format and shall include:
   (1) The date, time, and place of the meeting;
   (2) The members of the board recorded as either present or absent, and the times when individual members entered or left the meeting;
   (3) A record, by individual member, of motions and votes made by the board; and
   (4) A time stamp or other reference indicating when in the recording the board began discussion of each agenda item and when motions and votes were made by the board.
(c) All or any part of a meeting, of a board may be recorded by any person in attendance by any means of reproduction, except when a meeting is closed pursuant to section 92-4; provided the recording does not actively interfere with the conduct of the meeting. [L 1975, c 166, pt of §1; am L 2017, c 64, §4]

§92-10 Legislative branch; applicability. Notwithstanding any provisions contained in this chapter to the contrary, open meeting requirements, and provisions regarding enforcement, penalties and sanctions, as they are to relate to the state legislature or to any of its members shall be such as shall be from time to time prescribed by the respective rules and procedures of the senate and the house of representatives, which rules and procedures shall take precedence over this part. Similarly, provisions relating to notice, agenda and minutes of meetings, and such other requirements as may be necessary, shall also be governed by the respective rules and procedures of the senate and the house of representatives. [L 1975, c 166, pt of §1]

§92-11 Voidability. Any final action taken in violation of sections 92-3 and 92-7 may be voidable upon proof of violation. A suit to void any final action shall be commenced within ninety days of the action. [L 1975, c 166, pt of §1; am L 2005, c 84, §2]

§92-12 Enforcement.
(a) The attorney general and the prosecuting attorney shall enforce this part.
(b) The circuit courts of the State shall have jurisdiction to enforce the provisions of this part by injunction or other appropriate remedy.
(c) Any person may commence a suit in the circuit court of the circuit in which a prohibited act occurs for the purpose of requiring compliance with or preventing violations of this part or to determine the applicability of this part to discussions or decisions of the public body. The court may order payment of reasonable attorney’s fees and costs to the prevailing party in a suit brought under this section.

(d) Opinions and rulings of the office of information practices shall be admissible in an action brought under this part and shall be considered as precedent unless found to be palpably erroneous.

(e) The proceedings for review shall not stay the enforcement of any agency decisions; but the reviewing court may order a stay if the following criteria have been met:

1. There is likelihood that the party bringing the action will prevail on the merits;
2. Irreparable damage will result if a stay is not ordered;
3. No irreparable damage to the public will result from the stay order; and
4. Public interest will be served by the stay order. [L 1975, c 166, pt of §1; am L 1985, c 278, §5; am L 2012, c 176, §3]

§92-13 Penalties. Any person who wilfully violates any provisions of this part shall be guilty of a misdemeanor, and upon conviction, may be summarily removed from the board unless otherwise provided by law. [L 1975, c 166, pt of §1]
**NOTE: The bill numbers are hyperlinked to the legislative bill status webpage.**

<table>
<thead>
<tr>
<th>Bill</th>
<th>Title &amp; Description</th>
<th>Referral</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>HB231</td>
<td>PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII. Repeals the Candidate Advisory Council for the Board of Regents of the University of Hawaii (Board). Authorizes the Governor to appoint members to the Board without being limited to a candidate deemed qualified by the Council.</td>
<td>HET, JHA, FIN</td>
<td>HET passed with amendments.</td>
</tr>
<tr>
<td>HB545</td>
<td>RELATING TO BOARDS AND COMMISSIONS. Clarifies that board and commission holdover members shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office regardless of any conflicting statutes.</td>
<td>LGO, JHA</td>
<td>No hearing presently scheduled.</td>
</tr>
<tr>
<td>SB547</td>
<td>RELATING TO THE BOARD OF REGENTS. Requires the University of Hawaii's Board of Regents to approve by majority vote any designee selected to serve or participate for the chairperson as a voting or nonvoting member of any legislatively established board, commission, working group, or task force.</td>
<td>HRE</td>
<td>Short form bill passed by HRE as an SD1 and awaiting recommittal to HRE.</td>
</tr>
<tr>
<td>SB631</td>
<td>PROPOSING AN AMENDMENT TO ARTICLE X, SECTION 6, OF THE HAWAII STATE CONSTITUTION TO MODIFY THE APPOINTMENT PROCESS FOR THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII. Repeals the Candidate Advisory Council for the Board of Regents of the University of Hawaii (Board). Authorizes the Governor to appoint members to the Board without being limited to a candidate deemed qualified by the Council.</td>
<td>HRE, JDC/WAM</td>
<td>HRE passed unamended.</td>
</tr>
<tr>
<td>SB838</td>
<td>RELATING TO THE UNIVERSITY OF HAWAII COMMUNITY COLLEGES. Requires the Vice President of Community Colleges to report directly to the Board of Regents.</td>
<td>HRE</td>
<td>No hearing presently scheduled.</td>
</tr>
<tr>
<td>SB960</td>
<td>RELATING TO THE UNIVERSITY OF HAWAII BOARD OF REGENTS CANDIDATE ADVISORY COUNCIL. Repeals the Candidate Advisory Council for the Board of Regents of the University of Hawaii (Board). Authorizes the Governor to appoint members to the Board without being limited to a candidate deemed qualified by the Council. Effective upon ratification of a Constitutional amendment.</td>
<td>HRE, JDC/WAM</td>
<td>HRE passed unamended.</td>
</tr>
<tr>
<td>SB1196</td>
<td>RELATING TO BOARDS AND COMMISSIONS. Clarifies that board and commission holdover members shall not hold office beyond the end of the second regular legislative session following the expiration of the member's term of office regardless of any conflicting statutes.</td>
<td>GVO, JDC</td>
<td>GVO scheduled a hearing on 02-09-23 at 9:00 a.m.</td>
</tr>
<tr>
<td>SB1513</td>
<td>RELATING TO PUBLIC AGENCY MEETINGS. Requires a Public Agency Board to report any discussion or final action taken during an executive meeting; provided that such disclosure is not inconsistent with the purpose of convening the executive meeting, but giving the Board discretion to maintain confidentiality.</td>
<td>GVO, JDC</td>
<td>No hearing presently scheduled.</td>
</tr>
<tr>
<td>HB414</td>
<td>RELATING TO RESIDENT TUITION AT THE UNIVERSITY OF HAWAII. Requires the University of Hawaii Board of Regents to allow all Hawaii high school graduates to qualify for resident tuition.</td>
<td>HET, FIN</td>
<td>No hearing presently scheduled.</td>
</tr>
</tbody>
</table>
| SB249 | RELATING TO THE PRESIDENT OF THE UNIVERSITY OF HAWAII SYSTEM.  
Prohibits the President of the University of Hawaii from serving concurrently as a campus chancellor or the chief procurement officer. | HRE, JDC/WAM | HRE passed with amendments. |
|---|---|---|---|
| SB1414 | RELATING TO THE UNIVERSITY OF HAWAII.  
Exempts the University of Hawaii and the University's Board of Regents (Board) from certain provisions of the Hawaii Public Procurement Code involving research and training contracts and grants or research and training revolving funds expended in direct support of research and training contracts and grants. Requires the Board to develop internal policies and procedures exempt from chapter 103D, Hawaii Revised Statutes, for the procurement of goods and services for research and training contracts and grants and research and training revolving funds expended in support thereof. Requires the Board to submit reports to the Legislature. | HRE, WAM | HRE has scheduled a hearing on 02-09-23 at 3:00 p.m. |
| SB1567 | RELATING TO CAREER AND TECHNICAL EDUCATION.  
Authorizes the State Board for Career and Technical Education (SBCTE) to cooperate with the Legislature to advise on provisions of all nonfederal funds received that are earmarked for career and technical education. Requires the SBCTE, in collaboration with DBEDT and DLIR, to develop and implement workforce development pathways. Amends the membership composition of the Career and Technical Education Coordinating Advisory Council. Requires annual reports to the Legislature. Appropriates | LBT/EET, WAM | LBT/EET passed with amendments. |
Item VIII.
Executive Session

ITEM TO BE DISCUSSED IN EXECUTIVE SESSION
MEMORANDUM

TO: Randolph G. Moore  
Chair, Board of Regents  

VIA: David Lassner  
President  

FROM: Michael Bruno  
Provost  

SUBJECT: APPOINTMENT OF DR. ALEXANDER ORTEGA, AS DEAN OF THE  
THOMPSON SCHOOL OF SOCIAL WORK & PUBLIC HEALTH, UNIVERSITY  
OF HAWAI'I AT MĀNOA  

SPECIFIC ACTION REQUESTED:  

It is requested that you approve the appointment of Dr. Alexander Ortega as Dean of the  
Thompson School of Social Work & Public Health (Thompson), University of Hawai‘i at Mānoa  
(UH Manoa), at an annual salary of $312,000 ($26,000/monthly), effective September 1, 2023,  
subject to any E/M salary adjustments as appropriate.  

In accordance with Executive Policy 9.215, Tenure Upon Initial Appointment, a separate request  
for tenure upon appointment for Dr. Ortega will be submitted.  

RECOMMENDED EFFECTIVE DATE:  

September 1, 2023.  

ADDITIONAL COST:  

There is an additional annual cost of $106,308 given the requested salary is higher than the  
previous permanent/regular dean who retired in 2020. The additional cost will be covered by  
the units allocated budget.  

PURPOSE:  

The purpose of the appointment of a regular Dean is to provide stability and continuity of  
leadership for the Thompson School. The former Dean, Dr. Noreen Mokuau, retired in 2020,  
and two interim appointments (Dr. William Chismar and Dr. Tetine Sentell) have been made  
since then. Dr. Sentell will remain interim dean until Dr. Ortega’s effective date.
The need for a regular executive leader is crucial in providing leadership and guidance in all aspects of Thompson School locally, nationally, and internationally, maximizing the benefit of its multicultural and Asia/Pacific region, intellectual development, fundraising, and management of all aspects of Thompson operations.

BACKGROUND:

In consideration of Executive Policy, EP 9.212, 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 March 2022, the Office of the Provost organized a Search Advisory Committee (SAC) comprised of an executive (dean/chair), faculty members (internal and external to Thompson), support staff, a graduate student, an undergraduate student, Kuali‘i Council representatives, and community members from the local health community. An executive level search was formally announced in June 2022 to identify an individual for the position of Dean, Thompson School. After an extensive review by the SAC, seven (7) candidates were deemed to be the best qualified and interviewed. The interviews were conducted via Zoom videoconference. The SAC forwarded three (3) names to me who they recommended as finalists. All three (3) candidates were invited for the campus visit phase of the search process.

The three (3) finalists’ campus visits were initially scheduled during the period October 27-November 4, 2022. However, on October 25, 2022, one of the finalists withdrew her application to accept another position in the private sector. The remaining two (2) finalists completed their campus visit phase of the process.

After each of the candidates’ sessions, which included meetings with all Thompson faculty, staff, and students, campus deans/directors, administrators, a public presentation, and community sessions, online evaluations were made available to all attendees and collected by the Office of the Provost. Online evaluations were submitted for both finalists. Positive feedback was received for both candidates.

We entered into negotiations with one finalist, but after several weeks, negotiations fell through, and it was at this time that I contacted Dr. Ortega to reconsider his candidacy, and he agreed to do so. He came for his second visit on January 4-5, 2023.

After careful consideration and review of all evaluations and references, we entered into negotiations with Dr. Ortega. After negotiations, an offer was made and accepted contingent upon Board posting and President’s approval. Dr. Ortega is the best qualified at this time to lead Thompson School in its goals and mission and will be a valuable leadership team member in fulfilling our vision at UH Mānoa.
Dr. Alexander Ortega grew up in Hawai‘i and attended Hickam Elementary, Aliamanu Middle, and Radford High Schools. He is a health policy and health care equity researcher and Professor and Director of the Center for Population Health and Community Impact in the Dornsife School of Public Health at Drexel University. He is also a Senior Associate Editor of Health Services Research (HSR), the official journal of AcademyHealth.

Dr. Ortega is known for his research and public advocacy in improving the health and well-being of Latino youth and families in the United States, especially those who are undocumented immigrants or are otherwise disenfranchised. He has directed National Institutes of Health (NIH), Agency for Healthcare Research and Quality (AHRQ), and foundation-funded research for nearly 25 years in a variety of sites and contexts, including Puerto Rico, California, and New England. His observational and intervention research has been in a variety of areas focused on Latino health and health care, including: access to and use of health services for youth and families, the impact of the Patient Protection and Affordable Care Act (ACA) on population health and health inequities, mental health services and psychiatric epidemiology, and community-engaged interventions to improve food environments in urban food swamps. Dr. Ortega is currently the Principal Investigator of three NIH R01 funded studies. Two are focused on understanding the impact of increasing frequency and intensity of natural and manmade disasters in Puerto Rico on the mental and physical health of the population and on the island’s entire healthcare system. A third study is based in California and is determining the complexities of access to care for mixed status Latino families, where at least one family member is an undocumented immigrant and one is a U.S. citizen, throughout the state. Dr. Ortega teaches undergraduate and graduate courses in healthcare policy and public health systems. He previously served on the public health faculties of University of California, Los Angeles (UCLA) and Yale University.

Dr. Ortega holds a Ph.D. in epidemiologic science from the University of Michigan, Ann Arbor, a Master of Public Health (M.P.H.) in epidemiology and biostatistics from Boston University, and a Bachelor of Arts in economics from the University of New Mexico, Albuquerque.

The Dean position is currently assigned to band SM-3 of the University’s Executive/Managerial Salary Schedule rates effective October 1, 2022 with a minimum of $136,500, midpoint of $186,375 and a maximum of $236,250. Given Dr. Ortega’s accomplishments and his administrative experience, he is well qualified to manage and lead the operations and staff at Thompson. His current salary at Drexel University is just below $300,000 and he is willing to accept the Thompson dean position at a very slight increase in pay. The proposed annual salary of $312,000 is also justified because his background is in public health and epidemiology, areas of very high demand and high salary, in particular as a result of the recent pandemic. Dr. Ortega will be transferring a significant number of grants to the university, and we expect him to lead in the expansion of externally-funded research programs in the Thompson School. It is important to note that we are currently reviewing the Thompson dean position’s classification, as the classification remained at SM-3 even after the merger of Social Work with Public Health. The SM-4 classification has a current maximum salary of $315,000.
ACTION RECOMMENDED:

It is recommended that you approve the appointment of Dr. Alexander Ortega as Dean of the Thompson School of Social Work & Public Health (Thompson), University of Hawai'i at Mānoa (UH Manoa), at an annual salary of $312,000 ($26,000/monthly), effective September 1, 2023, subject to any E/M salary adjustments as appropriate.

Attachments:
1. Curriculum Vitae of Dr. Alexander Ortega

cc: Jamie Go, Interim Executive Administrator and Secretary of the Board of Regents
MEMORANDUM

TO: David Lassner  
    President

VIA: Alexandra French  
    Interim Vice Chancellor for Administration, Finance and Operations

FROM: Michael Bruno  
    Provost

SUBJECT: Request for Exception to Fill Position

SCHOOL/COLLEGE: School of Social Work
DEPARTMENT: Dean's Office
POSITION TITLE: Dean
POSITION CLASSIFICATION/RANK: SM-3  POSITION FTE: 1.0
POSITION NUMBER: 0089082  MOF: A
DATE OF VACANCY: 07/31/20  LAST SALARY PAID: $205,692
EST. START DATE: 01/02/21  EST. ANNUAL SALARY: $200,000

NARRATIVE JUSTIFICATION

1) Describe how the position is essential to the operations of the unit and UHM, and how this hire will contribute to the overall goal and mission of the unit and UHM, including the following relevant criteria:

Social work has a historical presence in social justice which makes it among the best positioned units to respond to racial inequities and other forms of oppression on behalf of UHM. This is a driving topic in the protest movements today locally and nationally. Public health safeguards the health of the community and has a body of knowledge, skills, and a population level perspective that is distinctive from that of any other health unit at UHM. COVID 19 has been described as a public health issue locally and nationally.
Attach a copy of the position description. *(Note: PD to be updated by SAC once exception to fill is approved).*

2) Describe other options considered to fill this need, and why these options were not adequate.

*An interim dean will be concurrently appointed upon the retirement of the current dean. The interim dean being recommended is currently employed at UHM and his salary will remain the same and will be split between SSW and his current unit.*

3) Describe the impact on the program and UHM if the request for exception is not approved.

*It is critical to fill this position permanently to provide leadership, guidance and direction of School operations. If not approved, a smooth transition in permanent leadership will disrupt the daily operations of teaching, research and service to the students, the health community and to the State.*

4) Significant budget reductions are expected in FY 2021. Describe what measures you will take to ensure sufficient funding for the requested exception within this budget environment.

*The plan is to request a salary that is within the School's current budget allocation. Therefore, no additional funding is needed at this time. Should there be a need for additional funding, it will be covered within the School's current budget.*

Please feel free to contact Michele Tom at tomm@hawaii.edu if you need any additional information regarding this request.

**APPROVED/DISAPPROVED:**

Alexandra French  
Interim Vice Chancellor for Administration, Finance and Operations  

8/3/2020  
Date

**APPROVED/DISAPPROVED:**

David Lassner  
President  

Digitally signed by David Lassner  
Date: 2021.05.14 10:41:42 -10'00'  

5/14/2021  
Date
Curriculum Vitae

Alexander N. Ortega, MPH, Ph.D.

Office Address:

Current Position
Drexel University, Dornsife School of Public Health
Professor and Director, Center for Population Health & Community Impact

Education
1995-98  PhD (Epidemiologic Science), University of Michigan, Ann Arbor
1993-94  MPH (Epidemiology and Biostatistics), Boston University
1989-93  BA (Economics), University of New Mexico, Albuquerque

Professional Summary:

Drexel University
2015-  Professor of Health Policy, Department of Health Management and Policy, Dornsife School of Public Health
2015-  Director, Center for Population Health and Community Impact, Dornsife School of Public Health
2015-19 Chair, Department of Health Management and Policy, Dornsife School of Public Health

University of California, Los Angeles
2012-15 Associate Director, Chicano Studies Research Center
2010-15 Director, Center for Population Health & Health Disparities, Fielding School of Public Health
2008-15 Professor of Health Policy, Department of Health Policy & Management, Fielding School of Public Health
2008-15 Professor, Department of Psychiatry & Biobehavioral Sciences, David Geffen School of Medicine
2004-15 Associate Faculty Member, Center for Healthier Children, Families & Communities, David Geffen School of Medicine and Fielding School of Public Health
2009-10 Director, Institute for Social Research
2006-10 Associate Director, Center for Eliminating Health Disparities, Fielding School of Public Health
Alexander N. Ortega, Ph.D.

2006-09  Director of Research Programs, Department of Health Policy & Management, Fielding School of Public Health
2007-08  Associate Professor, Department of Psychiatry & Biobehavioral Sciences, David Geffen School of Medicine
2004-08  Associate Professor of Health Policy, Department of Health Policy & Management, Fielding School of Public Health

Temple University
2011-12  Professor (on leave from UCLA), Department of Public Health and Director, Institute for Survey Research

Columbia University
2009  Visiting Professor, Department of Health Policy & Management, Mailman School of Public Health

The Ohio State University
2003-04  Associate Professor, Division of Health Behavior & Health Promotion, School of Public Health

Yale University
1998-03  Assistant Professor of Health Policy, Division of Health Policy & Administration, School of Public Health

University of Pennsylvania
1995-98  Senior Research Associate, W.M. Krogman Center for Research in Child Growth and Development

Professional Service
2022-  Member, Observational Study Monitoring Board (OSMB) for the Hispanic Community Health Study/Study of Latinos, NHLBI/NIH
2022-  Member, AcademyHealth, Distinguished Career Award Selection Committee
2021-22  Member, AHRQ Health Equity Planning
2015-22  Advisory Board Member, UCSF Center for the Study of Adversity and Cardiovascular Disease (NURTURE Center)
2014-18  Advisory Board Member, University of Arizona Pride-25: Advanced health disparities training program in heart, lung, blood, and sleep conditions
2017  External Review Member, Urban Public Health Program, College of Public and Community Service, University of Massachusetts, Boston
2015  Panel Member, Pathways to Prevention (P2P): Total Worker Health, Office of Disease Prevention, National Institutes of Health
2011-14  Advisory Board Member, Administration for Children & Families, US Department of Health and Human Services, Hispanic Research Work Group
2006-10  Chair, Research Committee, The Trevor Project (national suicide prevention helpline for gay, lesbian & questioning youth)
2000-06  Advisory Board Member, National Latino & Asian American Study (NLAAS), National Institute of Mental Health
2000-05  Member, Steering Committee, Latino Research Program Project (LRPP), National Institute of Mental Health
2002-03  Member, Advisory Committee to Impact and Eliminate Racial and Ethnic Health Disparities, The Connecticut Health Foundation
1999-00  Executive Board Member, Hispanics Unidos Contra El SIDA/AIDS (Hispanics United Against AIDS), Inc.

**Specialty Certification:** Not applicable

**Licensure:** Not applicable

**Academic Honors and Awards:**
- 2011  Distinguished Alumni Award, Boston University School of Public Health
- 2008  Distinguished Nationally Known Health Professional Award, American Public Health Association (Latino Caucus)
- 2001, 2010  Top 10% of reviewers, Medical Care
- 1995-98  Ph.D. merit fellowship, University of Michigan, Rackham School of Graduate Studies
- 1994  Association of Schools of Public Health (ASPH) scholarship.
- 1992  Research fellowship, Medical College of Pennsylvania

**Memberships in Professional and Scientific Societies**

**International Societies:**
- 2001-07  Member, International Society for the Advancement of Respiratory Psychophysiology

**National Societies:**
- 2001-  Charter member, National Hispanic Science Network
- 2001-03  Membership Sub-committee
- 1998-   Member, AcademyHealth
- 1994-   Member, American Public Health Association
- 2000-19  Member, American College of Epidemiology
- 2005-06  Member, American Association for the Advancement of Science

**Editorial Positions**
- Senior Associate Editor, (2019-pres)  Health Services Research (HSR)
- Guest Editor-in-Chief, (2022)  HSR special issue on health care equity


Appointments on Study Sections and Grant Review Committees:

2020- Member, Robert Wood Johnson Foundation, Health Policy Research Scholars
2016-2020 Chair (2016, 2020)/Co-Chair (2017), NIH Native American Research Centers for Health (NARCH), SEP
2020 Member, NIH Strategies to Improve Health Outcomes and to Reduce Disparities in Rural Populations SEP
2019 Member, NIH Collaborative Minority Health & Health Disparities Research with Tribal Epidemiology Centers
2018 Member, Center for Research on Hispanic Children and Families, Administration for Children and Families, DHHS
2017 Chair, NIH Health Services Research on Minority Health and Health Disparities SEP
2011-16 Member, NIH Health Disparities & Equity Promotion (HDEP)
2016 Chair, NIH Strategies to Increase Delivery of Guideline-based Care to Populations with Health Disparities SEP
2016 Member, NIH Biomedical and Behavioral Research Innovations to Ensure Equity (BRITE) in Maternal and Child Health
2015 Member, NIH Director's Pioneer Award
2013 Member, Patient-Centered Outcomes Research Institute (PCORI)
2008-10 Member, NIH Director's New Innovator Awards
2010 Ad hoc Member, NIH Biobehavioral Regulation, Learning and Ethology
2010 Member, NIDA Substance Use and Abuse among U.S. Military Personnel, Veterans and their Families SEP
2008 Member, NIMH State Administrative Data SEP
2008 Member, CDC Grants for Public Health Research Dissertation
2007  Member, NCMHD Exploratory Research Centers of Excellence for Minority Health Disparities (EXPORT) SEP
2006  Member, NIMH Conference Grants SEP
2001-05 Member, AHRQ Health Systems Research (HSR)
2002  Member, AHRQ Disparities Collaboratives SEP
2002  Member, Connecticut Health Foundation, Multicultural Health Initiative
1999-01 Member, NIH AIDS and Related Research (ZRG1-AARR-8)
2000  Member, AHRQ Understanding and Eliminating Minority Health Disparities SEP
1999  Member, AHCPR Translating Research into Practice (TRIP) SEP
1999  Member, CDC Applied Research on New Vaccines SEP

External Tenure and Promotion Reviewer
City University of New York, George Washington University, Johns Hopkins University, New York University, Northeastern University, Northwestern University, The Ohio State University, Pennsylvania State University, University of California, Irvine, University of California, Los Angeles, University of Chicago, University of Houston, University of Illinois, Chicago, University of Kansas, University of Maryland, College Park, University of Massachusetts, Amherst, University of Massachusetts, Boston, University of Massachusetts, Lowell, University of Miami, University of Michigan, University of Pittsburgh, University of Texas at Austin, University of Utah

Academic Committees:

**Drexel University**
2019-20  Member, Action Planning Committee
2017-18  Member, Faculty Data and Assessment Committee

**Dornsife School of Public Health at Drexel University**
2021-    Member, By-laws Committee
2015-19  Member, Dean’s Executive Committee
2017-18  Member, Undergraduate Public Health Program Alignment & Review
2015-16  Member, Executive Committee of the Faculty

**Drexel Department of Health Management and Policy**
2017-18  Co-Chair, Health Management & Policy Faculty Search Committee
2016-17  Co-Chair, Population Health Management Faculty Search Committee
2015-16  Co-Chair, Doctoral Programs Oversight Committee
2015-16  Chair, Health Economics Faculty Search Committee

**UCLA—University Service (including Academic Senate)**
2013-15  Member, Review Committee for Interdisciplinary Workshops, Planning Meetings, and Symposia Funding
2012-14  Member, Committee on Rules and Jurisdiction
2009-11  Member, Faculty Advisory Committee of the UC President’s Postdoctoral Fellowship Program (PPFP)
2007-11  Member, Faculty Advisory Committee for the Chicano Studies Research Center
2007-11  Member, UCLA’s Fulbright Campus Review Committee
2005-11  Member (Vice Chair 2009-10), Committee on Committees
2006-10  Member, UCLA Graduate Council
          Member, Molecular, Cell. & Integ. Phys. 8-year review (2010)
          Chair, Nursing School 8-year review (2009)
          Chair, Anthropology Department 8-year review (2008)
          Chair, Social Welfare Department 8-year review (2008)
          Member, Applied Linguistics Dept. 8-year review (2007)
          Chair, Fellowships & Assistantships Committee (2007-09)
          Member, Administrative Core (2007-09)
          Member, Committee on Degree Programs (2006-07)
2006    Member, 5-year Review Committee for the UCLA Chicano Studies Research Center

UCLA Fielding School of Public Health
2014-15  Chair, Educational Policy & Curriculum Committee
          Member, 2013-14
          Chair, 2007-08
2014-15  Member, School Expansion Planning Committee
2014-15  Member, School Strategic Planning Committee
2013    Chair, Physical Facilities Committee
2013    Member, Dean's Global Health Fellowship Review
2012-13  Member, Fielding Winter Institute
2010-11  Chair, Research Committee
2008-10  Member, Faculty Executive Committee (FEC)
2007-08  Chair, Latino Health Faculty Search Committee
2006-07  Member, Student Affairs Committee
2004-06  Member, International Health Committee

UCLA Department of Health Policy and Management
2014-15  Chair, Academic Personnel Committee
          Chair, 2010-2011
          Member, 2004-2010
2010-15  Dept. Rep., Legislative Assembly, UCLA Academic Senate
2004-15  Member, Student Affairs Committee
2010-11  Member, Chair’s Advisory Committee
2010-11  Member, Self-sustaining MPH/MHA Prog. Committee
2006-11  Member, Ph.D. Committee
2004-11  Member (Chair 2010-pres.), Academic Personnel Committee
2010    Member, Ad Hoc MSO Search Committee
2006-10  Member, Dr.PH Committee
2006-09  Member, Executive & Finance Committee
2005-06  Member, MPH-HP Director/Faculty Search Committee
The Ohio State University School of Public Health
2003-04 Member, Appointments, Promotions and Tenure Committee
2003 Member, Executive Committee

The Ohio State University Div. of Health Behavior & Health Promotion
2003-04 Chair, HBHP Chair Search Committee
2003-04 Chair, HBHP junior faculty search

Yale Department of Epidemiology and Public Health
2000-03 Member, MPH Admissions Committee
2001 Member, Search Committee (Chronic Disease Epi.)
1998-03 Member, Minority Affairs Committee
1998-00 Member, Search Committee (Health Policy & Admin.)

Major Teaching Responsibilities:

Drexel University
2022- Instructor, Health Management & Policy II
2016- Instructor, The U.S. Public Health System
2018-19 Instructor, Professional Development Roundtable
2017-19 Instructor, Research and Practice Workshop

UCLA
2013-15 Instructor, Introduction to Health Policy & Management
2009-15 Instructor, Health Systems Organization & Financing
2008-15 Instructor, Health Care Disparities
2005-08 Instructor, Health Services Research Methods
2005 Instructor, Distinguishing Key Problems & Efforts to Reform the Health Services System

Columbia University
2009 Visiting Professor, Health Care Inequities

The Ohio State University
2004 Instructor, Health Care Disparities
2004 Instructor, Behavioral Science for Healthcare Managers

Yale University
2002-03 Instructor, Health Care Disparities
2000 Instructor, Topics in Outcomes Research
2000 Instructor, Advanced Topics in Outcomes Research
1999-01 Instructor, Community Project
1999-01 Instructor, Methods in Health Services Research
Alexander N. Ortega, Ph.D.

**University of Michigan**
- 1995-97: Facilitator, Introduction to Biostatistics
- 1997: Facilitator, Strategies and Uses of Epidemiology
- 1996: Teaching Assistant, Field Studies in Epidemiology
- 1996: Teaching Assistant, Fundamentals of Epidemiology

**Invited University Seminars:**

**Distinguished/Decanal Lectures**
- University of Texas at Austin, College of Education, 2022
- University of Arkansas, Arkansas Center for Health Disparities, 2021
- University of Washington, Public Health, 2019
- University of Nebraska, Lincoln, Minority Health Disparities Initiative, 2019
- Case Western Reserve University/Cleveland Clinics, David Satcher Lecture, 2017
- University of Arizona, Public Health, 2015
- New Mexico State University, College of Health and Social Services, 2011
- University of Colorado, Boulder, Institute of Behavioral Science, 2011
- University of Illinois, Chicago, School of Public Health, 2010
- Northeastern University, Bouvé College of Health Sciences, 2003

**Invited Lectures**
- Yale University, Health Policy and Management, 2020
- University of Miami, Health Management and Policy, 2020
- Johns Hopkins University, Institute for Health and Social Policy, 2020
- University of Southern California, Preventive Medicine, 2019, 2015, 2008
- Duke University, Economics, 2017
- University of Michigan, Public Health, 2017
- University of Arizona, Medicine, 2016
- Drexel University, Pediatrics, 2016
- University of Virginia, Public Health, 2016
- University of Pennsylvania, Nursing, 2016
- Rice University, Baker Institute for Public Policy, 2016
- University of Washington, Public Health, 2015
- Drexel University, Public Health, 2014
- Pomona College, 2014
- University of Southern California, Communications & Journalism, 2013
- UC San Diego, Preventive Medicine, 2013
- Washington University in St. Louis, Institute for Public Health, 2013
- UC Davis, Family and Community Medicine, 2013
- Stony Brook University (SUNY), Public Health, 2012
- Western University of Health Sciences, 2012
- National Institute of Minority Health & Health Disparities, NIH, 2012
- Rush University, Center for Urban Health Equity, 2012
- University of Maryland, Population Research Center, 2012
- Johns Hopkins University, Center to Eliminate Cardiovascular Disparities, 2011
University of Michigan, College of Pharmacy, 2010
The Ohio State University, Health, Outcomes and Policy Evaluation, 2003
Cornell University, Weill Medical College, 2003
Wesleyan University, Psychology, 2003
Brown University, Community Health, 2001, 2000

Conference Presentations
Advancing the Science of Cancer in Latinos, San Antonio, TX, 2020
L.A. Chapter of the National Association of Hispanic Nurses, Los Angeles, 2014
American Public Health Association Meeting, San Francisco, CA, 2012
National Council on Family Relations Annual Conference, Phoenix, AZ, 2012
American Academy of Allergy, Asthma & Immunology, Denver, 2003
Conference on Mood Disorders among Hispanics, Princeton, NJ, 2002
American College of Epidemiology Meeting, Albuquerque, NM 2002
4th Annual Child Health Services Meeting, Washington, DC, 2002
American Public Health Association Annual Meeting, New York, NY, 1996

Seminars and Presentations
Forsyth County Department of Public Health, Winston-Salem, NC, 2014
Harbor-UCLA/CTSI/LABIMED Obesity Symposium, Torrance, CA 2013
UCLA Global Health Training Program, Los Angeles, CA 2007
California Chicano News Media Association, Los Angeles, CA 2006
National Hispanic Medical Association, Los Angeles, CA, 2005
Women’s and Gender Studies Program, Yale College, 2001
Yale Medical School (BLHO, SNMA, Cultures & Medicine), 2000
Seminar in Measurement Issues in Chronic Disease, Yale, 2000
Colloquium in Mental Health Services Research, Yale, 1999
Connecticut Mental Health Center, New Haven, CT 1999

Bibliography

**Google Scholar cites**

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<td>103</td>
</tr>
</tbody>
</table>

**Publications:**


24. Kemmick-Pintor J, Chen J, Alcalá HE, Langellier BA, McKenna RM, Roby DH, Ortega AN. Insurance coverage and utilization improve for Latino youth, but disparities by heritage group persist following the ACA, *Medical Care*, 2018;56:927-933.


29. Alcalá HE, Roby DH, Grande DT, McKenna RM, Ortega AN. Insurance type and access to health care providers and appointments under the Affordable Care Act, *Medical Care*, 2018;56:186-192.


43. Sharif MZ, Rizzo S, Marino E, Belin TR, Glik DC, Kuo AA, Ortega AN, Prelip ML. The association between self-rated eating habits and dietary behavior in two Latino


72. Feldman JM, Acosta E, McQuaid EL, Goodwin RD, Canino G, Ortega AN. The role of caregiver major depression in the relationship between anxiety disorders and asthma attacks in island Puerto Rican youth and young adults. *Journal of Nervous and Mental Disease*, 2011;199:313-318. PMCID: PMC3090724


92. Inkelas M, Garro N, McQuaid EL, **Ortega AN**. Race/ethnicity, language, and asthma care: findings from a 4-state survey. *Annals of Allergy, Asthma & Immunology* 2008;100:120-127.


112. **Ortega AN**, Gergen PJ, Paltiel AD, Bauchner H, Belanger KD, Leaderer BP. Impact of site of care, race, and Hispanic ethnicity on medication use for childhood asthma. *Pediatrics* 2002;109(1) URL: http://www.pediatrics.org/cgi/content/full/109/1/e1


**Editorials and Reviews:**


**Book Chapters**


**Research Publications (not peer-reviewed):**


**Abstracts**


10. Cochran SD, Mays VM, Alegria M, **Ortega A**, Takeuchi DT. Mental health morbidity among lesbian, gay, and bisexual Latinos and Asian Americans in the
https://apha.confex.com/apha/134am/techprogram/paper_134781.htm


**Research Grants Pending/Submitted**

“Understanding Mis- and Disinformation about Health Care Access and Their Impacts on Decision-Making Among Latino Immigrants”
Contact Principal Investigator: Ortega
Agency: NIH/NIMHD
Type: R01

“Impact of multiple public health emergencies in Puerto Rico on cancer screening”
Principal Investigator: Stimpson
Agency: NIH/NCI
Type: R03

**Research Grants Ongoing or Completed**

“The Puerto Rico Healthcare System Before and After Three Public Health Disasters”
Contact Principal Investigator: Ortega
Agency: NIH/NIMHD
Type: R01 MD016426 Period 5/23/22-2/28/27 $3,180,308

“Multiple-levels of Influence on Access to Care for Latino Youth and Families”
Contact Principal Investigator: Ortega
Agency: NIH/NIMHD
Type: R01 MD014146 Period 9/26/20-4/30/2025 FTE: 20% $2,706,866

“Psychiatric and Substance Use Disorders in Puerto Rico Before and After Hurricane Maria”
Contact Principal Investigator: Ortega
Agency: NIH/NIMHD
Type: R01 MD013866 Period 5/02/19-12/31/23 FTE: 30% $3,166,768

(Ranked 5.0 percentile)
“Center for Population Health and Health Disparities (CPHHD)”
“Family and Neighborhood Interventions to Reduce Heart Disease Risk in East L.A.”
Contact Principal Investigator/Director: Ortega
Agency: NIH /NHLBI
Type: P50 HL105188 Period 9/01/10-12/31/15 FTE: 50% $9,878,676

“Corner Store makeovers in East Los Angeles: Improving Healthy Food Access”
Principal Investigators: Ortega/Prelip/Glik
Agency: NIH/NHLBI
Type: P50 HL105188 Period 9/01/10-12/31/15 FTE: 15% $3,096,313

“Administrative Core”
Principal Investigators: Ortega/McCarthy
Agency: NIH/NHLBI
Type: P50 HL105188 Period 9/01/10-12/31/15 FTE: 10% $921,388

“Research Methods Core”
Principal Investigator: Belin
Agency: NIH/NHLBI
Type: P50 HL105188 Period 9/01/15-12/31/15 FTE: 5% $1,400,700

“Healthy Corner Stores”
Principal Investigators: Prelip/Glik
Agency: The California Endowment
Type: TCE95-6006143 Period 07/01/12 - 06/30/14 FTE: 5%

“East Los Angeles Food Study” (CERP Pilot Study)
Principal Investigators: Ortega/Prelip/Glik
Agency: NIH/NCATS/UCLA CTSI
Type: UL1TR000124 Period: 7/1/12-6/30/13 FTE: In-kind

“Racial and Ethnic Approaches to Community Health US”
Principal Investigator: Yancey
Agency: National Center for Chronic Disease Prevention & Health Promotion/CDC
Type: U58 DP000999 Period 10/01/07-09/30/12 FTE: 2.5% $4,279,618

Anxiety, Depression and Asthma in Puerto Rican Youth”
Principal Investigator: Ortega
Agency: NIH/NIMH
Type: R01 MH69849 Period: 8/15/05-7/31/10 FTE: 20% $1,224,660 (Ranked 1.7 percentile)

“Pediatric Asthma Disparities: Perceptions and Management”
Principal Investigator: Canino
Agency: NIH/NHLBI
Type: U01 HL072519 Period: 10/1/02-9/30/07 FTE: 20% $2,801,203
“Medical Education Cooperation with Cuba” MEDICC
Community-Faculty Health Leadership Program
Principal Investigator: **Ortega (for UCLA)**
Agency: California Wellness Foundation
   Period: 10/1/04-9/30/07   FTE: In-kind

“Netwellness”
Principal Investigator: **Ortega (for Ohio State site)**
Agency: Health Resources and Services Administration (HRSA)
Type: 1D1BTM00084   Period: 8/1/03-9/30/04   FTE: 20%

“Asthma Severity in Children and Environmental Agents”
Principal Investigator: Leaderer
Agency: NIH/NIEHS
Type: R01 ES005410   Period: 8/26/99-7/31/02   FTE: 60%   **$2,545,933**

“Research in Primary Care”
Principal Investigator: **Ortega**
Agency: AHRQ/Center for Primary Care Research
Type: IPA   Period: 10/1/00-9/30/01   FTE: 20%

“Mental Health Problems in Hispanic Veterans”
Principal Investigator: **Ortega**
Agency: VA
Type: IPA   Period: 9/1/99-8/30/00   FTE: 20%

“Mental Health Problems in Hispanic Veterans”
Principal Investigator: **Ortega**
Agency: VA
Type: IPA   Period: 9/1/98-8/30/99   FTE: 20%

**Training Grants**
“UCLA Center for Population Health & Health Disparities Research Education Program”
Principal Investigators: Prelip/**Ortega**
Agency: NIH/NHLBI
Type: R25 HL108854 Period: 06/01/11-05/31/15   **$334,664**

“Interdisciplinary Maternal and Child Health Training Program”
Principal Investigator: Halfon
Agency: Health Resources and Service Administration (HRSA)
Type: 5T79MC00014:10-00   Period: 10/1/04-6/30/11   Role: Faculty
“UCLA Global Health Training Program”
Principal Investigators: Harrison/Olsen
Agency: Fogarty International Center/NIH
Type: R25 TW007507  Period: 9/21/05-8/31/09  Role: Faculty

“Training Program in Mental Health Services Research”
Principal Investigators: Horwitz/Schlesinger
Agency: National Institute of Mental Health
Type: T32 MH15783  Period: 7/1/98-5/31/03  Role: Faculty

Mentored K-awards and F31 Grants

(Mentor to Dr. Matthew O’Brien)
“Promotora-led Intervention to Promote Weight Loss in Latinas at-risk for Diabetes”
Principal Investigator: O’Brien
Agency: NIH/NIDDK
Type: K23 DK095981  Period: 7/1/12-4/30/17

(Mentor to Dr. Alma Guerrero)
“Preventing Childhood Obesity: Addressing the Family Environmental Factors”
Principal Investigator: Guerrero
Agency: NIH/NICHD
Type: K23 HD080461  Period: 9/25/13-6/30/18

(Mentor to Dr. Brent Langellier)
“The effect of corner store makeovers on store patrons and nearby corner stores”
Principal Investigator: Langellier
Ruth L. Kirschstein National Research Service Award (NRSA)
Agency: NIH/NHLBI/OD
Type: F31 HL116109  Period: 8/15/12-8/14/13
Faculty Work Assignment:
Annual Report to UH Board of Regents

February 16, 2023

David Lassner, President
Debora Halbert, Vice President for Academic Strategy
Michael Bruno, Provost, UH Mānoa
Bonnie Irwin, Chancellor, UH Hilo
Maenette Benham, Chancellor, UH West O‘ahu
Della Teraoka, Interim Associate Vice President, UH Community Colleges
Overview

This report is the third annual report showing faculty work assignment by college/division/department for UH campuses.

The goal of the report is to:
• Improve our ability to generate timely and accurate reports of faculty work assignment.
• Create a mechanism to assist campus leadership to more easily track and manage faculty work assignments.
• Provide aggregated information annually to the Board of Regents.
Changes from last year’s initial report and process

1. Implemented a self-service model for providing access to Work Assignment Templates.

2. Non-Instructional faculty updated to use “work equivalencies” as the unit of measure for their work assignment.

3. Tenure status of faculty was added to the individual templates based on feedback received last year.
Categories of work for 4-year university campuses

Besides credit classes taught, five categories of work assignment are included:

• Research: Credit equivalencies for research as part of regular work assignment.

• Service: Credit equivalencies for activities, outreach, student support, etc.

• Extension: Credit equivalencies for outreach as part of regular duties.

• Administrative: Credit equivalencies for administrative duties that reduce teaching load.

• Buyout: Credit equivalencies for which extramural funding is used to “buy out” part of teaching load.
Categories of work for community college campuses

Community college (CC) faculty work is recorded using teaching equivalencies (TEs). Five categories of work assignment, aggregating 15 types of non-instructional TEs in Banner, are included:

• Research: Teaching equivalencies for research as part of regular workload.

• Administrative: Teaching equivalencies for activities that reduce teaching load such as Administrative assignment, College Committee Chair, Curriculum Committee, Curriculum or Program Development, Division/Department Chair, Faculty Senate Chair, Grant/Contract Administrator, Grant/Contract Development, Institutional Service, Program Director/Coordinator.

• Service: Teaching equivalencies for activities, outreach, student support, etc.

• Buyout: Teaching equivalencies for which extramural funding is used to “buy out” part of teaching load.

• Professional Development: Teaching equivalencies provided when faculty are on sabbatical.
Faculty work assignment report definitions

• Instructional Faculty are faculty members whose primary duties are instruction of credit-bearing courses. They may perform a variety of teaching, research and service duties in support of the University’s mission. Includes faculty classifications: C, I, J, and M.

• Non-Instructional Faculty are faculty members whose primary duties are non-instructional. They may perform a variety of research and service duties in support of the University’s mission, but may also include instruction of credit-bearing courses as part of their regular work assignment. Includes faculty classifications: A, B, C, R, and S. Job titles include but are not limited to: Extension Agents, Librarians, Coordinators, Counselors, Researchers, Specialists.

• The N/A category includes non-standard load faculty, typically those who have left their position, had at least one semester of sabbatical, or took leave resulting in reduced credit assignment. These faculty are included in the N/A category in the campus head count, but are excluded from the Teaching Equivalency (TE) charts.

• Data provided in these slides are from Fall 2021 and Spring 2022 semesters.
Unit Faculty Workload Data
UH Mānoa Faculty Workload Policies

From UH Mānoa workload summary, July 2015

For tenure-track faculty, ranks I3 and above, workload is not solely fulfilled by teaching regular classes. In addition to class-room teaching, all tenured and tenure-track faculty are required to do significant research and professional/administrative service, as well as instructional activity that is not measured in credit hours. As a result, these faculty members seldom teach more than 18 credit hours per year (more than three 3-credit classes a semester).

Commonly, one-third to two-thirds of a faculty member’s time will be spent on research, service, and instructional activities not measured by credit hours. So, for example, a faculty member might be teaching the equivalent of 15 credit hours per year and spending the equivalent of 9 credit hours per year fulfilling such other responsibilities.

https://hawaii.edu/offices/bor/regular/materials/201507161000/Item_VI.C.1._Progress_Report_on_Faculty_Workload_and_Teaching_Equivalencies__Policies__and_Procedures.pdf
UH Mānoa Faculty Assignment - Instructional

UH Mānoa Instructional Faculty Load (Headcount)

- Standard, 1,152, 84%
- Less than standard, 5, 0%
- N/A, 185, 13%
- <0.10 FTE, 34, 3%

FT Instructional Faculty: 950
PT Instructional Faculty: 207
N/A Faculty: 185
<= 0.10 FTE Faculty: 34
Total Instructional Faculty: 1,342

UH Mānoa Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- Instructional 945
- Service: 13%
- Administrative: 7%
- Spring Sabbatical: 2%
- Fall Sabbatical: 1%
- Release: 1%
- Extension: <1%
- Other: 26%

* Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.

UH Mānoa Instructional Faculty Load by Type (by Teaching Equivalencies)**

- Instructional, 49%
- Research, 23%
- Buyout, 2%
- Other, 26%

** Excludes faculty in “N/A” and “<= 0.10 FTE” categories of the campus headcount.
UH Mānoa Faculty Assignment – Instructional (2)

UH Mānoa Instructional Faculty Load by Colleges/Schools/ORUs (by Percent of Headcount)*

<table>
<thead>
<tr>
<th>College/School/ORU</th>
<th>Standard</th>
<th>Less than standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>C OF ARTS, LANG &amp; LETTERS</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>C OF BUS ADM</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>C OF EDUC</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>C OF ENGINRG</td>
<td>96%</td>
<td>4%</td>
</tr>
<tr>
<td>C OF NAT SCI</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>C OF SOC SCI</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>C OF TA &amp; HR</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>HAWAIINUIAKEA SCH HA</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>SCH OF ARCH</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>SCH OF LAW</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>SCH OF MEDICINE</td>
<td>99%</td>
<td>1%</td>
</tr>
<tr>
<td>SCH OF NURS</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>SCH OF O&amp;ES&amp;T</td>
<td>99%</td>
<td>1%</td>
</tr>
<tr>
<td>DENTAL HYGIENE</td>
<td>100%</td>
<td>0%</td>
</tr>
<tr>
<td>SCH OF SW &amp; PH</td>
<td>100%</td>
<td>0%</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” and “<= 0.10 FTE” categories of the campus headcount.

UH Mānoa Instructional Faculty Load by Colleges/Schools/ORUs & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>College/School/ORU</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>C OF ARTS, LANG &amp; LETTERS</td>
<td>2,817</td>
<td>2,668</td>
</tr>
<tr>
<td>C OF BUS ADM</td>
<td>633</td>
<td>810</td>
</tr>
<tr>
<td>C OF EDUC</td>
<td>1,322</td>
<td>1,017</td>
</tr>
<tr>
<td>C OF ENGINRG</td>
<td>712</td>
<td>926</td>
</tr>
<tr>
<td>C OF NAT SCI</td>
<td>1,334</td>
<td>1,539</td>
</tr>
<tr>
<td>C OF SOC SCI</td>
<td>1,254</td>
<td>1,916</td>
</tr>
<tr>
<td>C OF TA &amp; HR</td>
<td>480</td>
<td>700</td>
</tr>
<tr>
<td>HAWAIINUIAKEA SCH HA</td>
<td>571</td>
<td>267</td>
</tr>
<tr>
<td>SCH OF ARCH</td>
<td>254</td>
<td>137</td>
</tr>
<tr>
<td>SCH OF LAW</td>
<td>198</td>
<td>229</td>
</tr>
<tr>
<td>SCH OF MEDICINE</td>
<td>2,152</td>
<td>1,850</td>
</tr>
<tr>
<td>SCH OF NURS</td>
<td>482</td>
<td>311</td>
</tr>
<tr>
<td>SCH OF O&amp;ES&amp;T</td>
<td>536</td>
<td>1,151</td>
</tr>
<tr>
<td>DENTAL HYGIENE</td>
<td>188</td>
<td>48</td>
</tr>
<tr>
<td>SCH OF SW &amp; PH</td>
<td>335</td>
<td>306</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” and “<= 0.10 FTE” categories of the campus headcount.
What percentage of non-instructional faculty teach?

UH Mānoa Distribution of Non-Instructional Faculty (by Total Teaching Equivalencies)

- Non-Instructional, 13,608, 91%
- Instructional, 1,366, 9%

UH Mānoa Distribution of Non-Instructional Faculty with Teaching Equivalencies (by Headcount)

- WITHOUT Instructional TEs, 390, 65%
- WITH Instructional TEs, 208, 35%

* Excludes faculty in “N/A” and “<= 0.10 FTE” categories in TE totals and headcount.
**UH Mānoa Faculty Assignment – Non-Instructional (2)**

What are the types of non-instructional faculty and their tenure status?

### UH Mānoa Non-Instructional Faculty Load by Job Type
(by Teaching Equivalencies)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extension Agent</td>
<td>7</td>
<td>977</td>
</tr>
<tr>
<td>Librarian</td>
<td>28</td>
<td>1,225</td>
</tr>
<tr>
<td>Researcher</td>
<td>512</td>
<td>3,764</td>
</tr>
<tr>
<td>Specialist</td>
<td>819</td>
<td></td>
</tr>
</tbody>
</table>

### UH Mānoa Non-Instructional Faculty Load by Job Type
And Tenure-Status (by Headcount)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Tenured</th>
<th>Tenure-track</th>
<th>Non-Tenure track</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extension Agent</td>
<td>1</td>
<td>15</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>Librarian</td>
<td>37</td>
<td>11</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Researcher</td>
<td>21</td>
<td>73</td>
<td>79</td>
<td></td>
</tr>
<tr>
<td>Specialist</td>
<td>41</td>
<td>133</td>
<td>152</td>
<td>4</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” and “<= 0.10 FTE” categories of the campus headcount.
UH Hilo and West O‘ahu Workload Policy

UH Hilo
From Teaching Workload Assignments and Equivalencies

Tenure track faculty typically teach 18 credit hours (WCH) per year and are typically granted 6 WCH per academic year to conduct an equivalent amount of research and service.

https://hilo.hawaii.edu/policies/teaching-workload.php

UH West O‘ahu
From Overload FAQs

The standard teaching assignment for full-time instructional faculty at UH West O‘ahu is 24 credits per year (CBA III.F). Each tenured and tenure-track faculty member is typically assigned 3 credits of release time per semester for scholarship and service.

**UH Hilo Faculty Assignment - Instructional**

**UH Hilo Instructional Faculty Load (Headcount)**

- Standard, 169, 86%
- Less than standard, 1, 1%
- N/A, 26, 13%

FT Instructional Faculty: 170
Total N/A Faculty: 26
Total Instructional Faculty: 196

**UH Hilo Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)***

- 22: 1
- 24: 6
- 25: 7
- 26: 9
- 27: 5
- 28: 8
- 29: 2
- 30: 2
- 31: 2
- 33: 6

* Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.

**UH Hilo Instructional Faculty Load by Type (by Teaching Equivalencies)****

- Instructional, 65%
- Research, 11%
- Buyout, 1%
- Other, 23%
  - Service: 10%
  - Administrative: 7%
  - Fall Sabbatical: 2%
  - Release: 2%
  - Spring Sabbatical: 2%
  - Other: <1%

** Excludes faculty in “N/A” category of the campus headcount.
## UH Hilo Instructional Faculty Load by Division/Department (by Headcount)*

<table>
<thead>
<tr>
<th>Division/Department</th>
<th>Standard</th>
<th>Less than standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>COL OF AG, FOREST &amp; NAT RES MGMT</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>COLL OF NATURAL &amp; HEALTH SCI</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>COLLEGE OF BUS &amp; ECONOMICS</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>COLLEGE OF PHARMACY</td>
<td>93%</td>
<td>7%</td>
</tr>
<tr>
<td>HUMANITIES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>KA HAKA ULA O KE'ELIKOLANI</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>SOCIAL SCI</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.

## UH Hilo Instructional Faculty Load by Division/Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Division/Department</th>
<th>Instr</th>
<th>Non Instr</th>
</tr>
</thead>
<tbody>
<tr>
<td>COL OF AG, FOREST &amp; NAT RES MGMT</td>
<td>115</td>
<td>79</td>
</tr>
<tr>
<td>COLL OF NATURAL &amp; HEALTH SCI</td>
<td>888</td>
<td>456</td>
</tr>
<tr>
<td>COLLEGE OF BUS &amp; ECONOMICS</td>
<td>213</td>
<td>66</td>
</tr>
<tr>
<td>COLLEGE OF PHARMACY</td>
<td>305</td>
<td>180</td>
</tr>
<tr>
<td>DEAN'S OFF</td>
<td></td>
<td></td>
</tr>
<tr>
<td>HUMANITIES</td>
<td>505</td>
<td>255</td>
</tr>
<tr>
<td>KA HAKA ULA O KE'ELIKOLANI</td>
<td>165</td>
<td>159</td>
</tr>
<tr>
<td>SOCIAL SCI</td>
<td>630</td>
<td>335</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
UH Hilo Faculty Assignment – Non-Instructional

UH Hilo Distribution of Non-Instructional Faculty (by Total Teaching Equivalencies)

- Non-Instructional, 626, 91%
- Instructional, 61, 9%

UH Hilo Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITHOUT Instructional TEs, 25, 86%
- WITH Instructional TEs, 4, 14%

* Excludes faculty in “N/A” category of the campus headcount.
UH Hilo Faculty Assignment – Non-Instructional (2)

UH Hilo Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

- Librarian: 96 Non-Instructional
- Other Non-Instr Position: -
- Specialist: 61 Non-Instructional
- Total: 530 Non-Instructional

UH Hilo Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

- Librarian:
  - Tenured: 3
  - Tenure-track: 1
  - Non-Tenure track: -
  - N/A: -
- Other Non-Instr Position:
  - Tenured: -
  - Tenure-track: -
  - Non-Tenure track: -
  - N/A: -
- Specialist:
  - Tenured: 6
  - Tenure-track: 13
  - Non-Tenure track: 5
  - N/A: -

* Excludes faculty in “N/A” category of the campus headcount.
UH West O‘ahu Faculty Assignment - Instructional

UH West O‘ahu Instructional Faculty Load (Headcount)

- Standard, 83, 91%
- N/A, 8, 9%

FT Instructional Faculty: 83
Total N/A Faculty: 8
Total Instructional Faculty: 91

UH West O‘ahu Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- Instructional, 72%
- Buyout, 1%
- Research, 10%
- Other, 17%
  - Service: 10%
  - Administrative: 4%
  - Release: 2%
  - Fall Sabbatical: 1%
  - Other: <1%
  - Spring Sabbatical: <1%

* Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.

** Excludes faculty in “N/A” category of the campus headcount.
UH West O‘ahu Faculty Assignment – Instructional (2)

**UH West O‘ahu Instructional Faculty Load by Division/Department (by Headcount)**

<table>
<thead>
<tr>
<th>Division/Department</th>
<th>Standard</th>
<th>Less than standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy for Creative Business Admin.</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Humanities</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Mathematics, Natural &amp; Public Admin.</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>Social Sciences</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

**UH West O‘ahu Instructional Faculty Load by Division/Department & Type (by Teaching Equivalencies)**

<table>
<thead>
<tr>
<th>Division/Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Academy for Creative Business Admin.</td>
<td>24</td>
<td>111</td>
</tr>
<tr>
<td>Humanities</td>
<td>147</td>
<td>132</td>
</tr>
<tr>
<td>Mathematics, Natural &amp; Public Admin.</td>
<td>238</td>
<td>108</td>
</tr>
<tr>
<td>Social Sciences</td>
<td>295</td>
<td>144</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
UH West O‘ahu Faculty Assignment – Non-Instructional

UH West O‘ahu Distribution of Non-Instructional Faculty Teaching Equivalencies

- Instructional, 90, 9%
- Non-Instructional, 861, 91%

UH West O‘ahu Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITH Instructional TEs, 14, 38%
- WITHOUT Non-Instructional TEs, 23, 62%

* Excludes faculty in “N/A” category of the campus headcount.
UH West O‘ahu Faculty Assignment – Non-Instructional (2)

UH West O‘ahu Non-Instructional Faculty by Job Type
(by Teaching Equivalencies)

- **LIBRARIAN**
  - Instructional: 6
  - Non-Instructional: 114

- **SPECIALIST**
  - Instructional: 84
  - Non-Instructional: 747

UH West O‘ahu Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

- **LIBRARIAN**
  - Tenured: 3
  - Tenure-track: 1
  - Non-Tenure track: 1

- **SPECIALIST**
  - Tenured: 16
  - Tenure-track: 4
  - Non-Tenure track: 12

* Excludes faculty in “N/A” category of the campus headcount.
Community Colleges Workload Data Collection

UHCC Policy 9.237 establishes the standard teaching assignment for full-time instructional faculty as 27 TEs. The policy:

• Defines Common Teaching Equivalencies for each type of class (by schedule type).

• Establishes responsibilities for implementation of the policy.

• Based on UHPA contract, describes common non-instructional activities that are assigned Teaching Equivalencies.

FT Instructional Faculty: 66
N/A Faculty: 15
Total Instructional Faculty: 81

Hawai’i CC Instructional Faculty Load (Headcount)

- Standard, 66, 81%
- N/A, 15, 19%

Hawai’i CC Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- 66
- 27+

* Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.

Hawai’i CC Instructional Faculty Load by Type (by Teaching Equivalencies)**

- Instructional, 74%
- Other, 26%
  - Administrative: 17%
  - Other: 7%
  - Release: 2%
  - Buyout: <1%
  - Service: <1%

** Excludes faculty in “N/A” category of the campus headcount.
Hawai‘i CC Instructional Faculty Load by Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>377</td>
<td>202</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>257</td>
<td>62</td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>78</td>
<td>30</td>
</tr>
<tr>
<td>NON-CREDIT</td>
<td>4</td>
<td>32</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>69</td>
<td>45</td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>53</td>
<td>12</td>
</tr>
<tr>
<td>VOC-NURSING</td>
<td>115</td>
<td>58</td>
</tr>
<tr>
<td>VOC-OTHER VOC ED</td>
<td>48</td>
<td>6</td>
</tr>
<tr>
<td>VOC-SERVICE TECH</td>
<td>52</td>
<td>2</td>
</tr>
<tr>
<td>VOC-VOC TECH</td>
<td>381</td>
<td>45</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Hawai‘i CC Faculty Assignment – Non-Instructional

Hawai‘i CC Distribution of Non-Instructional Faculty Teaching Equivalencies

- Instructional, 7, 1%
- Non-Instructional, 569, 99%

Hawai‘i CC Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITH Instructional TEs, 1, 6%
- WITHOUT Non/Instructional TEs, 15, 94%

* Excludes faculty in “N/A” category of the campus headcount.
Hawai‘i CC Faculty Assignment – Non-Instructional (2)

Hawai‘i CC Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

- COUNSELOR/ADVISOR: 360
- LIBRARIAN: 29
- OTHER NON-INST POSITION: 144
- OTHER UHCC NON INSTR FACULTY: 36

Hawai‘i CC Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

- COUNSELOR/ADVISOR: Tenured 3, Tenure-track 7
- LIBRARIAN: Tenured 1
- OTHER NON-INST POSITION: Tenured 2, Non-Tenure track 2
- OTHER UHCC NON INSTR FACULTY: Tenured 1

* Excludes faculty in “N/A” category of the campus headcount.
Honolulu CC Faculty Assignment - Instructional

Honolulu CC Instructional Faculty Load (Headcount)

- Standard, 78, 81%
- N/A, 18, 19%

FT Instructional Faculty: 78
N/A Faculty: 18
Total Instructional Faculty: 96

Honolulu CC Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- 78
- 27+

* Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.

Honolulu CC Instructional Faculty Load by Type (by Teaching Equivalencies)*

- Instructional, 88%
- Other, 12%
  - Administrative: 8%
  - Service: 3%
  - Other: <1%
  - Spring Sabbatical: <1%

* Excludes faculty in “N/A” category of the campus headcount.
Honolulu CC Instructional Faculty Load by Department & Type
(by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>DEANS OFFICE</td>
<td>100%</td>
<td>45%</td>
</tr>
<tr>
<td>GEN-HUMANITIES</td>
<td>256%</td>
<td>28%</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>266%</td>
<td>58%</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>460%</td>
<td>21%</td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>81%</td>
<td>28%</td>
</tr>
<tr>
<td>VOC-ENGINEER TECH</td>
<td>61%</td>
<td>-</td>
</tr>
<tr>
<td>VOC-MAINTENNC REPAIR</td>
<td>311%</td>
<td>65%</td>
</tr>
<tr>
<td>VOC-SERVICE TECH</td>
<td>334%</td>
<td>30%</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Honolulu CC Distribution of Non-Instructional Faculty Teaching

**Honolulu CC Distribution of Non-Instructional Faculty Teaching Equivalencies**

- Non-Instructional, 1,009, 98%
- Instructional, 18, 2%

**Honolulu CC Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)**

- WITH Instructional TEs, 4, 14%
- WITHOUT Non-Instructional TEs, 25, 86%

* Excludes faculty in “N/A” category of the campus headcount.
Honolulu CC Faculty Assignment – Non-Instructional (2)

Honolulu CC Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

- **COORDINATOR (NON-INSTR)**: 9 (162 Non-Instructional)
- **COUNSELOR/ADVISOR**: 2 (395 Non-Instructional)
- **OTHER NON-INSTR POSITION**: 7 (452 Non-Instructional)

Honolulu CC Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

- **COORDINATOR (NON-INSTR)**: 3 Tenured, 2 Tenure-track, 0 Non-Tenure track, 0 N/A
- **COUNSELOR/ADVISOR**: 8 Tenured, 0 Tenure-track, 0 Non-Tenure track, 0 N/A
- **OTHER NON-INSTR POSITION**: 9 Tenured, 9 Tenure-track, 0 Non-Tenure track, 0 N/A

* Excludes faculty in “N/A” category of the campus headcount.
Kapiʻolani CC Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

FT Instructional Faculty: 143
PT Instructional Faculty: 6
N/A Faculty: 29
Total Instructional Faculty: 178

Kapiʻolani CC Instructional Faculty Load by Type (by Teaching Equivalencies)*

- Standard, 149, 84%
- Instructional, 143, 76%
- Other, 24%
  - Administrative: 21%
  - Spring Sabbatical: 1%
  - Fall Sabbatical: <1%
  - Other: <1%
  - Release: <1%
  - Service: <1%

* Excludes faculty in “N/A” category of the campus headcount.

* Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.
### Kapi‘olani CC Instructional Faculty Load by Department (by Headcount)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Standard</th>
<th>Less than standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-SOCIALLY SCIENCE</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>KAPIOLANI CC</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>NON-CREDIT</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-ALLIED HEALTH</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-EMER MED SVCS</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-LEGAL ASST</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-NURSING</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

### Kapi‘olani CC Instructional Faculty Load by Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>368</td>
<td>145</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>621</td>
<td>152</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>557</td>
<td>106</td>
</tr>
<tr>
<td>GEN-SOCIALLY SCIENCE</td>
<td>117</td>
<td>99</td>
</tr>
<tr>
<td>KAPIOLANI CC</td>
<td>239</td>
<td>104</td>
</tr>
<tr>
<td>NON-CREDIT</td>
<td>72</td>
<td></td>
</tr>
<tr>
<td>VOC-ALLIED HEALTH</td>
<td>423</td>
<td>113</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>165</td>
<td>24</td>
</tr>
<tr>
<td>VOC-EMER MED SVCS</td>
<td>171</td>
<td>64</td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>368</td>
<td>99</td>
</tr>
<tr>
<td>VOC-LEGAL ASST</td>
<td>39</td>
<td>18</td>
</tr>
<tr>
<td>VOC-NURSING</td>
<td>345</td>
<td>75</td>
</tr>
</tbody>
</table>

* Excludes faculty in "N/A" category of the campus headcount.

32
Kapiʻolani CC Faculty Assignment – Non-Instructional

Kapiʻolani CC Distribution of Non-Instructional Faculty Teaching Equivalencies

- Instructional, 6, 0%
- Non-Instructional, 1,413, 100%

Kapiʻolani CC Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITH Instructional TEs, 2, 5%
- WITHOUT Non-Instructional TEs, 39, 95%

* Excludes faculty in "N/A" category of the campus headcount.
Kapiʻolani CC Faculty Assignment – Non-Instructional (2)

Kapiʻolani CC Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

- Counselor/Advisor: 6, 954
- Other Non-Instr Position: 423
- UHCC - Counselor/Coordinator: 36

Kapiʻolani CC Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

- Counselor/Advisor: 8, 17
- Other Non-Instr Position: 2, 1
- UHCC - Counselor/Coordinator: 3, 1

* Excludes faculty in “N/A” category of the campus headcount.
Kaua‘i CC Faculty Assignment - Instructional

Kaua‘i CC Instructional Faculty Load (Headcount)

- Standard, 38, 81%
- N/A, 9, 19%

Kaua‘i CC Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- 38

Kaua‘i CC Instructional Faculty Load by Type (by Teaching Equivalencies)*

- Instructional, 80%
- Other, 20%
  - Administrative: 18%
  - Spring Sabbatical: 1%
  - Release: <1%

* Excludes faculty in “N/A” category of the campus headcount.

FT Instructional Faculty: 38
N/A Faculty: 19
Total Instructional Faculty: 57
### Kaua‘i CC Instructional Faculty Load by Department (by Headcount)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Standard</th>
<th>Less than Standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-AUTO MECH TECH</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-MAINTENNC REPAIR</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-NURSING</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-SERVICE TECH</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-VOC TECH</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

### Kaua‘i CC Instructional Faculty Load by Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>157</td>
<td>17</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>103</td>
<td>35</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>211</td>
<td>39</td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>24</td>
<td>3</td>
</tr>
<tr>
<td>VOC-AUTO MECH TECH</td>
<td>49</td>
<td>13</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>46</td>
<td>38</td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>75</td>
<td>15</td>
</tr>
<tr>
<td>VOC-MAINTENNC REPAIR</td>
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<td></td>
</tr>
<tr>
<td>VOC-NURSING</td>
<td>133</td>
<td>50</td>
</tr>
<tr>
<td>VOC-SERVICE TECH</td>
<td>22</td>
<td>8</td>
</tr>
<tr>
<td>VOC-VOC TECH</td>
<td>57</td>
<td>3</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Kaua‘i CC Faculty Assignment – Non-Instructional

Kaua‘i CC Distribution of Non-Instructional Faculty Teaching Equivalencies

- Instructional, 16, 3%
- Non-Instructional, 479, 97%

Kaua‘i CC Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITH Instructional TEs, 1, 7%
- WITHOUT Non-Instructional TEs, 13, 93%

* Excludes faculty in “N/A” category of the campus headcount.
Kaua‘i CC Faculty Assignment – Non-Instructional (2)

Kaua‘i CC Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>COORDINATOR (NON-INSTR)</td>
<td>-</td>
<td>36</td>
</tr>
<tr>
<td>COUNSELOR/ADVISOR</td>
<td></td>
<td>288</td>
</tr>
<tr>
<td>OTHER NON-INSTR POSITION</td>
<td>16</td>
<td>119</td>
</tr>
<tr>
<td>UHCC - COUNSELOR/COORDINATOR</td>
<td>36</td>
<td></td>
</tr>
</tbody>
</table>

Kaua‘i CC Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Tenured</th>
<th>Tenure-track</th>
<th>Non-Tenure track</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>COORDINATOR (NON-INSTR)</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>COUNSELOR/ADVISOR</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>OTHER NON-INSTR POSITION</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>UHCC - COUNSELOR/COORDINATOR</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Leeward CC Instructional Faculty Load (Headcount)

- Standard, 118, 86%
- N/A, 19, 14%

Leeward CC Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- Instructional: 118
- Other: 27+

Leeward CC Faculty Load by Type (by Teaching Equivalencies)*

- Instructional, 87%
- Administrative: 11%
- Spring Sabbatical: 1%
- Other: 1%
- Service <1%

* Includes only Full-time Instr. faculty, except those in "N/A" category of campus headcount.

* Excludes faculty in "N/A" category of the campus headcount.

FT Instructional Faculty: 118
Total N/A Faculty: 19
Total Instructional Faculty: 137
### Leeward CC Instructional Faculty Load by Department (by Headcount)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Standard</th>
<th>Less than standard</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-OUTREACH</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-AUTO MECH TECH</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>100%</td>
<td></td>
</tr>
<tr>
<td>VOC-VOC TECH</td>
<td>100%</td>
<td></td>
</tr>
</tbody>
</table>

### Leeward CC Instructional Faculty Load by Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>544</td>
<td>117</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>558</td>
<td>80</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>828</td>
<td>67</td>
</tr>
<tr>
<td>GEN-OUTREACH</td>
<td>190</td>
<td>-</td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>424</td>
<td>120</td>
</tr>
<tr>
<td>VOC-AUTO MECH TECH</td>
<td>160</td>
<td>6</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>222</td>
<td>59</td>
</tr>
<tr>
<td>VOC-FOOD SERVICES</td>
<td>153</td>
<td>27</td>
</tr>
<tr>
<td>VOC-VOC TECH</td>
<td>51</td>
<td>6</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Leeward CC Faculty Assignment – Non-Instructional

Leeward CC Distribution of Non-Instructional Faculty Teaching Equivalencies

Instructional, 93, 5%

Non-Instructional, 1,629, 95%

Leeward CC Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

WITH Instructional TEs, 11, 24%

WITHOUT Non-Instructional TEs, 35, 76%

* Excludes faculty in “N/A” category of the campus headcount.
# Leeward CC Faculty Assignment – Non-Instructional (2)

## Leeward CC Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Counselor/Advisor</td>
<td>25</td>
<td>882</td>
</tr>
<tr>
<td>Other Non-Instr Position</td>
<td>29</td>
<td>540</td>
</tr>
<tr>
<td>UHCC - Counselor/Coordinator</td>
<td>39</td>
<td>207</td>
</tr>
</tbody>
</table>

## Leeward CC Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

<table>
<thead>
<tr>
<th>Tenure-Status</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenured</td>
<td>18</td>
<td></td>
</tr>
<tr>
<td>Tenure-track</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Non-Tenure track</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>N/A</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
**UH Maui College Faculty Assignment - Instructional**

**UH Maui College Instructional Faculty Load (Headcount)**

- **FT Instructional Faculty:** 58
- **N/A Faculty:** 12
- **Total Instructional Faculty:** 70

**UH Maui College Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)**

- **Standard, 58, 83%**
- **N/A, 12, 17%**
- **27+**

**UH Maui College Instructional Faculty Load by Type (by Teaching Equivalencies)**

- **Instructional, 81%**
- **Other, 19%**
  - Administrative: 16%
  - Buyout: 3%
  - Release: <1%
  - Service: <1%

*Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.*

*Excludes faculty in “N/A” category of the campus headcount.*
### UH Maui College Instructional Faculty Load by Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>GEN-HUMANITIES</td>
<td>221</td>
<td>98</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>204</td>
<td>12</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>440</td>
<td>53</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>148</td>
<td>51</td>
</tr>
<tr>
<td>VOC-NURSING</td>
<td>155</td>
<td>74</td>
</tr>
<tr>
<td>VOC-OTHER VOC ED</td>
<td>73</td>
<td>9</td>
</tr>
<tr>
<td>VOC-VOC TECH</td>
<td>103</td>
<td>23</td>
</tr>
</tbody>
</table>

* Excludes faculty in "N/A" category of the campus headcount.
UH Maui College Distribution of Non-Instructional Faculty Teaching Equivalencies

- Instructional, 19, 2%
- Non-Instructional, 852, 98%

UH Maui College Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITH Instructional TEs, 7, 28%
- WITHOUT Non-Instructional TEs, 18, 72%

* Excludes faculty in “N/A” category of the campus headcount.
UH Maui College Faculty Assignment – Non-Instructional (2)

**UH Maui College Non-Instructional Faculty by Job Type (by Teaching Equivalencies)**

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>COORDINATOR (NON-INSTR)</td>
<td>330</td>
<td>6</td>
</tr>
<tr>
<td>COUNSELOR/ADVISOR</td>
<td>360</td>
<td>3</td>
</tr>
<tr>
<td>OTHER UHCC NON-INSTR POSITION</td>
<td>162</td>
<td>10</td>
</tr>
</tbody>
</table>

**UH Maui College Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)**

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Tenured</th>
<th>Tenure-track</th>
<th>Non-Tenure track</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>COORDINATOR (NON-INSTR)</td>
<td>3</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>COUNSELOR/ADVISOR</td>
<td>8</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>OTHER UHCC NON-INSTR POSITION</td>
<td>4</td>
<td>1</td>
<td>-</td>
<td></td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Windward CC Faculty Assignment - Instructional

Windward CC Instructional Faculty Load (Headcount)

- **Standard, 39, 91%**
- **N/A, 4, 9%**

Windward CC Full-time, Instructional Faculty Headcount by Total Work Assignment (by Teaching Equivalencies)*

- **39**
- **27+**

*Includes only Full-time Instr. faculty, except those in “N/A” category of campus headcount.

Windward CC Instructional Faculty Load by Type (by Teaching Equivalencies)*

- **Instructional, 73%**
- **Other, 27%**
  - Administrative: 20%
  - Other: 3%
  - Spring Sabbatical: 2%
  - Fall Sabbatical: 1%
  - Service: 1%

*Excludes faculty in “N/A” category of the campus headcount.

FT Instructional Faculty: 39
N/A Faculty: 5
Total Instructional Faculty: 43
## Windward CC Faculty Assignment - Instructional (2)

### Windward CC Instructional Faculty Load by Division/Department (by Headcount)*

<table>
<thead>
<tr>
<th>Division/Department</th>
<th>Load</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNSEL &amp; GUIDANCE</td>
<td>100%</td>
</tr>
<tr>
<td>GEN-HUMANITIES</td>
<td>100%</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>100%</td>
</tr>
<tr>
<td>GEN-MATHEMATICS</td>
<td>100%</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>100%</td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>100%</td>
</tr>
<tr>
<td>THEATER</td>
<td>100%</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>100%</td>
</tr>
</tbody>
</table>

* Standard | Less than Standard

### Windward CC Instructional Faculty Load by Department & Type (by Teaching Equivalencies)*

<table>
<thead>
<tr>
<th>Department &amp; Type</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>COUNSEL &amp; GUIDANCE</td>
<td>27</td>
<td>0</td>
</tr>
<tr>
<td>GEN-HUMANITIES</td>
<td>155</td>
<td>72</td>
</tr>
<tr>
<td>GEN-LANGUAGE ARTS</td>
<td>175</td>
<td>70</td>
</tr>
<tr>
<td>GEN-MATHEMATICS</td>
<td>76</td>
<td>18</td>
</tr>
<tr>
<td>GEN-NATURAL SCIENCE</td>
<td>142</td>
<td>87</td>
</tr>
<tr>
<td>GEN-SOCIAL SCIENCE</td>
<td>156</td>
<td>9</td>
</tr>
<tr>
<td>THEATER</td>
<td>5</td>
<td>24</td>
</tr>
<tr>
<td>VOC-BUSINESS ED</td>
<td>86</td>
<td>27</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Windward CC Faculty Assignment – Non-Instructional

Windward CC Distribution of Non-Instructional Faculty Teaching

- Instructional, 26, 2%
- Non-Instructional, 997, 98%

Windward CC Distribution of Non-Instructional Faculty with Teaching Equivalencies (Headcount)

- WITH Instructional TEs, 8, 29%
- WITHOUT Non-Instructional TEs, 20, 71%

* Excludes faculty in "N/A" category of the campus headcount.
Windward CC Faculty Assignment – Non-Instructional (2)

### Windward CC Non-Instructional Faculty by Job Type (by Teaching Equivalencies)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Instructional</th>
<th>Non-Instructional</th>
</tr>
</thead>
<tbody>
<tr>
<td>COORDINATOR (NON-INST)</td>
<td>3</td>
<td>144</td>
</tr>
<tr>
<td>COUNSELOR/ADVISOR</td>
<td>14</td>
<td>538</td>
</tr>
<tr>
<td>OTHER NON-INST POSITION</td>
<td>-</td>
<td>252</td>
</tr>
<tr>
<td>OTHER UHCC NON-INST FACULTY</td>
<td>9</td>
<td>63</td>
</tr>
</tbody>
</table>

### Windward CC Non-Instructional Faculty by Job Type And Tenure-Status (by Headcount)

<table>
<thead>
<tr>
<th>Job Type</th>
<th>Tenured</th>
<th>Tenure-track</th>
<th>Non-Tenure track</th>
<th>N/A</th>
</tr>
</thead>
<tbody>
<tr>
<td>COORDINATOR (NON-INST)</td>
<td>2</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>COUNSELOR/ADVISOR</td>
<td>4</td>
<td>5</td>
<td>6</td>
<td>-</td>
</tr>
<tr>
<td>OTHER NON-INST POSITION</td>
<td>4</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>OTHER UHCC NON-INST FACULTY</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

* Excludes faculty in “N/A” category of the campus headcount.
Concluding Remarks
Current Issues and Next Steps

• Many data quality issues have been addressed, and the collection process has been improved to allow individual faculty to view their own data. We will continue to improve both the data quality and collection process.

• While UHCC Policy 9.237 establishes a common framework for teaching equivalencies for the community colleges, there is no consistent framework used for determining non-instructional teaching equivalencies across the four-year campuses and often across departments. UH EP 9.214 is being revised to begin this process.

• Operational equivalencies appropriate for each four-year unit regarding what specifically constitutes the teaching equivalencies assigned for different types of instruction, as well as research, service, extension (outreach), and administrative duties, will continue to be developed.
Appendix
Faculty Assignment template

**Section I - GENERAL INFORMATION**

**BASIS: 24 TEACHING EQUIVALENCIES**

<table>
<thead>
<tr>
<th>Job Type: Instructional</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Departmental Full-Time Equivalent:</td>
<td>1</td>
</tr>
<tr>
<td>Expected Teaching Equivalent:</td>
<td>24</td>
</tr>
</tbody>
</table>

**FACULTY STATUS**

- Selecting at least one will indicate that the faculty was not able to make their workload and will be marked as NA in the final report.
- Entire Year Leave (Non-Sabbatical)
- Partial Leave (Non-Sabbatical)
- New Hire (without release credits)
- No Longer Employed

**Section II - INSTRUCTIONAL**

2020-2021 Academic Year

<table>
<thead>
<tr>
<th>Classroom TE Adjustment Justification</th>
</tr>
</thead>
</table>

**Classroom TE Adjustment Justification**

14