MINUTES

BOARD OF REGENTS MEETING

MARCH 23, 2017

I. CALL TO ORDER

Chair Jan Sullivan called the meeting to order at 9:31 a.m. on Thursday, March 23, 2017, at University of Hawai‘i – West O‘ahu Campus Center, Room C208, 91-1001 Farrington Highway, Kapolei, Hawai‘i 96707

Quorum (13): Chair Jan Sullivan; Vice Chair Benjamin Kudo; Vice Chair Randy Moore; Regent Simeon Acoba; Regent Eugene Bal; Regent Brandon Marc Higa; Regent Wayne Higaki; Regent David Iha; Regent Michael McEnerney; Regent Lee Putnam; Regent Michelle Tagorda; Regent Ernest Wilson; and Regent Stanford Yuen.

Excused (1): Regent Jeff Portnoy.

Others in attendance: President/Interim UH-Mānoa (UHM) Chancellor David Lassner; Vice President for Academic Planning & Policy Risa Dickson; Vice President for Administration Jan Gouveia; Vice President for Community Colleges John Morton; Vice President for Legal Affairs/University General Counsel Carrie Okinaga; Vice President for Research & Innovation Vassilis Syrmos; Vice President for Information Technology/Chief Information Officer, Garret Yoshimi; Vice President for Budget & Finance/Chief Financial Officer Kalbert Young; UH-Hilo (UHH) Chancellor Donald Straney; UH-West O‘ahu (UHWO) Chancellor Maenette Benham; Honolulu Community College (HonCC) Chancellor Erika Lacro; Board Secretary and Executive Administrator to the Board Cynthia Quinn; and others as noted.

II. PUBLIC COMMENT PERIOD

The board office received written testimony requesting the board chair recuse from Academy of Creative Media (ACM) matters from UHM ACM program students Elyse Chai, Casey Lapidus, Chloe Ma, and Kellie White; from student Dylan Dawley and his parent Masuda Dawley; and from an individual John Gilmore that was late.

The board office received and distributed resolutions from the UHM Faculty Senate (UHMFS) regarding the following: (1) Supporting the proposed reorganization of student housing services; (2) Supporting undergraduate research at UH Mānoa; (3) Endorsing with reservations the proposed reorganization of the UH System of the Office of the Vice President of Research and Innovation; and (4) Supporting a proposal for a 5 year BA/MA in Economics at UHM.
There was one testifier, John Casken, the newly elected UHMSC Chair who succeeded Marguerite Butler, who stepped down on March 15. He recounted his background and experience, and shared faculty concerns regarding the lack of independence occurring as a result of the president holding dual roles as President and UHM Chancellor. He explained that all except one resolution received near unanimous support; there was strong concern about the reorganization of OVPRI and allocation of duties that are preferred to be at the campus level, and encouraged including faculty in decision making and addressing problems going forward.

Having no further testimony, Chair Sullivan yielded the gavel to Vice Chair Moore and provided a statement of facts for the record regarding her parents' support for systemwide ACM programs in response to testimony submitted by students asking for her recusal from matters regarding ACM. She recounted how in recent times unsubstantiated claims are taken as facts, the rise of a new concept of alternative facts, and a current climate of conspiracy theories and allegations built on half-truths, and repeating such half-truths somehow makes them true. Such strategies are manipulative, counterproductive, and mean spirited. It is important to know the following facts:

1. In the early days when the ACM program at UHM was launched, her parents, Roy and Hilda Takeyama, donated $200,000 to purchase digital media tool kits, post production editing equipment for students, and fund student internships.

2. Roy and Hilda Takeyama did so because they wanted to create a systemwide program to benefit students at all campuses. It was a unique approach and they were happy to support the program.

3. Over the years, UHM ACM program has grown, as did legislative support for growth, by allocating funding for a new ACM building at UHWO.

4. Roy Takeyama has Stage 4 lung cancer, and as a last act of goodwill he donated $1 million dollars from his foundation for the benefit of the ACM program. The donation is intended to be used for the students, to support tuition, books, fees, computers, travel, internships, and purchase state-of-the art equipment to benefit students throughout the system.

III. REPORT OF THE PRESIDENT

President Lassner expressed his personal gratitude, and also on behalf of the university, for the generosity of Roy and Hilda Takeyama in supporting the university. He then provided a report that highlighted current events and accomplishments at the University of Hawai‘i System as follows:

1. President Lassner made a presentation on the pioneering analytics work underway at the University at the national American Council on Education (ACE) conference. He provided highlights shared at the conference regarding
observations of federal policies affecting higher education in areas of immigration with travel ban executive orders; budget and spending for science, education and research being cut to increase military spending; tax reform proposals negatively impacting tax exemptions for nonprofits and charitable contributions; and general observations of Congress’ struggles in tumultuous times settling into new roles with a new president, coupled with exceeding the debt ceiling, and experiencing a prevalence of hundreds of vacant positions in the federal administration. He recommended that work continue to maintain positive collaborations with national organizations, the congressional delegation, and federal agencies that remain largely intact as most are civil service personnel; and

2. President Lassner attended a lecture by the Dan and Maggie Inouye Distinguished Chair in Democratic Ideals Ai-jen Poo, award-winning social innovator, thought leader and author, who provided an inspiring message to oppose where necessary, but propose on the path positively, and with aloha on a path forward.

At this board meeting, President Lassner announced the UH nominees for the annual Governor’s Awards for Distinguished State Service, including: UH Nominee for Employee of the Year Luke Flynn, UHM Director of the Hawai‘i Space Flight Laboratory and the Hawai‘i Space Grant Consortium; UH Nominee for Manager of the Year Matt Platz, Vice Chancellor of Academic Affairs at UHH; and UH Nominees for Team of the Year was the UHH maintenance crew of Frederick Dela Cruz, Sr; Calvin Fukuhara; Kevin Hand; Kelvin “Kenji” Kubo; Kenneth Kubojiri; Eric Rodrigues; led by Neal Nagao.

Report of the Host Campus

President Lassner then yielded the floor to the UHWO Chancellor Maenette Benham who provided a video of the campuswide strategic planning conference filmed by the UHWO ACM program students. She concluded that the resulting strategic action plan will be used over the next 12 months to create an integrated plan for land/facilities, enrollment and academic programs, with a business assessment model. She expressed confidence in her executive team, faculty and students, as evidenced by their commitment and passion illustrated in the film. She introduced UHWO Faculty Senate Chair Alan Rosenfeld, who provided an update and highlights of current and emerging programs in creative media, cybersecurity, facilities management, sustainable community food systems, and risk management and insurance. He concluded with a briefing on the No’eau Center for supplemental instruction and embedded tutoring for student success.

IV. COMMITTEE REPORTS

A. Report from the Committee on Academic and Student Affairs
Committee Chair Lee Putnam summarized the committee report attached, noting that the committee considered and recommended board approval of four items on the consent agenda. No additional comments or questions from the board were raised.

V. ITEMS FOR DISCUSSION AND/OR APPROVAL

A. For Action

1. Consent Agenda:
   a. Minutes of the February 23, 2017 Meeting
   b. Mission Statement Revisions: Kaua‘i Community College
   c. Mission Statement Revisions: Kapi‘olani Community College
   d. Mission Statement Revisions: Hawai‘i Community College
   e. New Provisional Certificate, Advanced Professional Certificate in Special Education PK-12 at Leeward Community College

Vice Chair Moore moved to approve the consent agenda items, seconded by Regent Wilson. Having no further questions, the motion carried unanimously.

2. Naming the UHWO Library Building the “James and Abigail Campbell Library.”

President Lassner invited former UHWO Interim Chancellor Doris Ching to present the proposal. Dr. Ching began with extending a special recognition regarding the naming of the ACM building at UHWO in honor of Roy and Hilda Takeyama to acknowledge and thank the Takeyama’s consistent generosity and support for the university, and their novel and visionary legacy for systemwide creative media programs. She further explained how befitting naming the UHWO library in honor of the James and Abigail Campbell was to recognize the Campbell family and their decades of support of UH and of education, and bettering the lives and futures for the entire community on the west side and throughout the state, and upon whose lands the UHWO campus sits.

Vice Chair Moore expressed his thanks and appreciation for the proposal and moved to approve the proposal, seconded by Regent Wilson, and the motion carried by unanimous vote. Ms. Ching introduced D. Keola Lloyd of the Campbell Family Foundation, and Steven Kelly, Vice President of the James Campbell Company, who were present at the meeting.

3. Appointment of Permitted Action Group for Board Participation in the Community Colleges Accreditation Institutional Self-Evaluation Report

Chair Sullivan explained that the board created and appointed a permitted interaction group for board participation to fulfill accreditation requirements for the community colleges, as provided under Hawai‘i Revised Statutes §92-2.5. Regent Acoba is interested in participating as a member. No other objections, additions, or
substitutions were raised. Vice Chair Moore moved to approve the addition of Regent Acoba to the permitted interaction group for board participation in the community college accreditation institutional, Regent Higaki seconded, and the motion carried by unanimous vote.

B. For Information
   1. 2017 Legislative Update

Vice President Young provided a slide presentation regarding a mid-session update on UH legislative and budget proposals. He explained how the themes of the UH requested proposal tied to the UH Strategic Initiatives. He provided comparisons of the UH-requested proposal to the latest House draft. He explained how impacts by negative tax revenue forecasts resulted in the Governor removing from the executive budget all UH requests except for four positions and $5 million to the UH Cancer Center. Last week, the House concluded their review and the proposal is net two additional positions and $270,000, which is effectively the same as in the current fiscal year. Some changes noted included that the House added 6 school psychologist positions and $600,000 to distribute systemwide, and a reduction of 4 extension agent positions in the College of Tropical Agriculture & Human Resources (CTAHR). Programmatically, JABSOM’s specific appropriation account was removed and folded back into the UHM account, and the request to permanently establish the System ACM positions at the campus level was not included in the House draft, but neither of these resulted in any monetary effect on the overall budget. He explained the capital improvement project (CIP) request has been decreased. All provisos, including those in the current fiscal year budget, are being struck in the House draft, including transfers to other agencies, and other contingencies restricting expenditures of appropriated funds. A proviso was added that requires a $10 million match in private funding to access legislative appropriations for the Culinary of the Pacific Program. He noted an unusual reorganization in leadership in the House Committees for Higher Education, Education, and Commerce and Consumer Protection, that has created a transitional dynamic, and warranting developing rapport and background with the new Higher Education Chair in the remaining days until the end of session.

As of today, of the 11 UH administration bills introduced, 10 are still active in some form after the crossover deadline, which is a significant ratio for UH or any other state department. He summarized the active bills, and highlighted a bill that had failed but has resurrected with additional language that changes the composition of board by removing at large positions to add faculty, restricts tuition raises to a year, requires appointment contracts for positions with salaries over $150,000, and caps the ratio of general to special funds. There is a bill that requires registering for selective service as a precondition to admission. A UH Green Energy Special Fund is being supported to advance UH net zero efforts. He shared the statistics that show a marked increase in activity compared to last session. Governor nominations for four regent seats are pending and due March 31. Upon conclusion, Chair Sullivan expressed her gratitude for the hard work and efforts this session.
2. **Report of the Permitted Interaction Group for the University of Hawai‘i System Integrated Academic and Facilities Plan**

Chair Sullivan explained that the president will summarize the draft plan to date, and noted, upon advice of counsel regarding the sunshine law, the task group requires three board meetings: one to create the task group, a second to share recommendations, and the third at which time deliberation and action can be taken. The group is at step two, sharing the recommendations and findings. She recounted the background when at the September 2015 board meeting the board passed a resolution directing administration to work on a systemwide plan. A year later, the board established a task group to help establish the direction of the plan, comprised of leadership of the board and relevant committees for Budget and Finance, Academic and Student Affairs, Planning and Facilities. Administration submitted a Draft Plan dated March 17, after four drafts. Page 2 summarizes the guiding principles and priorities with 6 bullet points, and is followed with draft details by academic units, next steps, and implementation. The intent is to agenda the item for discussion and adoption at the next meeting. The members were encouraged to provide input to the president and administration after the meeting so input can be considered and incorporated in time for the next board agenda.

President Lassner further explained that the board is free to ask procedural, clarifying questions and reserve deliberation for the next meeting, and comments and concerns are welcomed. The intent is for the document to speak for itself, and he summarized the different sections to layout the work of the task group. The meetings were effective in addressing the challenge to fully understand the expectation of the full board, that were disparate at that time, and the task group with joint membership was effective to bring what this document will be. It was noted that such a document is not common at the UH system level, and is normally found at the campus level. Principles set tone, and the sections for each campus were laid out in parallel structure to be easy to understand how campuses compare and contrast. It was also noted that there are controversial areas to consider and address in the future.

Questions were raised regarding decision making and process regarding relocating programs. It was explained how the report was informed with participation from all chancellors, and is intended as a framework with which future decisions and paths forward will be determined. For all intents and purposes, the task group work is completed, and hereafter administration will finalize and bring the final plan to the board for approval when ready.

**VI. EXECUTIVE SESSION**

Upon motion by Regent Wilson, seconded by Regent Higa, the board unanimously approved convening in executive session, pursuant to HRS §92-5(a)(2) and HRS §92-5(a)(4) to discuss personnel matters and consult with legal counsel, and immediately following the board will recess for lunch and reconvene in public session at approximately 1:00 p.m. The board convened in executive session at 11:15 a.m. Following a motion to come out of executive session by Regent Wilson, seconded by
Regent Higaki, and the motion carried unanimously, executive session was adjourned at 12:15 p.m. The board took a recess for lunch.

The meeting reconvened in public session at 1:00 p.m. It was noted that the board went into executive session to discuss personnel matters and consult with legal counsel as indicated on the agenda.

**VII. Board Education and Training: Native Hawaiian Law Training**

provided by Ka Huli Ao Center for Excellence in Native Hawaiian Law, William S. Richardson School of Law, University of Hawai'i at Mānoa

The board received an educational training on native Hawaiian law, presented by the Ka Huli Ao Center for Excellence In Native Hawaiian Law Professor Melody Kapilialoha MacKenzie and Associate Professor D. Kapua Sproat, and David M. Forman, Director, Environmental Law Program, William S. Richardson School of Law, University of Hawai'i at Mānoa.

Questions were raised regarding how the law is to be applied as to the university regarding ceded lands, and water rights, and public trust doctrine. It was explained how uncertain the future is with the current federal administration, noting ongoing efforts for a Native Hawaiian government, and if ever formed and recognized, would receive public land trust and Office of Hawaiian Affairs (OHA) lands. However, of most importance is to resolve the issue of interpretation of what is fair pro rata share, which requires actual figures and inventory with participation by OHA, the Governor, and the Legislature to identify which lands generate income and how income can be used to benefit Hawaiian community and general public. It was recognized that the courts have consistently interpreted the 5 stated trust purposes in a Native Hawaiian context, and that OHA has broad authority and not limited by blood quantum, so long as within general trust purposes. Regarding water rights, the importance of examining the mandates, understand public trust as a framework presumption, and consider the impact on traditional and customary rights and uses was explained. It was clarified that while UH does not grant permits, the doctrines apply as to leases in particular. Additional resources were provided in the slides, and available online information and treatises were noted.

**VIII. ANNOUNCEMENT**

Chair Sullivan announced that the next board meeting is April 20, 2017, at Kaua'i Community College. Vice Chair expressed his gratitude for the generosity and foresight of Chair Sullivan and her family, and appreciation for Chair Sullivan setting the record straight.

**IX. ADJOURNMENT**

There being no further business, Vice Chair Moore moved to adjourn, seconded by Regent Wilson, and with unanimous approval, the meeting was adjourned at 2:54 p.m.
Respectfully Submitted,

/S/

Cynthia Quinn
Executive Administrator and
Secretary of the Board of Regents