MINUTES
BOARD OF REGENTS MEETING
SEPTEMBER 26, 2019

I. CALL TO ORDER

Chair Ben Kudo called the meeting to order at 10:00 a.m. on Thursday, September 26, 2019, at the University of Hawai‘i Maui College (UHMC), Ka‘a‘ike Building, Room 105B/C/D, 310 West Ka‘ahumanu Ave., Kahului, Hawai‘i 96732.

Quorum (9): Chair Ben Kudo; Vice-Chair Jan Sullivan; Regent Simeon Acoba; Regent Kelli Acopan; Regent Michael McEnerney; Regent Randy Moore; Regent Michelle Tagorda; Regent Robert Westerman; and Regent Ernest Wilson Jr.

Excused (3): Vice-Chair Wayne Higaki; Regent Eugene Bal; and Regent Alapaki Nahale-a.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; Interim Vice President for Community Colleges Erika Lacro; Vice President for Legal Affairs/University General Counsel Carrie Okinaga; Vice President for Academic Planning and Policy Donald Straney; Vice President for Research and Innovation Vassilis Syrmos; Vice President for Budget and Finance/Chief Financial Officer Kalbert Young; Vice President for Advancement/UH Foundation (UHF) Chief Executive Officer Tim Dolan; University of Hawai‘i at Hilo (UHH) Chancellor Bonnie Irwin; University of Hawai‘i – Maui College (UHMC) Chancellor Lui Hokoana; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF THE MINUTES OF THE AUGUST 2, 2019 MEETING

Regent Wilson moved to approve the minutes of the August 2, 2019, meeting, seconded by Regent Sullivan. Board Secretary Oishi noted a correction to page 3 of the draft minutes to insert additional language to the end of Regent Acoba’s statement. The board unanimously approved the minutes with the edits.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office received late written testimony from Kekailoa Perry opposing racism and offering comments regarding the President’s report and Mānoa Long-Range Development Plan.

The following individuals provided oral testimony:

• Kaimi Hanohano offered comments opposing the construction of the Thirty Meter Telescope (TMT).
• Samuel Kaleikoa Kaeo offered comments regarding racism and TMT.
• Keola Danaghy offered comments opposing the use of force or violence on the mauna.

• Lance Wilhelm, Chair, and Micah Kane, Trustee, of the Kamehameha Schools Board of Trustees, provided comments on the disparaging comments made by a UH professor regarding Kamehameha Schools. They acknowledged the apologies by University leadership and by the professor and gave aloha as the University reflects on the issue. They expressed that it is unfortunate that in the cloud of this issue, we are not celebrating the partnership and many successes between Kamehameha Schools and the University of Hawai’i. They look forward to working with the University on relationship building.

Chair Kudo thanked Board of Trustees Chair Wilhelm and Trustee Kane for coming to address the board. He expressed that it was regrettable that they needed to come to stand up for Kamehameha Schools and its significant contributions to the community and their constituents. He added that because the incident was a personnel matter, the specific incident could not be discussed, but hoped that something positive could result moving forward. Chair Kudo noted that an executive session was scheduled and asked for consideration as to whether this should be discussed as a personnel matter.

• Sesame Shim offered comments regarding social justice and Maunakea.

• Pua Pali offered comments regarding TMT.

Chair Kudo thanked everyone who testified and shared their thoughts with the board.

Vice-Chair Sullivan asked the board to consider making a statement relating to Maunakea and explained that for a number of procedural reasons, the board has not been able to make a statement on Maunakea. She suggested making a statement urging the de-escalation of conflict, pursuit of a nonviolent path, such as the use of ho’oponopono, and asked if other board members would be willing to make a motion to that effect. Regent Wilson made a motion to approve.

Regent McEnerney had procedural questions regarding voting on something not listed on the agenda.

VP Okinaga stated that any board action should be on an agenda. She added that there is no clear guidance on this situation since the proposal does not appear to be a board action or decision, but rather the expression of a sentiment in reaction to something that was not known in advance, such as the public testimony.

Regent McEnerney asked if the board could read the sentiment before voting.

Regent Acoba noted that the board taking a position is an action; voting on the sentiment confirms it is an action of the board. Also, if the board does take a position, that the opportunity be provided to contemplate and consider the most appropriate words to best express the collective position on something as important as this and he preferred to review something written and that it be placed on the agenda.
Vice-Chair Sullivan clarified that it’s unfortunate that the situation is moving quickly which makes it difficult for the board to do or say anything as a collective body under the constraints of the Sunshine Law. She noted that the only words she is proposing is “to de-escalate conflict” and “to pursue a non-violent path.”

Regent Tagorda thanked Vice-Chair Sullivan for bringing the topic forward and expressed that it was timely for the board to have an opinion and a voice, stating that people are looking at the board for leadership.

Regent Moore thanked everyone for their comments and expressed frustration that board members could not have discussions on this issue between meetings due to the Sunshine Law. Regent Moore appreciated VP Okinaga’s suggestion of “expressing a sentiment” and suggested that language be proposed before the meeting adjourned.

Regent Acopan agreed that there had been calls for the board to say something and it has not been possible due to timing. The issue was moving a lot faster than the board and stated that if there was an opportunity to express a sentiment on non-violence, that the board should do so.

Chair Kudo stated that he had released a personal statement on non-violence and that the Sunshine Law made it difficult for them to have a collective discussion to formulate a public statement. He stated that it was important to take a position and express a public opinion, especially given that they are public servants. He highlighted the need to find mechanisms to work within the established procedures.

Regent Wilson agreed that the board needed to make a statement and suggested that Chair Kudo read his statement to the board.

Regent Acoba expressed that it would be hard to imagine that anyone would be against non-violence and the fact that they needed to go through a process did not mean that they are not sympathetic. He stated that he was unsure if individual statements were helpful and that a process should be followed to express a unified statement. He also questioned the status and recommendation from the board’s permitted interaction group on Maunakea governance.

Chair Kudo stated that the permitted action group had been meeting and wants to report back, but the Sunshine Law sets forth a specific process that does not allow reporting until the final report is completed. The goal is to submit the final report for information at the October board meeting and for action at the November meeting. He added that the procedural issues, while valid, are challenging in that it has prevented the board as a group to express an opinion and has resulted in silence, which is not acceptable to him. Chair Kudo hoped getting the board to share a public opinion timely could be resolved in some manner.

Regent Sullivan withdrew her request to issue a statement. She expressed that she felt that it was time for the board to have a voice, but respected Regent Acoba’s opinion. Regent Wilson withdrew his motion accordingly.
Regent McEnerney stated that the minutes should reflect that this discussion occurred and that the only reason the board did not take a vote was due to procedure and not because of substance.

Regent Acoba stated that he understands the Chair’s position, but that the law puts them in this position because the board should act as a board and that they are working under constraints that don’t apply to others. He expressed that he had the utmost respect for everyone’s opinion and didn’t think that anyone would disagree with their sentiments.

Regent Westerman stated that he believed that everyone felt the pressure and sadness of the situation, but recognized the constraints of what the board has the ability to do under the Sunshine Law. He reiterated that the minutes would reflect that the board cares about this issue.

IV. REPORT OF THE PRESIDENT

President Lassner acknowledged and expressed appreciation to the individuals that testified. He then provided a report highlighting the following:

Hawai‘i Graduation Initiative
- Enrollment headcount is down almost across the entire system, but is uneven in various categories. He noted that VP Straney would be reporting on enrollment during the November board meeting.

Hawai‘i Innovation Initiative
- The University participated in a successful informational briefing at the Legislature on the UHealthy Initiative with the House and Senate Health Committees. Workforce challenges were highlighted during the briefing.
- A formal announcement was received from the National Institutes of Health that the Cancer Center received a $6.5 million grant, which combined with a previous appropriation is enough to build out the clinical trial center in the current shell space.

High Performance Mission-Driven System
- Almost all campuses received grants for Native Hawaiian serving institutions totaling just over $6 million.
- The University received formal notice from Fitch that the AA bond rating was affirmed.

Report of the Host Campus

Chancellor Hokoana thanked the testifiers for sharing their thoughts and the board for listening to public comment. He continued to present an overview of UHMC’s programs and initiatives. He highlighted the Water Quality Testing Lab, which fulfills a community need, as previously testing needed to be conducted on O‘ahu. Chancellor Hokoana also highlighted HVAC training and noted that it is the most requested training
from employers in Maui County. UHMC works toward providing students the necessary training to be successful in the workforce and focuses on student-centered learning.

Rosie Vierra, Chair of the UHMC Academic Senate, provided a presentation on viewpoints of the members of the Academic Senate, which includes Administrative, Professional, and Technical employees (APT) and the Lau‘ulu Council. She highlighted the need to identify and expand career and technical education classroom space to increase student enrollment. She further noted issues with mold on campus and that strategies have been put in place to address the issue.

Ms. Vierra noted the importance of supporting the needs and values of Native Hawaiian students and faculty in the university’s role as an indigenous-serving institution. The presentation concluded with a video, One Maui Nui, One Maui College, highlighting UHMC’s impacts and community partnerships.

V. REPORT OF THE UNIVERSITY OF HAWAI‘I FOUNDATION

VP Dolan presented a UHF report and began by explaining that in his last report approximately six months ago, the goal was to better integrate UHF with the University and also improve and update administrative processes. He recognized John Han, UHF Chief Operating Officer, for his contributions toward these efforts.

VP Dolan noted that Fiscal Year (FY) 2018-2019 was an average year which resulted in $71 million in gifts and pledges and $48 million in distributions to the University system. He added that UHF is working on getting more academic leadership involved in raising funds. Mr. Han noted that the projected operating budget for FY 2020 is about $13.7 million and includes a budget for 109 personnel. UHF has a desire to expand its capacity. The endowment growth rate was approximately 4.8 percent and the annual rate of return was approximately 7.8 percent, which is in line with peer endowments.

Chair Kudo called a recess at 11:27 a.m. The meeting reconvened at 11:39 a.m.

VI. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Budget and Finance

Chair Kudo referred members to the written committee report.

B. Report from the Committee on Planning and Facilities

Committee Chair Moore summarized the committee report.

C. Affiliate Reports

UH Student Caucus: Regent Acopan reported that the UH Student Caucus (UHSC) held a two-day training session and their first official meeting of the year. She added that the UHSC is still working on establishing its committees. Issues of importance include affordability, mental health, student services,
transportation, ADA compliance, and sustainability. The upcoming meetings are on October 19, 2019, at UH Mānoa and October 26, 2019 at UHH.

VII. AGENDA ITEMS

A. Consent Agenda

1. Approval of the Fiscal Biennium 2019-2021 Capital Improvement Project (CIP) Expenditure Plan
2. Approval of the FY 2020-2021 CIP Supplemental Budget Request
3. Approval of FY 2019-2020 University of Hawai‘i Operating Budget
4. Approval of the Operating Budget for the Office of the Board of Regents and Office of Internal Audit for FY 2019-2020
5. Approval of Regents Policy (RP) 8.204, University Budget (Operating and Capital Improvements)
6. Approval of Template Indemnification Provisions to Allow the University of Hawai‘i to Accept Subawards from the Smithsonian Astrophysical Observatory to the University of Hawai‘i

Vice-Chair Sullivan requested that item VII.A.5., relating to RP 8.204, be removed from the consent agenda and be placed on a future meeting agenda to allow additional time to review the proposed changes. There were no objections.

Regent Wilson moved to approve the items on the consent agenda, with the exception of item VII.A.5. Regent Moore seconded, and the motion carried unanimously.

B. Approval of the Mānoa Long-Range Development Plan (LRDP)

VP Gouveia prefaced that this item was previously presented to the Committee on Planning and Facilities. She explained that many LRDPs are shelved because they are unrealistic and not practically useful. The approach taken with the Mānoa LRDP was through a process and framework to create a living document rather than a stagnant one. She added that the LRDP will also be used for the plan review use (PRU) permit process, as the current PRU will be expiring.

VP Gouveia highlighted that one of the goals on the Mānoa main campus is to reduce square footage, with a goal of reducing net square footage from 3.7 million to approximately 3.2 million. She acknowledged Chair Kudo’s request from the September 5, 2019, Planning and Facilities Committee meeting to find an additional 500,000 square footage reduction to help to lower repair and maintenance needs.

Regent Sullivan asked for clarification on the net increase in parking. VP Gouveia replied that it was still fluid, but that the plan is to maintain and possibly increase the number of spaces on campus as is economically feasible.

Regent Tagorda commented on the importance of creating spaces that allow for inclusivity and that promote a sense of belonging. VP Gouveia agreed and said that this is taken into account in the plans and that the spaces between the buildings were just as important as the buildings themselves.
Regent Wilson commended VP Gouveia for her efforts in identifying space and utilization needs. He commented that the board has a responsibility to take a long-range view of planning.

Regent Acopan asked how the university was prioritizing the renovation of space, especially classrooms. VP Gouveia answered that a classroom committee was formed comprising various representatives to develop criteria and working with faculty to identify appropriate classroom spaces for an optimal learning environment.

Vice-Chair Sullivan encouraged the incorporation of design objectives and cultural sense of place with a goal of having a more integrated and coherent campus. VP Gouveia noted that interior and exterior design guidelines are being developed.

Regent Moore moved to approve the Mānoa LRDP with the understanding that it is a living document, Regent Wilson seconded, and the motion carried unanimously.

C. **Approval of Revisions to RP 6.208, Board Exemptions to Non-Resident Tuition**

VP Straney requested minor revisions to RP 6.208 to conform with federal law. An additional change was requested to replace item 10 on the proposed RP with the following language:

10. Veterans living in the State of Hawaii with service-connected disabilities who are eligible for benefits provided for in Title 38, U.S. Code, Chapter 31, otherwise known as the Vocational Rehabilitation and Employment program.

Regent Wilson moved to approve revisions to RP 6.208, with the aforementioned proposed amendment, Regent Moore seconded and, with unanimous approval the motion carried.


Regent Moore noted that the report is attached for information only, with discussion and potential action to occur at the next board meeting.

VIII. **EXECUTIVE SESSION**

Chair Kudo requested consideration of a motion to: consider the hire, evaluation, dismissal, or discipline of an officer or employee, where consideration of matters affecting privacy will be involved, pursuant to Section 92-5(a)(2), Hawai‘i Revised Statutes (HRS); and to consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)(4), HRS.

Accordingly Regent McEnerney made a motion, seconded by Regent Wilson, and with unanimous approval, the motion carried.

The meeting recessed at 12:21 p.m.

The meeting reconvened at 1:35 p.m.

**IX. AGENDA ITEMS (CONTINUED)**
Regent Wilson made a motion to approve the personnel actions on Attachment A-1, seconded by Regent Sullivan. With the noted absences of Regents Acoba and McEnerney, all others voted in the affirmative.

X. ANNOUNCEMENTS

Chair Kudo announced that the next board meeting is scheduled for October 17, 2019, at Leeward Community College.

XI. ADJOURNMENT

There being no further business, Regent Wilson moved to adjourn, and Regent Moore seconded. Noting the absences of Regents Acoba and McEnerney, all others voted in the affirmative, and the meeting was adjourned at 1:37 p.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary of the Board of Regents