MINUTES
UNIVERSITY OF HAWAI'I BOARD OF REGENTS'
SPECIAL MEETING OF
March 7, 2006

I. CALL TO ORDER

The meeting was called to order by Chairperson Kitty Lagareta on Tuesday, March 7, 2006, at 2:12 p.m. in Room 201, Building 2, Honolulu Community College.

Attendance

Present were Regents Andres Albano, Jr., Byron W. Bender, Ramón S. de la Peña, James J.C. Haynes II, Allan R. Landon, Ronald K. Migita, Alvin A. Tanaka, and Jane B. Tatibouet; Executive Administrator and Secretary of the Board David Iha; and Executive Assistant Carl H. Makino. Regents Michael A. Dahilig and Myron A. Yamasato were excused.

Also present were Mr. Walter Kirimitsu, University General Counsel; Mr. Sam Callejo, Vice President for Administration; Associate Vice President Carolyn Tanaka; Chancellor Ramsey Pedersen; and others.

II. PUBLIC COMMENT PERIOD

The following testified on the presidential appointment:

1. Mr. John Wendell, professor, College of Business Administration, UH-Mānoa testified against appointing Dr. McClain without conducting a search. Having reviewed the testimony of Regents given at their confirmation hearing, he said that none of the Regents indicated a willingness to forgo a national search for a University president. He doubted that they would have been confirmed had they disclosed that they were inclined to fill the presidency without a search since the single most important task the Board is charged with is the selection and evaluation of the president. As such, he felt that the Regents were shirking their primary responsibilities and should resign. He added that the Board should listen to Interim President McClain who himself advocated that the permanent president should be selected through a search process.

2. Mr. Randy Roth, professor, William S. Richardson School of Law, expressed that Dr. McClain, is respectful of differing opinions and positions. When making his recommendation on the controversial UARC issue, Dr. McClain had gone out of his way to listen to groups on all sides.
Professor Roth added that under normal circumstances, he would be an advocate for a national search. But when there is someone already in the office who has proven himself, it makes no sense to go through a costly search process.

3. Mr. Don Dawson, private businessman, informed that he had prior contacts with Dr. McClain through various organizations and was impressed with how he interacts with the community. He felt that Dr. McClain provides a degree of certainty for the University. There are no guarantees with a search as demonstrated by the University's last search. A person who comes from the mainland goes through a learning curve while Dr. McClain is already familiar with the job. He expressed that Dr. McClain should be appointed and that the Board consider a national search for the subsequent president.

4. Mr. John Millen expressed that the Board is in the enviable position of having an outstanding leader who had already been successful in the job. He informed that he first met Dr. McClain during his early days at UH and found him to be personable and interested in other people. Dr. McClain's leadership during his service as interim president has been inspiring and dependable. He makes the University community proud and bolsters the confidence of his colleagues. The Board would find no better fit than Dr. McClain for this unique and important responsibility.

5. Ms. Beverly Keever, professor, UH-Mānoa, read the following complaint that would be lodged on behalf of seven University faculty members and herself. She asked the Board to delay the appointment of Dr. McClain until the complaints were investigated and a report given as to remedies.

Additionally, she asked that the vote on the establishment of the University Affiliated Research Center (UARC) be postponed until her complaints were investigated by the Board of Regents. Her complaints were:

- President McClain in making his recommendation to establish the UARC failed to abide by the Mānoa Faculty Senate resolution against the UARC.

- The failure to consult with the official faculty bodies affected by the systemwide UARC.

- Failure to notify and consult with faculty in resolution of conflicts between the faculty and administration decision-
making and would give the very detailed particulars on how this was done.

- Violation of the Board of Regents' policy against discrimination based on sexual orientation.
- Violation of the Board policy against discrimination based on national origin.

The Board of Regents' policy regarding the filing of formal complaints of this nature indicates that complaints about persons who are in violations of systemwide policies need to be submitted to the Office of the President. Since there is an obvious conflict of interest in filing the complaint with the President she said the complaint was being submitted to the Board for its immediate investigation.

6. Mr. Kaipo Pomaikai, president and co-founder of the Waianae Maritime Academy, expressed support for the appointment of Dr. McClain as the permanent University president. He characterized Dr. McClain as a person who is not afraid to make decisions that are unpopular.

7. Mr. William Akama, Leeward Community College, Waianae coordinator, said Dr. McClain attended many fund-raisers to help Waianae students, the Waianae community, and the LCC Waianae Center. He informed that Mrs. McClain had also been involved with their book drives and will participate in a recycling program to benefit the LCC Waianae Center. He therefore supported the appointment of Dr. McClain as University President.

8. Mr. Robert Bley-Vroman, chairman of the Mānoa Faculty Senate, expressed that the Senate Executive Committee asked him to speak on the presidential search and matters to be negotiated with the potential president. He conveyed that the Senate Executive Committee felt that the salary should not be too high and consistent with the rationale used to justify terminating the search. That is, the comparison salaries should not be the presidents or chancellors of UCLA, Colorado or Ohio State.

The second point was that heads of institutions like the University of Hawai‘i at Mānoa should have an appropriate residence. He therefore urged the Board not to make College Hill a negotiating point in the president’s contract.

9. Mr. Mike Fitzgerald, President, Enterprise Honolulu, expressed that the University of Hawai‘i must be the foundation for bringing the best
minds to solve the problems for the State. The Board will not likely find a president who understands and is committed to this community like David McClain. He therefore supported the appointment of David McClain as president of the University.

Chairperson Lagareta thanked those who testified. Regent Landon then moved to enter into executive session to discuss the appointment of the University president. Regent Haynes seconded the motion which was unanimously carried. The meeting was recessed at 2:59 p.m. and reconvened at 4:05 p.m. in the same location.

Chairperson Lagareta announced that the Board was interested in appointing Dr. McClain as permanent president of the University of Hawai‘i and had discussed terms for a contract. Regent Haynes moved to accept the presidential appointment agreement as reviewed in executive session and that Chairperson Lagareta and Regent Landon be authorized to sign the agreement with Dr. David McClain. Regent de la Peña seconded the motion which was unanimously carried. She thanked President McClain for accepting the terms of employment as the newly appointed President of the University of Hawai‘i.

President McClain said that he and Ms. McClain were honored by the opportunity to continue serving this University for the next three years in this capacity and renewed his commitment in sustaining and improving the University for the benefit of the students in the State of Hawai‘i.

President McClain made a statement to the Board outlining his vision and goals for the years ahead. The full text of that statement is at http://www.hawaii.edu/offices/op/speeches.html.

Chairperson Lagareta thanked both President and Ms. McClain for their efforts to work closely with the Regents in moving the University forward. She thanked the Regents for their dedication in this process and to co-negotiator, Regent Landon. She said the Regents valued the job that President McClain had done and looked forward to working together with him in the coming years.

III. ADJOURNMENT

The meeting was adjourned at 4:20 p.m.

Respectfully submitted,

David Iha, Executive Administrator and Secretary of the Board