

The following is the response to a question SEC sent the Board of Regents concerning the apparent announcement that they had declared financial exigency in closed session in July 2009. (The original question is at the bottom.)

From: "Presley Pang"
To: "David Ross"
Subject: Re: Request for information from Manoa Faculty Senate
Date: Tuesday, October 20, 2009 4:00 PM

Dear Prof. Ross

Please excuse the informality of this reply, but I want to respond in substance in time for your meeting tomorrow.

Chair Karr made the following remarks at the Board of Regents meeting held on October 15, 2009.

I would like to clarify a point which has been brought to my attention. That is, whether the BOR authorized a declaration of fiscal exigency. With the authorization of the Board, in a press release dated July 28, 2009, University of Hawaii President David McClain confirmed that a state of fiscal exigency exists at the university.

The Board authorized President McClain to declare a state of fiscal exigency during a July 23, 2009 executive session discussion with its legal counsel on labor negotiations. The Sunshine Law expressly permits an executive session "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." Sunshine Law also permits an executive session to consult with the Board's attorney. At that executive session, legal counsel advised the Board on the arbitrator's interpretation of Article XXX of the collective bargaining agreement, among other issues.

Presley Pang

At 09:06 AM 10/20/2009, you wrote:

>Presley Pang
>Interim Executive Administrator and Secretary of the Board of Regents
>2444 Dole Street, Bachman Hall, Room 209
>Honolulu, HI 96822
>
>Dear Mr. Pang,
>
>My committee has asked me to get more information on the

>announcement by Chairman Karr last Thursday that President McClain's
>announcement of financial exigency had been authorized by the Board
>of Regents. Did we hear this announcement correctly? If so, at
>which Board meeting was this discussed? The Manoa Faculty Senate
>would have wanted to weigh in on this, in fact we already had an
>agenda item on this for our meeting tomorrow.

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>I am sorry if this duplicates a request from our Union; I have not
>been able to reach my contacts at UHPA. In any event, the concerns
>of the Manoa Faculty Senate on this are not necessarily the same as
>those of UHPA; our concern is the long-term effect that such a
>declaration could have on our reputation, our continued ability to
>get grants, our ability to hire people in competitive fields, and so on.

>

>Thank you,

>David Ross

>--

>Prof. David A. Ross

>Chair, Manoa Faculty Senate/Senate Executive Committee

>Professor, Dept. of Mathematics

>University of Hawaii

>808-956-4673