

**MINUTES OF REGULAR MEETING OF THE
UNIVERSITY OF HAWAI'I BOARD OF REGENTS**

October 22, 2004

I. CALL TO ORDER

The monthly meeting of the Board of Regents was called to order by Chairperson Patricia Y. Lee on Friday, October 22, 2004 at 9:22 a.m., in the cafeteria of Hawai'i Community College.

Attendance

Present were Regents Andres Albano, Jr., Byron W. Bender, Ramón S. de la Peña, James J. C. Haynes II, John K. Kai, Trent K. Kakuda, Kitty Lagareta, Alvin A. Tanaka, and Myron A. Yamasato; Interim President David McClain; Executive Administrator and Secretary of the Board David Iha; and Executive Assistant Carl H. Makino. Regent Jane B. Tatibouet was excused.

Also present were Mr. Walter Kirimitsu, University General Counsel; Mr. Sam Callejo, Chief of Staff; Dr. James Gaines, Interim Vice President for Research; Dr. Linda Johnsrud, Interim Associate Vice President for Planning and Policy and Acting Chancellor, University of Hawai'i at West O'ahu; Ms. Carolyn Tanaka, Associate Vice President for External Affairs and University Relations; Ms. Peggy Cha, Chancellor, Kaua'i Community College; Dr. Peter Englert, Chancellor, University of Hawai'i at Mānoa; Mr. Rockne Freitas, Chancellor, Hawai'i Community College; Dr. Angela Meixell, Chancellor, Windward Community College; Dr. John Morton, Chancellor, Kapi'olani Community College; Mr. Ramsey Pedersen, Honolulu Community College; Dr. Clyde Sakamoto, Chancellor, Maui Community College; Dr. Mark Silliman, Chancellor, Leeward Community College; Dr. Rose Tseng, Chancellor, University of Hawai'i at Hilo; Mr. J. N. Musto, Executive Director, University of Hawai'i Professional Assembly; Mr. Walter Niemczura, APT Representative, Hawai'i Government Employees Association; and others.

II. APPROVAL OF MINUTES

Upon motion by Regent Lagareta and second by Regent Kakuda, the Board approved the minutes of the September 10, 2004 monthly meeting and the October 1, 2004 and September 2, 2004 special meetings, as circulated.

Emeritus Regent Ted Hong was presented a plaque and Regents' medal in recognition and appreciation of his service to the University of Hawai'i.

III. RECOMMENDATION FOR ACTION AND GENERAL INFORMATION

Agreement Between the University of Hawai'i at Mānoa and Blackwell's North America, Inc. dba Blackwell's Book Services

Regent Haynes moved to approve the recommended agreement by and between the University of Hawai'i at Mānoa (UH-Mānoa) and Blackwell's Book Services for services as described herein and as presented in Agenda Item A-1 of the Board of Regents' agenda dated October 22, 2004. Regent de la Peña seconded the motion which was unanimously carried.

Courtside Seating for Men's Basketball Games

Regent Haynes moved to approve the recommended rates of \$2,000 - \$8,000 for courtside seating at the Stan Sheriff Arena for UH-Mānoa men's basketball games as presented in Agenda Item A-2 of the Board of Regents' agenda dated October 22, 2004. Regent de la Peña seconded the motion which was unanimously carried.

Proposed Revision to the Lease Agreement with Kenneth A. Bansemer and Patricia A. Bansemer in Kealakekua in Support of the University of Hawai'i Center, West Hawai'i

Regent Haynes moved to authorize the administration to enter into the proposed revision to the Bansemer lease agreement for space in Kealakekua in support of the University of Hawai'i Center, West Hawai'i as presented in Agenda Item A-3 of the Board of Regents' agenda dated October 22, 2004. Regent Kai seconded the motion which was unanimously carried.

Creation of a College of Pharmacy at the University of Hawai'i at Hilo

Regent Bender moved to approve, as an exception to its policy on graduate programs, the establishment of a College of Pharmacy at the University of Hawai'i at Hilo, in concept, and authorize the recruitment of a Dean for the College with the understanding that when a candidate for the deanship is brought to the Board for approval, the President will also provide an update on the financial feasibility of this program. In addition, the organization of the proposed College, position approvals, academic program, and implementation details shall require Board approval in accordance with policy. Regent Haynes seconded the motion which was unanimously carried.

Establishment of a Doctorate in Hawaiian and Indigenous Language and Culture Revitalization; the Certificate in Indigenous Language and Culture Revitalization; and the Master of Arts in Indigenous Language and Culture Education

Regent Bender moved to approve the Ph.D. in Hawaiian and Indigenous Language and Culture Revitalization and feeder programs at the University of Hawai'i at Hilo in concept. The Board's approval of the program is to be contingent upon the development by the Hilo and Mānoa administration of a system that ensures cooperation of the program between UH-Hilo and appropriate academic units at UH-Mānoa; that there be review of the proposal by the Graduate Division and Graduate Council of UH-Mānoa which shall continue to have systemwide responsibility for the evaluation of doctoral programs; and that the President will notify the Board when

these requirements have been met and the Board's approval of the program will become effective at that time. Regent Kakuda seconded the motion which was unanimously carried.

Community Colleges' Accreditation Progress Reports

Regent Haynes moved to approve for submission to the Accrediting Commission for Community and Junior Colleges (ACCJC) the progress reports as summarized in Agenda Item A-6 of the Board of Regents' agenda dated October 22, 2004. Regent Kai seconded the motion which was unanimously carried.

Legislative Proposals, 2005 Legislature

Regent Albano moved to approve the proposed legislative bills for submission to the Governor and inclusion in the executive Administration's legislative package, as presented in Agenda Item A-7 of the Board of Regents' agenda dated October 22, 2004. Regent Kai seconded the motion which was unanimously carried.

Capital Improvements Program and Repairs and Maintenance Project Contracts for Fiscal Year 2004-2005

Regent Haynes moved to authorize the administration to execute the consultant and construction contracts for CIP and R&M projects as presented in Agenda Item A-8 of the Board of Regents' agenda dated October 22, 2004. Regent de la Peña seconded the motion which was unanimously carried.

IV. GIFTS, GRANTS AND CONTRACTS

Interim Vice President Gaines reported that during the period July 16, 2004 through September 15, 2004, the University of Hawai'i system received a total of \$73,842,986 in gifts, grants and contracts. The University of Hawai'i at Hilo received a total of \$2,973,268 during the same period.

Regent Haynes moved to accept with thanks the gifts and grants and ratify the actions of the administration in executing the contracts as presented in Attachment #1 of the Board of Regents' agenda dated October 22, 2004. Regent de la Peña seconded the motion which was unanimously carried.

V. APPOINTMENTS, CHANGES IN APPOINTMENTS, LEAVES OF ABSENCE, PROMOTION, TENURE, WAIVER OF MINIMUM QUALIFICATIONS, EMERITUS TITLES, SHORTENING OF PROBATIONARY PERIOD, SALARY ADJUSTMENTS, POSITION ACTIONS, CLASSIFICATION, PRICING

Acting President McClain recommended the appointments, changes in appointments, leaves of absence, promotion, tenure, waiver of minimum qualifications, emeritus titles, shortening of probationary period, salary adjustments, position actions, classification, and pricing as follows.

UNIVERSITY OF HAWAI'I AT MĀNOA

Executive

OSTRANDER, GARY K.
Vice Chancellor for Research and Grad Ed
Office of the Chancellor, UH Mānoa
Specific effective date to be determined after
Board approval for three year appointment

Managerial

SYRMOS, VASSILIS L.
Associate Dean for Academic Affairs
College of Engineering
Upon Approval by the Board

Professor or equivalent

JOHNSON, JULIE E.
Professor, I5
School of Nursing and Dental Hygiene
Award Tenure
Upon Approval by the Board

SCHWARZWALDER, ROBERT N. JR.
Librarian V, B5
Library Services
Award Tenure
Upon Approval by the Board

Administrative, Professional and Technical

NELSON, JOHN E.
UH Head Tennis Coach (Men)
Intercollegiate Athletics
Reappointment
July 1, 2004 - June 30, 2007

SHOJI, DAVID
UH Head Volleyball Coach (Women)
Intercollegiate Athletics
Reappointment
January 15, 2003 - June 30, 2008
Salary Adjustments
January 15, 2003
July 1, 2005
July 1, 2006
July 1, 2007

TENZING, PINSOOM
UH Head Soccer Coach (Women)
Intercollegiate Athletics
Reappointment and Salary Adjustment
February 1, 2004 - June 30, 2006

COMMUNITY COLLEGES

Managerial

ASHLEY, EVELYN E.
Acting Assistant Dean (CC)
Windward Community College
November 1, 2004 - August 31, 2005, or until
the incumbent returns to the position, whichever
occurs sooner.

MULLIKIN, LINKA
Acting Dean of Instruction
Windward Community College
November 1, 2004 - August 31, 2005 or until
the incumbent returns to the position, whichever
occurs sooner.

WHITTEN, CHARLES
Acting Dean of Student Services
Windward Community College
November 1, 2004 - June 30, 2005 or until
the incumbent returns to the position, whichever
occurs sooner.

Regent Lagareta moved to approve the personnel actions as recommended in Attachment #2 of the Board of Regents' agenda dated October 22, 2004. Regent Tanaka seconded the motion which was unanimously carried.

Resignations and Retirements of Board of Regents' Appointees

The list of resignations and retirements of Board of Regents' appointees and retirements of civil service employees was presented for information. (The list of resignations and retirements is presented in Attachment #2 of the Board of Regents' agenda dated October 22, 2004.)

VI. REPORT OF EXECUTIVE OFFICER

President McClain requested a moment of silence in honor of Mr. Harris Okuda, a long-time employee of the University of Hawai'i, who fell to his death at a student housing facility on the Mānoa campus.

President McClain reported that Hawai'i Community College was awarded approximately \$800,000 to develop youth programs. He also gave a status report on previous commitments made at the Board's meeting in Hilo.

1. **Reallocation of funds to UH-Hilo's fitness and training facility**

Four new fitness bikes plus three new lifting benches were purchased in addition to cleaning and painting the UH-Hilo weight room.

2. **Capital improvement program plans for the Hawaiian Studies Program at UH-Hilo**

Subsequent to last year's Board of Regents' meeting, a capital improvement plan supplemental budget request for \$250,000 in FY 2005 was submitted but the 2004 legislature did not include this in the supplemental budget. For the 2005-2007 biennium budget, the Board of Regents approved \$20 million for the Hawaiian Language Building, UH-Hilo. The request is for \$2 million in FY 2006 for plans and design and \$18 million in FY 2007 for construction.

3. **Report on plans for full funding of the College of Hawaiian Language as well as to increase its faculty**

There is a firm commitment to have a permanent reallocation of \$250,000 to the College of Hawaiian Language. In the 2005-2007 biennium budget, there is \$1.5 million for FY 06 and \$2.6 million for FY 07 for UH-Hilo native Hawaiian initiatives.

4. Plans to separate the UH-Hilo and Hawai'i Community College's usage funding

The Chancellors of the two campuses are actively working with their staff and collectively identifying the areas of support. The 2005-2007 biennium budget includes an amount for Hawai'i Community College to address this shortfall.

President McClain introduced Chancellor Rockne Freitas of Hawai'i Community College.

Chancellor Freitas stated that he was hired to accomplish three objectives: To create an identity for Hawai'i Community College; increase resources to the College; and improve morale. He said that the first thing he needed to do was to get on the Regents' budget and this has been done with a very aggressive plan. In addition, he has been actively involved in conversations with people in the private sector who may eventually want to come forward with some public-private partnership to accelerate the process of creating a new campus on both sides of the island. Federal funding has increased over the last year and there is also a significant increase in morale. He recognized former Interim Chancellors Shirley Daniel and Sandra Sakaguchi who moved the College significantly.

IX. NEW OR OTHER BUSINESS

Recommendation by the Task Group on the Kaka'ako Biomedical Research Center

Regent Tanaka reported that the Board of Regents called a special meeting on O'ahu on October 1, 2004 to provide an opportunity for the entire Board to hear from the Task Group consultants their findings and recommendations related to the Kaka'ako Biomedical Research Center. This was the first opportunity for the entire Board and the community to hear from the consultants and the task group.

In accordance with the Sunshine Law, deliberation and decision-making on the report must occur only at a duly-noticed meeting of the Board held subsequent to the October 1st meeting. At this meeting, Regent Tanaka recommended to the Board that following the deliberations, the Board accept the report as presented and refer this report to the University Administration for their review. Following the Administration's review and consultation with the appropriate constituent groups at the University, the Board will welcome the administration's recommendations on implementing all or parts of the report at the January or February 2005 Board meeting.

The Board has received a number of letters from individuals who are concerned about the governance structure as it relates to the School of Nursing. These concerns will be forwarded to the University administration for their consideration. As announced at the October 1st meeting, the Administration is charged with reviewing the Task Group's report and consulting with the appropriate constituent groups of the University before submitting any recommendations to the Board of Regents.

The power point presentation at the October 1st meeting summarized their written report and is posted on the website of the Vice President for Academic Affairs. Copies of their written report have been distributed to the Regents and the President. After the Board accepts the Task Group's report, the full report will be made available on the same website.

Regent Tanaka thanked Glenn Miyataki and Dick Sherman for their excellent work and their excellent presentation on October 1st.

Regent Tanaka moved to accept the report of the Task Group on the Kaka'ako Biomedical Research Center and refer the Task Group's report to the President for his review. Following the President's review and after consultation with the appropriate constituent groups, the Board will welcome the President's recommendations on implementing all or parts of the report at either the January or February 2005 Board meeting. Regent Yamasato seconded the motion which was unanimously carried.

Appointment of Interim President, David McClain

Regent Lagareta moved to appoint David McClain as Interim President of the University of Hawai'i for a period of two years consistent with the recommendations received. She said that Dr. McClain has stepped into a very tough position at a very tough time and is doing an outstanding job from the Regents' perspective. Regent Tanaka seconded the motion.

Chair Lee echoed Regent Lagareta's remarks and added that it has been an absolute pleasure to work with someone in whom the Regents have absolute trust and confidence in and who has the University's interest at heart. She said that she was impressed with his respect for Hawai'i and its people and his dedication to the University.

Regent Haynes stated that the University is lucky to have a person of David McClain's ability and character. He has the respect and trust of all the stakeholders at the University of Hawai'i.

Regent de la Peña stated that as the newest member of the Board, he is extremely fortunate to have started under Dr. McClain.

Regent Tanaka commented that this is a honeymoon period but the Board appreciates the efforts of Dr. McClain in working with the Board. He said that he appreciated the cordial atmosphere and hoped that this kind of rapport could continue.

Testimonies in support of Dr. McClain were received from the Chancellors, representatives from the Pukoa Council, the University of Hawai'i Professional Assembly, and faculty and students from UH-Hilo and Hawai'i Community College.

The motion to appoint Dr. David McClain as Interim President was unanimously carried.

President McClain stated he was both honored and humbled to be asked to lead the University of Hawai'i. He added that he was very grateful for the confidence of the Board of Regents. His goal as the chief executive of the University of Hawai'i

is to finance the hopes that have been raised by the University's strategic plan and to bring more resources into the enterprise. He pledged that his leadership team, the chancellors and his colleagues at the University of Hawai'i system office, working under the guidance of the dedicated Board of Regents, will be relentlessly ambitious for this University, which for nearly 100 years has transformed students' lives, given them the ingredients for success, and in so doing has prepared them to change the world. He then introduced his wife, Wendie.

X. ANNOUNCEMENT

Chairperson Lee thanked Chancellor Tseng and the faculty, staff, and the students of UH-Hilo for the reception and lunch. She also thanked Chancellor Freitas and the faculty, staff, and the students of Hawai'i Community College for the breakfast and for assisting with the logistics for the meeting.

Next Meeting

Chairperson Lee announced that the next monthly meeting of the Board of Regents would be held on November 19, 2004 at 8:30 a.m. at Maui Community College.

XI. ADJOURNMENT

There being no further business before the Board, the meeting was adjourned at 10:50 a.m.

Respectfully submitted,

David Iha, Executive Administrator
and Secretary of the Board