I. CALL TO ORDER

The meeting was called to order by Chairperson Kitty Lagareta on Thursday, December 15, 2005 at 2:15 p.m., Campus Center Conference Chamber, Room 220, University of Hawai‘i at Mānoa.

Attendance

Present were Regents Andres Albano, Jr., Byron W. Bender, Ramón S. de la Peña, James J.C. Haynes II, Allan R. Landon, Ronald K. Migita, Alvin A. Tanaka, Jane B. Tatibouet, and Myron A. Yamasato; Interim President David McClain; Executive Administrator and Secretary of the Board David Iha; and Executive Assistant Carl H. Makino. Regent Michael A. Dahilig was excused.

Also present were Mr. Walter Kirimitsu, University General Counsel; Mr. Sam Callejo, Vice President for Administration; Dr. Doris Ching, Vice President for Student Affairs; Dr. James Gaines, Interim Vice President for Research; Dr. Denise Konan, Interim Chancellor, University of Hawai‘i at Mānoa (UH-Mānoa); Dr. Rose Tseng, Chancellor, University of Hawai‘i at Hilo (UH-Hilo); Mr. Presley Pang, Associate General Counsel; Dr. Sam Shomaker, Interim Dean, John A. Burns School of Medicine; J. N. Musto, Executive Director, University of Hawai‘i Professional Assembly (UHPA); Ms. Lei Desha, Field Representative, Hawai‘i Government Employees Association (HGEA); and others.

II. PUBLIC COMMENT PERIOD

Chairperson Lagareta explained that the Board endeavors to provide the public with the opportunity to present testimony on agenda items. The Board had received feedback that it was difficult for some to testify under the old format where testimony was taken only when the agenda item was discussed. As a result, the Board began taking testimony at the beginning of its meeting. Recently, however, further feedback indicated that some prefer testifying when the agenda item is actually presented. Chairperson Lagareta said she discussed this matter with President McClain and decided that starting immediately, testimony would be received at the beginning of the meeting as well as when the agenda item is presented. However, those testifying would not be allowed to present testimony twice on the same agenda item.

Dr. J. N. Musto, testifying on behalf of UHPA, expressed appreciation for the Board’s interest in affording public testimony. He noted that the agenda for this meeting had been changed to allow public comment either at the beginning or when the issue was brought up. He agreed that there should be an opportunity for oral
comments; however, there are also stakeholder groups that the Regents should call upon directly before and during the consideration of agenda items. The Regents should question representatives of these groups, especially when the discussion takes on a direction that could not be anticipated. In addition, he suggested that exceptions be made. This will lead to more meaningful dialogue between the Regents and the University community.

Dr. Musto provided further testimony on salaries for executive/managerial personnel. He noted that salaries are not listed on the public personnel agenda. The public is unable to comment without knowing those compensation figures. The disclosure of these salaries is not a violation of law nor confidentiality and is something that is always available. He added that executive and managerial salaries recently approved by the Regents often exceed the 80th percentile of CUPA-HR. Since prior approval of the Regents would have been necessary for an offer to be made, he said that the salary offer should then be properly reported on the agenda before final approval.

The use of CUPA-HR to set executive/managerial salaries, according to Dr. Musto, is understandable but transparency is needed especially since offers have been exceeding the Regents’ compensation guidelines. UHPA, therefore, wishes to be able to comment on salary recommendations by the administration. Chairperson Lagareta said that she would discuss this matter with legal counsel.

III. AGENDA ITEMS

Authorization to Retain Consultant for Presidential Search

Secretary of the Board Iha provided an overview on the use of executive search firms for presidential searches. He informed that in September of this year, he accompanied Chairperson Lagareta and Director Ed Yuen, Office of Human Resources, to a conference entitled, "Recruiting and Selecting of Executives." They were able to gain additional insights from people nationally.

In his presentation, Secretary Iha pointed out that 67% of institutions surveyed indicated that they use executive search firms. He explained that search consultants can help: Prepare boards to address search issues; offer guidance on structuring a search; place advertisements; screen candidates’ qualifications; conduct reference checks; and assist with logistical arrangements.

Regent Tatibouet moved to engage the services of a search consultant for the presidential search. Regent Haynes seconded the motion. Chairperson Lagareta commented that having the resources and expertise of a good search consultant would be essential as the Board begins its search. Upon call, the motion was unanimously carried.

Regents’ Task Groups

Secretary Iha informed that recent literature suggests that Boards can interact in a more productive way through the use of task groups or subcommittees. He then described the following task groups:
1. **The Task Group on Presidential Search**

The task group on presidential search would develop a presidential search process to include but not limited to: composition of the search advisory committee; appointment process of the committee members; search advisory committee charge and evaluation and screening process; conduct a search for a consultant/firm to assist in the presidential search process and negotiate the scope of duties and the compensation of a search consultant/firm; and present its recommendation to the Board for approval.

Members of this task group as assigned by Chairperson Lagareta would be Chairperson Lagareta (chair) and Regents Bender, Dahilig, Landon, Tanaka, and Yamasato.

Regent Haynes moved to establish the Task Group on Presidential Search with members as presented. Regent Migita seconded the motion which was unanimously carried.

2. **Task Group on University of Hawai‘i Foundation**

The assignment of this task group would be to present, discuss, or negotiate matters related to the University of Hawai‘i Foundation on matters that the Board has approved such as naming of buildings, memoranda of understanding, and fees.

Members of this task group, as assigned by the Chairperson would be Regents Tatibouet (chair), de la Peña, Haynes, Landon and Lagareta.

Regent Haynes moved to establish the Task Group on University of Hawai‘i Foundation as presented. Regent Bender seconded the motion followed by discussion. Regent Tatibouet asked that policy recommendations be added to the assignments. General Counsel Kirimitsu advised that it would be best to follow a three-step procedure where the recommendation would come to the Board at a publicly-announced meeting and at the subsequent meeting, the Board may take action on the recommendations.

General Counsel Kirimitsu said that just to be sure, a motion could be made to say that for any and all task groups that are approved, that one of the tasks in that group would be to come up with any necessary changes to Board of Regents’ policies across the board.

Upon call, the motion was unanimously carried.

3. **Task Group on Public/Private Partnership Development Issues**

This task group would present, discuss or negotiate matters related to public/private partnership developments projects which were approved by the board and make policy recommendations as appropriate.

Members of this task group as assigned by the Chairperson would be Regents Albano (chair), Haynes, Landon, Migita, Tatibouet, and Yamasato.
Regent Tatibouet moved to establish the Task Group on Public/Private Partnership Development Issues as presented. Regent de la Peña seconded the motion which was unanimously carried.

4. Task Group on Executive/Managerial Personnel

The Board policy on executive/managerial (E/M) personnel has to be reviewed every two or three years. Regent de la Peña moved to review the Board’s policy on E/M personnel. The motion was seconded by Regent Haynes and unanimously carried.

This task group would present, discuss or negotiate matters related to the proposed policies governing the University E/M employees and make policy recommendations as appropriate.

Members of this task group as assigned by the Chairperson will be Regents Tanaka (chair), Lagareta and Migita.

Regent Landon moved to establish the Task Group on Executive/Managerial Personnel as presented. Regent Tatibouet seconded the motion which was unanimously carried.

5. Task Group on Role and Function of the Board’s Structure and Operations

Secretary Iha informed that the Board attended a self-study workshop with Mr. Tom Ingram of the Association of Governing Boards. One of the recommendations made at this workshop was to study the Board’s operations and how the Board office operates in an effort to improve its performance.

This task group would investigate, review, analyze, and research the structure, role and function of the Board of Regents’ office and make recommendations to the Board.

Members of this task group as assigned by the Chairperson are Regents Bender (chair), Dahilig, Haynes and Landon.

Regent Migita moved to establish the Task Group on Role and Function of the Board’s Structure and Operations. Regent Haynes seconded the motion which was unanimously carried.

In response to Regent Tanaka’s question regarding the Sunshine Law requirements, General Counsel Kirimitsu said that if the composition of a task group changes, this should be done at a public meeting. He added that an announcement should be made at a public meeting when the task group has completed its assignment.

Chairperson Lagareta stated that the Board takes the Sunshine Law seriously. If errors are made, they are inadvertent and immediately corrected in accordance with the law. She explained that in this instance, the task groups were previously appointed at public meetings. However, someone complained that she was not given sufficient information about the task groups in order to testify.
Chairperson Lagareta expressed the Board’s disappointment and concern that the person who had registered the complaint with the Office of Information Practices (OIP) had not appeared to testify at the meeting. She said that the work of the task groups was stopped because of the complaint. OIP felt that the appointments should be redone, so the Board complied. Chairperson Lagareta reiterated that when people complain that the Board is not following the Sunshine Law, this is taken seriously. The purpose of redoing the process was to publicly describe the task groups. Therefore, it was troubling that the Board’s commitment to the Sunshine Law was not reciprocated with an equal sense of responsibility.

Regent Tatibouet moved that all task groups are to recommend Board policy changes as necessary and that such recommendations would be brought to the Board as part of their respective reports. Regent Haynes seconded the motion which was unanimously carried.

Establishment of a System and Campus-wide Electronic Channels for Communicating with Students

President McClain acknowledged that it was Vice President Ching’s last Board meeting. He recognized her 32 years of service at the University of Hawai‘i, highlighting some of her accomplishments. She will be honored at a January 24, 2006 testimonial sponsored by the University of Hawai‘i and co-chaired by former Regents Allan Ikawa and Robin Campaniano. Vice President Ching thanked the President, Regents, the Regents’ staff, her colleagues, students, and the community for their tremendous support and for supporting students.

Vice President Ching requested that the Board adopt a proposed policy for system and campus-wide electronic channels for communicating with students. She explained that there is a compelling need for a policy that will guide the system and campuses regarding mass and individual electronic communications with students. She said that it is in the best interest of our students that our communications are consistent. This proposed policy addresses the interest and need for increasing consistency, effectiveness and efficiency in communications with students.

The advent of cost-effective and efficient system and campus-wide electronic channels for disseminating information to students underscores the need to ensure that electronic dissemination of information to students is timely, accurate and appropriate, consistent with the University’s educational mission of teaching/learning, research and service; consistent with laws, standards and regulations of the University’s use and management of information technology resources; and consistent with related federal and state regulations, including those governing the individual privacy of students.

The proposed policy is consistent with current best practices of other universities, including New York University, University of Michigan, Cornell University, University of Colorado - Boulder, University of Virginia and many others.

The scope of the proposed policy is intended to be limited to system and campus-wide channels. While the proposed policy does not prohibit individuals or groups from disseminating information electronically through channels to which they have access, such as email, the University expects such communications to be sent
in accordance with its mission and policies. Rules governing other channels used by the University of Hawai‘i administration, faculty and staff are covered in Executive Policy E2.210, *Use and Management of Information Technology Resources*.

The proposed policy is intended to apply to all UH system offices and campuses, hereinafter called the University. Overall responsibility for implementation of the policy shall be delegated to the President or the President’s designee. Vice President Ching recommended that the proposed policy incorporate the following:

a. The University of Hawai‘i shall provide students, throughout the system, cost-efficient electronic dissemination of information that is timely, accurate and appropriate. The information shall be consistent with the University’s educational mission of teaching/learning, research and service; the laws, standards and regulations of the University’s use and management of information technology resources; and with related federal and state regulations, including those governing the individual privacy of students.

b. Overall responsibility for implementation shall reside with the President or his/her designee.

c. The University shall exercise appropriate control over dissemination of mass electronic communications to ensure appropriate and efficient usage consistent with its mission and policies.

d. The President or his/her designee shall establish the necessary procedures to implement the program.

e. The UH Username, shall be the official email address for email communications with students.

f. The University shall be responsible for ensuring that information provided through mass electronic communication channels is accessible.

g. Contact information for the disability services offices shall be readily available to all students so that students with disabilities may request accommodations, including receiving the information in an alternate format.

h. Students shall be responsible for protecting their own privacy.

i. Students shall be responsible for staying current with University communications through regular access to the University’s electronic communication channels.

j. Sensitive and confidential information shall be accurate and consistent with appropriate rules and laws governing the individual privacy of students and other individuals. Confidentiality regarding student records is protected under the *Family Educational Rights and Privacy Act of 1974 (FERPA)*. All use of email shall be consistent with FERPA.
k. At their discretion, campuses may use email as an official means of communication within the University, including notifications such as legal action, financial notice and academic action.

Vice President Ching said that it is important to know that the President will be responsible for implementing this policy and may designate this to one of his other administrators.

Regent Tatibouet moved to approve the establishment of the policy on System and Campus-wide Channels for Communicating with Students and adopt guidelines to implement this new policy. Regent de la Peña seconded the motion.

Regent Landon asked if the suggested language was, in effect, insuring that the University would furnish computers to access the information. Vice President Ching clarified that the University would ensure that students have access to computers on campus. Every campus now provides this access.

In response to Regent Tatibouet, Mr. Michael Hodges, Manager of the Information Technology Services, informed that the UH user names are now preserved in perpetuity. The longer-term view is that at some point, alumni will lose the right to store email in the institution’s equipment but will have forwarding rights.

Regent Tanaka asked if there would be additional costs involved in implementing this policy. Mr. Hodges said that the demand for email services will increase such that the infrastructure will have to be increased. He said that the increases will be worked into future budgets.

Chairperson Lagareta inquired about the University’s legal exposure. Vice President Ching said the University General Counsel and the Risk Management Office, and a FERPA committee, is looking at this policy to be sure that it is consistent with FERPA.

Upon call, the motion was unanimously carried.

**Award of Honorary Degree to Mrs. Pualani Kanakaʻole Kanahele from the University of Hawaiʻi at Mānoa and Hawaiʻi Community College**

President McClain said that action had already been taken by the Board to award an honorary degree to Pualani Kanakaʻole Kanahele. He announced that this was at the recommendation of the Mānoa Campus and would be conferred at its winter commencement.

Interim Chancellor Konan thanked the Board for granting the honorary degree to Professor Kanahele of Hawaiʻi Community College.
Board of Regents' Policy 5-9a states that the Board may confer honorary degrees to individuals with distinguished accomplishments. Mrs. Kanahele embodies the spirit behind the honorary Doctor of Humane Letters as a recognized scholar, educator, and practitioner in Hawaiian culture; an accomplished writer; a music, stage, and film producer; a dedicated community leader; and a world-renowned Kumu Hula.

Professor Kanahele is one of the Kumu Hula or sources of knowledge of the world-renowned classical Hawaiian cultural dance and chant group, Halau O Kekuhi and this kuleana was passed to both Pualani and her sister Nalani upon the death of their mother. This Halau O Kekuhi transmits oral traditions sustained through seven generations of matrilineal descent. Her courage, innovation, and forward thinking are also revealed through expertise as an accomplished writer, director, and producer of stage and film. She has advanced several different productions, some of which appeared on PBS. She is an award winner for these contributions. She has also contributed in the realm of music and literature.

Some of her most stellar engagements include an invitation by the Dalai Lama in 1994 to speak on the subject of world peace; she has been a keynote speaker earlier this month for the National Grantmakers of the Arts Conference in San Francisco. She has really been a leader in the community.

Pualani Kanaka'ole Kanahele truly embodies the spirit that exemplifies a recipient of the Honorary Doctor of Humane Letters. President McClain added that Professor Kanahele had been invited to lecture at Oxford University next summer.

**Amendment of Board of Regents' Policy, Section 9-13d, Emeritus Title**

President McClain requested that the Board amend its policy on granting the emeritus title to allow for the conferring of the title to administrators.

The amendment of Board of Regents' Policy 9-13d will allow for the conferral of the emeritus title to administrators in recognition of exceptional service to the University and their profession.

Current Board of Regents' Policy 9-13d provides that the emeritus title may be granted to those faculty with the rank of full professor or its equivalent and who have given five or more years of service to the University at that rank. The proposed amendment would allow the Board to bestow the Emeritus title to administrators in exceptional circumstances.

In recognition of certain administrators' long and distinguished careers at the University, the Board on an exception basis in the past, bestowed the emeritus title. Former University administrators who have received the emeritus title include: Vice President Emeritus Ralph Horii; Vice Chancellor Emeritus George Higa; President and Chancellor Emeritus Kenneth P. Mortimer, Chancellor Emeritus Joyce Tsunoda; and Vice President Emeritus Colleen Sathre.

The proposed amendment to Board of Regents' Policy 9-13d would allow the emeritus title to be conferred based on an administrator's exceptional contributions to the University during a long and distinguished University career that included
recognition as a leader in their respective field. Specifically, the Board policy would be amended to read as follows (proposed language italicized and underlined):

d. Emeritus Title.

The emeritus title is an honor bestowed by the Board of Regents upon retiring University of Hawai‘i faculty members in recognition of dedicated and honorable service rendered to the University and to administrators who have made exceptional contributions to the University and provided long and distinguished service, and who are recognized as distinguished leaders in their profession. The emeritus title is conferred, upon recommendation of the President, to those persons retiring with the rank of full professor or its equivalent at baccalaureate campuses, or professor, community colleges rank at the Community Colleges or service in the position of president, chancellor, vice-president and vice-chancellor and who have given five or more years of service to the University at that rank or position.

Regent de la Peña asked if deans and directors could be considered. President McClain responded that it would be appropriate given the same criteria. Regent de la Peña, therefore, moved to amend the Board’s policy on granting the emeritus title to allow for the conferring of the title to administrators including deans and directors for exceptional contributions to the University during a long and distinguished University career that includes recognition as a distinguished leader in their profession. Regent Haynes seconded the motion which was unanimously carried.

**Naming of Wist Annex 2 in Honor of Emeritus Dean Hubert V. Everly**

Vice Chancellor Smatresk requested that Wist Annex 2 be named in honor of emeritus Dean Hubert Everly.

Dr. Randy Hitz, Dean of the College of Education, said that Dr. Everly is all about education that promotes a more just and democratic society. He had a profound effect on the College, not just in providing the buildings, but he had an impact on the vision and mission of the College of Education.

Hubert Everly began his career as a faculty member in 1947 and retired in 1979 as Dean of the College of Education. From 1956 until 1979, Dean Everly also served as the University of Hawai‘i’s faculty representative on the Board of the State of Hawai‘i’s Employees Retirement System (ERS). He later served as the first elected retiree trustee on the ERS Board from 1996 to 2001. Dean Everly served three terms as president of the Hawai‘i Education Association in the 1950s and 1960s and continuously from 1989 to present.

There are two large office/classroom buildings that house the academic programs of the College of Education. The first of these buildings, Wist Hall, was built in 1930 and the second, Wist Annex 2, was built in 1966. Wist Hall is named for Dr. Benjamin Wist, who for twenty-five years served as Dean of the Territorial Normal
School which later became the University of Hawai‘i, Teachers College. During that time, Dr. Wist played an instrumental role in making the Territorial Normal School part of the University of Hawai‘i. He brought teacher education into its modern era through his enrollment and curriculum policies and he initiated important programs, including a fifth-year teacher education program. Because of his remarkable contributions to the College and to the State of Hawai‘i, the first building of the College was named for Dr. Wist.

Dean Everly also played a key role in the development of the College. He served as dean for 23 years from 1956 to 1979. Like Dr. Wist, Dr. Everly led the College through major changes; and he initiated numerous innovations, many of which continue to this day. Teachers College was renamed the College of Education in 1959, and it was during Dean Everly’s tenure that the departmental structure was developed leading to improvements in academic rigor and quality. Also, Dean Everly started the Curriculum Research and Development Group (CRDG), a unique unit in the nation, which has made numerous contributions to the creation of pioneering curriculum for Hawai‘i and the nation.

Under Dean Everly's leadership, Wist Annex 1 and Wist Annex 2 were built for the College of Education. Wist Annex 2 is the companion to Wist Hall and, from the outside, the two buildings appear to be one. It is fitting that these two buildings, the two major office and classroom buildings of the College of Education, be named for the two pioneers of education who most influenced its development.

A committee comprised of faculty, administrators, and community representatives appointed by Chancellor Englert gathered and reviewed relevant information. A public hearing to accept testimony on this proposal was held. The committee found that all of the requirements of Board policy were met with one exception. Because of the strong support received through testimonies and other endorsements, the committee nonetheless unanimously and enthusiastically recommended that the proposal be forwarded for consideration.

This proposal is submitted in accordance with the revised Board of Regents' Policy 11-4b that allows buildings to be named for living individuals in exceptional circumstances. In addition to his many significant contributions to the University and the State of Hawai‘i, Dean Everly, who is in his 80s, has dedicated more than half a century of his life to public service. It is respectfully requested that the Board approve the proposal based on Dean Everly’s long and extraordinary service to the University.

Former Dean Andrew In urged the Board to support the proposal to rename the building in honor of Dean Everly who helped many of his colleagues and people who needed help in education and with scholarships. He moved the College from a normal school to an outstanding graduate school.

Regent Albano moved to name Wist Annex 2 in honor of Emeritus Dean Hubert V. Everly and authorize the administration to determine the specific naming designation for the building after consulting with appropriate parties. Regent de la Peña seconded the motion. President McClain said that under Executive Policy 10-503, adopted in September of this year, in cases where the individual to be named is living or is within five years of their demise, he was instructed to seek the advice
of the Council of Chancellors to evaluate this nomination and provide their counsel. President McClain did seek the Council’s advice on this nomination and the majority of the Council supports it.

Regent Tanaka said if anyone had concerns regarding the change in policy, they should speak up at this time. He added that given the change in Board policy he hoped that living individuals approved for naming do not bring embarrassment to the Board. Regent Migita concurred, adding that if it happens, the name of the building can be changed again. Regent Tanaka assured that he did not have problems with the recommended individuals in particular but was more concerned about such policy changes.

Vice President Ching, testifying as a former faculty of the College of Education, added her support to the recommendation. She clarified that these are not stand-alone buildings but rather parts of buildings. The naming would be consistent with both the previous policy and the revised policy.

Upon call, the motion was unanimously carried.

Naming of Ethnomusicology Wing of the Music Building in Honor of Barbara Smith

Vice Chancellor Smatresk stated that one of the ways that UH-Mānoa has celebrated the music of different people is through its ethnomusicology program. The ethnomusicology wing in the Music Department is due in large part to the activities of Professor Barbara Smith. He requested that the Board approve the naming of the ethnomusicology wing in honor of Barbara Smith.

Professor Smith is a retired faculty member of the Music Department. She began her career at the University of Hawai‘i in 1949 and retired in 1982. Professor Smith’s specialization was ethnomusicology, especially relevant in Hawai‘i’s multi-cultural society.

Open to the multi-cultural environment around her, she immersed herself in musical traditions of Hawai‘i’s people. She took up the Japanese koto in 1955, made research trips around the Pacific, published widely on Pacific subjects and became a world leader in her field. In retirement, she lectures, takes part in conferences, serves on thesis committees, attends many concerts and works with students. She has explored the curriculum of a conservatory in Inner Mongolia and continues to be an active scholar showered with honors. In 2000, the Eastman School of Music awarded her the George Eastman medal, and she completed and published Dorothy Kahanani Gillett’s magnum opus, The Queen’s Songbook. The beautiful collection of Queen Lili‘uokalani’s songs has received performances within and outside the State. That year, she also received an award from the Commission on Culture and the Arts of the City and County of Honolulu. She was also the only non-dancer to receive an award from the Hawai‘i State Dance Council.

In 2001, the University of Sydney published a festschrift in her honor as she retired as chair of the Study Group on Music of Oceania, part of the International Council for Tradition Music, after eighteen years. She was also awarded an honorary
Barbara Smith’s significance in the field of ethnomusicology comes not only from her impressive research but also from her widespread influence as an inspiring and devoted educator who has guided students through a broad range of Asian and Pacific topics. With Dorothy Gillett, she introduced to the Music Department’s curriculum performance classes taught by culture bearers, starting with Hawaiian chant, hula and koto. She spearheaded the establishment of the master’s degree program in ethnomusicology in 1962. The department today has close to two dozen graduate students in its world-renowned ethnomusicology program. Each semester it offers more than a dozen performance classes and eight to ten academic classes focusing on Asian and Pacific traditions.

Barbara Smith was a founding member of the Arts and Sciences Advisory Council which was formed in 1994. The Council has been instrumental in providing support of various kinds to the deans of the Colleges of Arts and Sciences. The insight that she has provided on various issues that the Council has addressed has been invaluable. As a highly respected professor, community cultural treasure and university benefactor, she has been able to give unique perspective to both the deans and her Council colleagues.

The international prominence of ethnomusicology at the University of Hawai‘i stems in large part from Barbara Smith’s vision, her foresight, her continuing oversight and the unstinting gift of her vast knowledge. She was named an honorary member of the Society for Ethnomusicology in 2001. Outstanding as scholar, admirable as educator, it is very appropriate that the building she helped plan for the program she created and nurtured be named in her honor.

In accordance with Board and campus policies, a committee comprised of faculty, administrators and community representatives appointed by then Chancellor Peter Englert held a public hearing to hear testimony on this proposal. The committee found that all of the requirements of Board policy except one were met but because of the strong support recommended that the proposal be forwarded for action by the Board.

This proposal is submitted in accordance with the revised Board of Regents’ Policy 11-4b that allows buildings to be named for living individuals in exceptional circumstances. Along with her many academic achievements, Professor Smith, now in her 80s, has devoted more than 50 years of exemplary service to the university, the community, and the academic profession she represents.

Dr. Tom Bingham, Chairman of the Music Department, stated that he could not imagine the ethnomusicology program to be identified with anyone other than Barbara Smith. Her impact internationally as well as throughout Hawai‘i across all cultural lines will be with them forever. She continues to mentor the department and has given substantial time and resources to the University for many years.

Dr. Judith Hughes, Dean of the College of Arts and Humanities, added that Dr. Smith came as a pianist after World War II. It was because of her concern for her students that she actually got to study the music and dance of Hawai‘i, Asia, and the
Pacific. She is, therefore, considered one of the founders of ethnomusicology as a discipline worldwide.

Regent Haynes moved to approve the naming of the ethnomusicology wing at UH-Mānoa in honor of retired Professor Barbara B. Smith and authorize the administration to determine the specific name to be designated for the facility after consulting with appropriate parties. Regent de la Peña seconded the motion. President McClain assured that he had consulted with the Council of Chancellors on this matter and the majority of the Chancellors supported this nomination.

Regent Migita noted that this matter had been initiated two years prior. President McClain explained that the Board had a policy which prohibited, except on an exceptional basis, the naming of any building after individuals who are still alive. The Board recently, at the recommendation of the administration, changed its policy. With the policy change he felt comfortable bringing these recommendations forward.

Upon call, the motion was unanimously carried.

**John A. Burns School of Medicine (JABSOM) Phase II - Selection of Developer**

(Note: Regents Albano, Landon and Tatibouet recused themselves during the discussion and vote on this matter.)

Director Yokota requested the selection of Townsend Capital, LLC as the developer for the purpose of entering into exclusive negotiations for a comprehensive real estate development agreement for the John A. Burns School of Medicine Phase II Project at Kaka'ako. She said the Project is located on a 9.9 acre site on the Kaka'ako Waterfront. It was envisioned that there would be two phases, which when completed, would provide more than 570,000 square feet of educational and research space. The ground lease for the site provides for a second phase that would include a research building of over 190,000 square feet and a 360-stall parking structure that would be constructed adjacent to the building housing the central plant. Phase II would be located on the site of the current surface parking lot.

The Hawai‘i Community Development Agency (HCDA) owns the JABSOM site and the area proposed for development of the Cancer Research Center (CRCH) complex. In order to retain exclusive negotiation rights for the Cancer Research Center site, which is adjacent to the JABSOM complex, HCDA requires that a request for qualifications be issued for Phase II by March 18, 2005.

On March 18, 2005, the University issued a Request for Qualifications (RFQ) seeking expressions of interest and qualifications from developers to partner and participate with the University to develop the Project. Seven development teams responded to the request and as a result of the University Evaluation Committee’s (Committee) review of the Statement of Qualifications submitted by interested developers, four developers were invited by the University to submit Proposals in response to the University’s Request for Proposals (RFP) issued on October 5, 2005. Townsend was one of the four developers who submitted Proposals.

HCDA subsequently extended the exclusive negotiations period for the Cancer Research Center site until December 31, 2005, with the condition that a developer be selected for Phase II by the end of this year.
On December 9th and 12th, the four teams that submitted proposals for the development of Phase II of the School of Medicine made presentations to the University’s Evaluation Committee. The membership of the Committee was the same for the RFQ and RFP phases. In its evaluation, the Committee considered the written Proposals, the presentations by the development teams and interviews with the team members, as supplemented by the due diligence findings and the advice and counsel of the University’s consultant for the Project. Using the five Evaluation Factors described in the RFP, the Committee analyzed all of the proposals and concluded that Townsend submitted the best overall proposal. Director Yokota briefed the Board on the reasons the Committee selected Townsend.

The due diligence conducted by the University’s consultant confirmed the representations made by Townsend and its team members. Representatives of the banks and lenders that have financed some of Townsend’s projects confirmed positive relationships with Townsend, including Townsend’s ability to arrange financing for its projects and fulfill its financial commitments. References for Townsend spoke well of Townsend. Comparable institutional clients of Townsend’s team members were also contacted and verified the superior quality of their work.

Townsend appreciates and understands the challenge of satisfying the University’s education and research objectives and requirements at Kaka’ako Makai. In its presentation, Townsend proposed alternative scenarios in which the University’s requirements could be met by developing the Project and the CRCH project jointly and in phases. Allowing Townsend to develop both projects jointly gives the University significant advantages in addressing and meeting HCDA’s land use and other requirements. The next step will involve the negotiation of real estate development agreements with the developer for the Project.

Regent Haynes moved to authorize the University administration to enter into exclusive negotiations for a real estate development agreement with Townsend to develop Phase II of the John A. Burns School of Medicine in Kaka’ako. Regent Tanaka seconded the motion followed by discussion.

Regent Tanaka asked if Townsend had the resources to do this project as well as the Cancer Research Center, a project they had secured earlier. Director Yokota responded that the Committee had given this some thought. The consultant believes that they do have the necessary resources and also looked at the advantages of having some cost savings because it is the same kind of teams that would be working on solutions for the adjacent properties.

In response to Regent Haynes, Director Yokota explained that they will check and make substitutions if any member of the Townsend team was found in violation of campaign spending or other codes. Chairperson Lagareta emphasized that the Board feels very strongly that federal dollars are at risk if someone has been convicted of serious campaign spending violations. She asked that such checks be a part of the standard procedure. Director Yokota said that due diligence was done on this team and no issue surfaced at the time.

Upon call, the motion was unanimously carried by show of hands.
IV. 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

Chairperson Lagareta announced that since President McClain’s salary adjustment was among the personnel actions, he felt that the Chair should make the recommendations to avoid the appearance of conflict. Chairperson Lagareta, therefore, recommended approval of the following personnel actions:

UNIVERSITY OF HAWAI’I, SYSTEM

MCCLAIN, DAVID
Interim President
Office of the President
Salary Adjustment
July 1, 2005

Managerial

HASHIMOTO, BRENNA
Associate Director of Human Resources
Office of Human Resources
December 1, 2005 - November 30, 2006

MIYAKE, RUSSELL
Director of Financial Management & Controller
Financial Management
Salary Adjustment
January 1, 2006

UNIVERSITY OF HAWAI’I AT MĀNOA

Executive

BINGHAM, THOMAS R.
Interim Dean, UHM
College of Arts & Humanities
January 1, 2006 - December 31, 2006

Managerial

MOCHIDA, PAULA
Interim Associate University Librarian
Library Services
Reassignment
Upon Board Approval - December 31, 2006
Professor or equivalent

JAMIESON, WALTER
Professor, I5
School of Travel Industry Management
Tenure
Upon Board Approval

UNIVERSITY OF HAWAI'I AT HILO

Executive

PEZZUTO, JOHN M.
Dean (UHH)
College of Pharmacy
June 1, 2006 - May 31, 2011 with review
during the third year of the appointment

Professor or equivalent

PEZZUTO, JOHN M.
Professor, I5
Chemistry
Appointment & Waive the Probationary Period
to Allow for Expedited Tenure Proceedings
June 1, 2006

UNIVERSITY OF HAWAI'I - WEST OAHU

Executive

MOBLEY, JOSEPH JR.
Interim Vice Chancellor (UHWO) (Academic Affairs)
Office of the Chancellor
Reappointment
January 1, 2006 - December 31, 2006

COMMUNITY COLLEGES

Executive

SILLIMAN, MARK
Chancellor (Leeward CC)
Off of VP for Community College
Reassignment & Non-renewal of Appointment
December 1, 2005

Regent Migita moved to approve the personnel actions as recommended. Regent Haynes seconded the motion which was unanimously carried.
V. REPORT OF EXECUTIVE OFFICER

President McClain reported on plans for handling Student Affairs at the system level after the retirement of Vice President Doris Ching on December 31, 2005. He has asked Maui Community College Chancellor Clyde Sakamoto to head the search advisory committee for the position, and meanwhile hopes to have an interim appointment ready for the Board’s consideration at the January or February meeting. Until an interim is appointed, Karen Lee, executive assistant to the president, will serve as the single point of contact at the system level on student affairs matters; Ms. Lee has 11 years experience in student affairs, eight at Columbia University and three at UH-Mānoa’s College of Business. Regent Dahilig and the Student Caucus leadership have been kept abreast of these plans.

President McClain reported on his appearance at a hearing held earlier in the day by the Senate and House Higher Education Committees, and referred the Regents to his written testimony posted on the University’s web site. Most of the questions at the hearing revolved around the implementation of the biennium budget. The University’s supplemental budget request received some attention as well. McClain thanked the chancellors and vice presidents for being well-prepared for the hearing.

The President also commented on two debriefings the University received earlier in the week from the State Auditor’s office on draft reports concerning the audit of the University’s stewardship of Mauna Kea, and the audit of financial and budget management at the UH Mānoa campus. President McClain characterized the quality of the auditing efforts on financial and budget management at UH Mānoa as mixed, and hoped the final report would more fairly reflect the University’s progress in financial and budget management. The Board of Regents met in early November to review the PricewaterhouseCoopers audits of the University’s operations, and the Board is well aware of their unqualified report and no material findings, as well as the areas where the University needed to take corrective action. The University’s official responses to the debriefings will not be released until later in December, along with the final version of the State Auditor’s report.

VI. EXECUTIVE SESSION

Regent Tatibouet moved to enter into executive session to consider personnel and legal matters and to consult with the Board’s attorney in accordance with Chapter 92, Hawai‘i Revised Statutes. Regent Haynes seconded the motion which was unanimously carried. The meeting was recessed at 3:59 p.m. to enter into executive session.
VII. ADJOURNMENT

The Board reconvened in open session at 4:30 p.m. at which time the meeting was adjourned.

Respectfully submitted,

David Iha, Executive Administrator and Secretary of the Board