

MINUTES

BOARD OF REGENTS' MEETING

April 21, 2011

I. CALL TO ORDER

Chair Howard Karr called the meeting to order at 9:00 a.m. on Thursday, April 21, 2011, at Leeward Community College, Campus Center Student Lounge, 96-045 Ala Ike Street, Pearl City, Hawai'i 96782.

Quorum (11): Chair Howard H. Karr; Vice Chair Dennis I. Hirota; Carl A. Carlson; Ramon S. de la Peña; Mark H. Fukunaga; Chuck Y. Gee; James J.C. Haynes II; John C. Holzman; James H.Q. Lee; Eric K. Martinson; and Matthew R. Williams.

Excused (4): Artemio C. Baxa; Michael A. Dahilig; Clifford C. Dias; and Teena M. Rasmussen.

Others in Attendance: President M.R.C. Greenwood, Ph.D.; Executive Vice President for Academic Planning and Policy/Provost, Linda Johnsrud, Ph.D.; Vice President for Community Colleges, John Morton, Ph.D.; Vice President for Legal Affairs and University General Counsel, Darolyn Lendio, Esq.; Vice President for Student Affairs and University and Community Relations, Rockne Freitas, Ed.D.; Vice President for Budget and Finance/Chief Financial Officer, Howard Todo; Vice President for Research, James Gaines, Ph.D.; Associate Vice President for Capital Improvements, Brian Minaai; Associate Vice President for External Affairs and University Relations, Lynne Waters; UH-Mānoa Chancellor, Virginia Hinshaw, Ph.D.; UH-Hilo Chancellor, Donald Straney, Ph.D.; UH-West O'ahu Chancellor, Gene Awakuni, Ph.D.; Interim Hawai'i Community College Chancellor, Noreen Yamane; Honolulu Community College Chancellor, Michael Rota; Leeward Community College Chancellor, Manuel Cabral; Kapi'olani Community College Chancellor, Leon Richards, Ph.D.; UH-Maui College Chancellor, Clyde Sakamoto, Ed.D.; Executive Administrator and Secretary of the Board of Regents Keith Amemiya, Esq., and others as noted.

II. APPROVAL OF MINUTES OF THE JANUARY 20, 2011 (POLICY AND BYLAWS WORKSHOP), FEBRUARY 24, 2011, AND MARCH 17, 2011 MEETINGS

Upon motion by Regent Gee and second by Regent de la Peña, the minutes of the January 20, 2011 (Policy and Bylaws Workshop), February 24, 2011, and March 17, 2011 meetings were unanimously approved.

III. PUBLIC COMMENT PERIOD

Secretary Amemiya announced that no testimony was received.

IV. REPORT OF THE PRESIDENT

Legislative Update: President M.R.C. Greenwood provided an update on the current state legislative session. UH will have a better idea of how the budget will shape up over the next two weeks, as the session is scheduled to close on May 5. UH is anticipating and preparing for a possible funding reduction and its impact. UH is unsure if budget cuts will affect both years of the proposed biennium budget or the first year and part of the second year. President Greenwood reminded everyone that UH is a critical core asset to the state and she firmly believes that if UH were removed or demonstrably weakened, there would be a long-term impact on the economic future of the state.

President Greenwood asked the Regents for their help in spreading positive UH stories to the media. UH is currently working on forging a positive working relationship with the Hawai'i media to best insure balanced, fair, and interesting coverage.

UH-West O'ahu Construction: President Greenwood toured the construction site for the new campus and was enormously impressed. It is the first time in many years that UH is starting from the ground up with a new campus in a population center. Hundreds of people have jobs as a result of this project. There is a link on the UH-West O'ahu website that provides construction updates. In Fall 2012, the first group of students will attend classes on the new UH-West O'ahu campus.

UH Cancer Center Update: The UH Cancer Center hosted a media briefing on April 20. The facility is being designed with the highest building standards and will offer the most advanced research technology. The project focus is to create an optimal work environment to support innovation. It will be LEED (Leadership in Energy and Environmental Design) Silver. The scheduled completion date has been moved up to November 2012.

APEC: The Hawai'i Host Committee identified four pillars or theme areas to showcase what Hawai'i has to offer the world: Renewable Energy; Life and Health Sciences; Ocean, Earth, and Sky Sciences; and MICE (Meetings, Incentives, Conventions and Exhibits). An estimated 2,000 members of the news media are expected to attend, giving UH an opportunity to highlight its international expertise and leadership in Asia Pacific studies, and to show the world its scientific and research expertise. UH has been given the task by the Host Committee to take leadership of the Life and Health Sciences and Ocean, Earth and Sky Sciences pillars. Dr. Denise Konan, Chair of the UH-Mānoa Dept. of Economics and President Greenwood's senior advisor on APEC, is leading the charge.

UH Magazine: The latest Mālamalama magazine features: hurricane research and the likelihood of Hawai'i being hit by a hurricane; aquaponics, which combines aquaculture and hydroponic plant systems; a satellite nursing program that extends Kapi'olani nursing instruction to two additional community college campuses; a trio of unsung donors whose gifts have made a difference; and additional stories, alumni profiles, and more.

Campus highlights include:

Baccalaureate Colleges

University of Hawai'i at Mānoa – The College of Tropical Agriculture and Human Resources (CTAHR) was awarded a \$24.8 million grant to develop food, nutrition, and physical activity intervention, training, and monitoring and evaluation systems. Together with local communities, CTAHR will guide sustainable children's obesity prevention program and policy development in the Pacific Region. It is a five-year competitive grant, and only one was awarded in the country by the USDA National Institute for Food and Agriculture (NIFA). U.S. Senator Daniel Inouye was in Hawai'i for the official announcement. President Greenwood said that the national/international epidemic of obesity is likely going to have the singularly largest impact on health care costs for the next three to four decades if it is unable to be reversed.

UH-Mānoa graduate Christian Clark was named a 2011 North American Rolex Scholar by the "Our World Underwater Scholarship Society" (OWUSS). It is a year-long scholarship. Clark will travel the globe on a generous stipend to work with the world's leading aquatic explorers, marine scientists, and underwater filmmakers. Clark receives free dive gear, advanced training opportunities, and a Rolex dive watch.

University of Hawai'i at Hilo – The Master of Arts Program in Counseling Psychology received a full 10-year accreditation from the Masters in Psychology Accreditation Council (MPAC). Accredited programs must demonstrate a commitment to science-based training in all aspects of psychology and enhance services to the consumer. The program meets the curricular requirements for licensure as a mental health counselor in the State of Hawai'i.

University of Hawai'i-West Oahu – For the second straight year, a team of students won the Students in Free Enterprise (SIFE) regional competition. The team was comprised of business and finance students and competed against other area colleges before being selected as the 2011 USA SIFE Hawai'i Regional Champions. The team will head to Minneapolis, Minnesota, to compete in the national competition on May 10-12.

President Greenwood thanked the James C. and Juanita Wo Foundation for donating \$250,000 to establish the UH West O'ahu Distinguished Visiting Scholars Program to bring seasoned scholars and practitioners to the campus.

UH Community Colleges

Community Colleges on O'ahu have begun implementing multiple conservation measures and energy efficient solutions through a performance-based contract with Johnson Controls. President Greenwood thanked Vice President for Community Colleges, John Morton, and the community college chancellors, for their efforts. The contract will integrate a parallel initiative to develop customized curriculum at the community colleges in five sustainable curriculum modules such as solar thermal, photovoltaic, wind energy, energy efficiency with auditing, and sustainability, to train a new generation of employees

skilled in green technology. The community colleges are expecting a guaranteed savings of more than 6 million kilowatt hours per year, representing a reduction of approximately 23% of the O'ahu community colleges' current usage.

The community colleges are finalizing a performance-based contract with Johnson Controls for Maui College and a performance-based contract with Chevron Energy Solutions for Kaua'i Community College to improve energy efficiency.

UH is also working on power purchase agreements for renewable energy, which reduce the cost per kilowatt hour generated by renewable sources at the community college campuses.

Renewable energy and sustainable technologies are strong facets of UH's research portfolio. UH is providing students with practical training while reducing its own energy footprint. President Greenwood congratulated the community college leadership for their efforts on this very important endeavor.

Report of the Host Campus: Leeward Community College

Leeward Community College (LCC) Chancellor, Manuel Cabral, said that LCC has nearly 8,000 students and offers more than 60 degrees and certificates. LCC has had the largest numerical enrollment growth among all 10 campuses over the past four years, with an increase of 2,196 students. It also has the largest number of Native Hawaiian undergraduate students among all 10 campuses as of Fall 2010 (1,984).

Some accomplishments of the campus include:

1. The First Food Forum called "Chefs and Farmers Facing the Future" was held on April 15, 2011. It was the first food-focused event of its kind in the islands to address Hawai'i's drive toward increasing local food sustainability and food independence.
2. LCC was named the "Learning Institution of the Year" by the Aloha United Way and was nominated for "Coordinator Team of the Year Award."

Some accomplishments of the faculty, staff, and students include:

1. Raymond Liongson received the Distinguished Service Award of University of Philippines Alumni Association. He was also nominated by Gov. Neil Abercrombie to serve as a commissioner on the Hawai'i Civil Rights Commission.
2. Jean Hara received the Western Business Education Association's Distinguished Service Award.
3. Barbara Saromines-Ganne was nominated by Gov. Neil Abercrombie to serve as a commissioner on the State Foundation on Culture and the Arts.
4. Juliet Kono Lee's novel, Anshu, was published by Bamboo Ridge Press.
5. Mary Grace Adviento, a Business Technology Student, received the Hawai'i Association for Career & Technical Education's Outstanding Postsecondary Student Award.

More than 30 faculty, staff, and students have offered 14 presentations at national and state conferences, such as the League for Innovation, the National Association of Community College Teacher Education Programs conference, The International Conference on Technology in Collegiate Mathematics, the Special Interest Group in Computer Science Education conference, the National Conference of the Filipino American National Historical Society, and the American Association of Community Colleges.

LCC has a strong commitment to Science Technology Engineering and Mathematics (STEM) and Education. Community partnerships are also important to LCC. The Hawai'i State Science Olympiad at LCC is in its seventh year, with multi-island participation. LCC has also hosted the RoboFest Hawai'i Competition, with 52 teams from the Dept. of Education, and the Leeward District Science Fair, Marine Option Program Statewide Student Symposium, the state-level Chemistry Olympiad, and the American Association of Physics Teachers annual meeting. LCC's on-campus educational initiatives include a redesign of its remedial developmental math curriculum through support from a grant from the Bill and Melinda Gates Foundation, and a proposed new STEM degree (an Associate's Degree in Natural Science with a concentration on Life Science, Physical Science, or Engineering) was approved by the Faculty Senate.

LCC's Associate of Arts in Teaching (AAT) Program increased from 24 to over 425 students. The AAT has coordinated several events on campus and is providing Alternative Certification for the Career and Technology Education (CTE) Teacher Education Pathway. LCC also hosts the DOE Principals' luncheon and partners with Kukulua'o and Ka Lama Education Academy on the Leeward Coast.

Regent Gee asked Chancellor Cabral about any particular concerns. Chancellor Cabral said that his faculty and staff are coping as best they can to do more with less, but he would appreciate the opportunity to hire instructional faculty and support staff to return to the levels from two to three years ago.

Regent Gee asked President Greenwood if there was an opportunity during APEC for UH to host a reception for those interested in educational exchanges. President Greenwood said that there is a conference headed by Executive Vice President for Academic Planning and Policy/Provost, Linda Johnsrud, of education leaders from the 21 economies to talk about educational quality assurance across regions, and UH will work on hosting a reception for the attendees of that meeting. For the APEC meeting UH has offered to do what it can afford to do.

V. REPORT OF THE UNIVERSITY OF HAWAI'I FOUNDATION

UH Foundation (UHF) President Donna Vuchinich said that the UHF has collected \$25.5 million to date this fiscal year. Vuchinich introduced Vice President for Marketing and Communications and Alumni and Donor Relations, Janet Yoshida Bullard. Bullard spoke about the UH Alumni Association's (UHAA) all-inclusive membership structure. UHAA recognized two new alumni chapters: the UH-Hilo College of Pharmacy and the

William S. Richardson School of Law. UHAA has three electronic newsletters: alumnews, CCConnection (community colleges), and international alumnews.

Bullard introduced a new electronic media/social networking initiative: mobile applications (apps). The mobile apps will allow UHAA to integrate newsfeeds, features, and events regarding alumni businesses, and practical tips and resources. The apps would be available on iPhones, iPads, and Android and Blackberry devices.

Bullard spoke about recent and upcoming UHAA events, including a Life Member Event at Kapi'olani Community College and the upcoming 2011 Distinguished Alumni Awards dinner.

Regent Williams commented that the mobile apps initiative was a good idea and asked President Greenwood if UH was doing anything similar for current students. President Greenwood said that was a good point and that she would look into it.

Regent Gee said that the faculty is underutilized as a donor source. UH-Mānoa Chancellor Virginia Hinshaw said that UH-Mānoa is already working to increase the connection with FRAUHM (Faculty Retirees Association UH-Mānoa).

Chair Karr asked about a UHAA web-based directory, including former faculty and staff. Bullard said that UHAA has an online community for all alumni, and that a faculty member can opt in if he/she chooses. With the existing online infrastructure, UHAA can readily expand to include former faculty and staff.

VI. ACCEPTANCE AND APPROVAL OF GIFTS, GRANTS AND CONTRACTS

Vice President for Research, James Gaines, said that UH booked almost \$30 million in February 2011, making it a remarkable month. Last fiscal year (2009-10), UH didn't reach the \$400 million mark until around June 1, 2010, and finished at \$452 million. This year, UH is at \$420 million as of April, which is well ahead of last year's pace. UH can expect to get to \$500 million this year unless there is a total slowdown. Also, research funding is about the same as last year, which is encouraging.

The earmark ban's effect on UH includes about \$400,000 in cancelled funds thus far. In previous months, amounts from earmarks were included in the monthly reports as received awards.

Regarding multi-year contracts, dollar amounts included in the monthly award totals are only for the amount budgeted for each individual fiscal year. Therefore, what the Regents see in the monthly award information sheet is not the entire grant amount awarded.

Regent Fukunaga asked why UH doesn't get more credit publicly for positive stories about awards in an economy that is stagnant. President Greenwood said that UH puts the information out, but often to no avail. Accordingly, President Greenwood said that she has taken a new approach in the past month or so and has started meeting directly with reporters to inform them about the great things happening at UH. Regent Fukunaga

wondered if UH should run public-information spots. President Greenwood said that the message UH has to get out is that UH is building the state's economy. UH is bringing in resources from the outside and is still able to bring in new jobs and do interesting things. However, when you boast about doing more with less, the tendency is then to keep finances lean. There are some aspects, including student services and facilities, which need the personnel. President Greenwood said that personal commitments, like Regents speaking publicly, is important in spreading UH's message.

Regent Gee requested that VP Gaines choose one program and give a five-minute presentation about it at a future meeting to educate the Regents on major research. That can help when Regents are talking to the public about the University.

Regent Holzman noticed that the number of contracts was smaller than previous years, but the amount received was larger. He asked if that is a recent trend, and wondered why UH is getting bigger contracts. VP Gaines said that UH received bigger contracts because the faculty is getting better at writing proposals for larger contracts. It is the culmination of a long effort, mainly at UH-Mānoa, to write proposals for larger, multi-investigator grants.

Regent Martinson asked VP Gaines to include in future reports, a pipeline of how many proposal applications UH is waiting on responses for, and how big the proposal pipeline is. VP Gaines said that UH's success rate is high regarding the awards it gets versus the amount requested in proposals. He can include how many proposals are out and the amount requested in those proposals. Regent Martinson asked for an annual report on year-by-year projections of known awards for multi-year contracts.

Regent Fukunaga reiterated that the more the Regents understand the process and research implications, the more they can help.

President Greenwood said that UH's return rate is substantially higher than other state institutions. She said that the monthly reports and details are on the UH website for anyone to review.

Chancellor Hinshaw said that UH-Mānoa encourages multi-investigator and multi-disciplinary grants. They take a lot of work, but if you put a bigger one together, you can save a lot of time and energy in the long run.

President Greenwood thanked the faculty and staff at the Office of Research Services for their work.

VII. ITEMS FOR BOARD ACTION – PART A

University of Hawai'i System

Approval of Contract with Accuity LLP to Provide Audit Services for the Fiscal Years Ending June 30, 2011 through June 30, 2013

Vice President for Budget and Finance/Chief Financial Officer, Howard Todo, requested approval of a three-year contract with Accuity LLP, UH's current auditor. UH

followed the procurement rules and Accuity was the top-ranked firm. The contract is a 5.9% decrease from the prior contract. Last year, UH paid \$913,000. The upcoming contract is for \$800,000 and is net of \$60,000 in agreed-upon internal audit assistance for the first year of a three-year contract.

Regent Lee, the chair of the Committee on University Audits, said that the Committee met and reviewed the contract, and that the Committee voted to recommend that the Board approve the contract with Accuity.

Chair Karr added that the new contract is coming to the Board although it is less than \$1 million (which under new Board policy would not require Board approval), because the Bylaws state that the auditor and fees must be approved by the Board. Chair Karr credited VP Todo and his staff as well as Regent Lee for the negotiations.

Upon motion by Regent Martinson and second by Regent Haynes, approval of the Contract with Accuity LLP to Provide Audit Services for the Fiscal Years Ending June 30, 2011 through June 30, 2013, was unanimously approved.

VP Todo thanked Accuity, particularly Cory Kubota, for their efforts.

Community Colleges

University of Hawai'i-Maui College

Approval of a Provisional Bachelor of Applied Science in Sustainable Science Management

UH-Maui College (UHMC) Chancellor, Clyde Sakamoto, said that the proposal is aligned with the interests of the state, county, faculty, and UHMC's mission. UHMC recently received a \$4.3 million award from the U.S. Dept. of Labor that will help to support what UHMC is doing in sustainable science management.

UHMC Vice Chancellor for Academic Affairs, John McKee, said that a recent Dept. of Labor and Industrial Relations study shows Maui County with the largest green workforce sector and largest potential. Maui County accounts for 12% of the state's total employment, but comprises 23% of the state's total green workforce. This degree will support green energy efforts. Additional national studies show significant projected increases in the number of green jobs in Hawai'i. The degree is being developed in other parts of the country. Campuses on the Island of Hawai'i and Kaua'i have shown interest in offering the degree through the educational television system. All of the courses in the program are being developed in Lahaina as well. Once approved, UHMC can scale the program. UHMC believes it can attract students from the Pacific Northwest and Canada, which will help pay for the program.

UHMC's Dr. Joie Taylor said that the program's goals are to provide training for the emerging green workforce and the growing industry. UHMC will offer science as well as management courses. In lower divisions, courses will include energy and sustainability classes, statistics, chemistry, and biology. In upper divisions, courses will include calculus

and renewable energy integration. UHMC designed the courses after consultation with people in the sustainability industry.

Program Learning Outcomes (PLOs) include identifying, outlining, and illustrating the fundamentals of existing and emerging technologies in energy, wastewater treatment, water quality, water resources, and waste management. Students will learn how to measure sustainability, with courses on return on investment, simple payback, and greenhouse gas calculations and sustainability indexes. Students will be able to come up with solutions to problems that are complex politically, socially, and environmentally. UHMC has established partnerships that provide internship opportunities and insight into the curriculum.

Chancellor Sakamoto formally requested approval of a Provisional Bachelor of Applied Science in Sustainable Science Management by UHMC.

Regent Gee liked the applied science nature of the degree. He asked about the internship component, and referred to the proposal, which referred to the prior Maui County administration under Charmaine Tavares. The current Maui County Mayor is Alan Arakawa. Chancellor Sakamoto said that UHMC does have support from the current administration. Dr. Taylor said that with respect to the internships, there are different setups with different companies and partnerships. Vice Chancellor McKee said that the PLOs would guide the internships.

Regent Gee said that there are environmental courses at UH-Mānoa. Was there any attempt to coordinate or consult, or look into distance learning? Vice Chancellor McKee said he had meetings with his Vice Chancellor colleagues at the other campuses and there is strong interest in all of those efforts.

Regent Gee asked if there are any more grants after 2011-2012, and if there is a severe budget crunch, will UHMC be able to sustain the program? Vice Chancellor McKee said that they are already offering several provisional courses that will be offered in the program, and enrollment in those courses in the past few semesters has exceeded 100 students. Also, Chancellor Sakamoto said that UHMC is continually pursuing grants.

Chair Karr noted that the action memo doesn't include any provisions for additional costs, and asked if there were going to be additional costs or resources expended. Chancellor Sakamoto said that there are already two general-funded faculty positions in place, and the tuition will also support the program. If the program grows beyond what is projected, then UHMC may need additional resources.

Chair Karr asked about the meaning of UHMC submitting a Substantive Change request to the Western Association of Schools and Colleges (WASC) Accrediting Commission for Senior Colleges and Universities. Chancellor Sakamoto said that as degrees are added, WASC requires the college to submit the Substantive Change proposal. Before UHMC can offer the degree, the Substantive Change request must be approved by the WASC Senior Commission. Chair Karr asked that if, in the future, UHMC were to add any additional bachelor degree programs, that it could change UHMC's accreditation environment. Chancellor Sakamoto said no, that UHMC's movement from

WASC's Community and Junior College Commission to the Senior Colleges and Universities Commission meant that the change was required after the offering of the second baccalaureate degree. Going forward, all further baccalaureate degrees would be part of the Senior Colleges and Universities Accrediting environment. Chair Karr said that he remembered that when Chancellor Sakamoto requested approval of a second degree (Bachelor of Applied Science in Engineering Technology, May 2009), that UHMC would not request another Bachelor Degree for two or three years. Chancellor Sakamoto said that he reviewed the tapes, and he said that at that May 2009 meeting he told the Regents that UHMC was working on three additional baccalaureate degrees.

Chair Karr asked what the salary is for the average green job. Dr. Taylor said that the average salary nationally for a person with a Bachelor's degree is about \$50,000.

Regent Gee moved and Regent de la Peña seconded the motion for approval of a Provisional Bachelor of Applied Science in Sustainable Science Management at UHMC, which was unanimously approved.

Kapi'olani Community College

Establishment of a Provisional Advanced Professional Certificate in Culinary Management

Kapi'olani Community College (KCC) Chancellor, Leon Richards, said the Provisional Advanced Professional Certificate (APC) in Culinary Management is part of an effort by KCC to partner with UH-West O'ahu (UHWO) to provide students in the Career and Technical Education programs an opportunity to earn a Bachelor Degree in Applied Sciences (BAS). It is a system-wide program in the sense that graduates of the other community college culinary arts programs will be able to enroll in this program.

KCC Vice Chancellor for Academic Affairs, Louise Pagotto, said that the APC is designed to keep culinary talent in the state. Currently, there is no opportunity to get advanced training in the culinary arts. KCC's proposed third-year certificate of 18 credits is based on developing advanced culinary skills. Students who received the APC could continue on to UHWO for a BAS in Culinary Management. The targeted students for the proposed APC are graduates of American Culinary Federation (ACF) Accredited two-year programs. All two-year campuses in the state are accredited by the ACF. Renovations are scheduled for the kitchen to make room for the program on the KCC campus.

Regent Gee asked if there is a demand for the APC. Frank Haas, the Dean for the Hospitality, Business, and Legal Education Academic Program, said that the APC will allow people to enter at a higher wage level. Currently, there is a demand for food service managers, chefs, and head cooks. What is missing for people who want to go into food management is a business acumen that will come with a BAS in Culinary Management from UHWO. Dean Haas said the two-year programs will continue to provide graduates for entry-level positions. The APC, by itself or combined with the BAS in Culinary Management, will provide the workforce with food-management positions.

Regent Gee asked if it was possible to charge premium tuition for the APC to recover the cost of instruction. Chancellor Richards said that the cost of the program is in line with the current understanding that the third-year courses will be charged the UHWO tuition. KCC expects international students who are in the two-year program to enroll in the APC program, which will help with revenues.

Regent Gee asked if KCC has the resources if the program is approved. Chancellor Richards said that KCC will reallocate funds internally to account for the two full-time faculty members, and has existing resources for renovation of the facilities. Vice Chancellor Pagotto said that there is no need for additional facilities at UHWO because the courses that are part of the BAS are all management courses and not culinary courses.

Regent Holzman commended KCC's partnership with UHWO.

Regent Lee concurred with the statement that there is a lack of qualified local managers, both in the front and back of the house, with management skills. Many graduates understand the culinary side, but not the management side. He doesn't see any courses addressing that issue in the APC. Chancellor Richards said that students would receive management training in organizational behavior courses and statistics in business courses in UHWO's BAS in Culinary Management. Dean Haas said that most of the content in the APC is focused on advanced culinary content, although there is a management course. Regent Lee clarified that to gain management training, students would have to continue to UHWO's BAS in Culinary Management. Ron Takahashi, Food Service Department Chair, said that KCC's culinary students take classes in purchasing and cost control, focusing specifically on restaurant management skills.

Regent Gee asked about a partnership with the UH-Mānoa School of Travel Industry Management (TIM), given the nature of hospitality management there. Chancellor Richards said that there is a degree pathway to TIM, but culinary students would need to take general education requirements and while some do, others decide to go the route of the BAS.

Chair Karr said that there is no provision for additional costs in the request, and asked if there would be any additional costs. Chancellor Richards said that as long as the program stays on the KCC campus in the renovated building, there would be no additional cost. Chair Karr asked about the two vacant positions that would be reallocated to the APC program. Chancellor Richards agreed that there would be additional funds used to fill the two vacant positions that currently are not being funded.

Chair Karr said that all action memos and actions recommended should include "Provisional" in all cases.

Regent Martinson said that there is no financial management course in the UHWO's BAS in Culinary Management. Vice Chancellor Pagotto said that there is an Accounting for Entrepreneurs (BUSA 396) course offered. Regent Martinson said that accounting and finance are different. Ron Takahashi said that UHWO was trying to find a group of courses that would meet as many of the articulations as it could, and added that courses can be re-

evaluated. Vice Chancellor Pagotto said that Regent Martinson's point is well-taken and that there is always a chance to re-evaluate the curriculum and see where they may want to make changes, through annual and comprehensive program reviews. Regent Martinson said that it was important to have alignment in delivering a product and what the industry needs. Regent Lee said that Regent Martinson is correct; that if a graduate had a BAS in Culinary Management, then he would expect them to understand finances. He would encourage them to look over the courses again, especially at UHWO. It would make the degree more powerful. Vice Chancellor Pagotto said that KCC would talk to UHWO.

Regent Gee moved and Regent Holzman seconded the motion for approval of the Establishment of a Provisional Advanced Professional Certificate (APC) in Culinary Management at Kapi'olani Community College, which was unanimously approved.

Board of Regents

Approval of Additional Amendments to Board of Regents' Policies

Chair Karr reminded the Board that it approved the Board of Regents' Bylaws and Chapters 1-8 and 10-12 at the previous Board meeting in March. Additional amendments to the Bylaws and all chapters are up again for approval, with full discussion of Chapter 9.

Chair Karr noted the new amendments introduced after consultation with the unions, and that most chapters have cosmetic edits.

The following are items of concern brought up by the Regents for each Chapter:

Bylaws: None

Chapter 1: None

Chapter 2: None

Chapter 3: None

Chapter 4: None

Chapter 5: Regent Holzman asked about the standard of "comparable access" for offsite instruction. EVP Johnsrud said that the language is required for WASC standards. It does not mean equal; it means comparable. Regent Holzman thought there should be an additional sentence indicating how UH would offer comparable access and what it would mean. EVP Johnsrud agreed that it is a judgment call, but added that the services listed (admissions, orientation, financial aid, registration, advisement, tutoring, and library services) are basic to getting into the course, paying for the course, and moving through the course. Those fundamental services are offered electronically. Regent Holzman said that he would like a definition of what "comparable" means. EVP Johnsrud said that if UH tried to compromise the language, it would run afoul of accreditation standards. Regent Holzman asked UH to stipulate how it would plan to achieve comparable access, i.e., through online services, to limit or define what it means. President Greenwood said that

the distance programs need to be accredited. EVP Johnsrud added that a member of the accreditation team will visit with distance-learning students, and that the rigor and standards of distance learning delivery have been ramped up. President Greenwood said that the definition of comparable is a standard of accreditation, and it is addressed by the accreditation teams. Honolulu Community College Chancellor, Michael Rota, said that he is the Chair of the Accrediting Commission for Community and Junior Colleges and is a member of the Substantive Change Committee. Campuses offering distance education programs have to demonstrate how they meet the comparability standard in the proposal they submit to the accrediting body for approval of programs to be offered at a distance. Regent Holzman said that he was approaching the issue from the point of view of the consumer who didn't feel like they had comparable access and therefore had reason for complaint.

Chapter 6: Regent Gee said that the Committee on Student Affairs, which met on April 19, discussed mandatory fees and decided on letting them stand.

Chapter 7: Regent Gee requested that the word "security" be added to Section 7-5.b. (Objectives of the Student Housing Program), to read "ensuring that the students' health, safety, and security are uncompromised in the design and operation of the residence halls."

Chapter 8: Regent Holzman suggested that for consistency, the language in Section 8-1.b. (Construction Projects) model the language in Chapter 2, Section 2-2(6), requiring that the President maintain "on-going communications with the Board to include providing advance notice, to the extent practical, of potentially controversial decisions or actions that are within authority delegated to the President."

Chapter 10: Vice Chair Hirota said that he had a problem with the placement of the language in Section 10-1 that says, "after consultation with the Board." The section reads, "The President and his/her designee(s) are delegated the authority to approve all transactions involving the acquisition or conveyance of land and interests in land unless, after consultation with the Board, it is determined that the acquisition or conveyance will have an impact on a program, require a change in Board policy, or may engender controversy, in which case prior approval of the Board shall be required." Chair Karr said his interpretation was that consultation occurs before with the Chair and Vice Chair, which is what the "Board" refers to. Vice President for Legal Affairs and University General Counsel, Darolyn Lendio, said that she didn't want to run afoul of the sunshine law. She interpreted the statement to read that there must be consultation with the Board, to the extent that they know what it is, before the President is delegated the authority. EVP Johnsrud suggested changing the clause to read, "After consultation with the Board, the President and his/her designee(s) are delegated the authority ..."

Chapter 11: Regent Fukunaga said that Section 11-2 (Outside Speakers on Campus: "Balance in political and other public lectures on campus by persons not connected with the University shall be maintained.") can be an area fraught with controversy. It's hard to achieve balance, and there have been cases where speakers border on hate speech or inflammatory speech. He wondered if it was worth it to have it in policy.

Regent Gee said he appreciated the inclusion of the paragraph on hazardous materials (Section 11-8), but said that the policy doesn't state the consequences. Is the campus or the offending department held accountable? VP Lendio said that Regent Gee's question is an operational one and she would discourage putting it in policy. It should be made operationally instead. It is a highly-regulated area of law. The language that UH uses in its contracts is significantly longer. UH tried to concisely state the policy without it being fraught with peril. Regarding who should be held accountable, sometimes it depends on who has insurance. UH has comprehensive general liability policies, which covers the campuses, and there is a risk management special fund. There are various funds that may cover different things.

In response to Regent Fukunaga's earlier concern with Section 11-2 (Outside Speaker on Campus), President Greenwood acknowledged that it is an unusual statement in Regents' policy and that the understanding is that UH encourages the expression of various points of view as long as it's done in the context of civil behavior. UH and the students have processes on how to select speakers. It doesn't mean there won't be a controversial speaker, but President Greenwood interprets it as if someone uses illegal language, then UH could take action. VP Lendio said that her office was unable to determine the genesis of the statement. Regent Fukunaga said that when you try to balance content, you are on slippery First Amendment ground. President Greenwood said that UH has other protections and that the Regents could eliminate the section from their policy. Regent Fukunaga said that would be his preference. EVP Johnsrud said that the intent was if students wanted to bring in a controversial speaker, and UH received pushback from the community, then UH could say it needs balance and can bring in a speaker who has a different point of view. The Regents agreed to eliminate Section 11-2 from the policy.

Regent Holzman asked if there should be a statement about who controls the content with respect to Section 11-9 (Information and Communication Technology). VP Lendio said that she has seen extensive executive policy and collective bargaining agreement language on who owns the content that is produced on UH computers. President Greenwood said that there are clear Information Technology policies that are promulgated which make it clear that email in the University is a business communication and when it is done on University equipment, it is the property of the University. However, review of Board policy is done infrequently and Board policy and Executive policy should be consistent, which may be hard to do because IT changes rapidly. Nonetheless, executive policy can address issues on an annual basis. VP Morton said that the language regarding control of content has to be worded very carefully. If a statement is made that things that are on university computers are public, people will misinterpret it to mean that it is not secure. It is still private, but subject to subpoena. VP Lendio said that she would like VP Lassner to look further into this issue, but he was unable to attend this meeting. Accordingly, Chair Karr said that this issue could be taken up at a future meeting.

Chapter 12: None

Chapter 9: Regent Haynes asked about Section 9-14 (Teaching Assignments for Instructional Faculty), and if the number of lecturer hours per academic year for community colleges was changed from 30 to 27 (Section 9-14.a.(4)). VP Morton said that

it was changed contractually 8 to 10 years ago and was never reflected in the Board policy at the time, but is changed now.

Regent Hirota asked about compensation for night and summer sessions (Section 9-7.b.(4)), and the statement that “faculty members and staff may receive extra compensation to teach night classes and summer session classes.” President Greenwood said that the current contract addresses compensation for work beyond their required work load.

Executive Assistant to the Senior Executive, James Nishimoto, read off the Executive Policy relating to Information Technology. Section 5: Ownership and Disclosure of Information: “The University owns the computers and networks that comprise the institutional informational technology infrastructure. The electronic allocation of file space to a user does not assign legal ownership of the content, rather it is granting of permission to use these institutional facilities subject to the policies and regulations of the University and applicable statutes, collective bargaining agreements and related University policies governing ownership of intellectual property. Files stored on University system may be subject to disclosure under the U.S. Freedom of Information Act or the Hawai'i Uniform Information Practices Act. In addition, it is the policy of the University to cooperate with all legally empowered investigations initiated by law enforcement agencies when presented with legitimate court orders such as a warrant or subpoena. As has been made abundantly clear in highly-publicized legal cases, this may include archives of electronic mail sent or received. In addition, the contents or files on University systems may be inspected in the context of a duly authorized University investigation.”

Nishimoto then summarized the proposed changes to the Board policies brought up by the Regents at the meeting. Nishimoto said that part of the recommendation to the Board was a provision that the Secretary of the Board can make minor non-substantive editorial changes as he adopts and converts the drafts into final form.

Regent Lee moved and Regent Martinson seconded the motion to approve the Additional Amendments to the Board of Regents' Bylaws and Policies.

Regent Haynes complimented the Board and administration for their efforts in revising the Bylaws and Policies. It was a huge endeavor and was long overdue. The document restored a lot of responsibility back to the administration, which shows a lot of confidence in the administration and specifically the President.

Chair Karr said that he couldn't have said it better. He singled out James Nishimoto, the faculty unions, administration, and Board personnel.

The Additional Amendments to the Board of Regents' Bylaws and Policies was approved unanimously.

Chair Karr announced that the Board would take agenda items out of order, and that Approval of Personnel Actions and Announcements would be done before going into executive session. After executive session, the Board would formally adjourn the meeting in public session.

IX. APPROVAL OF PERSONNEL ACTIONS

UH-Hilo Chancellor Donald Straney said that he was pleased to recommend the reappointment of Pharmacy Dean John Pezzuto, which was up for approval in Attachment B-1.

Regent Carlson moved and Regent Haynes seconded the motion to approve Attachment B-1, which requested the reappointment of UH-Hilo Pharmacy Dean John Pezzuto, which was unanimously approved.

X. ANNOUNCEMENTS

Chair Karr announced that the next meeting is scheduled for Thursday, May 19, 2011, at the University of Hawai'i at Mānoa's Campus Center Ballroom.

VIII. EXECUTIVE SESSION

Upon motion by Regent Haynes and second by Regent Gee, the Board unanimously approved convening in executive session, pursuant to HRS §92-5(a)(2)(3)(4). The Board convened in executive session at 12:21 p.m. and reconvened in public session at 2:13 p.m. following a motion to come out of executive session by Regent Haynes and second by Regent Martinson, which was unanimously approved.

XI. ADJOURNMENT

There being no further business, on the motion of Regent Lee and second by Regent Gee, and with unanimous approval, the meeting was adjourned at 2:14 p.m.

Respectfully Submitted,



Keith Y. Amemiya, Esq.
Executive Administrator and
Secretary of the Board of Regents