I. CALL TO ORDER

Chair Ben Kudo called the meeting to order at 9:08 a.m. on Thursday, July 16, 2020. The meeting was conducted with regents participating from various locations.

Quorum (11): Chair Ben Kudo; Vice-Chair Jan Sullivan; Vice-Chair Wayne Higaki; Regent Simeon Acoba; Regent Kelli Acopan; Regent Eugene Bal; Regent Randy Moore; Regent Alapaki Nahale-a; Regent Michelle Tagorda; Regent Robert Westerman; and Regent Ernest Wilson.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Community Colleges Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Academic Planning and Policy Donald Straney; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo (UHH) Chancellor Bonnie Irwin; UH West O‘ahu (UHWO) Chancellor Maenette Benham; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF THE MINUTES OF THE JUNE 18, 2020 MEETING

Vice-Chair Higaki moved to approve the minutes of the June 18, 2020, meeting, seconded by Regent Nahale-a and the motion carried, with all members present voting in the affirmative.

III. ELECTION OF OFFICERS

Chair Kudo requested that Vice-Chair Sullivan conduct the election of officers, as he is interested in being considered for one of the positions.

Vice-Chair Sullivan explained the process that would be used for the election of board officers and began the election by opening the nominations for chair of the board. Regent Wilson nominated Chair Kudo to continue as board chair. The nomination was seconded by Vice-Chair Higaki. Vice-Chair Sullivan asked if there were any further nominations. There were none stated. Vice-Chair Sullivan closed the nominations and
requested that a roll-call vote be conducted. With all members present voting in the affirmative, Chair Kudo was elected as chair of the board.

Vice-Chair Sullivan proceeded with the election of the first vice-chair and opened the floor for nominations. Chair Kudo nominated Regent Moore and the nomination was seconded by Regent Wilson. Vice-Chair Sullivan asked if there were any further nominations. There were none stated. Vice-Chair Sullivan closed the nominations and requested that a roll-call vote be conducted. With all members present voting in the affirmative, Regent Moore was elected as first vice-chair.

Vice-Chair Sullivan then proceeded with the election of the second vice-chair and opened the floor for nominations. Vice-Chair Higaki nominated Regent Nahale-a, which was seconded by Chair Kudo. Vice-Chair Sullivan asked if there were any further nominations. Regent Acoba nominated Regent Westerman. Vice-Chair Sullivan asked if there was a second for the nomination of Regent Westerman. Regent Moore stated that nominations for board officers did not require a second. Vice-Chair Sullivan asked both Regent Nahale-a and Regent Westerman if they were willing to serve as second vice-chair if elected. Regent Westerman declined the nomination and indicated his support for Regent Nahale-a to serve as second vice-chair. Vice-Chair Sullivan asked if there were any additional nominations. Hearing none, she declared the nominations closed and requested a roll-call vote. With all members present voting in the affirmative, Regent Nahale-a was elected second vice-chair.

Chair Kudo thanked Vice-Chair Sullivan and Vice-Chair Higaki for their service as first and second Vice-Chair, respectively, and applauded their work over the past year.

IV. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office received written testimony as follows:

Written testimony in opposition to the waiver of recruitment and appointment of a permanent dean to the Outreach College was received from the UHM Faculty Senate.

Written testimony pertaining to Resolution 20-03 was submitted by the Kapiʻolani Community College Staff Council; Mānoa Staff Senate; Ka Leo O Hawaiʻi; UHM Faculty Senate; UHM Student Media Board; Hawaiʻi Review Editorial Board; Executive Council of the Graduate Student Organization; Student Activity and Program Fee Board; and numerous individuals.

Written testimony pertaining to the letter to the Governor requesting deferral of public employee salary increases was submitted by numerous individuals.

Written testimony in opposition to both Resolution 20-03 and the letter to the Governor was submitted by the University of Hawaii Professional Assembly (UHPA), Hawaii Government Employees Association (HGEA), Americans for Democratic Action Hawaii; and numerous individuals.
Written testimony pertaining to international students was submitted by a number of individuals.

Late written testimony pertaining to Resolution 20-03 was submitted by the Campus Center Board and numerous individuals.

Late written testimony regarding the letter to the Governor was submitted by numerous individuals.

Late written testimony in opposition to both Resolution 20-03 and the letter to the Governor was submitted by the United Public Workers (UPW) AFSCME Local 646 and several individuals.

Late written testimony pertaining to international students was submitted by several individuals.

Late written testimony regarding the legislative update was submitted by several individuals.

Written testimony may be viewed at the Board of Regents website as follows:

Written Testimony Comment Received
Late Written Testimony Comment Received

Oral testimony in opposition to both Resolution 20-03 and the letter to the Governor was provided by Christian Fern on behalf of UHPA; Randy Perreira on behalf of HGEA; Cynthia Franklin; S. Shankar; Mari Yoshihara; Donavan Albano; Kahea Faria; Thomas Conway; Alex Miller; Ashley Maynard; Joe Ramos; Tina Tauasosi; Jaret Leong; Candace Fujikane; Noel Kent; Michelle Kerklo; Jinzeng Yang; Maura Stephens-Chu; and Tara Rojas.

Oral testimony pertaining to international students was received from Sarah Hamid; Alex Miller; Anna Chua; and Tom Iwanicki.

V. REPORT OF THE PRESIDENT AND COVID-19 UPDATE

President Lassner updated the board on the university’s current situation with regard to the COVID-19 pandemic stating that the university has established initial interim guidelines that provide a pathway for the reopening of all ten campuses of the University of Hawai‘i System in the fall. Each campus is currently determining the methodology in which to implement these guidelines to meet their unique needs. The guidelines focus primarily on areas of personal safety practices; institutional safety practices; facilities and spaces; scheduling of classes; housing, services, and events; office spaces and staffing; and wellness and mental health. Given the dynamic nature and uncertainty associated with the pandemic, he noted that it may become necessary to adapt these guidelines to any changes made to COVID-19 guidelines established by the Centers for Disease Control and Prevention, the State, and the counties and the university must maintain flexibility in this regard.
The university has reshaped its fall class schedules to meet the requirements of the initial interim guidelines. Flexible instructional modalities, including solely online or classroom-based instruction, or a hybrid of both, that are able to nimbly adapt to changing circumstances have been developed and will be implemented on each campus to ensure the educational mission of the university is fulfilled. President Lassner provided a breakdown of the modalities of course offerings at the university’s three four-year campuses. He stated that UHM plans to offer 54 percent of its courses online, 23 percent in-person, and 23 percent in a hybrid format. UHH plans to offer its students the flexibility to choose the modality of instruction they are most comfortable with, including a hybrid modality, by providing access to 84 percent of all courses in an entirely or partially online format, with 75 percent of courses also offering optional in-person instruction. UHWO, which has always been the leading campus in the provision of online instruction, plans to provide 72 percent of its classes solely online and 27 percent of its classes in a hybrid format with only 3 course sections being offered with solely in-person instruction. Barring any drastic changes to the projected effects of the pandemic, the university is planning for the spring 2021 semester to be similarly conducted.

The university is experiencing varying degrees of summer semester enrollment among its academic units. Some academic units, such as UHM and the community colleges, have witnessed significant increases in summer enrollment of 23 percent and 32 percent respectively, when compared to last year, while other academic units, such as UHH and UHWO, have experienced flat enrollment for the summer semesters. President Lassner mentioned that the Next Steps to Your Future (Next Step) program, which is specifically designed to engage public high school graduates on all islands with higher education and career options and provides free online courses to Next Step students through the community colleges, was a major factor in the increase in summer enrollment realized by the community colleges.

Fall enrollment continues to remain a point of uncertainty for the university as students and families, both in Hawai‘i and abroad, continue to weigh their options and delay their higher education decisions. While enrollment applications have increased, actual student registrations for the fall semester remain lower than the same period last year although registration trends continue to move in a positive direction and the gap is closing. As the educational plans for many individuals continue to evolve due to a number of factors caused by the pandemic, such as declines in the current job market, the university continues its efforts in encouraging students to pursue a post-secondary education and has taken actions such as extending admissions deadlines to be as welcoming and accommodating as possible to students seeking this opportunity.

Extramural awards received by the university have exceeded expectations with the university obtaining over $400 million in awards for the second year in a row. President Lassner reported that, overall, the university received $456.6 million dollars in extramural funding which is a 7.1 percent increase over last year’s total and is the second highest amount ever received by the university. He noted that these figures do not include the $44.9 million in Coronavirus Aid, Relief, and Economic Security (CARES) Act funding for institutional and student support received by the university.
Three recent awards, as well as several funding prospects expected to be received by the university over the next year, were highlighted as follows:

- The National Cancer Institute (NCI) will add a fifth year to the P30 cancer center support grant in recognition of the continued progress made by the University of Hawai‘i Cancer Center (Cancer Center) over the past several years. This will not only provide approximately $1 million in increased extramural funding but will also extend the Cancer Center’s certification as an NCI-designated cancer center which will qualify it to remain at the elite tier of competition for the billions of dollars awarded by the federal government for cancer research.

- The Pacific Island Ocean Observing System in the School of Ocean and Earth Science and Technology received $4.2 million for the National Oceanic and Atmospheric Administration to deploy additional ocean sensors to observe and monitor ocean conditions such as sea levels, tides, currents, waves, and temperatures, and provide data to improve forecasts for severe weather events as well as their impacts.

- The National Science Foundation (NSF) provided a $5 million grant for the University of Hawai‘i’s Laboratory for Advanced Visualization and Applications (LAVA Lab) to lead the development of Scalable Amplified Group Environment version 3 (SAGE3), which is the next generation of the most prominent global visualization software environment that enables groups to work in front of large shared displays in order to solve problems that required juxtaposing large volumes of information in ultra-high-resolution. LAVA Lab will work in partnership with the University of Illinois-Chicago and Virginia Tech to essentially add artificial intelligence to SAGE21, the current version of the software, which will provide a smart “co-pilot” to aid users working with complex visualizations and data.

- A $20 million, five-year grant for improving research program competitiveness is expected to be received from the NSF’s Established Program to Stimulate Competitive Research (EPSCoR). The grant involves researching microbiomics integrated with data analytics to advance sustainability. The university will be leveraging its strengths in data science with its experiences in artificial intelligence and machine learning to accelerate UHM’s world-class leadership in understanding the microbiome in the land and sea environment. Chaminade University in Honolulu will partner with the university on this grant.

- A $3 million project in partnership with the United States Navy that will use the technical and engineering expertise of the university to address corrosion and groundwater issues with regard to the Red Hill fuel storage facility.

- A $3 million indigenous health project involving the John A. Burns School of Medicine working in partnership with the federal Department of Health and Human Services.
• A $3 million project involving Pacific Islander veterans' health which will be conducted in partnership with the Veteran’s Administration.

• A $3 million project on coastal resilience in partnership with the Department of Defense that will utilize the university’s expertise in environmental sustainability and resilience to examine the projected impacts sea-level rise will have on beach erosion, groundwater inundation, drainage failure, and seasonal high-wave over-wash, as well as other flood-related impacts to coastal areas, and their effects on military installations located along coastlines, as well as infrastructure impacts to the general public.

VI. AFFILIATE REPORTS

Maunakea Management Board (MKMB): Regent Nahale-a reported that MKMB and Kahu Kū Mauna continue to meet to develop recommendations for the restructuring of the management and stewardship of Maunakea. He stated that discussions have been healthy and positive. Vice-Chair Higaki added that MKMB and Kahu Kū Mauna have taken it upon themselves to committing to meet regularly.

VII. AGENDA ITEMS

A. Legislative Update

VP Young stated that the Legislature adjourned on July 10, 2020, after several prolonged recesses brought about by the COVID-19 pandemic. He reported that the administration was initially tracking 548 of the 2,336 measures introduced this legislative session and that 29 bills having either direct or indirect impacts to the university were among the 82 bills passed by the Legislature. VP Young reviewed actions taken on a number of measures of interest to the university including budget-related bills, bills contained in the university’s legislative package, and other measures that affected the university or involved the board.

While the Legislature passed both the operating and capital improvement projects supplemental budgets in March of this year and both were enacted, VP Young noted that the Legislature passed legislation to further amend the operating budget to address additional economic impacts caused by the COVID-19 pandemic. The Legislature also passed measures that appropriated funds designated to the State by the CARES Act; replaced general fund appropriations deposited into the Emergency and Budget Reserve Fund with proceeds from the sale of general obligation bonds; deferred the implementation of scheduled salary increases for executive, judicial, and legislative personnel; and funded salary increases for several collective bargaining units. All of the measures passed by the Legislature have been sent to the Governor for review and are awaiting final approval.

Although other legislation that would have affected the university such as a bill regarding criminal history record checks for prospective university employees in certain fields; bills addressing technology, innovation, and commercialization at the university; and a bill requiring public meetings of the board to be recorded and broadcast, were progressing through the legislative process, VP Young reported that the COVID-19
pandemic caused the Legislature to refocus its attention to more pressing matters which resulted in the demise of these measures.

He noted that, prior to the start of the 2020 legislative session, the board submitted a supplemental operating budget request of $28.1 million in general funds. However, due to the decrease in State tax revenues and the uncertainty of Hawai‘i’s economic recovery, statewide fiscal reductions were implemented and none of the board’s requests were approved by the Legislature. Additionally, the Legislature eliminated 625 full-time equivalent (FTE) positions from the university’s position inventory. While the vast majority of the eliminated FTE positions were vacant, some currently filled positions were affected.

Regent Ernest Wilson and Regent Kelli Acopan were nominated by the Governor to serve an additional term on the board and both were confirmed by the Senate.

Noting that the Legislature has already appropriated funds for pay increases for the various collective bargaining units, Regent Acoba asked whether the Governor had the authority to defer these appropriations or use this funding for purposes other than the approved pay increases. VP Young responded that $186.68 million in general funds were appropriated by the Legislature to fund the pay increases. Although the Governor cannot use these funds for purposes other than to fund the negotiated pay increases, he can defer payment of these increases if the requisite amount of general funds necessary to fund them does not materialize.

Regent Acoba questioned whether the Legislature or Governor was required to produce a balanced budget. VP Young responded that the Hawai‘i State Constitution contains a balanced budget requirement.

Stating that testimony submitted to the board asserted that the operating budget recently passed by the Legislature and submitted to the Governor for approval was a balanced budget that included the funding necessary to address negotiated pay increases, Regent Acoba asked if these assertions were incorrect. VP Young replied that the Legislature presents a balanced budget to the Governor that is based on a number of factors, including revenue projections made by the Council on Revenues (COR). However, if the revenue projections do not materialize and actual revenues generated are lower than anticipated, the Governor is obligated to balance the budget through other means such as imposing budget restrictions on the various departments of the Executive Branch. Regent Acoba continued, asking if there was a legal obligation to fund the pay increases, and if so, whether there was a mechanism to ensure these pay increases were funded. VP Young replied that pay increases negotiated through the collective bargaining process will take effect and that it was incumbent upon the Governor and the departments to determine how to fund the increases should the necessary revenues not materialize.

Regent Acoba inquired if the Governor’s negotiating team represented the university in the collective bargaining negotiation process. VP Young replied that it was his belief that the university was represented by the State as an employer in negotiations involving the collective bargaining agreements. Regent Acoba inquired further as to
whether the university could negotiate an agreement separately from the State. President Lassner replied that the university cannot negotiate a collective bargaining agreement separate from the State.

Chair Kudo requested clarification as to whether the budget crafted by the Legislature is based on estimates and revenue projections made by COR. VP Young responded in the affirmative noting that multiple economic projections are used when crafting the operating budget but that the COR forecast is a major component of this process. Chair Kudo then continued stating that it was his understanding that COR makes certain assumptions with regard to its revenue forecast and if those assumptions are incorrect, the budget passed by the Legislature may not be balanced. VP Young stated that, in essence, this occurs every year as revenue projections are inexact. He reiterated that the Legislature passes a budget that is balanced based on revenue projections including projections made by COR. If these projections are incorrect, the Governor, in consultation with the Director of the Department of Budget and Finance, must decide how to balance the budget based on actual revenues. Consideration may be given to a variety of methodologies to balance the budget including imposing funding restrictions on departments and deferring or reducing appropriated funding for department, programs, and projects. VP Young remarked that the budget process for the next fiscal year was further complicated by the fact that tax revenue projections are projected to be $1.5 billion less than they were last fiscal year due to the pandemic. To cover much of this shortfall, the State is contemplating borrowing money from the municipal facilities lending provision contained in the CARES Act and using monies from certain special funds.

Given this information, Regent Acoba asked for clarification as to whether the means the Governor has to balance the budget while providing funding for the negotiated collective bargaining increases mentioned in the written testimony included approaches such as borrowing money, using the Hawai‘i Hurricane Relief Fund, or issuing general obligation (GO) bonds. VP Young responded in the affirmative except that the State is prohibited from issuing GO bonds to fund operations. However, the municipal facilities lending provision contained in the CARES Act affords jurisdictions the opportunity to sell GO bonds and ultimately use those proceeds to supplant tax revenues that would have been used to pay for operations. He cautioned that the issuance of GO bonds to generate funding to cover operational costs did have risks as these funds are obtained through a process that amounts to a loan and the funds would have to be repaid with interest.

The meeting recessed at 11:41 a.m.

The meeting reconvened at 11:50 a.m.

B. Collective Bargaining Update

VP Gouveia provided a broad overview of the general constructs of public employee bargaining units (BU) affiliated with the university. She stated that eight of the 14 BUs currently in existence in Hawai‘i have a presence at the university and are represented by three public employee labor unions. BU 1 and BU 10 are represented by the United
Public Workers; BU 2, BU 3, BU 4, BU 8, and BU 9 are represented by HGEA; and BU 7 is represented by UHPA. She noted that BU 1, BU 7, and BU 10 already have active, four-year collective bargaining agreements in place through 2021 and that these agreements have re-opener clauses that would allow for the renegotiation of salaries within a specific range during the 2020 and 2021 fiscal years. However, all of the collective bargaining agreements affecting BUs represented by HGEA expired on June 30, 2019.

Although proposals for a new collective bargaining agreement were exchanged between the State and HGEA throughout 2018, impasses were declared by the Hawai‘i Labor Relations Board for each HGEA unit in November 2018 and the matters proceeded to the binding arbitration stage. After an arbitration decision was issued for BU 9, the remaining units settled, and all settlements were ratified by the respective HGEA members in late 2019 and early 2020. Funding for these collective bargaining agreements was approved by the Legislature and is currently awaiting action by the Governor.

Chair Kudo asked VP Gouveia to clarify whether board members were privy to, or actively participated in, ongoing collective bargaining negotiations between the State and the public employee representatives. VP Gouveia replied that although the board is briefed on already negotiated collective bargaining agreements, it has not historically been involved or participated in the collective bargaining negotiations process.

VIII. EXECUTIVE SESSION (closed to the public)

Vice-Chair Higaki made a motion to convene in executive session, seconded by Regent Nahale-a.

Regent Acoba requested that Board Resolution 20-03 and the draft letter from the board to the Governor requesting deferral of public employee salary increases be removed from the executive session agenda as it was his belief that discussions on these two items should take place in the public realm. Discussions were held on the appropriateness and necessity of considering these items in executive session.

Regent Moore stated that he concurred with Regent Acoba and also requested the removal of the two items from the executive session agenda. He further remarked that any information regarding collective bargaining issues that pertained to Board Resolution 20-03 or the draft letter to the Governor could be discussed in executive session under the purview of the collective bargaining agenda item.

After further consideration and discussion, Chair Kudo stated that the two items would be removed from the executive session agenda and discussions on these matters would continue on the regular agenda at the conclusion of the executive session.

There having been a motion that was made and seconded, and with the concurrence of all members present on removing the aforementioned items from the executive session agenda, the board approved convening in executive session 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 deliberate concerning the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations, and to consult with the board’s attorneys on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities, pursuant to Sections 92-5(a)(3) and 92-5(a)(4), HRS, with all members present voting in the affirmative.

The meeting recessed at 12:06 p.m.

Vice-Chair Higaki left at 2:08 p.m.

The meeting reconvened at 2:09 p.m.

IX. AGENDA ITEMS (continued)

A. Personnel Actions (A-1 for Approval)

President Lassner requested approval of the simultaneous appointment of Dr. William Chismar as Dean of the Outreach College at UHM and Interim Dean of the Myron B. Thompson School of Social Work at UHM (School of Social Work). He provided a brief background of Dr. Chismar’s record in higher education, specifically noting his leadership as Interim Dean of the Outreach College over the past 10 years, years of service as a faculty member, and role as Associate Dean of Academics at the Shidler College of Business. It was noted that Dr. Chismar has agreed to accept the responsibilities of a second deanship and serve as the Interim Dean of the School of Social Work until such time that a permanent Dean can be appointed. President Lassner remarked that Dr. Chismar received the endorsement from the faculty of the School of Social Work and has consented to taking on the responsibilities of both deanships at his current salary.

Addressing concerns regarding the waiver of recruitment for the position of the Dean of the Outreach College that were raised in submitted testimony, President Lassner noted that Executive Policy 9.212 provides the President with the authority to waive the open search and recruitment process under certain circumstances. He noted that the university does not always conduct an open recruitment for every executive and managerial position, although national recruitment is often conducted for non-interim deans of a college. He further stated that, while the President of the university is authorized to waive an open search and recruitment process for positions that are not direct reports to the President under certain circumstances, the board retains authority to approve initial salaries for appointments above the maximum salary ranges for certain positions. Even though Dr. Chismar will not receive a salary increase for his appointment to both deanships, his current salary is higher than the salary ranges for those positions and as such, board approval of this appointment was required.

Regent Acoba asked whether the waiver of the recruitment process was something extraordinary and not something that regularly occurred as part of the university’s standard operating procedures. President Lassner responded that the waiver of the
recruitment process was rare particularly for the appointment of deans to the university’s instructional units and is not part of the university’s standard process.

Chair Kudo remarked that, while he was not opposed to the appointment of Dr. Chismar on the merits of the issue, he had concerns regarding the timing of this appointment given the current fiscal situation and asked if board members had any thoughts of possible deferral of this appointment.

Although he shared similar concerns as Chair Kudo regarding the timing, Regent Nahale-a expressed his desire to move forward with this appointment, especially after learning about the exceptional work of Dr. Chismar and in light of the cost-savings the university would realize by having one individual serving in two deanships without any salary increase.

Regent Wilson remarked that he also supported moving forward with this appointment particularly in light of Dr. Chismar’s experience and the cost-savings to the university.

Regent Moore reiterated the views expressed by Regents Nahale-a and Wilson and supported moving ahead with this appointment.

Regent Acoba stated that he would be supporting the appointment of Dr. Chismar as Dean of the Outreach College at UHM and Interim Dean of the School of Social Work since the waiver of the recruitment process in this particular instance was extraordinary and does not set a precedent for future appointments. He also noted the cost-savings that will be realized by this appointment as a single individual would be essentially performing two jobs without an increase in salary.

Regent Wilson moved to approve the appointment of Dr. William Chismar as Dean of the Outreach College at UHM and Interim Dean of the School of Social Work, seconded by Regent Nahale-a, and noting the excused absence of Vice-Chair Higaki, the abstention of Chair Kudo, the recusal of Regent Tagorda, and the no vote of Vice-Chair Sullivan, the motion carried with all other members present voting in the affirmative.

B. Approval of Board Resolution 20-03 Proclaiming an Emergency and Directing Action from the University Administration

Chair Kudo remarked that, after speaking with various board chairs, university presidents, and administrative personnel from across the country, it was evident that the fiscal and operational challenges and uncertainties facing universities as a result of the COVID-19 pandemic are unprecedented. There is concern among both board chairs and university presidents that these challenges and uncertainties could threaten the survival, or even the existence, of universities across the nation if bold action is not taken in a timely manner.

He clarified that the resolution was not intended to grant the university administration extraordinary authority as much of the administrative actions contained within the resolution can already be used by the administration under its currently existing
authority. Furthermore, this resolution does not eliminate the necessity for the administration to work collaboratively with various university stakeholders. It was merely an attempt to bring awareness to the administration and other university stakeholders of the board’s concern with the seriousness of pandemic’s impacts on the university and of actions that should be given careful consideration by the administration using already existing management tools to mitigate some of these impacts. Chair Kudo stated that if this was unclear in the resolution as it was currently worded, he would be open to amending the resolution to clarify these points and also suggested that language be added to the effect that the administration would follow all legal requirements, including requirements contained in collective bargaining agreements.

Chair Kudo stated that the situation currently facing universities across the country, including the University of Hawai‘i, is not something that is common and is of crisis proportions. He opined that difficult and unpopular, though necessary, decisions will need to be made over the next year to simply maintain the viability of the university as an institute of higher learning and that this resolution was not premature. The university, along with the State, is currently facing a fiscal crisis. The economic impacts of the pandemic will be significant and will only worsen the longer the pandemic continues. Although there are still numerous uncertainties associated with the pandemic which has hampered the university’s ability to plan for its future, Chair Kudo remarked that the university must develop short-term and long-term plans that are flexible and adaptable using assumptions that are based on currently available information and that this resolution was an attempt to move the discussions in the right direction.

Regent Moore noted that a number of testifiers spoke on the issue of the university declaring itself a sanctuary campus and requested the administration to research this issue and report back to the board at a later date with any proposed recommendations.

Regent Moore left at 2:43 p.m.

Regent Acoba believed that the board should defer action on the resolution at this time noting that he did not have issues with the general intent of the resolution. Rather, he was concerned that, as currently drafted, the resolution appeared to be attempting to implement measures to address concerns and challenges that will undoubtedly affect the university in ways that may have unintended consequences. While it is necessary to expeditiously address the challenges, particularly the fiscal challenges, that the university will face as a result of the pandemic, care must be taken that the resolution can achieve this goal in such a way that it is not problematic for issues such as collective bargaining agreements; administrative and faculty consultations; and evaluations and oversight of administrative actions by the board. Additionally, testimony received on this issue makes it evident that faculty, staff, and students are devoted to the efficacy of the university, and that the sacrifices made by these individuals, as well as the difficult work being done by the administration, to support the viability of the university should be recognized in the resolution. He stated that it would be his preference that the resolution be deferred and redrafted to address these concerns while maintaining its initial intent.
Discussion ensued on the issues raised by Regent Acoba. While many Regents noted the urgency of the fiscal situation facing the university and the necessity to take quick and decisive action and were generally supportive of the intent of the resolution, concerns were raised regarding the clarity of the resolution’s language in conveying this intent. Regents ultimately supported deferral of the resolution to the next board meeting with the opportunity to provide feedback on, as well as amendments to, its current language.

Chair Kudo stated that the Board Resolution 20-03 was deferred to the next board meeting and requested Regents to submit suggested language and amendments to the Board Office.

C. Approval of Letter from the Board to the Governor Requesting Deferral of Public Employee Salary Increases

Chair Kudo stated that he would be withdrawing the request to approve the letter from the board to the Governor requesting deferral of public employee salary increases as it was his opinion that the letter was no longer necessary since discussions between the Governor and public employee union representatives regarding these salary increases will most likely take place given the fiscal crisis facing the State.

Regent Acoba remarked that sending a letter to the Governor urging him to re-engage in negotiations with collective bargaining units might be perceived as the board interfering in the collective bargaining process. While the pandemic has caused a fiscal crisis in the state, he stated that the board’s ultimate responsibility is in developing university policies and overseeing the internal management of the university and that the overall concerns with the State budget were not within the board’s purview. As such, he did not believe that the board, as a whole, should be expressing specific opinions on salary increases that have already been negotiated, especially when this action might impact personnel in positions not associated with the university and that withdrawal of the letter was the most prudent action at this time.

X. ANNOUNCEMENTS

Chair Kudo announced that the next board meeting was scheduled for August 20, 2020, at a location to be determined.

XI. ADJOURNMENT

There being no further business, Regent Wilson moved to adjourn, seconded by Regent Westerman, and noting the excused absences of Vice-Chair Higaki and Regent Moore, the motion carried, with all members present voting in the affirmative, and the meeting was adjourned at 3:02 p.m.
Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents