

**NOTICE OF BOARD OF REGENTS MEETING**

*Board business not completed on this day will be taken up on another day and time announced at the conclusion of the meeting.*

**Date:** Thursday, June 7, 2018

**Time:** 9:30 a.m.

**Place:** Sullivan Conference Center  
University of Hawai'i Cancer Center  
701 Ilalo Street  
Honolulu, Hawai'i 96813

**AGENDA**

**I. Call Meeting to Order**

**II. Public Comment Period:** All written testimony on agenda items received after posting of this agenda and up to 24 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board within 24 hours of receipt. Written testimony may be submitted via US mail, email at [bor@hawaii.edu](mailto:bor@hawaii.edu), or facsimile at 956-5156. Individuals submitting written testimony are not automatically signed up for oral testimony. Registration for oral testimony on agenda items will be provided at the meeting location 15 minutes prior to the meeting and closed once the meeting begins. Oral testimony is limited to three (3) minutes. All written testimony submitted are public documents. Therefore, any testimony that is submitted verbally or in writing, electronically or in person, for use in the public meeting process is public information.

**III. Report of the President**

**IV. Committee Reports**

- A. Report from the Committee on Academic and Student Affairs
- B. Report from the Committee on Budget and Finance
- C. Report from the Committee on Independent Audit
- D. Report from the Committee on Intercollegiate Athletics
- E. Report from the Committee on Personnel Affairs
- F. Report from the Committee on Planning and Facilities
- G. Report from the Committee on Research and Innovation
- H. Affiliate Reports

**V. Items for Discussion and/or Approval**

- A. For Action Consent Agenda
  - 1. Minutes of the April 19, 2018 Meeting
  - 2. Implement a Mandatory Student Fee to Provide All Kapi'olani Community College Students With a U-Pass for TheBus
  - 3. Acceptance of Community College Institutional Self-Evaluation Reports
  - 4. Program Approvals:

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Accommodation required by law for Persons with Disabilities requires at least (5) five days prior notice to the board office at 956-8213 or [bor@hawaii.edu](mailto:bor@hawaii.edu).

- a. Degree Change: Re-designate the established Associate in Arts in Teaching (A.A.T.) Degree as an established Associate in Science in Teaching (A.S.T.) Degree at Leeward Community College
  - b. Degree Change: Re-designate the established Bachelor of Arts (B.A.) in Chemistry Degree as an established Bachelor of Science (B.S.) Degree in Chemistry at the University of Hawai'i at Hilo
  5. Approval of Extension of Fossil Fuel-Free Mandate Deadline to June 30, 2019
  6. Approval of Resolution Supporting Moratorium on Square Footage Growth
  7. Approval of Intercollegiate Athletics Committee Goals
  8. Policy Approvals:
    - a. Regents Policy 9.202, Classification Plans and Compensation Schedules
    - b. Regents Policy 9.218, Delegation of Personnel Actions
    - c. New Regents Policy 9.207, Policy on Political Activity
    - d. Revisions to Regents Policy 2.204, Policy on Board Self-Evaluation
  9. Approval to Indemnify University of Texas Medical Branch at Galveston (UTMB Health) for a Material Transfer Agreement (MTA) with the University of Hawai'i at Mānoa, John A. Burns School of Medicine
  10. Approval to Indemnify Children's Hospital of Philadelphia (CHOP) and Children's Oncology Group (COG) for a Material Transfer Agreement (MTA) with the University of Hawai'i at Hilo, College of Pharmacy
- B. For Information and/or Discussion
1. Report of the Permitted Interaction Group for Board Participation in the Community Colleges Accreditation Institutional Self-Evaluation Report (information only)
  2. Annual Report of the Independent Audit Committee
  3. Appointment of Board Members as Liaisons
  4. Update on Maunakea Stewardship
- C. For Action
1. Establishment of Alexander & Francis Pickens Endowed Chair in Arts Education in the College of Education
  2. Approval to Request the Governor's Final Approval of Repeal of Hawai'i Administrative Rules, Title 20:
    - a. Chapter 2, "Statement on Rights and Responsibilities of the University of Hawai'i Community"
    - b. Chapter 5, "Tuition Schedules"
    - c. Chapter 6, "Tuition Waivers"
    - d. Chapter 15, "Fees of the University of Hawai'i"
    - e. Chapter 18, "Student Housing"
    - f. Chapter 21, "Fees of the University of Hawai'i System Libraries"
    - g. Chapter 22, "Waikīkī Aquarium Fees"
    - h. Chapter 23, UH Special Events Arena Admission Fees and Charges"

3. Program Approvals:
  - a. Change from Provisional to Established Status: Certificate of Achievement in Medical Assisting at Kaua'i Community College
  - b. Change from Provisional to Established Status: Bachelor of Applied Science Degree in Engineering Technology at University of Hawai'i Maui College
  - c. Change from Provisional to Established Status: Doctor of Nursing Practice Degrees at the University of Hawai'i at Hilo and the University of Hawai'i at Mānoa
  - d. Change from Provisional to Established Status: Leeward Community College, Associate in Science in Health Information Technology
4. Authorization to Request Governor's Approval to Allow the University to Hold Public Hearings regarding Proposed Chapter 20-26, Hawai'i Administrative Rules, entitled "Public and Commercial Activities on Maunakea Lands"

#### **VI. Announcements**

- A. Next Meeting: July 19, 2018, at University of Hawai'i – West O'ahu

#### **VII. Adjournment**

#### **ATTACHMENTS**

Attachment A – Personnel actions posted for information only

Attachment B – Tenure & promotion actions posted for information only

Attachment A: Pursuant to §89C-4, Hawai'i Revised Statutes, the following proposed compensation actions for excluded Executive/Managerial are disclosed for purposes of public comment.

OTS 18925

## Executive/Managerial

Campus	Last Name	First Name & Middle Initial	Proposed Title	Unit	Nature of Action	Monthly Salary	Effective Date
System	Holbrook	Scott	University Associate General Counsel	Office of the Vice President for Legal Affairs and University General Counsel	Appointment	\$10,367	July 5, 2018
System	Rivera	Victoria	Director of Research Compliance	Office of the Vice President for Research and Innovation	Appointment	\$15,000	June 8, 2018
UH Mānoa	Arnade	Peter	Dean	College of Arts & Humanities	Salary Adjustment	\$20,834	June 8, 2018
UH Mānoa	Osorio	Jonathan	Dean	Hawaiinuiakea School of Hawaiian Knowledge	Appointment	\$15,834	June 8, 2018
UH-West O'ahu	Rosenfeld	Alan	Associate Vice Chancellor	Academic Affairs	Appointment	\$10,500	July 1, 2018
Community Colleges System	Kaakua	Joshua	Interim Academic Affairs Program Officer	Office of the Vice President for Community Colleges	Appointment	\$9,334	July 1, 2018 - June 30, 2019
Community Colleges System	Oyadomari-Chun	Tammi	Interim Academic Affairs Program Officer	Office of the Vice President for Community Colleges	Appointment	\$11,418	July 1, 2018 - June 30, 2019
Honolulu CC	Lee	Karen	Vice Chancellor	Academic Affairs	Appointment	\$12,084	June 8, 2018
Kapi'olani CC	Pagotto	Louise	Chancellor	Kapiolani Community College	Appointment	\$15,000	June 8, 2018
Leeward CC	Robinson	Suzette	Interim Chancellor	Leeward Community College	Appointment	\$14,084	July 1, 2018 - June 30, 2019

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UNIVERSITY OF HAWAII  
BOARD OF REGENTS

RECEIVED

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

18 MAY 31 AM 1:58



18920-2

Donald O. Straney, Ph.D.  
Vice President for Academic Planning and Policy

**ATTACHMENT B**



UNIVERSITY  
of HAWAI'I  
SYSTEM

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CORRECTION TO EFFECTIVE DATE

REVISED

June 19, 2018<sup>18</sup> JUN 19 A9:18

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

MEMORANDUM

TO: David Lassner  
President

FROM: *Donald O. Straney*  
Donald O. Straney  
Vice President for Academic Planning and Policy

SUBJECT: Recommendations for Tenure and Promotion

SPECIFIC ACTION REQUESTED:

It is requested that the President award tenure and promotion to the individuals identified in the attached report.

RECOMMENDED EFFECTIVE DATE:

Tenure and Promotion effective August 1, 2018

PURPOSE:

Section 9.201.III.B of the Board of Regents' Bylaws and Policies provides that the President shall grant tenure and promotion to faculty members.

BACKGROUND INFORMATION:

Article XIV, *Promotion*, of the Agreement between the University of Hawai'i Professional Assembly and the University of Hawai'i requires that faculty members shall be considered for promotion in accordance with criteria established by the University. Criteria is established by the campuses.

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Honolulu, Hawai'i 96822  
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An Equal Opportunity/Affirmative Action Institution

Memo to President David Lassner  
June 19, 2018  
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Each applicant for tenure or promotion prepares a comprehensive dossier in keeping with the criteria established by the campus, including evidence of successful teaching, research/scholarship, and service, as appropriate. Each decision regarding tenure or promotion is made after a systematic review of the dossier by the faculty member's peers, personnel committees, department/division chairs, and campus administrators.

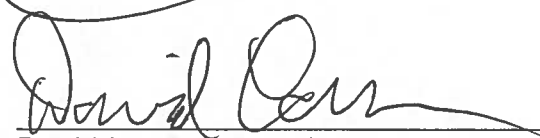
The faculty collective bargaining agreement requires that faculty members receive notification of the promotion decision no later than June 30. Similarly, Article XII, *Tenure and Service*, provides that faculty are to be notified of tenure decisions by June 30.

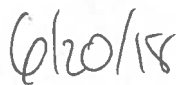
Included in the attachment is a statistical summary of historical data regarding the overall rate of tenure by campus and the percentage of the tenure-track cohort originally hired who received tenure.

ACTION RECOMMENDED:

It is recommended that the President award tenure and/or promotion to the individuals identified in the attached report.

APPROVED / DISAPPROVED:

  
\_\_\_\_\_  
David Lassner, President

  
\_\_\_\_\_  
Date

cc: Kendra Oishi, Executive Administrator and Secretary  
of the Board of Regents



# University of Hawai'i Tenure and Promotion 2018

# Tenure Recommendations

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Kapi'olani		Cook	Amy		C3	Assistant Professor, CC	Tenure	C3	Assistant Professor, CC	Career Counseling	Tenure
Kapi'olani		Kawaguchi	Tiffany		C3	Assistant Professor, CC	Tenure	C3	Assistant Professor, CC	Occupational Therapy Assisting	Tenure
Kapi'olani		Sellers	Kawehi		C3	Assistant Professor, CC	Tenure	C3	Assistant Professor, CC	Visitor Industry	Tenure
Leeward		Leddy	Patrick		C4	Associate Professor, CC	Tenure	C4	Associate Professor, CC	Special Programs	Tenure
Maui		Aguiran	Wayne	Y.	C3	Assistant Professor, CC	Tenure	C3	Assistant Professor, CC	Counseling	Tenure
Hilo	Division of Student Affairs	Dela Cruz	Kurt		S2	Junior Specialist	Tenure	S2	Junior Specialist		Tenure
Hilo	College of Arts and Sciences	Goebel	Jonathon	E.	I4	Associate Professor	Tenure	I4	Associate Professor	Art	Tenure
Hilo	Library	Haraguchi	Mary Louise		B3	Librarian III	Tenure	I4	Librarian III	Library	Tenure
Hilo	College of Arts and Sciences	Mishina	Faith	N.	I4	Associate Professor	Tenure	I4	Associate Professor	Spanish	Tenure
Hilo	College of Arts and Sciences	Perroy	Ryan		I4	Associate Professor	Tenure	I4	Associate Professor	Geography	Tenure
Mānoa	College of Languages, Linguistics and Literature	Allen	Sarah		I4	Associate Professor	Tenure	I4	Associate Professor		Tenure
Mānoa	College of Tropical Agriculture and Human Resources	Cheng	Zhiqiang		S3	Assistant Specialist	Tenure	S3	Assistant Specialist		Tenure
Mānoa	College of Social Sciences	Chun	Gregory		S4	Associate Specialist	Tenure	S4	Associate Specialist		Tenure
Mānoa	John A. Burns School of Medicine	Deng	Youping		I5	Professor	Tenure	I5	Professor		Tenure
Mānoa	School of Ocean and Earth Science and Technology	Guidry	Michael		S3	Assistant Specialist	Tenure	S3	Assistant Specialist		Tenure
Mānoa	Office of the Vice Chancellor for Students	Helper	Michael		S3	Assistant Specialist	Tenure	S3	Assistant Specialist		Tenure
Mānoa	Office of the Vice Chancellor for Academic Affairs	Hill	Yao		S3	Assistant Specialist	Tenure	S3	Assistant Specialist		Tenure
Mānoa	William S. Richardson School of Law	Lee	Lenora		S5	Specialist	Tenure	S5	Specialist		Tenure
Mānoa	Institute for Astronomy	Magnier	Eugene		S5	Specialist	Tenure	S5	Specialist		Tenure
Mānoa	William S. Richardson School of Law	Szymczak	Victoria		J4	Associate Professor	Tenure	J4	Associate Professor		Tenure
Mānoa	Office of Undergraduate Education	Terawaki	Megan		S2	Junior Specialist	Tenure	S2	Junior Specialist		Tenure
Mānoa	Office of Undergraduate Education	Van Duser	Kyle		S3	Assistant Specialist	Tenure	S3	Assistant Specialist		Tenure

# **Promotion Recommendations**

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Hawai'i		Cantor	Stanley	W.	C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	Voc Tech	Delegated Promotion - Positive
Honolulu		Fo	Guy		C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	Carpentry	Delegated Promotion - Positive
Honolulu		Fukuoka	Steven		C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	Maintenance Repair	Delegated Promotion - Positive
Honolulu		Levine	Sharleen		C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	American Studies	Delegated Promotion - Positive
Honolulu		Paudyal	Bed		C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	English	Delegated Promotion - Positive
Kapi'olani		Cepeda	Karla		C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	Nursing	Delegated Promotion - Positive
Kapi'olani		Yrizarry	Lisa		C2	Instructor, CC	Promotion	C3	Assistant Professor, CC	Career Counseling	Delegated Promotion - Positive
Hilo	College of Arts and Sciences	Morel	Rayna	K.	I2	Instructor	Promotion	I3	Assistant Professor	Communication	Delegated Promotion - Positive
Hilo	College of Pharmacy	Reinicke	Justin		S2	Junior Specialist	Promotion	S3	Assistant Specialist	Pharmaceutical Sciences	Delegated Promotion - Positive
Mānoa	Office of Undergraduate Education	Terawaki	Megan		S2	Junior Specialist	Promotion	S3	Assistant Specialist		Delegated Promotion - Positive
Mānoa	John A. Burns School of Medicine	Tschann	Mary		R2	Junior Researcher	Promotion	R3	Assistant Researcher		Delegated Promotion - Positive



Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Hawai'i		Chung	Anne Riki		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Office Admin/Tech	Promotion
Hawai'i		Funai	Grace	M.	C4	Associate Professor, CC	Promotion	C5	Professor, CC	Counseling	Promotion
Hawai'i		Giordanengo	Samuel	P.	C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	History	Promotion
Hawai'i		Leslie	Larissa	K.M.	C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Counseling & Guidance	Promotion
Hawai'i		Naguwa	Caroline	R.	C4	Associate Professor, CC	Promotion	C5	Professor, CC	English	Promotion
Hawai'i		Wilcox-Boucher	Claudia		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Social Sciences	Promotion
Honolulu		Balbag-Gerard	Erica		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Counseling	Promotion
Honolulu		Egloria	Ross		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Distance Education Coordinator	Promotion
Honolulu		Hasegawa	Carol		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Library	Promotion
Honolulu		Kukulies	Emily		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Student Activities	Promotion
Honolulu		Miho	Shanon		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Counseling	Promotion
Honolulu		Sasaki	Stefanie		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Library	Promotion
Honolulu		Shaw	Jean		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Coop Ed	Promotion
Honolulu		Stearns	Jeff		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	English	Promotion
Honolulu		Suda	Jolene		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Learning Resources	Promotion
Kapi'olani		Abara	Florentino		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Business Education	Promotion
Kapi'olani		Chau	Aaron		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Food Service	Promotion
Kapi'olani		Chong	Martin		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Allied Health	Promotion
Kapi'olani		Cook	Amy		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Career Counseling	Promotion
Kapi'olani		Dorado	Mae		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Medical Assisting	Promotion
Kapi'olani		Fowler	Sharon		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Career Counseling	Promotion
Kapi'olani		Itomitsu	Grant		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Food Service	Promotion
Kapi'olani		Kawaguchi	Tiffany		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Occupational Therapy Assisting	Promotion
Kapi'olani		Kingdon	David		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	EMS	Promotion
Kapi'olani		Lum	Anne	E.	C4	Associate Professor, CC	Promotion	C5	Professor, CC	Music	Promotion
Kapi'olani		Manning	MacKenzie		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Biological Science	Promotion
Kapi'olani		Naito	Karl		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Computer Center	Promotion
Kapi'olani		Nakoa	Elizabeth		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Art	Promotion
Kapi'olani		Silva	Anthony		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	English Second Language	Promotion
Kapi'olani		Yamashiro	Amy	P.	C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Biological Science	Promotion
Kapi'olani		Yen	Liang-Mei		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Honda International Center	Promotion
Kaua'i		Chun	Dennis	J.	C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Hawaiian Studies	Promotion
Kaua'i		Drent	Gigi Thu		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Mathematics	Promotion
Kaua'i		Kalk	Jonathan	W.	C4	Associate Professor, CC	Promotion	C5	Professor, CC	Mathematics	Promotion
Kaua'i		Napoleon	Tammie	K.Y.	C4	Associate Professor, CC	Promotion	C5	Professor, CC	Nursing	Promotion
Leeward		Adler	Corey		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Sociology	Promotion
Leeward		Fujioka-Imai	Kathryn		C4	Associate Professor, CC	Promotion	C5	Professor, CC	English	Promotion
Leeward		Inake	Rachael		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Educational Media Center	Promotion
Leeward		Kawano	Warren	Y.	C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Business Education	Promotion
Leeward		Loo	Tiana		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Career Counseling	Promotion
Leeward		Losch	Tracie		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Hawaiian Studies	Promotion
Leeward		Martel	Roberta		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Social Science	Promotion
Leeward		Polo	Bianca		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Data Processing	Promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Leeward		Shimabukuro Lee	Jan		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Career Counseling	Promotion
Leeward		Thompson	Erin		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Career Counseling	Promotion
Maui		Azman	Rosiana		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Psychology	Promotion
Maui		Liu	Liping		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Business Ed	Promotion
Maui		Louie	Dean		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Food Service	Promotion
Windward		French	Kathleen		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Sociology	Promotion
Windward		Kershaw	Mariko		C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Library	Promotion
Windward		Moore	Peter	L.	C3	Assistant Professor, CC	Promotion	C4	Associate Professor, CC	Hawaiian Studies	Promotion
Windward		Palacat Jr.	Francis		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Psychology	Promotion
Windward		Uyetake	Jane		C4	Associate Professor, CC	Promotion	C5	Professor, CC	Career & Comm Ed	Promotion
Hilo	College of Arts and Sciences	Awaya	Jonathan		I4	Associate Professor	Promotion	I5	Professor	Biology	Promotion
Hilo	College of Arts and Sciences	Cooksey	Kathy		I3	Assistant Professor	Promotion	I4	Associate Professor	Physics & Astronomy	Promotion
Hilo	College of Arts and Sciences	Hamad	Mazen	L.	I4	Associate Professor	Promotion	I5	Professor	Chemistry	Promotion
Hilo	College of Arts and Sciences	Higa-McMillan	Charmaine	K.	I4	Associate Professor	Promotion	I5	Professor	Psychology	Promotion
Hilo	College of Arts and Sciences	Karides	Marina		I4	Associate Professor	Promotion	I5	Professor	Sociology	Promotion
Hilo	College of Arts and Sciences	Marusek	Sarah		I4	Associate Professor	Promotion	I5	Professor	Political Science	Promotion
Hilo	College of Arts and Sciences	Mishina	Faith	N.	I4	Associate Professor	Promotion	I5	Professor	Spanish	Promotion
Hilo	College of Arts and Sciences	Mollegaard	Kirsten		I4	Associate Professor	Promotion	I5	Professor	English	Promotion
Hilo	College of Arts and Sciences	Pacheco	Misty		I3	Assistant Professor	Promotion	I4	Associate Professor	Kinesiology & Exercise Sciences	Promotion
Hilo	College of Arts and Sciences	Takamiya	Marianne		I4	Associate Professor	Promotion	I5	Professor	Physics & Astronomy	Promotion
Hilo	College of Arts and Sciences	Yin	Jin		I4	Associate Professor	Promotion	I5	Professor	Communication	Promotion
Mānoa	Shidler College of Business	Ai	Jing		I4	Associate Professor	Promotion	I5	Professor		Promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	John A. Burns School of Medicine	Alicata	Daniel Andrew		M4	Associate Professor	Promotion	M5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Bolger	Dennis		M3	Assistant Professor	Promotion	M4	Associate Professor		Promotion
Mānoa	College of Social Sciences	Burnett	Kimberly		S4	Associate Specialist	Promotion	S5	Specialist		Promotion
Mānoa	John A. Burns School of Medicine	Chang	Ann		M3	Assistant Professor	Promotion	M4	Associate Professor		Promotion
Mānoa	Library Services	Chang	Erica Soonyoung		B4	Librarian IV	Promotion	B5	Librarian V		Promotion
Mānoa	College of Tropical Agriculture and Human Resources	Cheng	Zhiqiang		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Education	Conway	Thomas		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Natural Sciences	Donachie	Stuart		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	School of Ocean and Earth Science and Technology	Donahue	Megan		R4	Associate Researcher	Promotion	R5	Researcher		Promotion
Mānoa	College of Engineering	Dong	Yingfei		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Tropical Agriculture and Human Resources	Friday	James		S4	Associate Specialist	Promotion	S5	Specialist		Promotion
Mānoa	College of Education	Furuta	Stephanie		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	School of Ocean and Earth Science and Technology	Guidry	Michael		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Natural Sciences	Higa	Marguerite		I4	Associate Professor	Promotion	I5	Professor		Promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	Office of the Vice Chancellor for Academic Affairs	Hill	Yao		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Languages, Linguistics and Literature	Hoomanawanui	Sherilyn		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Ikeda	Reid		M3	Assistant Professor	Promotion	M4	Associate Professor		Promotion
Mānoa	College of Social Sciences	Johansen	Morgen		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	Shidler College of Business	Jung	Boo Chun		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Kaneshiro	Bliss		M4	Associate Professor	Promotion	M5	Professor		Promotion
Mānoa	College of Tropical Agriculture and Human Resources	Khanal	Samir		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Natural Sciences	Kumar	Jason		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Le Saux	Olivier		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	School of Ocean and Earth Science and Technology	Lemus	Judith		S4	Associate Specialist	Promotion	S5	Specialist		Promotion
Mānoa	College of Social Sciences	Lynham	John		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	School of Pacific and Asian Studies	Magdalena	Federico		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Natural Sciences	Manes	Michelle		I4	Associate Professor	Promotion	I5	Professor		Promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	School of Ocean and Earth Science and Technology	Meyer	Carl		R3	Assistant Researcher	Promotion	R4	Associate Researcher		Promotion
Mānoa	John A. Burns School of Medicine	Ndhlovu	Lishomwa		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Nishimura	Stephanie		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Education	Okoji	Leslie		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	College of Education	O'Neill	Tara		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	School of Ocean and Earth Science and Technology	Pap	Ruby		A3	Assistant Extension Agent	Promotion	A4	Associate Extension Agent		Promotion
Mānoa	University of Hawai'i Cancer Center	Park	Song-Yi		S3	Assistant Specialist	Promotion	S4	Associate Specialist		Promotion
Mānoa	School of Ocean and Earth Science and Technology	Powell	Brian		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Education	Rao	Kavita		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Education	Ratliffe	Katherine		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Arts and Humanities	Romaniello	Matthew		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Languages, Linguistics and Literature	Schafer	Amy		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Education	Sheehey	Patricia		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	Library Services	Sinclair	Gwen		B4	Librarian IV	Promotion	B5	Librarian V		Promotion
Mānoa	College of Social Sciences	Sinnett	Scott		I4	Associate Professor	Promotion	I5	Professor		Promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	John A. Burns School of Medicine	Soon	Reni		M3	Assistant Professor	Promotion	M4	Associate Professor		Promotion
Mānoa	William S. Richardson School of Law	Sproat	Dana		J4	Associate Professor	Promotion	J5	Professor		Promotion
Mānoa	College of Education	Stickley	Christopher		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Sugimoto-Matsuda	Jeanelle		I3	Assistant Professor	Promotion	I4	Associate Professor		Promotion
Mānoa	College of Social Sciences	Tarui	Nori		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	John A. Burns School of Medicine	Tata	Kalpana		R3	Assistant Researcher	Promotion	R4	Associate Researcher		Promotion
Mānoa	College of Tropical Agriculture and Human Resources	Thorne	Mark		S4	Associate Specialist	Promotion	S5	Specialist		Promotion
Mānoa	John A. Burns School of Medicine	Tseng	Chien-Wen		M4	Associate Professor	Promotion	M5	Professor		Promotion
Mānoa	College of Education	Wells	Jenny		I4	Associate Professor	Promotion	I5	Professor		Promotion
Mānoa	College of Engineering	Zhang	Guohui		I3	Assistant Professor	Promotion	I4	Associate Professor		Promotion
Mānoa	College of Social Sciences	Zhang	Wei		I4	Associate Professor	Promotion	I5	Professor		Promotion
West O'ahu	Humanities	Basham	Jennifer	L	I4	Associate Professor	Promotion	I5	Professor	Humanities/Hawaiian Pacific Studies	Promotion
West O'ahu	Humanities	Rosenfeld	Alan	I	I4	Associate Professor	Promotion	I5	Professor	Humanities/History	Promotion

# **Tenure and Promotion Recommendations**



Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Hawai'i		Crowell	Karen Jean		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Counseling	Tenure and Promotion
Hawai'i		Fujioka	Garrett		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Auto Repair/Paint	Tenure and Promotion
Hawai'i		Giel	Mari		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Counseling & Guidance	Tenure and Promotion
Hawai'i		Miguel	Luzviminda	B.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Nursing	Tenure and Promotion
Hawai'i		Tsugawa	David		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	English	Tenure and Promotion
Honolulu		Martin	Janina		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Human Development	Tenure and Promotion
Honolulu		Miller-Cabasug	Ina		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Career Counseling	Tenure and Promotion
Honolulu		Salvatierra	Bobby		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Diesel Tech	Tenure and Promotion
Kapi'olani		Ferguson	Janice		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Nursing	Tenure and Promotion
Kapi'olani		Hanai	Aaron		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Physical Science	Tenure and Promotion
Kapi'olani		Santamaria	Manuel		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Food Service	Tenure and Promotion
Kapi'olani		Shin	Michelle		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	General Education	Tenure and Promotion
Kapi'olani		Thomas	Anna		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Library	Tenure and Promotion
Kapi'olani		Tsai	Michael		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	English	Tenure and Promotion
Kaua'i		Millard	Erin		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Mathematics	Tenure and Promotion
Leeward		Aguilera	Kelsie	D.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Anthropology	Tenure and Promotion
Leeward		Castillo	William	K.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Outreach Waianae	Tenure and Promotion
Leeward		Igarashi	Michelle		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	English	Tenure and Promotion
Leeward		MacDonald	Alyssa		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Biological Science	Tenure and Promotion
Leeward		Mahi	Michele		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Speech	Tenure and Promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Leeward		Nakamitsu	Kazuko		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Asian Pacific Language	Tenure and Promotion
Leeward		Ogg	James	A.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Mathematics	Tenure and Promotion
Leeward		Won	Frances	K.L.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	English	Tenure and Promotion
Maui		Bhattacharya	Debasis		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Business Ed	Tenure and Promotion
Maui		Botkin	Timothy	F.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Natural Science	Tenure and Promotion
Maui		Rutherford	Clifford	R.	C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Voc Tech	Tenure and Promotion
Windward		Badua	Audrey		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Speech	Tenure and Promotion
Windward		Hanson	Deacon		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	Business & Accounting	Tenure and Promotion
Windward		Webster	Jenny		C2	Instructor, CC	Tenure and Promotion	C3	Assistant Professor, CC	English	Tenure and Promotion
Hilo	College of Arts and Sciences	Genz	Joseph		I3	Assistant Professor	Tenure and Promotion	I4	Associate Professor	Anthropology	Tenure and Promotion
Hilo	Division of Student Affairs	Sumida	Comfort	M.	S2	Junior Specialist	Tenure and Promotion	S3	Assistant Specialist		Tenure and Promotion
Mānoa	College of Arts and Humanities	Arista	Denise		I3	Assistant Professor	Tenure w/automatic promotion	I4	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Engineering	Azimov	Dilmurat		I3	Assistant Professor	Tenure w/automatic promotion	I4	Associate Professor		Tenure w/automatic promotion
Mānoa	Institute for Astronomy	Baranec	Christoph		R3	Assistant Researcher	Tenure w/automatic promotion	R4	Associate Researcher		Tenure w/automatic promotion
Mānoa	College of Languages, Linguistics and Literature	Bousquet	Ludovic		I3	Assistant Professor	Tenure w/automatic promotion	I4	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Education	Buelow	Stephanie		I3	Assistant Professor	Tenure w/automatic promotion	I4	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Social Sciences	Buskirk	Patricia		I3	Assistant Professor	Tenure w/automatic promotion	I4	Associate Professor		Tenure w/automatic promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	College of Tropical Agriculture and Human Resources	Crow	Susan		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Social Sciences	Das	Ashok		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Engineering	Francis	Oceana		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	William S. Richardson School of Law	Freeman	Andrea		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Arts and Humanities	Gasiorek	Jessica		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	School of Ocean and Earth Science and Technology	Griswold	Jennifer		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Natural Sciences	Hynson	Nicole		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Social Sciences	Kim	Jiyoung		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Natural Sciences	Li	Depeng		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	Social Sciences	Masuda	Akihiko		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	John A. Burns School of Medicine	Maunakea	Alika		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Social Sciences	Mostafanezhad	Mary		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	College of Education	Murphy	Kelly		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	School of Ocean and Earth Science and Technology	Neuheimer	Anna		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Social Sciences	Padwe	Jonathan		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Languages, Linguistics and Literature	Peng	Yun		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Natural Sciences	Porter	Megan		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Arts and Humanities	Spangler	Shawn		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Natural Sciences	Takagi	Daisuke		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Languages, Linguistics and Literature	Taylor	Jack		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Engineering	Trimble	A. Zachary		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Natural Sciences	Von Doetinchem de Rande	Philip		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion
Mānoa	College of Social Sciences	Wang	Liang		13	Assistant Professor	Tenure w/automatic promotion	14	Associate Professor		Tenure w/automatic promotion

Campus	College / Department	Last Name	First Name	Middle Name	Current Rank	Current Title	Proposed Action	Proposed Rank	Proposed Title	Discipline	Final Action
Mānoa	College of Languages, Linguistics and Literature	Ziegler	Nicole		I3	Assistant Professor	Tenure w/automatic promotion	I4	Associate Professor		Tenure w/automatic promotion
West O'ahu	Humanities	Furuto	Michael	A	I3		Tenure and Promotion	I4		Humanities/Math	Tenure and Promotion
West O'ahu	Library Services	Garcia	Alphie	R	B2		Tenure and Promotion	B3		Academic Support	Tenure and Promotion
West O'ahu	Academic Affairs/Distance Education and Humanities/Creative Media	Hanaoka	Sharla	A	S3		Tenure and Promotion	S4		Academic Affairs/Distance Education and Humanities/Creative Media	Tenure and Promotion
West O'ahu	Social Sciences Division	Mironesco	Monique		I4		Tenure and Promotion	I5		Social Sciences/Political Science	Tenure and Promotion
West O'ahu	Humanities	Widiasih	Esther	R	I3		Tenure and Promotion	I4		Humanities/Math	Tenure and Promotion

# Statistical Report

TABLE 1

TENURE AND PROMOTION SUMMARY  
UNIVERSITY OF HAWAI'I  
December 2006 to April 2018

As of December of Each Year	TENURABLE POSITIONS 1/		TENURED EMPLOYEES 2/			TENURE RECOMMENDATIONS				PROMOTION RECOMMENDATIONS		
	Number	Annual % Chg	Number	Annual % Chg	Of Tenurable Positions, % Tenured	Probationers Scheduled for Tenure Review 3/	Number Applying for Tenure 4/	Number Recommended for Tenure 4/	Of Probationers, % Recommended for Tenure	Number Applying 4/	Number Recommended for Promotion 4/	% Recommended for Promotion
2006	2,932	5.6%	1,792	1.0%	61.1%	202	104	96	47.5%	202	178	88.1%
2007	3,016	2.9%	1,826	1.9%	60.5%	209	105	104	49.8%	174	153	87.9%
2008	3,111	3.1%	1,873	2.6%	60.2%	211	96	96	45.5%	170	160	94.1%
2009	3,125	0.5%	1,876	0.2%	60.0%	213	97	97	45.5%	172	160	93.0%
2010	3,131	0.2%	1,789	-4.6%	57.1%	203	98	92	45.3%	164	143	87.2%
2011	3,139	0.3%	1,833	2.5%	58.4%	235	112	109	46.4%	197	179	90.9%
2012	3,134	-0.2%	1,873	2.2%	59.8%	306	118	115	37.6%	201	179	89.1%
2013	3,123	-0.4%	1,910	2.0%	61.2%	286	128	123	43.0%	232	214	92.2%
2014	3,153	1.0%	1,938	1.5%	61.5%	242	123	123	50.8%	211	197	93.4%
2015	3,144	-0.3%	1,904	-1.8%	60.6%	174	90	81	46.6%	207	198	95.7%
2016	3,134	-0.3%	1,868	-1.9%	59.6%	241	118	110	45.6%	213	212	99.5%
2017	3,130	-0.1%	1,855	-0.7%	59.3%	220	97	93	42.3%	189	188	99.5%
2018 5/	3,130	0.0%	1,833	-1.2%	58.6%	192	89	88	45.8%	218	197	90.4%

Note: Numbers are rounded to the nearest integer.

1/ Tenurable positions based on number of full-time faculty positions coded as J1 (permanent) in PeopleSoft.

2/ Includes executives and faculty.

3/ The number of probationary faculty scheduled for tenure decision includes faculty who changed tenure status (e.g., whose contracts were not renewed or who resigned during the probationary period), faculty who elected not to apply for tenure, faculty who changed tenure years, and faculty who did apply. It also includes those who had an expedited tenure review process, or a shortened probationary period.

4/ From University of Hawai'i Tenure and Promotion report.

5/ As of April 30, 2018.



TABLE 2

TENURED FACULTY POSITIONS FOR APRIL 2018  
UNIVERSITY OF HAWAI'I

CAMPUS	TENURABLE POSITIONS	TENURE STATUS OF POSITIONS				CHANGES		
		Tenured Employees No.	% of Tenurable Positions	Filled by Probationer	Vacancy or Filled by Temp Fac	Probationers Scheduled for Tenure Review	No. Recommended for Tenure	Actual No. Separations
Total	3,130	1,833	58.6%	748	549	192	88	30
UH Mānoa	1,688	1,044	61.8%	340	304	102	42	20
UH Hilo	303	162	53.5%	54	87	12	7	2
UH West O'ahu	115	45	39.1%	52	18	9	5	1
UH Community Colleges	1,024	582	56.8%	302	140	69	34	7
Hawai'i CC	117	54	46.2%	45	18	9	5	
Honolulu CC	175	87	49.7%	42	46	6	3	2
Kapi'olani CC	251	147	58.6%	69	35	17	9	2
Kaua'i CC	84	42	50.0%	22	20	7	1	
Leeward CC	209	148	70.8%	56	5	13	9	
Maui College	116	63	54.3%	42	11	11	4	3
Windward CC	72	41	56.9%	26	5	6	3	

University of Hawai'i, Office of Human Resources and Institutional Research and Analysis Office.

Item III.  
Report of the  
President

**NO MATERIALS**

**ORAL REPORT**

**Minutes:** Approved.

**Testimony:** None.

**Agenda Items:**

**A. For Review & Recommend Board Approval:**

**1. Implement a Mandatory Student Fee to Provide all Kapi'olani Community College (KapCC) Students With a U-Pass for TheBus**

KapCC Student Congress leaders presented a request for approval to implement a mandatory \$40 student fee to provide all KapCC students with a U-Pass for TheBus each semester that included a summary of student support for the fee, what the proposed transportation fee would cover, why the current opt-in U-Pass cost is not financially feasible for students, and how the U-Pass aligns with the campus sustainability plan.

The committee discussed the term of the city's commitment to \$40 and whether there was a rollout plan. The committee invited the next group of student congress leaders report back to the committee on how the program is being rolled out.

**Action:** The committee recommended board approval of the mandatory student fee to provide all KapCC students with a U-Pass for TheBus.

**2. Acceptance of Community College Institutional Self-Evaluation Reports (ISERs)**

As part of the Association for Community and Junior Colleges (ACCJC) accreditation process, representatives from each of the community colleges presented their engagement efforts and approach to the self-evaluation, areas of focus, and planned improvements resulting from the ISERs.

**Action:** The committee recommended board acceptance of the community college ISERs.

**3. Overview of Program Approval Process**

The committee received an overview of the program approval process.

The committee discussed long-standing concerns regarding the financial impact of programs and the need for a systematic way for the board to consider program proposals. Administration noted that the recently revised template did not seem to be an improvement over the previous template and agreed to work on a better way of communicating cost analysis.

**Change from Provisional to Established Status for the following four programs:**

- 4. Certificate of Achievement (CA) in Medical Assisting (MEDA) at Kaua'i Community College (KauCC)**
- 5. Bachelor of Applied Science (BAS) Degree in Engineering Technology (ENGT) at University of Hawai'i Maui College (UHMC)**

- 6. Doctor of Nursing Practice (DNP) Degrees at the University of Hawai'i at Hilo (UHH) and the University of Hawai'i at Mānoa (UHM)**
- 7. Leeward Community College (LeeCC), Associate in Science (AS) in Health Information Technology (HIT)**

The committee considered the requests to change the above programs from provisional to established status.

**Action:** The committee recommended board approval of changing the above programs from provisional to established status with one no vote and one abstention.

- 8. Degree Change: Re-Designate the established Associate in Arts in Teaching (A.A.T.) Degree as an established Associate in Science in Teaching (A.S.T.) Degree at Leeward Community College (LeeCC)**
- 9. Degree Change: Re-designate the established Bachelor of Arts (B.A.) in Chemistry Degree as an established Bachelor of Science (B.S.) Degree in Chemistry at the University of Hawai'i at Hilo (UHH)**

The committee considered the requests to redesignate the above degrees.

**Action:** The committee recommended board approval of redesignating the above degrees with one abstention.

## **B. For Information & Discussion**

### **1. Committee Annual Review**

Committee Chair Tagorda noted that the committee had substantially changed the bylaws at the beginning of the year to streamline the efforts of the committee, and the new bylaws were used to align meeting agendas and discussion topics as detailed in the committee annual review for the 2017-2018 academic year.

**Minutes:** Approved.

**Testimony:** None.

**Agenda Items:**

**A. Approval of Extension of Fossil-Fuel Free Mandate Deadline to June 30, 2019**

The committee considered extending the June 30, 2018 deadline stated in Regents Policy 8.207, Investments, regarding the fossil-fuel free mandate to afford administration additional time to negotiate the final services agreement with UBS Financial Services Inc. and establish the new investment platform that will enable the Legacy Endowment fund to more efficiently comply with the investment policy.

**Action:** The committee recommended board approval of the extension of the fossil-fuel free mandate deadline to June 30, 2019.

**B. FY18 Third Quarter Operating Budget Variance Report**

Administration provided an update on the FY18 Third Quarter Operating Budget Variance Report. The Governor released a 5% contingency restriction in January. Revenues are higher than projections, due to the Governor releasing an additional 2.5% of the remaining 5% contingency restriction in March. Expenditures are lower than forecasted projections due to conservative budgeting and increased fiscal prudence.

**C. FY18 Third Quarter UBS Legacy Endowment Fund Investment Performance Report**

UBS provided an update on the FY18 Third Quarter Legacy Endowment Fund Investment Performance Report and all trades made since the last committee meeting. Discussion took place regarding the process UBS used when selecting the benchmarks, whether there had been any changes in components of the benchmarks, and what UBS is doing to minimize weighted net expenses.

**D. Review of Federal Tax Law Implications**

Administration provided an overview of federal tax law implications of the Tax Cuts and Jobs Act on higher education and UH. Impacts on UH relate to activities including certain services provided to non-university users, certain rental income, certain employee fringe benefits such as parking, charitable deductions for payments made in exchange for college athletic event-seating rights, moving expenses, and repeal of refunding bonds. Administration took action to mitigate some of these impacts by expediting certain transactions before the law took effect. Discussion took place regarding the impact on UH's entrepreneurial opportunities, and whether additional resources would be necessary to deal with the extra work resulting from these new laws.

**E. Legislative Session & Budget Recap**

Administration provided an end of session status update on legislative measures and the budget. July 10 is the last day for the Governor to sign, veto, or allow bills to become law without his signature.

**F. Committee Annual Review**

Due to time constraints, this item was deferred.

**Minutes:** Approved.

**Testimony:** None.

**Agenda Items:**

**A. For Action:**

**1. Approval of Annual Review of Committee Charter**

The committee reviewed the Committee on Independent Audit charter as indicated in the bylaws and Section 304A-321, Hawai'i Revised Statutes.

**Action:** The committee approved the charter for the coming year.

**2. Approval of Proposed Internal Audit Workplan for 2018-2019**

The committee reviewed the workplan provided by the internal auditor in consultation with administration that included a summary of services provided by internal audit, and a breakdown of new, carryover, and follow-up projects for 2018-2019.

Internal Auditor Shizumura provided a status update on the financial management audit of Maunakea activities. Internal Audit has met with various individuals to gather information. Follow-up meetings need to be scheduled to fully understand the finances. A rough draft of the audit report should be ready by September, and no external assistance is anticipated at this time.

Questions were raised regarding the audit scope, and whether information or assistance would be provided to the State Auditor should a separate Maunakea be performed.

The committee requested a Gantt chart showing the schedule for all the projects contained in the workplan and that regular progress reports be provided to allow the board and Committee on Independent Audit to provide direction regarding priorities, as needed.

**Action:** The committee approved the Internal Audit Workplan for 2018-2019.

**3. Acceptance of the Draft Committee on Independent Audit Annual Report to the Board**

The committee reviewed the annual report prepared the internal auditor pursuant to the provisions of Section 304A-321, Hawai'i Revised Statutes.

**Action:** The committee accepted the draft annual report.

**B. For Information & Discussion**

**1. Whistleblower Report**

The committee reviewed the latest whistleblower report that collected complaints made to date and status, including a summary of the types of complaints made.

**2. Enterprise Risk Management Report**



Administration is working on a draft cybersecurity policy, and the policy is expected to be brought forward for review and approval at the next committee meeting, after union consultation. There has been no change to the university's risk heat map.

The committee received an update from administration on the university's efforts related to the volcanic activity on Hawai'i Island. The committee commended administration for responding and taking action in caring for students and employees.

### **3. Status of Financial Management Audit of Maunakea Activities**

An update was provided during approval of the proposed Internal Audit Workplan for 2018-2019 (see above).

### **4. Update on Travel Policy Compliance Review Corrective Actions**

Administration provided an update on the status of travel policy compliance review corrective actions. Five corrective actions were reviewed which include proposed policy changes, discussions with the Research Corporation of the University of Hawai'i on travel processes and disbursements, modifications to the eTravel system, and exploring alternative travel payment methods to travel advances.

The committee requested administration provide a follow-up report when they are closer to implementing the corrective actions.

### **5. Committee Annual Review**

This item was deferred, and committee leadership will contact the current committee members for input and bring a revised review back to the committee.

**Minutes:** Approved.

**Testimony:** None.

**Agenda Items:**

**A. Coaches Corner – Gene Krieger, University of Hawai‘i at Hilo Volleyball Coach**

A talk story session was held with UHH Head Volley Coach Gene Krieger. Coach Krieger emphasized the importance of academic performance and community engagement.

**B. Approval of Revisions to:**

**1. Regents Policy 9.202, Classification Plans and Compensation Schedules**

**2. Regents Policy 9.218, Delegation of Personnel Actions**

The committee considered revisions to the above board policies related to extending the authority of the president to approve up to five years of a coaches' original, amended, or extended contracts.

**Action:** The committee recommended board approval of the revisions to RP 9.202, Classification Plans and Compensation Schedules, and RP 9.218, Delegation of Personnel Actions.

**C. UH Mānoa (UHM) Athletics Update on Health & Wellness and Finances**

The committee received an update on health and wellness including concussions and screening EKGs; and National Collegiate Athletic Association best practices on mental health; and UHM athletic department finances. Discussions were held regarding the operating deficit, new initiatives, and facilities improvements.

**D. UH Hilo (UHH) Athletics Update on Health & Wellness and Finances**

The committee received an update on health and wellness, including concussions and mental health; and UHH athletic department finances, including projected surplus, budgetary challenges, and opportunities.

**E. Review & Approval of Consolidated & Revised Goals 1 & 2**

The committee considered the consolidated goal: Board should exercise appropriate oversight over the integrity of the athletics program and its alignment with the academic mission of UH.

Concerns were expressed regarding the scope of the board's oversight and the need for input from administration on how it views the regents' role.

**Action:** The committee recommended board approval of the two goals "Board should exercise appropriate oversight over the integrity of the athletics program and its alignment with the academic mission of UH," and "Board is ultimately responsible for athletics policy and oversight."

**F. Committee Annual Review**

The committee and the board, in collaboration with administration, took significant steps in reviewing and implementing critical components of the athletic programs at UHM and UHH.

Athletics is the single most visible aspect of the university to the general public. Legal gambling has become an issue across the country which will impact universities and university sports that will need to be addressed by the board and administration in the future.

**Minutes:** Approved.

**Testimony:** None.

**Agenda Items:**

**A. For Review & Recommend Board Approval:**

**1. New Regents Policy 2.207, Policy on Political Activity**

The committee considered a new Regents Policy 2.207, Policy on Political Activity, a policy that applies to regent participation in political activities and candidacy for public office.

**Action:** The committee recommended board approval of Regent Policy 2.207.

**2. Revisions to Regents Policy 2.204, Policy on Board Self-Evaluation**

The committee considered revisions to Regents Policy 2.204, Policy on Board Self-Evaluation. The proposed amendments provide for an annual self-evaluation instead of every two years, allows the president and board chair the discretion and flexibility to design a self-evaluation process and mechanism that is responsive to current conditions.

**Action:** The committee recommended board approval of Regent Policy 2.204.

**B. For Information & Discussion**

**1. Parameters for President's Evaluation**

The committee reviewed the parameters for the president's evaluation, which are related to Regents Policy 2.203, Policy on Evaluation of the President. The board secretary will develop a revised policy for consideration that includes a more extensive evaluation every 3 to 5 years and a lighter annual review.

The committee discussed the need for evaluations to be forward-looking, creating a schedule to help the board determine how best to proceed with adopting a revised policy, and the need for consideration of entering into a contract with the president and how a contract may impact an evaluation schedule.

**2. Review of "Statement of Expectations for Members of the Board of Trustees of Ohio University"**

This item had been deferred from a previous committee meeting due to time constraints. The committee discussed initiating the practice of having board members sign a statement of board expectations annually, as recommended by the Association of Governing Boards. Discussion was held regarding the expectations of regent candidates provided by the Candidate Advisory Council, and the expectations already imposed by law, board bylaws, and policies. The sentiment of the committee was that such a statement was not necessary.

**3. Committee Annual Review**

The committee reviewed the self-evaluation for the 2018-2018 academic year as provided in the written materials. There was no discussion.

**Minutes:** Approved.

**Testimony:** Written and oral testimony was received regarding concerns over insufficient parking at Kakaako and in strong support of establishing a new Kakaako parking zone and rates as proposed by JABSOM.

**Agenda Items:**

**A. For Review & Recommend Board Approval**

**1. Revision of November 2013 Moratorium on New Construction Projects**

As a follow-up to the November 2013 moratorium on new construction projects, the committee considered a draft resolution to implement a moratorium on new construction that results in an increase in square footage without an equivalent reduction in square footage on any campus with an overall deferred maintenance backlog greater than 10% of the replacement value of its facilities.

**Action:** The committee recommended board approval of the resolution, which was amended to specify the moratorium applies to new construction that results in an increase in *a building or building's gross square footage growth*.

**B. Information & Discussion**

**1. John A. Burns School of Medicine and Cancer Center Parking Update**

Administration provided an update on the parking situation at JABSOM and Cancer Center; a chronology of Kakaako development; information regarding the Parking Lot C agreement that expires August 31, 2018; and three area parking options.

The committee discussed whether there had been any discussions regarding parking with the developer of Lot C or the City and County of Honolulu, and whether there are any public-private partnership opportunities.

**2. FY18 Third Quarter Capital Improvement Project Status Update**

Administration provided a FY18 Third Quarter CIP status update.

The committee discussed the increase in design costs, the UHM microgrid, the need to emphasize infrastructure, and issues regarding the Warrior Recreation Center.

**3. Strategic Directions 21<sup>st</sup> Century Facilities Metrics**

Administration provided an overview of the 21<sup>st</sup> Century Facilities Metrics, which will be updated to focus more on CIP and operating investments in renew, improve, and modernize (RIM) projects, monetizing real property assets through strategic partnerships, evaluating the efficiency of space utilization, and progressing towards net zero and energy efficiencies.

**4. Committee Annual Review**

Overall the committee did a pretty good job this past year, thanks to the committee members and administration, including VP Gouveia and her staff.

**Minutes:** Approved.

**Testimony:** None.

**Agenda Items:**

**A. For Information & Discussion**

**1. Update on Patent and Copyright Policies**

Administration provided an update on patent and copyright policies, which were repealed from Hawai'i Administrative Rules and will be in board policy instead. Consultation on the proposed policies is being conducted. The policies should be ready for committee review in the fall.

**2. Update on University of Hawai'i Facilities & Administrative (F&A) (Indirect) Cost Rate Proposal**

Administration provided an update on UH's F&A indirect rate proposal. UH's objective is to increase the overhead rate to capture more costs with respect to research expenditures. Administration is waiting for a response from the federal Department of Health and Human Services, and in the absence of any rate negotiations, the current overhead rate will remain in place. The hope is to have the new rate by the end of the calendar year and transition in January 2019.

**3. FY18 Q3 Extramural Awards Report**

Administration provided a FY18 3<sup>rd</sup> quarter recap, and information on significant awards by campus, award amounts by location, and actual versus forecasts and targets. The FY18 3<sup>rd</sup> quarter is ahead of last year, but a strong 4<sup>th</sup> quarter is needed to finish above FY17.

Concerns were expressed regarding the general decline in total extramural awards since 2011 and whether the annual targets and the previously set goal of \$1 billion in extramural awards were realistic and should be revisited.

**4. Update on Strategic Research & Innovation/Hawai'i Innovation Initiative Metrics**

Administration provided an overview of the current metrics including extramural awards, invention disclosures, patents issued, licenses executed, start-ups created, STEM degrees, and royalty income, and proposed restructuring of metrics. The committee requested metrics be added that are related to students.

**5. Update on Office of Innovation & Commercialization (OIC)**

The new OIC Director David Ai provided an overview of the OIC, FY18 highlights, technology transfer metrics, OIC's role in the Hawai'i Innovation Initiative, strategic objectives, and short- and long-term initiatives.

**6. Applied Research Laboratory (ARL) Briefing**

Due to time constraints, this item was deferred to the next committee meeting.

**7. Committee Annual Review**

The annual review had been distributed to members, and it was noted that many of the items were scheduled for today's meeting.



# Item IV.H.

## Affiliate Reports

**NO MATERIALS**

**ORAL REPORTS**

18 MAY 10 P5:59

Office of the Chancellor



UNIVERSITY of HAWAII  
**KAPI'OLANI**  
COMMUNITY COLLEGE

RECEIVED

February 20, 2018

'18 MAY 10 A11:31

**MEMORANDUM**

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

TO: Jan Naoe Sullivan  
Chair, Board of Regents

VIA: David Lassner *David Lassner*  
President

VIA: Donald O. Straney *Donald O. Straney*  
Vice President for Academic Planning and Policy

VIA: John Morton *John Morton*  
Vice President for Community Colleges

FROM: Louise Pagotto *Louise Pagotto*  
Interim Chancellor

SUBJECT: REQUEST TO IMPLEMENT A MANDATORY STUDENT FEE TO  
PROVIDE ALL KAPI'OLANI COMMUNITY COLLEGE STUDENTS  
WITH A U-PASS FOR THEBUS

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents approve the request from the Student Congress at Kapi'olani Community College to implement a mandatory \$40 (forty dollar) student fee to provide all students with a U-PASS for TheBus each semester.

RECOMMENDED EFFECTIVE DATE:

Upon Board of Regents approval for the Fall 2019 semester.

ADDITIONAL COST:

None

PURPOSE:

The current price for students to purchase a U-PASS for TheBus is \$225 per semester. This mandatory student fee would provide a U-PASS for all students at Kapi'olani Community College for \$40 per semester.

BACKGROUND:

Every spring semester, Kapi'olani Community College's Student Congress (Student Congress) partners with the College's Office for Institutional Effectiveness (OFIE) to conduct a survey for students. This survey includes topics of interest identified by Student Congress throughout the academic year. The annual survey conducted in Spring 2017 centered around student fees. One area that the results identified as needing more attention was "transportation". Nearly 60% of students identified that they use personal vehicles, and 4.5% carpool. The second highest mode of transportation identified (28%) was TheBus. In efforts to increase and improve parking for personal vehicles and promote more sustainable transportation choices, Student Congress approached the College administration for initial discussions about TheBus U-PASS.

We have, in consultation with the students, identified the parameters for pricing and terms. We have engaged in initial conversation with the Department of Transportation, and the proposal for the U-PASS is definitely feasible. Each U-PASS is valid for a time frame that is actually before the start of the semester and ends after the semester, thus creating no lapse in accessibility to these services for a student continuing from fall semester to spring semester. Upon approval of the fee by the Board of Regents, the College will complete formal negotiations with the Department of Transportation following the established procedures.

In an effort to consult with the student body of the 2017-2018 academic year, Student Congress conducted an informal survey with students in Fall 2017, asking if they were still in favor of paying a \$40 U-PASS fee. Over the course of two weeks, the Student Congress Executive Team polled a total of 318 students. Over 90% of students indicated they would support a \$40 U-PASS fee.

Student Congress had numerous discussions throughout the Fall 2017 semester and passed a resolution in support of the U-PASS fee in January 2018. To ensure that the Student Congress broad-based support for the proposed fee, the students of Kapi'olani Community College's Student Congress elected to officially consult with the student body through an official ballot.

To ensure validity of the results, Student Congress partnered with the College's Office for Institutional Effectiveness (OFIE) to conduct an official vote on the \$40 U-PASS fee. OFIE agreed to conduct the official vote and leave the ballot open for two weeks.

Students were contacted via email to vote on the fee; additionally, open forums were held on campus for students to voice opinions and ask questions. Student testimony was also encouraged to be emailed to Student Congress. One hundred percent (100%) of the testimonies from students that Student Congress received were all in favor of the fee. To ensure reach to students, there was also an outreach campaign to increase awareness of the fee through flyers, tabling, and standing in high-traffic areas to solicit a vote. The results of the vote are 97.42% in favor, and 2.58% opposed.

ACTION RECOMMENDED:

It is recommended that the Board of Regents approve the request from the Student Congress at Kapi'olani Community College to implement a mandatory \$40 (forty dollar) student fee to provide all students with a U-PASS for TheBus each semester. Upon approval of the fee by the Board of Regents, the College will complete formal negotiations following the established procedures.

c: Executive Administrator and Secretary of the Board Oishi

# Item V.A.3.

Acceptance of Community  
College Institutional Self-  
Evaluation Reports

**MATERIALS**

# **Planned Improvements Resulting from the Institutional Self Evaluation Report *Hawai'i Community College***

## **Quality Focus Essay**

As a result of self-reflection during the Institutional Self Evaluation Report (ISER) process, members of the Hawai'i Community College (Hawai'i CC) Kauhale identified two areas on which to focus to better meet the mission of the College and to ultimately increase student learning and achievement. These two action projects aim to improve the College's 1) integrated planning process, and 2) student first-year experience.

### **Action Project 1: Integrated Planning**

The goal of institutional planning is to steer the College towards effectively fulfilling its mission. Planning incorporates assessment of student learning, program review, strategic and academic plans, and resource allocation for the attainment of institutional objectives. Since integrated planning involves broad-based coordination and collaboration across the College, it is important to create a process that is clear, well-communicated, and useful.

In an attempt to define the relationships between various planning components of the College and to institutionalize processes that steer the College forward in a unified and coherent manner, the Office of the Chancellor issued HAW Policy 4.201 in November 2011, after a broad, collaborative review. While this policy outlined the intentions of the Kauhale, implementation proved challenging for a variety of reasons. A sound integrated planning system requires the capacity to maintain its various components and ensures active participation by a broad spectrum of the Kauhale. While integrated planning invited participation and functioned as described in the policy, the recent ISER process and Institutional Capacity Analysis Tool (ICAT) survey made evident the need to streamline processes to make the College's integrated plan more transparent, meaningful, and sustainable over time.

### Desired Goals/Outcomes

The goal of Action Project 1 is to strengthen the College's integrated planning processes to be more efficient, streamlined, and timely. This includes leveraging technology tools (including the recently acquired Campus Labs OUTCOMES assessment management system) for better data and information gathering and improved workflow. Finally, the goal is to make the integrated planning process more Kauhale-based, increasing participation and commitment, as well as improving communication and transparency, all directed towards the shared outcome of enhancing student success.

### Actions/Steps to Be Implemented

- The College establishes where improvement of the integrated planning processes is needed. From information gathered through the ISER process and ICAT discussions, the College will review where and how to consolidate and streamline campus plans, the program and unit review processes, and the allocation of resources.

- The administrative team, College Council, and Accreditation Liaison Officer (ALO) will create an Integrated Planning Review (IPR) Task Force that will compile and analyze data and survey results.
- With the administrative team, College Council, and ALO, the IPR Task Force will research best practices and models for high quality integrated planning.
- The IPR Task Force will develop an updated model for implementation. This will include strengthening the links between outcomes assessment and the program and unit review process (PURP), and reviewing and clarifying the relationship between the PURP and budget allocation.
- The College will implement the revised model and draft relevant policies.
- The chancellor, administrative team, and IPR Task Force will evaluate the updated model and revise and improve as needed.

### **Action Project 2: First-Year Experience**

The goal of the College is to provide high quality learning opportunities that lead students to degree completion and employment. To achieve this goal, the College aims to support each student from entry to end point. This project focuses on improving experiences for students at their most vulnerable stage: their first year at the College. Recognizing the potential to improve the retention of students, the College Kauhale will focus on meeting the needs of students during their first year, both inside and outside the classroom. This project develops a coordinated program between instruction, student services, and academic support that seeks to improve retention and persistence rates, and ultimately degree attainment.

According to 2017 IPEDS statistics, 31.4% of full-time, degree-seeking students who entered Hawai'i CC in fall 2014 completed a certificate or degree in three years. Only 48% of first-time degree-seeking students in fall 2016 returned in fall 2017. Action Project 2 targets the development of high engagement strategies for an effective first-year experience that will contribute to larger, wider ranging efforts of Integrated Student Support (ISS), Student Success Pathways (SSP), and other initiatives to increase retention and persistence. This project will focus on training instructors, peer mentors/tutors, and academic and student support advisors and counselors to develop and implement these strategies.

#### Desired Goals/Outcomes

The outcome of Action Project 2 is the development of high engagement approaches for instruction and academic and student support that will contribute to a positive first-year experience for students. This Action Project will support other College efforts to create an effective first-year experience (FYE) program that increases Hawai'i CC's attainment of institutional goals for persistence and completion, and ultimately, students' graduation rates and achievement of their academic and career goals.

#### Actions/Steps to Be Implemented

Launch of instruction and student support training:

- The College will form a FYE Campus Planning Team that will introduce and develop a plan to provide training of faculty and student support faculty/staff in the use of high engagement strategies.

- An initial group of instructors and student support faculty/staff will be trained to implement high engagement strategies.

#### Implementation:

- A bank of resources and professional development materials for high engagement strategies will be made available to the entire campus.
- A cohort of students will be identified to enroll in classes utilizing the high engagement strategies.
- Tutors and peer mentors will be trained.
- Strategies for high-touch support for faculty advising and counseling will be adopted and counselors and advisors will be trained.
- The FYE Campus Planning Team will collect, analyze, and report out student persistence and retention data for students who take one or two classes from trained instructors.

#### Scale up:

- Given the data, as appropriate, teachers, counselors, advisors, tutors, and peer mentors will be offered training in high engagement strategies.
- The FYE Campus Planning Team will monitor success by collecting and analyzing student persistence and retention data and will adjust strategies, as needed.

#### Integration

- The FYE Campus Planning Team will work with the SSP Team and UHCC System's ISS Team to integrate other components of first-year experience: onboarding, retention, persistence measures.
- The FYE Campus Planning Team will monitor success by collecting and analyzing student persistence and retention data and will adjust strategies, as needed.

### **Other Planned Improvements**

- Schedule data updates to reflect current information (transparency) Std 1.b.3.
- Determine how assessment management system and assessment design can enable disaggregation of assessment results Std 1.b.6.
- Creation of a systematic formalized process and annual schedule and timeline for website content review and updating Std 1.c.1.
- Review of Liberal Arts course sequencing and prerequisites Std 2.a.5.
- Gather, analyze and provide data to the College on a regular basis (post in Fact Book) Std 2.a.7.
- Transition to UH Mānoa's Foundations and Diversifications General Education (GE) requirements for AA and AS degrees Std 2.a.12.
- Formalize comprehensive assessment of student needs regarding Student Services Std 2.c.1, 2.c.3.
- Reorganize Student Life structure Std 2.c.4.
- Create evaluation/assessment process or system to measure effectiveness of placement instruments/qualifiers Std 2.c.7.



## Planned Improvements Resulting from the Institutional Self Evaluation Report Honolulu Community College

### Quality Focus Essays

Honolulu CC has centered on two initiatives to further improve student achievement and student success:

- Purposeful Engagement for Student Success
- Enhanced Support for Distance Education Students

#### **QFE #1: Purposeful Engagement for Student Success**

Research shows that the more students become engaged in the college experience, inside and outside the classroom, the more likely they will reach their educational objectives.

The desired objective of this initiative is to increase student persistence and success through purposeful engagement of faculty, staff, administrators, and students.

**Goal #1:** Develop plans to document and increase faculty-to-student engagement strategies in both curriculum content and pedagogy.

*Example of steps to be taken:* Create a comprehensive orientation for new faculty focused on Honolulu CC's core value of "student centered, student focused" that provides professional development on student engagement.

**Goal #2:** Increase strategic and integrated communication among and beyond student affairs and academic support professionals to provide comprehensive services to students.

*Example of steps to be taken:* Expand usage of all student services in the Starfish/MySuccess technology tool so that instructional faculty can refer students to an array of support services (such as counseling/advising, retention services, library support services, career services, tutoring).

**Goal #3:** Engage students early and continuously in academic, extra-curricular, socio-emotional, and work-based learning in and around the campus. Remove barriers to student entry and retention to promote learning and engagement.

*Example of steps to be taken:* Suggest improvements to existing practices in the application, orientation and registration processes to promote student enrollment and persistence.

**Goal #4:** Delete, revise, and add infrastructure and policies with the goal to support student success via the purposeful engagement initiatives.

*Example of steps to be taken:* Review real-time student-level data and predictive analytics to proactively reach out to students at high risk for not being retained

#### **QFE 2: Enhanced Support for Distance Education Students**

The role, scope, and access to online and virtual learning environments will only increase over the coming decade as students use technology to access postsecondary education. In line with the institution's core value to offer students a supportive, high-quality learning environment, Honolulu CC will be creating processes to improve support services for distance education students.

The desired objective is to increase use of support services and increase successful distance education course completion.

**Goal #1:** Develop a reliable method to track the use of support services by students in distance education (DE).

*Example of steps to be taken:* Investigate the merits of revamping the Academic Counseling webpage to enable students to connect to appropriate student support resources in addition to counseling.

**Goal #2:** Develop and implement plans to increase use of support services for DE students and other off campus students such as evening students.

*Example of steps to be taken:* Create a portal on Lualima, which DE students needing additional writing support will be able to access materials and services that currently are offered to face-to-face in the Writing Center

Other Planned Improvements

Changes Arising Out of the Self-Evaluation Process				
<b>Change, Improvement, and Innovation</b>	<b>Standard</b>	<b>College Leads</b>	<b>Timeline</b>	<b>Outcome</b>
Increase international students	I.A.2	Administration, Faculty, Student Services	Spring 2019 and ongoing	Higher enrollment of international students
Increase enrollment of Native Hawaiian and other students from underserved populations	I.A.2 I.B.6	Administration, Outreach, Hulili Ke Kukui, Po'i Na Naru, Faculty, Student Services	Spring 2019 and ongoing	Higher rates of students from underserved groups
Strengthen sustainability efforts at the College	I.B.9 III.B.4	Sustainability coordinator	Spring 2018 (ongoing)	Increase the awareness and action about sustainability and connection to the strategic plan
Increase culture of assessment at the College	I.B.1-4 I.B.5 II.A.3 II.A.4	PPIR, Assessment Task Force, CCIE, CSSC, Administration	Spring 2019 (and ongoing)	Elevate the level of discussion and engagement in data for decision-making

Standardize format of SLO assessment reporting using assessment database	II.A.3	Institutional Assessment Specialist, CPC, VCAA, division chairs,	Spring 2019	More comprehensive assessment of courses and programs
Implement web database for all course syllabi	II.A.3	VCAA, CPC, division chairs	Spring 2019	Allow students to view syllabi for any course
Designed program to attract returning students	II.A.6	Counselors, Deans, VCAA	Spring 2018 (ongoing)	Unable to recruit enough students so rethinking approach

# Planned Improvements Resulting from the Institutional Self Evaluation Report

## *Kapi'olani Community College*

### Quality Focus Essay

**The Assessment of Student Learning Outcomes QFE** addresses specific issues while **the Engagement for Student Success QFE** focuses on distinct goals for each calendar year.

The **Assessment of Student Learning Outcomes** QFE goals are

- To update the assessment process under the guidance of an Assessment Coordinator.
- To review the Taskstream process and to create queries and reports in Taskstream to inform SLO and SAO assessments.
- To update the General Education Outcomes and to map SLOs and SAOs to the revised Institutional Learning Outcomes and General Education Outcomes.
- To continue innovative workshops and programs to further engage faculty and staff and explore impactful assessment activities across the College.

During the third year, the College will close the loop and make appropriate changes based on completed analyses, including campus feedback on SLO and SAO assessment. Fostering and increasing campus engagement in SLO and SAO assessment will deepen conversations around student learning and, ultimately, will increase student success.

**The Engagement for Student Success QFE** has distinct goals for each year of the QFE. Action plans to accomplish the goals will be created through the Student Success Pathway plans. In March 2017, each department, program, unit, and governance organization created goals and action plans to improve student success resulting in 53 plans being submitted and 47 out of 50 Strategic Plan items addressed. This was unprecedented participation across the campus, and therefore, Student Success Pathway planning was chosen as the process to address the QFE.

The timeline for the QFE starts in January 2019; however, since the Student Success Pathway plans started in 2017, the **Engagement for Student Success QFE** already has a framework and essential data to review and move the process forward. The goals for each year are

- Year 1 (2019) - To increase course completion for all students and fall-to-spring persistence
- Year 2 (2020) - To increase the number of certificates and degrees for all students, increase student transfers within and outside of the UH system; increase the number of certificates and degrees for Native Hawaiian students; increase the number of certificates and degrees by Pell grant recipients; and continue to increase the number of STEM certificates and degrees.
- Year 3 (2021) - To complete the College's 2022-2027 Strategic Plan with clear directions, goals, outcomes, and measures for student engagement, learning, achievement, and success.

## Other Planned Improvements

### 1. Easier Accessibility of Information

- Information for the Public
  - Student Achievement Data - Move student achievement data from the OFIE website to the College's main website.
  - CCSSE Reports: Move CCSSE data from the OFIE website to the College's website
  - Annual Report of Program Data (ARPDs) - Place ARPD link on the College's website.
  - Comprehensive Program Review (CPRs) - Move CPRs from the OFIE website to the College's website.
- Information for the Students
  - Articulation Agreements - Consolidate and publish articulation agreements on the College's website
  - Information on how to transfer - Copy "transfer out" information from the catalog to the College's website
  - Information on the program termination process - Publish information on the program termination process on the College's website
- Information for the faculty and students
  - Making syllabi available - Develop a system to make syllabi more readily available to students

### 2. Syllabi Review and Revision (Form-fillable cover page)

- Standardize information on a cover page for syllabi, including course student learning outcomes, that is adopted by faculty

### 3. Student Records: Archiving Certificates of Competency

- Establish a system for archiving continuing education Certificates of Competency

### 4. Technology Support for Students

- Create and implement a policy for student technology support

### 5. Participate in the Budget by all Constituents

- Institute an annual forum on the budget

## Planned Improvements Resulting from the Institutional Self Evaluation Report Kaua`i Community College

### Quality Focus Essay

As a result of College-wide Conversations with faculty, staff, and students held during the fall 2017 and spring 2018 semesters, two Quality Focus topics were chosen that are both related to student success: “Scheduling for Success” and “Integrated Career and Academic Services for Grades 11-14.” These topics align with UHCC Strategic Directions 2015-2021 (e.g., the Hawai`i Graduation Initiative), the College’s Institution-Set Standards, and several Kaua`i CC Strategic Goals (e.g., increase recent high school graduate enrollment/working adults, reduce the time degree: accelerate college readiness, and increase the number of graduates.)

### **Quality Focus Project #1: Scheduling for Success**

#### *Background*

The College currently offers face-to-face courses at its single campus location, augmented by a limited number of distance education offerings and a small but growing number of early college sections that are taught for high school students on the campus of the three major public high schools on the island. The College serves students from everywhere on the island, commuting to campus can be a barrier for some students because of:

- Distance to campus for students living on the west side or north shore
- Structure of roads on the island (coastal roads only)
- Traffic
- Time commitments to family and work
- Limited public transportation—(Not as easily utilized as in urban locations, although a partnership with Kaua`i County on a subsidized bus pass for students has been successful.)

#### *Project Description / Goals*

The project will encompass five years (2019-2023) with the goal of examining course scheduling at the College in terms of modality, location, time, days, length, etc., the best align with current student and community needs. This will not only aid in on-time degree completion but also provide novel scheduling opportunities for the community that will provide working adults more opportunities to pursue post-secondary education. Areas that will be explored include:

- Compressed courses (e.g., 8-week blocks)
- Part-time student course plans for non-cohorted academic programs
- Determine best practices for scheduling courses with nonstandard number of credits
- Expand summer offerings – (Pell grant availability is being marketed summer 2018)
- Develop offerings at off-site locations on north shore and west side to mitigate commute
- Address late registration and class cancellation procedures and timeline
- Consider year-long student registration
- Increase offering of hybrid courses
- Enhance place-based education with reworking of scheduling to provide time for hands-on learning in the community
- Other scheduling strategies as needed or discovered during this project.

#### *Major Data Source*

The Institutional Effectiveness Office will conduct a Workforce Survey and a Kaua`i Residents’ Survey over summer 2018. The survey will identify the scheduling needs of residents and employers on the island,

providing guidance to the College in selecting the most fruitful strategies of the ones mentioned here. The survey results will also aid in establishing the details of how the strategies are implemented.

## **Quality Focus Project #2: Integrated Career and Academic Services for Grades 11-14**

### *Background*

The College annually reviews its performance against its UHCC System Strategic Priority goals and the current Strategic Priority Plan spanning 2015-2022. One notable decline over the past three years is the number of direct high school enrollees, despite relatively stable senior class sizes at the three primary feeder high schools. Hence the College's focus on increasing enrollments in this population over the next several years.

### *Project Description and Goals*

This project will encompass a four-year period (Fall 2018-Spring 2022) to track participants from their junior and senior years of high school through two years of community college. Specific programming will engage students, especially during their senior year, to explore and possibly choose a major, complete an application, complete orientation, complete placement assessment with the availability of high school grades and coursework, develop an education plan, and enroll. The goal is to complete these activities by April of each academic year to enable students to enroll before they graduate from high school

### *Timeline, Responsible Unit/Person, and Assessment Metrics*

A pilot project was implemented at one feed high school in spring 2018 that included offering a #FindYourFuture Spark event day at KauCC for Juniors and Seniors, offering FAFSA and Scholarship workshops at the high school, and scheduling a Parents' Night for incoming students. These activities will be expanded and scaled -up to include all three feed high schools as well as three charter schools.

Baseline for success will be 2016-2017 data for activities or measures that exist, whereas baseline for new activities will be developed during the 2017-2018 academic year.

## **Oher Planned Improvements**

Areas of improvement that required additional time to complete were added to the ISER as Action Items. The College identified seven of these items:

1. The College academic programs will develop course sequencing plans for part-time students, who are increasing at our college when compared to full-time students. This action item is directly related on one of our Quality Focus Essays, Scheduling for Success. (II.A.6.2)
2. The College will dedicate a College Conversation and convene a student focus group to develop strategies to increase student participation in both student government and college committees during the 2018-2019 academic year.
3. The College will use the current Administrative Services survey results to establish baseline target values for future surveys. The survey will be given every two years in the future and used to inform the Administrative Services Annual Program Review Update (APRU.) The next survey will be disseminated in 2019
4. The Human Resources office will develop a list of review dates for APT evaluations to remind supervisors of review deadlines for the 2018-2019 academic year.

5. The College will create a guide for orienting and mentoring lecturers prior to the Spring 2019 semester.
6. The Professional Development Coordinator will maintain an active three-year campus professional development plan that is visible to all employees of the College, beginning in August 2018.
7. Service outcomes will be developed or revised for both the Testing Center and Operations and Maintenance prior to the fall 2018 semester.



## **Planned Improvements Resulting from the Institutional Self Evaluation Report Leeward Community College**

The Institutional Self-Evaluation Report (ISER) is a culminating report of reflection and self-evaluation required of colleges accredited by the Accrediting Commission for Community and Junior Colleges (ACCJC). The process begins about two years before the report is due and an evaluation team visits the campus.

The Self-Evaluation Core Team wrote the Quality Focus Essay (QFE) last in order to allow the self-reflective nature of the ISER uncover larger areas of focus for the College. During the Self-Evaluation process, the College identified two action projects that will have significance in improving student learning and student achievement over a multi-year period, and the team describes them in the QFE.

### Quality Focus Essay

In fall 2017, the first QFE project became clear as the campus embraced a single goal to drive campus initiatives. This goal is known as the Wildly Important Goal (WIG) and provides a unifying vision for the many campus initiatives currently underway to increase student retention.

The second QFE project developed out of a spring 2018 convocation breakout session that focused on the areas of improvement that the Self-Evaluation Core Team identified during the writing of the ISER. One area attracted much attention, and this led to the second QFE project that focuses on improving student learning by making outcomes assessment more meaningful for faculty and staff.

The WIG and the efforts surrounding assessment will help “provide the institution with multi-year, long-term directions for improvement of student learning and student achievement and demonstrate the institution’s commitment to excellence”.

### Action Projects

1. Increase student retention by keeping the students the College already has.
2. Improve student learning by making outcomes assessment more meaningful for faculty and staff.

***Action Project 1: Increase student retention by keeping the students the College already has.  
(Standard I.B.3)***

### Background

As one of seven community colleges, and one of ten colleges in the University of Hawai'i (UH) System, Leeward CC plays a critical role in preparing students for the workforce and for transfer to a four-year college. The University of Hawai'i Community Colleges (UHCC) System coordinates the efforts of the community colleges, ensuring alignment and focused movement on key initiatives. The

UHCC System has initiated several system wide projects in the past five years including a coordinated effort to accelerate students' progress through developmental education courses, the implementation of a pathway-driven registration system, and the creation of common exploratory majors to guide students' selection of coursework. The College goals and plans are guided by these system efforts.

The Self-Evaluation Core Team's review of the data indicated that retention is a gap area that has shown little movement despite the implementation of the system initiatives. Additionally, faculty and staff had begun to experience "initiative fatigue" with so many initiatives needing attention. The College selected its Wildly Important Goal (WIG) of "Keeping the Students We Have" to focus efforts on a single goal. Specifically, the goal is to increase retention and persistence by ten percent in 2017-2018. This goal drives everything the College does.

### Goals and Outcomes

- Increase student retention and persistence by ten percent in 2018-2019.
- Increase the sense of belonging at the College through activities that connect and support students.
- Increase the four-year graduation rate from 16 percent to 25 percent by 2020-2021.

### ***Action Project 2: Improve student learning by making assessment more meaningful for faculty. (Standard II.A.3)***

### Background

A second area in need of improvement is learning outcomes assessment. Since 2010, the College has made use of Tk20, which is a comprehensive online assessment planning, data management, and reporting system. The College made good progress with implementing Tk20 as the repository for learning outcomes assessment. However, faculty and staff did not find Tk20 intuitive or easy to use. Tk20 has become a deterrent to meaningful dialogue about assessment instead of a supportive tool.

### Goals and Outcomes

- Provide faculty and staff with training assessment practices and collaborative engagement opportunities with colleagues.
- Improve quality of outcomes assessment evidence in the College's database of assessment results.
- Increase faculty and staff satisfaction with the process for reporting assessment results.

### Other Planned Improvements

As part of the self-evaluation process, the Self-Evaluation Core Team identified several additional planned improvements including

- Convening a joint ad hoc committee to review the planning process and make recommendations for improvement (Standard I.B.)

- Revising the distance education peer evaluation form to provide feedback on regular and substantive interaction to ensure compliance with Federal regulations (Standard II.A.)
- Conducting a comprehensive review of the Policy on Shared Governance (Standard IV.A.)

## **Planned Improvements Resulting from the Institutional Self Evaluation Report *Windward Community College***

### **Quality Focus Essay: Native Hawaiian Parity**

Windward CC's mission includes a special commitment to serve Native Hawaiian (NH) students. We are proud to be an indigenous serving institution with over 40% of our enrollment consisting of NH students. This mission and commitment is evident in the resources we provide for Native Hawaiians, both institutionally and through attainment of extramural resources. The commitment to serving NH students resonates with our core values concerning diverse learning experiences, working collaboratively and inclusively, serving and supporting with aloha, and striving for excellence and carries with it Action Plans across all the Standards.

#### **Action Project 1: Disaggregation of Data by Race and Ethnicity: (Standards IA2, IB5, IB6, IB9, IIC5, IIID3)**

The College will systematize the disaggregation of data by race/ethnicity for enrollment, course success, persistence, graduation, and transfer.

#### **Goals**

1. Provide valid, consistent data on outcome attainment for Native Hawaiians and others across measures on an annual basis.
2. Improve quality of dialogue on parity measures.
3. Improve quality of decision-making and allocation of resources to promote parity.

#### **Action Project 2: Enrollment (IB9, IIC3, IIC6, IIID1)**

Within the institutional enrollment management plan, the College will identify and prioritize strategies at the institution which positively impact NH enrollment parity across the institution and within degrees/certificates.

#### **Goals**

1. Establish a systematic, evidence-based enrollment management plan for overall enrollment.
2. Delineate within the overall plan specific goals, actions, and activities for individual certificate and degree programs.
3. Allocate resources to strategies which positively impact NH enrollment.
4. Maintain overall enrollment at parity with population.
5. Attain parity with population for each individual degree program.

#### **Action Project 3: Persistence (IA3, IB9, IIC1, IIID1, IVB3)**

Based on accurate, disaggregated data, the College will identify and prioritize strategies at the institution which positively impact NH persistence, which positively impacts enrollment.

The goals for persistence are integrated into the goals for data disaggregation and enrollment. These relevant action steps needed to achieve these integrated goals are also integrated in the

action steps for these action projects. How the goals are integrated in other action project goals is delineated below:

### **Action Project: Disaggregation of Data by Race/Ethnicity**

**Goal 1:** Provide valid, consistent data on outcome attainment for Native Hawaiians and others across measures on an annual basis.

**Integrated Persistence goal:** Disaggregate NH Fall to Fall persistence.

### **Action Project: Enrollment**

**Goal 1:** Establish a systematic, evidence-based enrollment management plan for overall enrollment.

**Integrated Persistence Goal:** Establish a systematic, evidence-based enrollment management plan which considers persistence.

**Goal 3:** Allocate resources to strategies which positively impact NH enrollment.

**Integrated Persistence Goal:** Allocate resources to strategies which positively impact NH persistence.

**Goal 4:** Maintain overall enrollment at parity with population.

**Integrated Persistence Goal:** Maintain parity with population for persistence.

### **Action Project 4: Completion (IA3, IB3, IB9, IIA1, IIA10, IIC1, IIC5, IIC6, IIID1, IIID2, IVB3)**

The College will identify and prioritize strategies at the institution which positively impact NH completion (graduation and transfer).

#### **Goals**

1. Implement strategies to promote NH graduation and transfer.
2. Allocate resources to strategies which positively impact NH graduation and transfer.
3. Overall graduation rates at or above parity with population.
4. Graduation rates within specific degrees at or above parity with population.
5. Transfer rates at or above parity with population.

### **Quality Focus Essay 2: Distance Education Parity**

Students receiving distance education at Windward CC *will achieve academic parity* with those receiving face-to-face education at Windward CC.

### **Action Project 1: Provide faculty who teach online with expert training and support (IB1, IIA2, IIA7, IIIA2, IIIA8, IIIA14, IIIC1, IIIC4, IIIC5, IVA4, IVB3)**

#### **Goals:**

1. Ensure adequate staffing to provide training and support to faculty who deliver distance instruction.
2. Ensure adequate facilities to provide training and support to faculty who deliver distance

instruction.

3. Provide timely training and assistance to faculty who deliver distance education.
4. Foster peer support and mentoring among faculty and staff who deliver and assist with distance education.
5. Provide faculty with instructional technologies that best support effective instruction.

**Action Project 2: Provide equivalent support services to online and face-to-face students (IB6, IIA7, IIB1, IIC1, IIC3, IIC5, IVB3)**

**Goals:**

1. Institutionalize and centralize tutoring services for all students regardless of course format or location.
2. Extend and enhance student support services for distance learners.

**Action Project 3: Align institutional and programmatic practices for online instruction (IB4, IIA1, IIA6, IVA3, IVA4, IVB3)**

**Goals:**

1. Provide sufficient distance education courses to allow timely completion of degrees.
2. Ensure that the assessment of distance education courses is adequate and equivalent to face-to-face course evaluation.

**Other Planned Improvements**

1. Create an Online AA and AS in Veterinary Assistance Program
2. Modernize existing buildings on campus
3. Modernize teaching spaces on campus
4. Establish more Workforce Development Partnerships
5. Assure ADA Compliance in all documents disseminated on campus
6. Invest in sustainability options
7. Evaluate and modify, if necessary, SLO assessment policies and procedures



UNIVERSITY of HAWAII  
**LEEWARD**  
COMMUNITY COLLEGE

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

Office of the Chancellor

18 MAY 11 10:25

RECEIVED

May 9, 2018

MEMORANDUM

'18 MAY 11 10:20

TO: Jan Naoe Sullivan  
Chair, Board of Regents

VIA: David Lassner  
President

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE  
*David Lassner*

VIA: Donald O. Straney  
Vice President for Academic Planning and Policy

*Donald O. Straney*

VIA: John Morton  
Vice President for Community Colleges

*John Morton*

FROM: Manuel J. Cabral  
Chancellor

*Manuel J. Cabral*

SUBJECT: REQUEST APPROVAL TO RE-DESIGNATE THE ESTABLISHED  
ASSOCIATE IN ARTS IN TEACHING DEGREE AS AN ESTABLISHED  
ASSOCIATE IN SCIENCE IN TEACHING DEGREE AT LEEWARD  
COMMUNITY COLLEGE

SPECIFIC ACTION REQUESTED:

Request approval to re-designate the established Associate in Arts in Teaching (AAT) degree as an established Associate in Science in Teaching (AST) degree at Leeward Community College.

RECOMMENDED EFFECTIVE DATE:

Fall 2018

ADDITIONAL COST:

None

BACKGROUND INFORMATION:

Board of Regents Policy RP 5.201C states "Any significant change to a program once granted established status or deviations from the original intent, purpose, or design of the program shall be approved by the board."

The change in designation will provide more accurate data for the Annual Report of Program Review (ARPD) where workforce needs will be calculated into the quantitative indicators. The AAT is currently being evaluated like a General Pre-Professional program, whose sole demand indicator is a 3% annual growth rate. The rubric for demand states that the Teaching program needs to keep up with the college headcount but does not take into consideration the high demand for para-educators in the HIDEO. The re-designation to an AS in teaching degree will provide the ability to apply for Carl Perkin's Funds to support initiatives that will positively impact the preparation of future teachers. The mission, vision, program learning outcomes and coursework for the AST will remain the same as the AAT aligning with the Division goals, College Strategic Plan and the College Mission Statement.

Upon approval, the AAT degree will be stopped out to begin the termination process and all current students will be given the option to switch to the AST degree or complete the AAT degree. The AAT degree will be terminated once all students have completed.

Significance/Contribution of this degree:

The AST is designed to prepare students for employment in career and technical fields, and/or transfer to a baccalaureate granting institution. The degree will consist of 62 semester credits (the minimum for an AS degree is 60) which provides students with skills and competencies for gainful employment as para-educators. Many AAT graduates seek employment as para-educators and complete their baccalaureate degree at universities who offer courses online or afternoon/evenings.

Demand projections:

Currently, there are more than 400 students attending Leeward CC who are declared majors and have indicated education as their career goal. Given these sources of students for the AST, it is anticipated that about 100 students will apply to the college each year with the academic goal of working toward a degree in education. At full capacity, the program would graduate approximately 70 students per year. Of this number, some will seek employment as educational assistants with the DOE (terminal degree) and others will seek employment, as well as, transfer to programs leading to a bachelor's degree in education.



Accreditation impact (if any):

The AAT degree is not professionally accredited, and the AST degree would also not be professionally accredited. Since the AAT and AST do not lead to state licensure, neither program requires consultation with the Hawai'i Teachers Standards Board. This change will not instigate a substantive change with our regional accreditor, ACCJC.

Examples (2-3) of similar models from peer institutions:

According to the Peer and Benchmark Comparison Groups for Leeward CC, Brookhaven College offers an Associate in Arts in Teaching, Cuesta College offers an Associate in Science in Teaching in Early Childhood, and Highline Community College offers an Associate of Applied Science in Educational Para educator.

Similar programs at other UH campuses:

Leeward Community College is the only UH campus that offers the AAT.

Statement from campus administration of new program's strategic value within the UH System and campus mission, and the Integrated Academic and Facilities Plan:

The AAT is a valuable addition to the College's efforts to meet the statewide workforce needs in Hawai'i. As with the first education courses developed in collaboration with the Hawai'i Department of Education (HIDOE) for the AAT degree, the AST program has been designed to be accessible to students statewide. The program core requirements as well as all electives are delivered in class and via distance education. The UH Community Colleges already have the capacity to provide courses leading to an AA degree via distance education, so a neighbor island student could complete the general education requirements of the AST on a neighbor island community college campus or via distance education.

Cost and resource allocation/reallocation implications:

No additional costs to be incurred

Impact of new program/program change request on campus budget allocations and mission priority:

Aligned with the Leeward CC Mission Statement, the AST addresses a growing industry need for para-educators, a category which includes educational assistants, part-time teachers, and paraprofessional tutors.

Jan Naoe Sullivan  
May 9, 2018  
Page 4

**ACTION RECOMMENDED:**

Recommend approval to re-designate the established Associate in Arts in Teaching (AAT) degree as an established Associate in Science in Teaching (AST) degree at Leeward Community College.

**Attachment:**

1. Degree Change Request for Leeward Community College

c: Executive Administrator and Secretary of the Board Oishi



UNIVERSITY  
of HAWAII  
**HILO**

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

University of Hawai'i at Hilo Administration  
Office of the Chancellor

18 MAY 10 P6:02

DTS 18850

RECEIVED

May 7, 2018

'18 MAY -9 P1:35

**MEMORANDUM**

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

TO: Jan Naoe Sullivan  
Chair, Board of Regents

VIA: David Lassner  
President *David Lassner*

VIA: Donald O. Straney  
Vice President for Academic Planning and Policy  
*Donald O. Straney*

FROM: Marcia Sakai *Marcia Sakai*  
Interim Chancellor, University of Hawai'i at Hilo

SUBJECT: Request approval to re-designate the established Bachelor of Arts (B.A) degree as an established Bachelor of Science (B.S.) degree in Chemistry at the University of Hawai'i at Hilo (UH Hilo).

**SPECIFIC ACTION REQUESTED:**

Request approval to re-designate the established Bachelor of Arts (B.A) degree as an established Bachelor of Science (B.S.) degree in Chemistry at the University of Hawai'i at Hilo (UH Hilo).

**RECOMMENDED EFFECTIVE TERM/YEAR:**

Fall 2018

**ADDITIONAL COSTS:**

No additional costs

**BACKGROUND INFORMATION:**

Board of Regents Policy RP 5.201C states "Any significant change to a program once granted established status or deviations from the original intent, purpose, or design of the program shall be approved by the board."

Jan Naoe Sullivan  
May 7, 2018  
Page 2

The change in designation is a student driven change. The degree change will provide increased opportunities for students interested in Graduate or Professional Schools and to acknowledge the rigor of the current degree program.

In 2013, students began to inquire why our chemistry degree was only a B.A. and not a B.S. They felt that the Chemistry degree is just as rigorous and requires as many courses as some of the B.S. degrees offered at UH-Hilo, such as Astronomy, Marine Science, and Biology. The current UH Hilo Chemistry B.A. degree is comparable to UH-Mānoa (see Appendix 1) as well as other B.S. programs across the country. We wish to change perception of students, potential employers, and graduate schools that the current B.A. degree is deficient or less rigorous, when compared to a Chemistry B.S. degree from other institutions. In fact the current degree is a fully rigorous chemistry degree worthy of a B.S. designation and the B.A. designation is an anachronism in need of correction.

Upon approval, the B.A. degree will be stopped out to begin the termination process and all current students will be given the option to switch to the B.S. degree or complete the B.A. degree. The B.A. degree will be terminated once all students have completed.

**Significance/Contribution of this degree:**

The re-designation from B.A. to B.S. in Chemistry will require no curriculum change. The requirements specific to the Chemistry B.S. degree consist of 41 credits of Chemistry courses and 24 credits from related science curriculum. An additional 65 credits outside of the major requirements are needed to meet the General Education and other graduation requirements of UH Hilo.

Chemistry graduates pursue graduate studies in Chemistry and professional studies primarily in the Daniel K. Inouye College of Pharmacy, and also go on to Medical and or Dental Schools.

**Demand projections:**

Chemistry is a moderately sized program with approximately 64 currently declared majors. There has been past evidence that students have pursued other programs in the past due to the degree being designated as a B.A. We anticipate a small increase in our enrollment since earning a B.S. will provide an added incentive for our students in their quest for employment or admission to graduate or professional school.

**Accreditation impact (if any):**

The B.A. degree is not professionally accredited, and the B.S. degree would also not be professionally accredited. This change will not instigate a WASC substantive change.

Jan Naoe Sullivan  
May 7, 2018  
Page 3

**Examples (2-3) of similar models from peer institutions:**

- Coastal Carolina University: B.S. Chemistry
- Delaware State University: B.S. Chemistry
- University of North Carolina Asheville: B.S. and B.A. Chemistry

**Similar programs at other UH campuses:**

UH Mānoa currently offers a B.A. and B.S. in Chemistry

**Statement from campus administration of new program's strategic value within the UH System and campus mission, and the Integrated Academic and Facilities Plan:**

The B.S. in Chemistry is a core science program which prepares students for graduate and professional school, supports other sciences, and feeds students into the Daniel K. Inouye College of Pharmacy. Due to the heavy laboratory component, this degree is not offered via Distance Learning. The program has a general education core aligned with the other UH system campuses which allows transfer opportunities for UH Community College Students.

The Chemistry department occupies modern teaching and learning spaces in the Science and Technology building that is adequate for future needs. The designation of Bachelor of Science will help to increase retention and graduation rates for students pursuing Chemistry at UH Hilo.

**Cost and resource allocation/reallocation implications:**

No additional costs to be incurred

**Impact of new program/program change request on campus budget allocations and mission priority:**

There will be no change to budget allocations and mission priority with this request.

**ACTION RECOMMENDED:**

Request approval to re-designate the established Bachelor of Arts (B.A) degree as an established Bachelor of Science (B.S.) degree in Chemistry at the University of Hawai'i at Hilo (UH Hilo).

**Attachment(s):**

Degree Change Request

c: Kendra Oishi, Executive Administrator and Secretary, Board of Regents

15901-A



UNIVERSITY  
of HAWAII  
SYSTEM

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

Kalbert K. Young  
Vice President for Budget and Finance  
Chief Financial Officer

18 MAY 17 P2:50

RECEIVED

May 17, 2018

'18 MAY 17 P2:32

TO: Jan Naoe Sullivan  
Chairperson, Board of Regents

Wayne Higaki  
Chair, Committee on Budget and Finance, Board of Regents

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

VIA: David Lassner  
President

FROM: Kalbert K. Young  
Vice President for B&F/CFO

SUBJECT: Approval of Extension of Fossil-Free Fuel Mandate Deadline to  
June 30, 2019

SPECIFIC ACTION REQUESTED:

The Administration hereby requests the Board of Regents and its Committee on Budget & Finance approve the extension of fossil-free fuel mandate deadline to June 30, 2019 in Regent Policy 8.07, to afford more time while the University Administration and UBS Financial Services Inc. ("UBS") continue working on a negotiated services agreement and additionally develop the optimal platform to enable the Legacy Endowment to more efficiently comply with the University's investment policy (RP8.207), including the fossil fuel free mandate.

RECOMMENDED EFFECTIVE DATE:

Upon approval of the Board of Regents.

APPLICABLE REGENT POLICY

Regent Policy 8.207, Investments, is the relevant policy pertaining to investment and management of funds specifically related to the University of Hawai'i endowment fund. The endowment fund governed by this policy is commonly referred to as the "Legacy Endowment" so as to distinguish it from the endowment of the UH Foundation. Regent Policy 8.207 provides specifications, parameters, and guidance as to the composition, allocation, and types of investments suitable for the Legacy Endowment.

Of particular relevance for this for-action request is that part of the investment policy at RP 8.207,C.vi.2 which reads:

“2. The board also desires to align its investment goals and guidelines with Chapter 4.208, the board’s sustainability policy. As such, the investment manager shall hereby divest the Fund from companies that produce fossil fuels, and shall maintain a portfolio that is substantially divested of fossil fuels (0-1% holdings). While moving toward the divestment of fossil fuels, the investment manager shall also include investments that will provide alternative energy substitutes, where feasible. Divestment shall occur in a responsible manner that will consider investment and management fees, while meeting the investment goals and guidelines set forth in this chapter. Divestment should begin as soon as possible, with the outside date for completion to be on or before June 30, 2018. Progress towards this objective and any monetary impacts to the Fund should be reviewed along with the investment manager’s quarterly report to the board.”

The investment policy states a specific date for compliance – June 30, 2018. It is this date that this for-action request seeks to amend.

**BACKGROUND:**

In May 2015, the Board of Regents amended the investment policy (RP8.07,C.vi.2) by directing that: (a) the portfolio of the Legacy Endowment be divested of investments in companies that produce fossil fuels by June 30, 2018, and (b) during the time up to June 30, 2018, 1% of the Legacy Endowment portfolio may consist of fossil fuel producing investments. Since 2015, UBS has been slowly migrating investments in the Legacy Endowment portfolio into funds that would satisfy this fossil fuel free mandate.

The June 30, 2017, UBS portfolio performance report indicated 2.24% of the portfolio was invested in energy-related assets (as a surrogate indicator for fossil fuel exposure). Migration of the portfolio to fossil-fuel free investments has been challenging and slow. This is due primarily to the portfolio’s strategy to utilize exchange traded funds (ETFs) and Index Funds as the primary investment vehicles for the portfolio because they provided the lowest cost approach while also providing an efficiency of diversification. A drawback to this approach, however, is that ETFs and Index Funds are large pools of explicitly selected investments, and therefore, do not allow individual investors to surgically select or remove independent stocks or companies from the larger fund. As applied to the fossil fuel free mandate, ETFs and Index Funds are not optimal to achieve the mandate objectives, since there are companies included in the ETFs and Index Funds that do not specifically conform to the fossil fuel free mandate.

Additionally, UBS has been challenged to find funds that are specifically fossil fuel free. Such funds are not plentiful in the marketplace, tend to have higher expense ratios, and/or have short histories of existence. In addition, the short histories of existence present challenges because Board of Regents Policy RP 8.207 requires that investment advisers and managers have at least 3 years of experience with such funds.

On March 22, 2018, the Board approved the retention of UBS to provide institutional consulting services in managing and overseeing the investment and performance of the Legacy Endowment portfolio. The Board also authorized the Administration to negotiate and arrange a service agreement with UBS. As part of the transition to the institutional consulting service agreement, the University administrations and UBS hereby requests additional time to identify the optimal platform that will help enable the Legacy Endowment to better and more efficiently comply with the University's investment policy (RP8.207), including the fossil fuel free mandate.

#### DISCUSSION

UBS is the current investment manager and consultant for the Legacy Endowment. UBS have been migrating investments and the choice of funds in the Legacy Endowment to comply with the investment policy to comply with the fossil-fuel free mandate since the Regent Policy was amended. Since July 2017, the UH Administration and UBS have been negotiating the joint arrangement and investment platform of the UBS arrangement in order to better comply with the eventual implementation of the investment policy. This has entailed Board of Regent action to approve the contracting of UBS and authorizing the Administration to negotiate an agreement with UBS to establish an investment platform that most efficiently allows for investment choices that do not entail fossil fuel investments.

As previously mentioned above, these efforts are more involved and lengthy than anticipated. Administration does not believe that reaching an agreement for UBS and establishing the platform of investments can be completed in time for the June 30, 2018, date in the Regent Policy 8.207. This for-action seeks to amend this date in order to afford more time to complete the agreement with UBS and to more timely establish an investment platform that can comply with the investment policy.

#### ACTION RECOMMENDED

The Administration requests that the Committee on Budget and Finance recommend, and the Board of Regents approve, an amendment to Regent Policy 8.207 at C.vi.2 to change the implementation date from June 30, 2018 to June 30, 2019.



## University of Hawai'i Board of Regents

# RESOLUTION

## Supporting Moratorium on Square Footage Growth

---

WHEREAS, the University of Hawai'i System ("University") has a deferred maintenance backlog of \$742 million for general and special funded facilities both on and off campus; and

WHEREAS, in addition to the deferred maintenance backlog, many University facilities are in need of substantial modernization to meet the needs of 21<sup>st</sup>-century students and faculty; and

WHEREAS, every square foot of space incurs ongoing costs for ongoing operations and maintenance as well as major improvements over time; and

WHEREAS, the deferred maintenance backlog can be reduced and further growth in the backlog can be limited by reducing or limiting the growth of the University's space inventory; and

WHEREAS, studies have indicated that there is a significant amount of space that is underutilized, often due to the poor quality and functionality of the space; and

WHEREAS, it is in the best interest of the University to encourage all forms and methods of capital projects, including the demolition and replacement of existing facilities; and

WHEREAS, the University must not simply rely on increased capital funding to address the deferred maintenance backlog in the context of modernizing University facilities, but must also maximize the utilization of existing space inventory in an efficient and prioritized manner; and

WHEREAS, in 2013, the Board of Regents adopted a resolution imposing a moratorium on all new construction at the University of Hawaii System for an initial term of three years and possible additional time to reduce the deferred maintenance and repair ("DMR") balance to an acceptable level; and

WHEREAS, the Board of Regents recognizes that there is still a need to reduce the DMR balance and to implement innovative strategies to modernize and improve the University's facilities systemwide.

NOW THEREFORE, BE IT RESOLVED that there shall be a moratorium on all new construction that results in an increase in [a building or building's gross](#) square footage without an equivalent reduction in square footage on any campus with an overall deferred maintenance backlog greater than 10% (ten percent) of the replacement value of its facilities; and

BE IT FURTHER RESOLVED that any proposed new construction project must have an accompanying proposal to remove an equal or greater amount of space from the campus's inventory to achieve net-zero growth in [a building or building's gross](#) square footage; and

BE IT FURTHER RESOLVED that this resolution shall not apply to exceptions approved by the Board of Regents or public-private partnership (P3) opportunities that do not impose significant new operations and maintenance or major improvement obligations on the University; and

BE IT FURTHER RESOLVED that this moratorium will be reevaluated after 3 years to determine the

level of the DMR balances overall and at each major unit (Mānoa, Community Colleges, Hilo, and West O‘ahu) and to assess the effectiveness of this moratorium in moving toward well-maintained and efficiently utilized 21<sup>st</sup>-century facilities on all campuses.

Adopted by the Board of Regents  
University of Hawai‘i  
\_\_\_\_\_, 2018

**“Grandfathered” Exceptions:**

Honolulu CC Science Building  
Culinary Institute of the Pacific  
Hawai‘i Community College Redevelopment (subject to Board of Regents approval of development plan)  
Snyder Replacement Building  
UH West Oahu academic space to accommodate enrollment growth

Item V.A.7.  
Review & Approval of  
Intercollegiate  
Athletics Committee  
Goals

**MATERIALS**

Original Three Goals discussed during the December 14, 2017, Committee on Intercollegiate Athletics (ICA) Meeting:

- THREE GOALS**
- 1) Board is ultimately responsible for athletics policy and oversight.
  - 2) Board should act decisively to uphold integrity of the athletics program and its alignment with the academic mission of UH.
  - 3) Board must educate itself about its policy role and oversight of intercollegiate athletics.
    - o Do we need a formal board policy defining the delegation of management responsibility for athletics for the President/Chancellor.
    - o Do we receive sufficient financial information on revenues and expenditures for each sport;
    - o Do we receive sufficient information on academic progress - time constraint - health and safety issues;
    - o Do we have sufficient knowledge of NCAA rules on board oversight;
    - o Should the Board be responsible for publicly certifying compliance with NCAA and conference rules and regulations;
    - o Should the Board adopt policies regarding summer camps - children safety;
    - o Should the Board set clear policies and reporting requirements on fundraising - oversight of booster clubs and affiliated organizations - annual risk assessment for evaluating the internal controls of the athletics department - auditors.

Goal 3 was adopted by ICA on December 14, 2017, as stated above.

Proposed consolidation and revision of goals 1 and 2 was adopted by ICA on January 11, 2018, as stated below:

*Board should exercise appropriate oversight over the integrity of the athletics program and its alignment with the academic mission of UH.*

These goals were adopted by ICA on May 18, 2018, as stated below:

*Board must educate itself about its policy and oversight of intercollegiate athletics.*

*Board should exercise appropriate oversight over the integrity of the athletics program and its alignment with the academic mission of UH.*

*Board is ultimately responsible for athletics policy and oversight.*



Office of Intercollegiate Athletics 1337 Lower Campus Road Honolulu, Hawaii 96822

RECEIVED

May 11, 2018

'18 MAY 11 P1:59

TO: Jan Sullivan  
Chairperson, Board of Regents

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

VIA: David Lassner  
President

VIA: Jan Gouveia  
Vice President for Administration

VIA: David Lassner  
Interim Chancellor, Mānoa

FROM: David A.K. Matlin  
Director of Athletics, Mānoa

SUBJECT: Approval of Amendments to Regents Policies 9.202 "Classification Plans and Compensation Schedules" and 9.218 "Delegation of Personnel Actions", Relating to Appointing Athletic Coaches

SPECIFIC ACTION REQUESTED

As more fully detailed below, the University of Hawai'i Board of Regents (the "Board") is requested to approve amendments to Regents Policies 9.202 and 9.218, which extend the authority of the President to approve up to five years of a coach's original, amended or extended contract.

RECOMMENDED EFFECTIVE DATE

Upon approval.

PURPOSE AND BACKGROUND

RP 9.202 Section III.H.2 and RP 9.218 Section III.A.5 address when appointments of athletic coaches and related administrators require approval by (1) the chair or vice chair of the Board of Regents, and (2) the chair or vice chair of the Committee on Intercollegiate Athletics. As written, RP 9.202 and RP 9.218 present ambiguous language that potentially conflict with each other. As such, from a housekeeping perspective, the proposed amendments seek to provide

clear and unambiguous direction on when appointments of athletics coaches and related administrators require approval by Board leadership.

From a substantive perspective, the proposed amendments seek to expand the authority of the President to approve appointments for athletic coaches that do not exceed five years of “yet to be completed” years of employment at the University – whether they are part of an original, extended, amended or renewed term.

Generally speaking, current policy limits the authority of the President to approve appointments that are three years in duration and less. Under a simple scenario, when a coach is initially hired for 3 years, there is unanimous agreement that the President has authority to approve the appointment. However, it is unclear as to whether the President’s authority applies to any extensions of the term of the appointment. For example, if after the first employment year of an initial 3-year appointment, the appointment is renewed for an additional year, does the one-year extension require approval by Board leadership? Does the answer change if the appointment is extended for an additional year after the second or third year of employment? These are questions that are subject to different answers because of the current wording of RP 9.202 and RP 9.218.

By way of this memorandum, the Board will (1) articulate the broader principles that establish the intent of the RP 9.202 and RP 9.218 as it relates to athletic coach appointments, and (2) set forth a policy that advances such principles.

## DISCUSSION

A successful intercollegiate athletics program is reliant upon the employment of high-caliber coaches. The mentorship and guidance that coaches provide, as well as the reputation of the coach, is crucial to recruiting and retaining high-performing student-athletes. Collegiate athletics is a fast paced, competitive market that often present opportunities, or more often the risk of losing opportunities, to secure high-caliber coaches in a limited period of time. The ability of the University to timely and meaningfully respond when negotiating the hiring and retention of coaches is critical and imperative to the success of its intercollegiate athletics program.

When recruiting student athletes, many prospects and parents factor the length of a coach’s remaining employment contract into their decision. As most baccalaureate students attend for four to five years, a contract term of up to five years for coaches is ideal. This is consistent with industry standards, where coaches are receiving contracts with increasingly longer terms. The demand for longer contract terms and the urgency of these negotiations is particularly severe in the highest profile, highest revenue generating sports, such as basketball and football. There are 129 universities that compete at the National Collegiate Athletic Association (NCAA) Division I, Football Bowl Sub-Division level. Approximately half of these universities are considered to be our peers and compete in the “Group of 5,” which includes the Mountain West Conference, American Athletic Conference, Conference USA, Sunbelt Conference, and Mid-American Conference; the other half of the universities compete in the “Power 5,” which includes the Pac-12, Southeastern, Atlantic Coast, Big Ten and Big 12 Conferences.

A review of 64 contracts for the “Group of 5” head coaches in each of the sports of football, men’s basketball and women’s basketball showed that ~~95% are for five years or longer:~~ 20 in football, 24 in men’s basketball, and 17 in women’s basketball are for five years or longer. Additionally, there are 29 head coaches of various other sports with contracts of five or more years. As a further example, a review of 49 Power 5 head football coach contracts showed that over 70% of the contracts were for five years or longer.

The Administration believes that delegating authority to the President to approve coaches’ appointments up to and including five years in duration would increase the University’s ability to compete in a challenging market. This not only applies to the initial appointment of coaches, but also to contract extensions necessary to retain successful coaches.

The current practice of requiring the Board leadership approval for appointments and reappointments greater than three years in duration limits employment negotiations and reduces our bargaining power due to the additional time necessary to obtain such approvals. In moments where time is of the essence and a commitment by the University is needed within hours or days, instead of weeks and months, such additional time can be fatal. The flexibility to negotiate contract terms with expediency is necessary for the University to pursue highly sought-after coaches to the best of its ability.

As proposed, the policy amendments authorize the President to commit the University up to a total of five years of a coach’s original, amended or extended appointment. Under a simple scenario, where the original term of a coach’s contract is 5 years, the proposed amendments delegate authority to the President to approve that original appointment. If, after the completion of 2 years, a 2-year extension is desired, then the proposed amendments delegate authority to the President to approve because the total number of years that the President is committing the University to is 5 years (3 years remain under the original contract and 2 additional years are being added). If, after the completion of 2 years, an extension of 2.5 years is desired, then the proposed amendments require approval by Board leadership because the total number of years being committed by the University is 5.5 years (3 years remaining under the original contract and 2.5 added years).

It is common in the industry to roll into consecutive years after each season – especially when the season is successful. As such, the broader principle presented by the proposed amendments caps the number of years that the President can commit to on any ongoing basis to 5 years. Anytime a proposed extension or amendment to an existing contract exposes the University to more than 5 years of performance that remains to be completed, then such an extension or amendment requires Board leadership approval.

Finally, the policy of requiring approval by Board leadership for annual salaries for coaches exceeding the salary schedule by more than 25% and/or exceeding \$500,000 annually remains unchanged.

### OTHER CONSIDERATIONS

Over the last few years, the standard employment agreement for head coaches has undergone significant revisions to mitigate the University's risk throughout the duration of an employment agreement. These revisions include:

- Requiring the coach to pay the University for early termination of the agreement without proper notification;
- A buyout provision that makes clear, including through illustrations, the amount owed to a coach when terminating a coach without cause; and
- A mitigation clause that reduces the buyout amount should a coach who is terminated without cause obtain other sources of income.

### ACTION RECOMMENDED

As set forth in the Attachments, it is recommended that the Board of Regents approve amending RP 9.202 and 9.218 to require approval by (1) the chair or vice chair of the Board of Regents, and (2) the chair or vice chair of the Committee on Intercollegiate Athletics, for:

- Initial appointments of head coaches of more than 5 years;
- Amended Terms of head coaches of more than 5 years. An Amended Term, is calculated by combining (1) that portion of an existing term of a contract that has yet to be completed, and (2) the term of any extensions beyond that original or existing term. Any years that have already been completed under an original, amended, or extended contract, shall not be included for purposes of calculating the Amended Term.

#### Attachments:

1. RP 9.202 (Proposed – Redlined Version)
2. RP 9.202 (Proposed – Clean Version)
3. RP 9.218 (Proposed – Redline Version)
4. RP 9.218 (Proposed – Clean Version)





Regents Policy Chapter 9, Personnel

Regents Policy RP 9.202, Classification Plans and Compensation Schedules

Effective Date: ~~June 1, 2017~~ [June 7, 2018](#)

Prior Dates Amended: Jan. 16, 1958; Dec. 2, 1959; Oct. 11, 1962; Sept. 10, 1964; Apr. 16, 1969; Aug. 19, 1969; Mar. 14, 1974; Dec. 12, 1974; Dec. 11, 1975; July 15, 1976; Dec. 9, 1976; Jan. 16, 1977; June 16, 1977; July 14, 1977; Apr. 20, 1978; Oct. 20, 1978; Dec. 7, 1979; Jan. 10, 1980; Oct. 17, 1980; Dec. 5, 1980; Feb. 5, 1981; June 18, 1981; Oct. 16, 1981; Feb. 19, 1982; Oct. 22, 1982; Sept. 30, 1983; Nov. 18, 1983; Mar. 16, 1984; July 27, 1984; June 21, 1985; Sept. 20, 1985; June 20, 1986; July 25, 1986; July 24, 1987; Sept. 18, 1987; Oct. 16, 1987; Nov. 20, 1987; May 20, 1988; Oct. 21, 1988; Nov. 18, 1988; Feb. 17, 1989; Sept. 15, 1989; Nov. 17, 1989; Feb. 16, 1990; Apr. 20, 1990; Oct. 19, 1990; Nov. 16, 1990; June 21, 1991; Sept. 20, 1991; Feb. 21, 1992; June 19, 1992; July 17, 1992; Mar. 19, 1993; Sept. 17, 1993; Oct. 21, 1994; Aug. 23, 1996; June 20, 1997; Nov. 14, 1997; Jan. 16, 1998; Apr. 17, 1998; Jan. 21, 2000; Feb. 18, 2000; Apr. 20, 2000; June 16, 2000; Aug. 11, 2000; Aug. 15, 2000; Apr. 20, 2001; Jan. 18, 2002; Mar. 15, 2002; June 2002; Oct. 18, 2002; Mar. 14, 2003; Apr. 17, 2003; May 16, 2003; Nov. 21, 2003; May 18, 2006; Aug. 2006; Mar. 15, 2007; July 26, 2007; Sept. 2007; Nov. 15, 2007; Feb. 15, 2008; May 29, 2008; Sept. 2008; Nov. 21, 2008; Oct. 31, 2014 (recodified); [June 1, 2017](#)

-Review Date: August 2020

**I. Purpose**

To set forth policy on classification plans and compensation schedules.

**II. Definitions:**

No policy specific or unique definitions apply.

**III. Policy:**

- A. Except for civil service positions, the board shall classify all positions in the university and establish compensation schedules as appropriate.
- B. The president, with the exception of select undelegated executive managerial personnel, is authorized, consistent with existing statutes and board policies, to grant special salary adjustments in situations where funds are available and the adjustments are warranted on the basis of retention, market, equity, and/or merit.

- C. Executive and managerial positions are classified and compensated in accordance with the executive and managerial personnel policies in RP 9.212.
- D. Compensation shall be in accordance with provisions reflected in the most current collective bargaining agreement negotiated between the university and the exclusive collective bargaining representative. In the event that the faculty member is not subject to collective bargaining, the president shall have the authority to establish compensation guides.
- E. The classifications of faculty positions in the university shall be as provided below.
  - 1. [Section 304A-1002, Hawai'i Revised Statutes, Hawai'i State law](#) provides that "The Board of Regents shall classify all members of the faculty of the university including research workers, extension agents, and all personnel engaged in instructional work..." ([Hawai'i Revised Statutes, 304-1002](#)).
  - 2. The president is delegated the authority to establish a faculty classification plan, administer the plan, and make amendments to the plan, provided that any new faculty categories or permissible campus faculty groups shall be subject to prior approval of the board.
    - a. The plan may include the following faculty categories: Instruction ('I' for all faculty excluding law and clinical medicine faculty; J for law; M for clinical medicine; and C for community colleges); Researcher (R), Specialist (S), Librarian (B), Extension Agent (A), Graduate Teaching Assistant, Lecturer, Visiting and Other Faculty and Non-compensated Faculty.
    - b. At a minimum, the faculty classification plan shall include general statements of duties and responsibilities and minimum qualification requirements.
      - (1) When the situation warrants, and especially in those fields where advanced degrees are not commonly held by faculty members, other evidences of scholarly, artistic or professional attainment may be accepted in lieu of advanced degrees. In general, "equivalents" will be used sparingly and only when there is clear evidence that the substituted items of training and experience are in fact equivalent in qualifying the faculty member for the individual's duties and responsibilities.

3. Titles of positions are determined by the board, and no faculty member may use any title not specifically authorized. Members of the faculty in divisions other than instruction, when engaged in teaching, shall bear the instructional title appropriate to their grade.
4. University of Hawai'i at Mānoa classification schedules.
  - a. The board faculty classification system includes seven general categories for the University of Hawai'i at Mānoa with grades within each category.
    - (1) Instruction ('I' for all faculty excluding law and clinical medicine faculty; J for law; M for clinical medicine), includes graduate teaching assistants, instructors, assistant professors, associate professors, and professors.
    - (2) Researcher (R), includes junior researchers, assistant researchers, associate researchers, and researchers. When applicable, the R series title substitutes the special area for the word "researcher," for example, "assistant agronomist," "associate meteorologist," or "plant pathologist."
    - (3) Specialist (S), includes junior specialists, assistant specialists, associate specialists, and specialists. The S series is used for specialties not primarily involved with research, for example, "associate specialist in student personnel."
    - (4) Librarian (B), includes ranks II to V.
    - (5) Extension agent (A), includes junior extension agents, assistant extension agents, associate extension agents, and county extension agents.
    - (6) Graduate teaching assistant.
    - (7) Lecturer includes persons employed for short-term teaching assignments, usually on a part-time basis.
  - b. Clinical titles for non-compensated faculty appointments in Health Science and Social Welfare.
    - (1) The titles clinical professor, associate clinical professor, assistant clinical professor, clinical instructor and clinical teaching assistant are non-compensated appointments in the Colleges of Health Sciences and Social Welfare (medicine, nursing and dental hygiene, and social

work) for practitioners with professional qualifications in the health and welfare sciences who take an active role in formal teaching, tutorials, clinical instruction, hospital practice, or field guidance of students.

5. University of Hawai'i at Hilo and University of Hawai'i, West O'ahu

- a. The faculty classification system includes three categories for the University of Hawai'i at Hilo and the University of Hawai'i, West O'ahu, with grades within each category:
  - (1) Instruction ('I' for all faculty), includes graduates teaching assistants, instructors, assistant professors, associate professors, and professors.
  - (2) Lecturers include persons employed for short-term teaching assignments, usually on a part-time basis.
  - (3) Affiliate faculty is a non-compensated appointment usually to professional personnel with a particular interest or capability which may contribute to the teaching or research program of the campus; except for occasional lectures or consulting with individual students, affiliate faculty do no teaching. Authority to appoint affiliate faculty is delegated to the president who shall promulgate policies and procedures relating to the selection and appointment of affiliated faculty.

6. Community College and Maui College classification schedule

- a. The faculty classification system includes one category for the community colleges and Maui College with grades within each category:
  - (1) Instruction includes lecturers, instructors, assistant professors, associate professors, and professors.
- b. The plan may include statements of classification principles for use in the classification of community college faculty.

F. High Demand Disciplines.

1. The president is delegated the authority to establish high demand academic disciplines for which recruitment and/or retention of faculty of quality desired by the university exceed the maximum of the appropriate salary schedule.

2. The president is authorized to recruit faculty in the recognized high demand disciplines at salaries that exceed the maximum of the appropriate salary schedule.

G. Graduate Assistants.

1. The president shall have the authority to establish, amend, and administer a classification and compensation plan for graduate assistants.

H. Administrative, Professional and Technical (APT) Positions.

1. APT classification and pay system.

- a. For all APT positions, including athletic coaches and related administrators,  
~~t~~The board delegates to the president the authority to:

(1) Adopt, revise, and abolish career group standards and bands.

(2) Assign positions to career groups and bands.

(3) Determine designated new hire rates for career groups and bands.

~~(3)~~(4) Promulgate policies and procedures relating to the classification, compensation, and appointment terms of coaches and related administrators, including a salary schedule, in accordance with this policy.

- b. The APT Appeals Board shall adjudicate appeals filed on the banding of individual positions. The Appeals Board shall support its decisions by findings based on fact.

The APT Appeals Board shall consist of three members serving staggered terms of three years. One member shall be recommended by the university and one by the exclusive representative of APT employees, in accordance with Chapter 89, Hawai'i Revised Statutes. The third member shall be recommended by the university and exclusive representative. The appointment of all three members shall be referred by the president to the board for approval. If there is no agreement as to the third member, the board shall appoint such member.

Members of the APT Appeals Board shall be familiar with state organization and personnel functions and preferably have knowledge of university organization and functions and position classification. Such members may be excluded personnel or members of other governmental or private firms. However, they shall not be employees or officers of the university or of any state bargaining unit or employee organization which represents state bargaining unit members unless mutually agreed to by the parties concerned.



The members of the APT Appeals Board shall select a chairperson.

(Note: For amended listing of the APT career groups and pay bands, refer to Administrative Procedures ~~A~~ 9.210 of the University of Hawai'i Systemwide Administrative Procedures Manual.)

## 2. Athletic Coaches and Related Administrators

~~Positions for coaches in the UH intercollegiate sports of football, basketball, baseball, volleyball, softball, swimming and diving, golf, tennis, women's soccer, women's cross country/track and field, women's water polo, women's outrigger canoe paddling, cheer, and sailing, the football video specialist, and the administrative assistant for football operations are exempted from the APT classification plan. With respect to their classification, compensation and employment the board delegates to the president authority to promulgate policies relating to the classification and compensation of coaches, including a salary schedule for coaches.~~

~~Candidates for head coaching positions at the University of Hawai'i at Mānoa and at the University of Hawai'i at Hilo may have multi-year appointments. Initial appointments shall not exceed five years. After five years of service, all head coaches at the University of Hawai'i may receive subsequent appointments, each of which shall not exceed five years.~~

### a. Definitions

Original Term: The term of the initial contract at the time the contract is entered into. Where there is an Original Term with no extension, the Original Term shall be the Existing Term.

Existing Term: The remaining time period for any contract term at any point in time.

Amended Term: The time period that is established as a result of a contract extension that combines (1) that portion of an Original or Existing Term that remains to be completed; and (2) the term of the extension beyond that Original or Existing Term. Any years that have already been completed shall not be included for purposes of calculating the Amended Term.

### b. Approval

#### i. Board of Regents

~~The president (or designee) shall approve all head coach appointments, except that u~~Upon recommendation of the chancellor and the president, the approval of ~~(1)~~ the chair or vice chair of the Board of Regents, and ~~(2)~~ the chair or vice chair of the Committee on Intercollegiate Athletics, shall be required for:

(1) Original Terms of head coaches of more than 5

years;

(2) Amended Terms of head coaches of more than 5 years; or

(3) ~~(1) appointments and reappointments for head coaches of more than three (3) years in duration as well as (2) Appointments, reappointments extensions and salary adjustments for coaches head coaches, non-head coaches, and administrators~~ exceeding the salary schedule by more than twenty-five percent (25%) and/or exceeding \$500,000 annually.

ii. Delegation to the president

The authority to approve all other appointments and compensation of head coaches, non-head coaches, and administrators is delegated to the president, which may be further delegated.

~~All multi-year contracts shall contain performance criteria. Criteria which coaches shall be expected to meet will be developed for each coach. At a minimum, coaches with multi-year contracts shall be expected to meet established standards in the following areas: (1) academic performance of student athletes; (2) personal behavior; (3) conduct of assistant coaches, staff, and players; and (4) program development.~~

- I. Civil service employees in positions in the university subject to Chapter 76, Hawai'i Revised Statutes, ~~Chapter 76,~~ shall be appointed, compensated, and otherwise governed by the provisions of law applicable to such positions.

J. Special Compensation – University of Hawai'i at Mānoa and University of Hawai'i at Hilo faculty.

1. Visiting summer session faculty. Visiting summer session faculty members receive a travel differential in addition to salary. The differential is incorporated in the salary of such faculty members and is as follows:

Pacific Coast	\$300.00
Midwest	\$400.00
East Coast	\$500.00
Asia or Europe	\$700.00

2. "Occasional" lecturers. "Occasional" lecturers in summer session courses approved with provision for guest lecturers are paid honoraria based on a rate of \$25.00 per hour. Such lecturers are paid by voucher on a requisition signed by the instructor in charge of the course and the dean of the summer session.
3. A faculty member who prepares and grades a comprehensive examination for students who wish to obtain credit for a course by taking such an examination is paid a stipend of \$5.00 per credit hour plus \$5.00 for each additional student.

**IV. Delegation of Authority:**

The president, with the exception of select undelegated executive and managerial personnel, is authorized, consistent with existing statutes and board policies, to grant special salary adjustments; establish compensation guidelines; establish, plan, administer, and amend faculty and graduate assistant classifications; establish high demand academic disciplines; and recruit. See RP 9.202(B),(D),(E)(2),(F), and (G).

**V. Contact Information:**

Office of the Vice President for Administration, 956-88626405,  
[jjouveia@hawaii.edu](mailto:jjouveia@hawaii.edu), [vpadmin@hawaii.edu](mailto:vpadmin@hawaii.edu)

**VI. References:**

- <http://www.hawaii.edu/offices/bor/>



**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



Regents Policy Chapter 9, Personnel

Regents Policy RP 9.202, Classification Plans and Compensation Schedules

Effective Date: June 7, 2018

Prior Dates Amended: Jan. 16, 1958; Dec. 2, 1959; Oct. 11, 1962; Sept. 10, 1964; Apr. 16, 1969; Aug. 19, 1969; Mar. 14, 1974; Dec. 12, 1974; Dec. 11, 1975; July 15, 1976; Dec. 9, 1976; Jan. 16, 1977; June 16, 1977; July 14, 1977; Apr. 20, 1978; Oct. 20, 1978; Dec. 7, 1979; Jan. 10, 1980; Oct. 17, 1980; Dec. 5, 1980; Feb. 5, 1981; June 18, 1981; Oct. 16, 1981; Feb. 19, 1982; Oct. 22, 1982; Sept. 30, 1983; Nov. 18, 1983; Mar. 16, 1984; July 27, 1984; June 21, 1985; Sept. 20, 1985; June 20, 1986; July 25, 1986; July 24, 1987; Sept. 18, 1987; Oct. 16, 1987; Nov. 20, 1987; May 20, 1988; Oct. 21, 1988; Nov. 18, 1988; Feb. 17, 1989; Sept. 15, 1989; Nov. 17, 1989; Feb. 16, 1990; Apr. 20, 1990; Oct. 19, 1990; Nov. 16, 1990; June 21, 1991; Sept. 20, 1991; Feb. 21, 1992; June 19, 1992; July 17, 1992; Mar. 19, 1993; Sept. 17, 1993; Oct. 21, 1994; Aug. 23, 1996; June 20, 1997; Nov. 14, 1997; Jan. 16, 1998; Apr. 17, 1998; Jan. 21, 2000; Feb. 18, 2000; Apr. 20, 2000; June 16, 2000; Aug. 11, 2000; Aug. 15, 2000; Apr. 20, 2001; Jan. 18, 2002; Mar. 15, 2002; June 2002; Oct. 18, 2002; Mar. 14, 2003; Apr. 17, 2003; May 16, 2003; Nov. 21, 2003; May 18, 2006; Aug. 2006; Mar. 15, 2007; July 26, 2007; Sept. 2007; Nov. 15, 2007; Feb. 15, 2008; May 29, 2008; Sept. 2008; Nov. 21, 2008; Oct. 31, 2014 (recodified); June 1, 2017

Review Date: August 2020

**I. Purpose**

To set forth policy on classification plans and compensation schedules.

**II. Definitions:**

No policy specific or unique definitions apply.

**III. Policy:**

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- B. The president, with the exception of select undelegated executive managerial personnel, is authorized, consistent with existing statutes and board policies, to grant special salary adjustments in situations where funds are available and the adjustments are warranted on the basis of retention, market, equity, and/or merit.

- C. Executive and managerial positions are classified and compensated in accordance with the executive and managerial personnel policies in RP 9.212.
- D. Compensation shall be in accordance with provisions reflected in the most current collective bargaining agreement negotiated between the university and the exclusive collective bargaining representative. In the event that the faculty member is not subject to collective bargaining, the president shall have the authority to establish compensation guides.
- E. The classifications of faculty positions in the university shall be as provided below.
  - 1. Section 304A-1002, Hawai'i Revised Statutes, provides that "The board of regents shall classify all members of the faculty of the university including research workers, extension agents, and all personnel engaged in instructional work...."
  - 2. The president is delegated the authority to establish a faculty classification plan, administer the plan, and make amendments to the plan, provided that any new faculty categories or permissible campus faculty groups shall be subject to prior approval of the board.
    - a. The plan may include the following faculty categories: Instruction ('I' for all faculty excluding law and clinical medicine faculty; J for law; M for clinical medicine; and C for community colleges); Researcher (R), Specialist (S), Librarian (B), Extension Agent (A), Graduate Teaching Assistant, Lecturer, Visiting and Other Faculty and Non-compensated Faculty.
    - b. At a minimum, the faculty classification plan shall include general statements of duties and responsibilities and minimum qualification requirements.
      - (1) When the situation warrants, and especially in those fields where advanced degrees are not commonly held by faculty members, other evidences of scholarly, artistic or professional attainment may be accepted in lieu of advanced degrees. In general, "equivalents" will be used sparingly and only when there is clear evidence that the substituted items of training and experience are in fact equivalent in qualifying the faculty member for the individual's duties and responsibilities.

3. Titles of positions are determined by the board, and no faculty member may use any title not specifically authorized. Members of the faculty in divisions other than instruction, when engaged in teaching, shall bear the instructional title appropriate to their grade.
4. University of Hawai'i at Mānoa classification schedules.
  - a. The board faculty classification system includes seven general categories for the University of Hawai'i at Mānoa with grades within each category.
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    - (3) Specialist (S), includes junior specialists, assistant specialists, associate specialists, and specialists. The S series is used for specialties not primarily involved with research, for example, "associate specialist in student personnel."
    - (4) Librarian (B), includes ranks II to V.
    - (5) Extension agent (A), includes junior extension agents, assistant extension agents, associate extension agents, and county extension agents.
    - (6) Graduate teaching assistant.
    - (7) Lecturer includes persons employed for short-term teaching assignments, usually on a part-time basis.
  - b. Clinical titles for non-compensated faculty appointments in Health Science and Social Welfare.
    - (1) The titles clinical professor, associate clinical professor, assistant clinical professor, clinical instructor and clinical teaching assistant are non-compensated appointments in the Colleges of Health Sciences and Social Welfare (medicine, nursing and dental hygiene, and social

work) for practitioners with professional qualifications in the health and welfare sciences who take an active role in formal teaching, tutorials, clinical instruction, hospital practice, or field guidance of students.

5. University of Hawai'i at Hilo and University of Hawai'i, West O'ahu

a. The faculty classification system includes three categories for the University of Hawai'i at Hilo and the University of Hawai'i, West O'ahu, with grades within each category:

- (1) Instruction ('I' for all faculty), includes graduates teaching assistants, instructors, assistant professors, associate professors, and professors.
- (2) Lecturers include persons employed for short-term teaching assignments, usually on a part-time basis.
- (3) Affiliate faculty is a non-compensated appointment usually to professional personnel with a particular interest or capability which may contribute to the teaching or research program of the campus; except for occasional lectures or consulting with individual students, affiliate faculty do no teaching. Authority to appoint affiliate faculty is delegated to the president who shall promulgate policies and procedures relating to the selection and appointment of affiliated faculty.

6. Community College and Maui College classification schedule

a. The faculty classification system includes one category for the community colleges and Maui College with grades within each category:

- (1) Instruction includes lecturers, instructors, assistant professors, associate professors, and professors.

b. The plan may include statements of classification principles for use in the classification of community college faculty.

F. High Demand Disciplines.

1. The president is delegated the authority to establish high demand academic disciplines for which recruitment and/or retention of faculty of quality desired by the university exceed the maximum of the appropriate salary schedule.

2. The president is authorized to recruit faculty in the recognized high demand disciplines at salaries that exceed the maximum of the appropriate salary schedule.

G. Graduate Assistants.

1. The president shall have the authority to establish, amend, and administer a classification and compensation plan for graduate assistants.

H. Administrative, Professional and Technical (APT) Positions.

1. APT classification and pay system.

- a. For all APT positions, including athletic coaches and related administrators, the board delegates to the president the authority to:
  - (1) Adopt, revise, and abolish career group standards and bands.
  - (2) Assign positions to career groups and bands.
  - (3) Determine designated new hire rates for career groups and bands.
  - (4) Promulgate policies and procedures relating to the classification, compensation, and appointment terms of coaches and related administrators, including a salary schedule, in accordance with this policy.
- b. The APT Appeals Board shall adjudicate appeals filed on the banding of individual positions. The Appeals Board shall support its decisions by findings based on fact.

The APT Appeals Board shall consist of three members serving staggered terms of three years. One member shall be recommended by the university and one by the exclusive representative of APT employees, in accordance with Chapter 89, Hawai'i Revised Statutes. The third member shall be recommended by the university and exclusive representative. The appointment of all three members shall be referred by the president to the board for approval. If there is no agreement as to the third member, the board shall appoint such member.

Members of the APT Appeals Board shall be familiar with state organization and personnel functions and preferably have knowledge of university organization and functions and position classification. Such members may be excluded personnel or members of other governmental or private firms. However, they shall not be employees or officers of the university or of any state bargaining unit or employee organization which represents state bargaining unit members unless mutually agreed to by the parties concerned.

The members of the APT Appeals Board shall select a chairperson.

(Note: For amended listing of the APT career groups and pay bands, refer to Administrative Procedure 9.210 of the University of Hawai'i Systemwide Administrative Procedures Manual.)

## 2. Athletic Coaches and Related Administrators

### a. Definitions

**Original Term:** The term of the initial contract at the time the contract is entered into. Where there is an Original Term with no extension, the Original Term shall be the Existing Term.

**Existing Term:** The remaining time period for any contract term at any point in time.

**Amended Term:** The time period that is established as a result of a contract extension that combines (1) that portion of an Original or Existing Term that remains to be completed; and (2) the term of the extension beyond that Original or Existing Term. Any years that have already been completed shall not be included for purposes of calculating the Amended Term.

### b. Approval

#### i. Board of Regents

Upon recommendation of the chancellor and the president, the approval of the chair or vice chair of the Board of Regents and the chair or vice chair of the Committee on Intercollegiate Athletics shall be required for:

- (1) Original Terms of head coaches of more than 5 years;
- (2) Amended Terms of head coaches of more than 5 years; or
- (3) Appointments, extensions and salary adjustments for head coaches, non-head coaches, and administrators exceeding the salary schedule by more than twenty-five percent (25%) and/or exceeding \$500,000 annually.

#### ii. Delegation to the president

The authority to approve all other appointments and compensation of head coaches, non-head coaches, and administrators is delegated to the president, which may be further delegated.

- I. Civil service employees in positions in the university subject to Chapter 76, Hawai'i Revised Statutes, shall be appointed, compensated, and otherwise governed by the provisions of law applicable to such positions.

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J. Special Compensation – University of Hawai'i at Mānoa and University of Hawai'i at Hilo faculty.

1. Visiting summer session faculty. Visiting summer session faculty members receive a travel differential in addition to salary. The differential is incorporated in the salary of such faculty members and is as follows:

Pacific Coast	\$300.00
Midwest	\$400.00
East Coast	\$500.00
Asia or Europe	\$700.00

2. "Occasional" lecturers. "Occasional" lecturers in summer session courses approved with provision for guest lecturers are paid honoraria based on a rate of \$25.00 per hour. Such lecturers are paid by voucher on a requisition signed by the instructor in charge of the course and the dean of the summer session.
3. A faculty member who prepares and grades a comprehensive examination for students who wish to obtain credit for a course by taking such an examination is paid a stipend of \$5.00 per credit hour plus \$5.00 for each additional student.

**IV. Delegation of Authority:**

The president, with the exception of select undelegated executive and managerial personnel, is authorized, consistent with existing statutes and board policies, to grant special salary adjustments; establish compensation guidelines; establish, plan, administer, and amend faculty and graduate assistant classifications; establish high demand academic disciplines; and recruit. See RP 9.202(B),(D),(E)(2),(F), and (G).

**V. Contact Information:**

Office of the Vice President for Administration, 956-6405, vpadmin@hawaii.edu

**VI. References:**

- <http://www.hawaii.edu/offices/bor/>



**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



Regents Policy Chapter 9, Personnel

Regents Policy RP 9.218, Delegation of Personnel Actions

Effective Date: ~~November 16, 2018~~ June X, 2018

Prior Dates Amended: Sept. 20, 1985; Oct. 19, 2001; Oct. 18, 2003; Sept. 15, 2005;

Mar. 6, 2006; Oct. 31, 2014 (recodified); Jan. 25, 2018

Review Date: August 2020

**I. Purpose:**

To set forth policy regarding approval authority on personnel actions.

**II. Definitions:**

No policy specific or unique definitions apply.

**III. Policy:**

A. The board delegates authority to approve all personnel actions to the president or designee, except for the following actions which shall be approved by the board only:

1. Those board actions set forth in RP 9.212;

2. All leaves for the president and personnel reporting directly to the board. Professional improvement leaves, leaves without pay and leave exceeding two years in a seven-year period for personnel reporting directly to the president and personnel in the offices reporting to the board. Note: Authority to approve such leaves has been delegated to the chair or designee;

~~3. Granting of emeritus status for those who do not meet the stated criteria in RP 9.211, but are otherwise deemed qualified;~~

~~4.3.~~ Establishment of endowed and distinguished chairs; and

~~5.4. Those board actions set forth in RP 9.202. As set forth more fully in RP 9.202, upon recommendation of the chancellor and president, approval of the chair and vice chair of the board or an alternate regent designated in place of a vice chair, is required for:~~

~~a. appointments and reappointments for coaches exceeding three (3) years in total duration; and~~

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~~b. appointments, reappointments, and salary adjustments for coaches exceeding the base salary schedule by more than 25% and/or exceeding \$500,000 annually.~~

**IV. Delegation of Authority:**

See above.

**V. Contact Information:**

Office of Human Resources, 956-8988

**VI. References:**

A. <http://www.hawaii.edu/offices/bor/>

B. [RP 9.202](#)

C. [RP 9.212](#)

~~ED.~~ [EP 9.207](#)

**VII. Exhibits and Appendices:**

No Exhibits and Appendices found.

**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



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Regents Policy Chapter 9, Personnel  
Regents Policy RP 9.218, Delegation of Personnel Actions  
Effective Date: June X, 2018

Prior Dates Amended: Sept. 20, 1985; Oct. 19, 2001; Oct. 18, 2003; Sept. 15, 2005;  
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No policy specific or unique definitions apply.

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1. Those board actions set forth in RP 9.212;
2. All leaves for the president and personnel reporting directly to the board. Professional improvement leaves, leaves without pay and leave exceeding two years in a seven-year period for personnel reporting directly to the president and personnel in the offices reporting to the board. Note: Authority to approve such leaves has been delegated to the chair or designee;
3. Establishment of endowed and distinguished chairs; and
4. Those board actions set forth in RP 9.202.

**IV. Delegation of Authority:**

See above.

**V. Contact Information:**

Office of Human Resources, 956-8988

**VI. References:**

- A. <http://www.hawaii.edu/offices/bor/>
- B. RP 9.202

- C. RP 9.212
- D. EP 9.207

**VII. Exhibits and Appendices:**

No Exhibits and Appendices found.

**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



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Regents Policy Chapter 2, Administration  
Regents Policy RP 2.207, Regent Political Activity  
Effective Date: \_\_\_\_\_, 2018  
Prior Dates Amended:  
Review Date: August 2021

**I. Purpose:**

To set forth policy regarding Regent participation in political activities and candidacy for public elective office.

**II. Definitions:**

“Public Elective Office” will include all offices of the State of Hawai‘i or any of its counties or any of its agencies to which election is held on a Statewide or district basis, or at the federal level which election is held on statewide or national level. For the purpose of this policy, “Public Elective Office” shall not include unpaid, part-time State or county elective offices that operate outside normal business hours, such as elected neighborhood boards, or which occur outside the standard hours of the university employee.

“Political Activities” is defined as campaigning for and/or being elected to a Public Elective Office, endorsing, supporting or opposing a candidate for Public Elective Office, advocating regarding a voter referendum issue, or participating in partisan activities that should be done on personal time and outside of the workplace.

**III. Policy:**

- A. Members of the board should be held to an ethical standard at least equal to those that apply to university employees.
- B. Pursuant to Chapter 84, Hawai‘i Revised Statutes (HRS), university and state employees must not use public resources including funds, equipment, and time to engage in Political Activities. Members of boards and commissions are included in the definition of “employee” under Chapter 84, HRS.
- C. Campaigning for and holding Public Elective Office is incompatible with serving on the board. Issues include conflicts of time commitment as well as conflicts of interest. For these reasons, a member of the board seeking candidacy for a Public Elective Office will resign immediately upon the issuance of nomination papers, regardless of whether the papers have been filed.

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- D. Members of the board considering seeking Public Elective Office must notify the board chair and secretary in writing prior to the issuance of nomination papers or announcing their candidacy.
- E. Board members may engage in other Political Activities so long as these activities do not interfere with the university's mission and fulfilling their duties and responsibilities as a member of the board, and do not violate established rules of the university or state law. Should a board member choose to publicly endorse a candidate or engage in Political Activity, the member may not allow the use of his/her title or position, board resources, or university affiliation in any manner. It is expected that board members will use appropriate discretion and judgment in the exercise of their political rights and that they will hold themselves to high ethical standards in order to be able to most effectively fulfill their duties and responsibilities as regents.

**IV. Delegation of Authority:**

There is no policy specific delegation of authority.

**V. Contact Information:**

Office of the Board of Regents, 956-8213, bor@hawaii.edu

**VI. References:**

- RP 9.205
- Chapter 84, Hawaii Revised Statutes

**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



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Regents Policy Chapter 2, Administration  
Regents Policy RP 2.204, Policy on Board Self-Evaluation  
Effective Date: Oct. 19, 2006  
Prior Dates Amended: Oct. 31, 2014 (recodified)  
Review Date: August 2017 ~~20~~

**I. Purpose:**

To set forth policy regarding the purposes, policy, responsibility, process and outcomes on board self-evaluation.

**II. Definitions:**

No policy specific or unique definitions apply.

**III. Policy:**

A. Purposes.

1. The purposes of a periodic self-evaluation are to enable the board to strengthen its performance, identify and reach consensus on its goals, ensure that the board has a clear grasp of its responsibilities, strengthen relationships among board members and especially with the president, and clarify expectations among board members and with the president.

B. Policy.

1. The board shall conduct a self-study of its stewardship ~~every two~~ years annually.

C. Responsibility

1. It shall be the responsibility of the president and the chairperson to plan ~~a special workshop devoted entirely to reviewing the board's work~~ the self-evaluation form, structure, process, and content.

~~D. Process.~~

- ~~1. To allow for necessary planning, a workshop date and meeting site shall be agreed upon by the board at least three months in advance. At least eight hours of meeting time shall be allotted, preferably split between two consecutive days. Ordinarily, only the regents and the president shall participate.~~



~~2. A facilitator not directly connected with the institution may be retained to help plan and conduct the workshop. He/she shall have requisite knowledge of trusteeship, institutional governance, and the conduct of the academic presidency, along with good group facilitation skills. With his/her assistance, an appropriate written survey may be selected or developed for completion by all board members. A summary of all board member responses to the survey, without attribution, shall be provided to all board members before the workshop. These results shall be the basis for discussion.~~

~~3. The board shall not be officially convened to transact university business. Rather, the workshop is intended to explore opportunities to strengthen the board's effective, including its relationships with the president and stakeholders.~~

~~E. Outcomes:~~

~~1. The workshop self-evaluation shall be planned and conducted in such a way that the board and the president can decide on explicit actions for subsequent considerations. These shall be summarized in writing within a reasonable time and distributed to all board members. The chairperson and the president shall be responsible for ensuring appropriate follow-up.~~

**IV. Delegation of Authority:**

There is no policy specific delegation of authority.

**V. Contact Information:**

Office of the Board of Regents, 956-8213, bor@hawaii.edu

**VI. References:**

- <http://www.hawaii.edu/offices/bor/>

**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



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Regents Policy Chapter 2, Administration  
Regents Policy RP 2.204, Policy on Board Self-Evaluation  
Effective Date: Oct. 19, 2006  
Prior Dates Amended: Oct. 31, 2014 (recodified)  
Review Date: August 2020

**I. Purpose:**

To set forth policy regarding the purposes, policy, responsibility, process and outcomes on board self-evaluation.

**II. Definitions:**

No policy specific or unique definitions apply.

**III. Policy:**

A. Purposes.

1. The purposes of a periodic self-evaluation are to enable the board to strengthen its performance, identify and reach consensus on its goals, ensure that the board has a clear grasp of its responsibilities, strengthen relationships among board members and especially with the president, and clarify expectations among board members and with the president.

B. Policy.

1. The board shall conduct a self-study of its stewardship annually.

C. Responsibility

1. It shall be the responsibility of the president and the chairperson to plan the self-evaluation form, structure, process, and content. The self-evaluation shall be planned and conducted in such a way that the board and the president can decide on explicit actions for subsequent considerations. These shall be summarized in writing within a reasonable time and distributed to all board members. The chairperson and the president shall be responsible for ensuring appropriate follow-up.

**IV. Delegation of Authority:**

There is no policy specific delegation of authority.

**V. Contact Information:**

Office of the Board of Regents, 956-8213, bor@hawaii.edu

**VI. References:**

- <http://www.hawaii.edu/offices/bor/>

**Approved as to Form:**

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Kendra Oishi  
Executive Administrator and  
Secretary to the Board of Regents

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Date



UNIVERSITY of HAWAI'I SYSTEM

UNIVERSITY OF HAWAII BOARD OF REGENTS

18 MAY 22 A9:26 RECEIVED

May 18, 2018

'18 MAY 21 P4:55

MEMORANDUM

TO: Jan N. Sullivan, Chairperson, Board of Regents
VIA: David Lassner, President
VIA: Kalbert K. Young, Vice President for Budget and Finance/Chief Financial Officer
VIA: Carrie K.S. Okinaga, Vice President for Legal Affairs and University General Counsel
FROM: Vassilis L. Syrmos, Vice President for Research and Innovation

UNIVERSITY OF HAWAII PRESIDENT'S OFFICE

SUBJECT: Approval to Indemnify University of Texas Medical Branch at Galveston (UTMB Health) for a Material Transfer Agreement (MTA) with the University of Hawai'i at Manoa, John A. Burns School of Medicine

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the University of Hawai'i ("University") Board of Regents ("Board") approve an indemnification provision in favor of University of Texas Medical Branch at Galveston, d/b/a UTMB Health ("UTMB") as set forth in a Material Transfer Agreement ("MTA") between University and UTMB. This request is made pursuant to Hawai'i Revised Statutes § 304A-111 (Indemnification of Collaborating Institutions), appended as "Attachment 1" to this memorandum.

RECOMMENDED EFFECTIVE DATE:

The recommended effective date is upon the Board's approval.

ADDITIONAL COST:

There are no additional costs associated with this request.

**PURPOSE:**

A material transfer agreement allows a University researcher to receive materials needed to conduct research from a collaborating institution. Collaborating institutions may, at times, require an indemnification from the University to protect against any potential liability resulting from the University's use of the materials before the materials will be released. The purpose of this request is to authorize the indemnification so that the research materials can be transferred to the University. Hawai'i state law requires approval from the Board before the University may indemnify a collaborating institution that provides materials for research or training purposes to the University.

**BACKGROUND:**

**Research study entitled "Preclinical Development of a Thermostable Trivalent Filovirus Vaccine as well as other Recombinant Viral Vaccines":**

The research objective is to evaluate immune responses to different vaccine formulations developed in the researcher's laboratory. This determines the relative efficacy of the vaccines in blocking viral infection.

UTMB will supply proprietary, experimental recombinant vesicular stomatitis viruses to Dr. Axel Lehrer ("Principal Investigator" or "PI") of the University of Hawai'i at Mānoa John A. Burns School of Medicine ("JABSOM"). Vesicular stomatitis virus (VSV) is more commonly known to cause illness in cows, horses, and pigs. Recombinant VSV (rVSV) to be used in the planned research is derived from lab-attenuated VSV, in which the native surface glycoprotein of VSV has been replaced with the glycoproteins of either Ebola virus, Sudan virus, Marburg virus, Bundibugyo virus, or Lassa virus, some of which also contain the GFP reporter gene.

The PI will propagate the rVSV in cell cultures to produce viral stocks, which will then be used to establish a surrogate neutralization assay to establish vaccine efficacy. Serum samples from animals immunized with vaccines developed by the PI will be applied to the assay to evaluate their ability to block viral infection.

The PI may in the future also use the rVSV for immunogenicity experiments in rodents where they serve as positive controls.

The materials will be used for internal research only by JABSOM. JABSOM will not further distribute, transfer, or release the material to any person or entity other than laboratory personnel under the PI's direct supervision.

**Indemnity Protection Related to JABSOM Use of Materials:**

UTMB is an academic health sciences center and research enterprise. Initially, the University attempted to negotiate alternate language to the indemnity provision in the Material Transfer Agreement (MTA), whereby the University would take responsibility for damage or injury caused by its employees during the performance of the research. UTMB insisted, however, on receiving an indemnification, using its indemnity "template provision."

The indemnification protection set forth in Section 8.a of the MTA reads as follows (“Recipient” is the University of Hawai‘i; relevant portions underlined for emphasis):

**Section 8. Liability.** In no event shall UTMB be liable for any use by Recipient Scientist or Recipient of the Material or any loss, claim, damage or liability, of whatsoever kind or nature, which may arise from or in connection with Recipient’s breach of this Agreement or Recipient’s use, handling or storage of the Material, unless such loss, claim, damage or liability results from the negligence or willful malfeasance of UTMB, System, their Regents, officers, agents and employees. **a) State Entities:** To the extent authorized by the Recipient’s state law, Recipient agrees to indemnify and hold harmless UTMB, System, their Regents, officers, agents and employees, from any liability, loss or damage they may suffer as a result of claims, demands, costs or judgments against them arising out of the Recipient’s activities to be carried out pursuant to this Agreement and the use by Recipient of the results obtained from Research, excluding claims, loss, or damage that arise from the negligence or willful malfeasance of any Regent, officer, agent or employee of UTMB or System; **b) Federal Entities:** Recipient assumes the liability of any claims, damages, injury, or expenses arising from the use, storage, handling, and disposal of the Material by the Recipient, but only to the extent provided under the Federal Tort Claims Act (28 U.S.C. Chapter 171); **c) All other entities:** Recipient shall indemnify and hold UTMB, System, their Regents, officers, agents and employees harmless against any and all claims, demands, damages, liabilities and costs which directly or indirectly result from, or arise in connection with any negligent act or omission of Recipient, its agents, or employees, pertaining to its activities and obligations under this Agreement.

The page of the MTA containing Section 8 is appended to this memorandum as Attachment 2.

Because the MTA provision requires an indemnity “to the extent authorized by [Hawaii’s] law,” and because Hawaii law, HRS § 304A-111, authorizes the University to indemnify upon approval by its Board of Regents, this action memorandum requesting Board approval is submitted. The University President has approved the proposed indemnification, and there has been a favorable review by the University General Counsel and a determination by the University Chief Financial Officer as to the need for additional insurance beyond the existing University risk management program.

#### **Risk Analysis:**

Vesicular stomatitis virus (VSV) is more commonly known to cause illness in cows, horses, and pigs. VSV presents low to moderate risk as a human contagion. Recombinant VSV (rVSV) expresses the surface glycoprotein (GP) but no replication or virulence factors of: Ebola virus (ZEBOV), Marburg virus (MARV), Sudan virus (SEBOV), Bundibugyo virus (BDBV), or Lassa virus (LASV). Recombinant VSV is commonly used as surrogate viruses to establish virus neutralization assays for other, significantly more dangerous pathogens requiring maximum level

biosafety containment. JABSOM's use of rVSV provides a means to reduce risks of contagion and harm to laboratory personnel and the public at large.

Use of rVSV also allows for more rapid and cost effective vaccine development. The PI has previously utilized rVSV in ongoing research on recombinant filovirus vaccines developed by the PI, for which the University has filed provisional patent applications with the U.S. Patent Office. The particular rVSV with ZEBOV GP to be used in the University's planned research and testing of PI-developed vaccines is also currently used in advanced clinical development by an established pharmaceutical company (Merck) for a human vaccine against Ebola virus infection. This particular rVSV has been used safely in thousands of human volunteers during ongoing and completed clinical trials.

The attenuated VSV strain (Indiana) forming the basis of rVSV is designated by the American Biological Safety Association (ABSA) as Risk Group 2 for which ATCC states: BSL II practices and facilities are recommended. The JABSOM laboratory will follow these recommendations. rVSV stocks will be stored at -70 degrees C in a locked freezer in a locked and secured laboratory. All waste containing rVSV will be completely inactivated prior to disposal.

The rVSV has the same transmission potential as the parent VSV. In the event of accidental transmission beyond the laboratory due to a laboratory incident, affected individuals will quarantine themselves and refrain from making contact with livestock for 72 hours.

There does not appear to be a more efficient or effective manner to conduct this research other than using the materials from UTMB.

The PI does not plan to further distribute, transfer, or release the material supplied by UTMB to any person or entity (i.e., secondary recipients) other than laboratory personnel under the PI's direct supervision.

**ACTION RECOMMENDED:**

It is recommended that the University of Hawai'i ("University") Board of Regents ("Board") approve an indemnification provision in favor of University of Texas Medical Branch at Galveston, d/b/a UTMB Health ("UTMB") as set forth in provisions from the Material Transfer Agreement ("MTA") between the University and UTMB.

Attachments

1. HRS § 304A-111
2. MTA, Page 2

c: Executive Administrator and Secretary to the Board of Regents

**[§304A-111] Indemnification of collaborating institutions.**

- (a) The board of regents may indemnify collaborating institutions from claims arising against them for the gross negligence or wilful misconduct of the university's officers, employees, and agents in the course of their employment, in connection with the university's use, storage, or disposal of materials owned or licensed by a collaborating institution that are purchased by the university from or transferred to the university by the collaborating institution for research or training purposes.
- (b) The university shall use the materials transfer agreements recommended and approved by the Association of University Technology Managers to confer the indemnification authorized by this section.
- (c) Indemnification claims authorized by this section shall be payable solely from the moneys and property of the university and shall not constitute a general obligation of the State or be secured directly or indirectly by the full faith and credit of the State or the general credit of the State or by any revenues or taxes of the State. The board of regents may obtain loss insurance to cover the liability of the university that may arise under this section; provided that loss insurance for the university shall be at the university's expense.



that might be disclosed by such publication. In any such publication or presentation of Research results, Recipient agrees to acknowledge UTMB scientist as provider of the Material.

6. **Intellectual Property.** If the Research involving the Material results in an invention, Recipient Scientist will promptly disclose the invention Recipient's Patent Administrator and will notify the Patent Administrator of UTMB's role as a supplier of the Material used. Recipient, in cooperation with Scientist, will promptly supply UTMB with a copy of the disclosure, in confidence for UTMB's research and evaluation purposes only. Inventorship of any invention will be determined based on U.S. patent law. Ownership shall follow inventorship. Recipient recognizes the property rights of UTMB in the Material.
7. **Warranty.** The Material is experimental in nature and it is provided "AS IS" WITHOUT WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE OR SAFETY OR ANY OTHER WARRANTY, EXPRESS OR IMPLIED. UTMB MAKES NO REPRESENTATION OR WARRANTY THAT THE USE OF THE MATERIAL WILL NOT INFRINGE ANY PATENT OR OTHER PROPRIETARY RIGHT.
8. **Liability.** In no event shall UTMB be liable for any use by Recipient Scientist or Recipient of the Material or any loss, claim, damage or liability, of whatsoever kind or nature, which may arise from or in connection with Recipient's breach of this Agreement or Recipient's use, handling or storage of the Material, unless such loss, claim, damage or liability results from the negligence or willful malfeasance of UTMB, System, their Regents, officers, agents and employees.
  - a) **State Entities:** To the extent authorized by the Recipient's state law, Recipient agrees to indemnify and hold harmless UTMB, System, their Regents, officers, agents and employees, from any liability, loss or damage they may suffer as a result of claims, demands, costs or judgments against them arising out of the Recipient's activities to be carried out pursuant to this Agreement and the use by Recipient of the results obtained from Research, excluding claims, loss, or damage that arise from the negligence or willful malfeasance of any Regent, officer, agent or employee of UTMB or System.
  - b) **Federal Entities:** Recipient assumes the liability for any claims, damages, injury, or expenses arising from the use, storage, handling, and disposal of the Material by the Recipient, but only to the extent provided under the Federal Tort Claims Act (28 U.S.C. Chapter 171).
  - c) **All other entities:** Recipient shall indemnify and hold UTMB, System, their Regents, officers, agents, and employees harmless against any and all claims, demands, damages, liabilities and costs which directly or indirectly result from, or arise in connection with, any negligent act or omission of Recipient, its agents, or employees, pertaining to its activities and obligations under this Agreement.
9. **Compliance.** Recipient will use the Material in compliance with all laws, governmental regulations and guidelines applicable to the Material. Moreover, if the Material is used in the United States, then Recipient will comply with current United States NIH guidelines.
10. **Export Control.** Recipient further agrees that if the U.S. export laws are or become applicable, it will not export any Materials received under this Agreement to any countries for which the United States government requires an export license or other supporting documentation at the time of export or transfer, unless Recipient has obtained prior written authorization from the appropriate authority responsible for such matters.
11. **Assignment.** This Agreement is not assignable, whether by operation of law or otherwise, without the prior written consent of UTMB.
12. **Publicity.** Recipient may not use the name of UTMB, System or their Regents without express written consent, subject to Section 5. Publication of this Agreement.
13. **Term and Termination.** This Agreement shall be effective as of the date of the last signature and terminate one (1) year from that date. Upon termination, Recipient will immediately destroy all the Material then in its possession.



UNIVERSITY of HAWAI'I SYSTEM

UNIVERSITY OF HAWAII BOARD OF REGENTS

18 MAY 22 09:26 RECEIVED

May 18, 2018

'18 MAY 21 P4:55

MEMORANDUM

TO: Jan N. Sullivan, Chairperson, Board of Regents
VIA: David Lassner, President
VIA: Kalbert K. Young, Vice President for Budget and Finance/Chief Financial Officer
VIA: Carrie K.S. Okinaga, Vice President for Legal Affairs and University General Counsel
FROM: Vassilis L. Syrmos, Vice President for Research and Innovation

SUBJECT: Approval to Indemnify Children's Hospital of Philadelphia (CHOP) and Children's Oncology Group (COG) for a Material Transfer Agreement (MTA) with the University of Hawai'i at Hilo, College of Pharmacy

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the University of Hawai'i ("University") Board of Regents ("Board") approve an indemnification provision in favor of Children's Hospital of Philadelphia ("CHOP") and Children's Oncology Group ("COG") as set forth in a Material Transfer Agreement ("MTA") between University and COG. This request is made pursuant to Hawai'i Revised Statutes § 304A-111 (Indemnification of collaborating institutions), appended as "Attachment 1" to this memorandum.

RECOMMENDED EFFECTIVE DATE:

The recommended effective date is upon the Board's approval.

ADDITIONAL COST:

There are no additional costs associated with this request.

**PURPOSE:**

The purpose of this request is to authorize the University to indemnify CHOP and COG, as required by the MTA. Hawai'i law requires approval from the Board before the University may indemnify a collaborating institution that provides materials for research or training purposes to the University.

**BACKGROUND:**

**Research study entitled “The Role of Drug Induced ion channel signaling in Drug resistant and sensitive Neuroblastoma cell line pairs”:**

The research seeks to understand how ion-channel signaling contributes to the pathophysiology of drug resistance. CHOP, on behalf of COG, will provide coded specimens, specifically patient-derived neuroblastoma (“NB”) cell line pairs derived from patients at the time of diagnosis and after relapse and development of multi-drug resistance, without names of the human subjects to Dr. Ingo Koomoa-Lange (“Principal Investigator” or “PI”) of the University of Hawai'i at Hilo College of Pharmacy (“UHCOP”) for biochemistry and immunocytochemical analysis of multiple cell line pairs.

The PI is currently conducting research in his laboratory using one (1) cell line pair (2 cell lines total) derived from NB patients obtained from a collaborator. This research involves growing the cell lines in a cell line incubator and treatment of such with FDA-approved chemotherapeutic drugs that are used for treatment of patients at doses that do not pose risk to humans. Cell lines are then further processed and analyzed using standard biomedical laboratory protocols. At this stage, the cell lines are at a denatured state (e.g., killed through heat). At the end of the experiment, the cell lines are autoclaved (biologically inactivated) and discarded according to standard laboratory safety protocol.

In order to demonstrate a clinical relevance of the current scientific findings of the study, the cohort of NB cell line pairs needs to be increased. The PI will initially request three (3) patient-derived NB cell line pairs (6 cell lines total) and two (2) cell line pairs not on the COG cell line list. Based on the initial findings, the PI will expand the study to other NB cell line pairs provided by CHOP, on behalf of COG.

**Indemnity Protection Related to UHCOP Use or Further Distribution of Materials and Limited Data Set:**

Hawai'i law permits the University to indemnify another party with whom it contracts so long as the requisite internal reviews and approvals are completed, and the proposed indemnification is approved by the Board of Regents.

COG maintains a Childhood Cancer Repository, located at Texas Tech University Health Sciences Center, which functions as a resource laboratory to provide validated cell lines from childhood cancers to investigators seeking to carry out biological and pre-clinical therapeutic studies of childhood cancer. The validation process enables all investigators to share the same validated models so that data obtained are robust and can be compared between investigators.

CHOP, on behalf of COG, will grant UHCOP access to its validated cell lines, which will be provided without charge (other than shipping fees paid by UHCOP). COG may therefore be deemed a "collaborating institution" for purposes of HRS § 304A-111 (University's use of materials owned by a collaborating institution for research or training).

Initially, the University attempted to provide alternate language to the indemnity provision in the Material Transfer Agreement (MTA). CHOP insisted on retaining the "template provision" and asserted that COG terms are kept uniform across all executed material transfer agreements to assure all academic COG partners are treated equally.

The indemnification protection set forth in Section 13 of the MTA reads as follows (University of Hawai'i at Hilo College of Pharmacy = "Recipient"; relevant portions underlined for emphasis):

**Section 13. Neither CHOP nor COG, nor any of their respective affiliates, trustees, directors, employees, agents, representatives, or divisions (hereinafter, individually, an Indemnified Party; collectively the "Indemnified Parties") assumes any responsibility or liability for the use (or further distribution of, if any) of Material by Recipient or Principal Investigator. Recipient agrees to assume all risks and responsibility in connection with the receipt, handling, storage and use of Material. Recipient further agrees to indemnify, defend and hold harmless the Indemnified Party and/or Indemnified Parties from any claims, costs, damages or expenses resulting from use or further distribution of the Material by Recipient; except to the extent such claims, costs, damages or expenses arises from COG's or CHOP's gross negligence or reckless or willful misconduct. For Institutions that are entities created by a federal or State Government, based on a public charter, or an agency or subdivision of a governmental authority and that are subject to limited liability based on applicable law (including limitations in statutes or State Constitutional provisions relating to Torts and Contracts or grants of sovereign immunity), Institution (Recipient) agrees to indemnify or provide equivalent permitted reimbursement as stated above in this Section 13 to the maximum amount permissible under applicable law.**

The page of the MTA containing Section 13 is appended to this memorandum as Attachment 2.

### **Risk Analysis:**

The PI at the UHCOP will analyze coded biological specimens without the names of the human subjects and associated data provided by COG (collected with the consent of the patient and pursuant to an Institutional Review Board protocol) and shipped to the UHCOP.

The University's major risk is failure to protect the medical privacy of the individuals who supplied the materials or who may be identified by information in the associated data.

The materials will be marked with an assigned study ID number rather than personal information. A breach of confidentiality with respect to the materials is negligible.

Chairperson Jan N. Sullivan  
May 18, 2018  
Page 4

The University's primary exposure to claims resulting from confidentiality breaches can thus be managed and mitigated by careful compliance at UHHCOP. CHOP and COG derivative exposure to claims resulting from UH-caused confidentiality breaches – for which the University agrees to defend and hold CHOP and COG harmless pursuant to the Section 13 indemnification obligation – is similarly manageable and low.

The PI does not plan to further distribute the materials received from COG to other parties or secondary recipients.

The PI will inform and train his/her staff of the dangers and procedures for safe handling of human derived cell lines and follow OSHA regulations for handling human derived cell lines.

**ACTION RECOMMENDED:**

It is recommended that the University of Hawai'i ("University") Board of Regents ("Board") approve an indemnification provision in favor of Children's Hospital of Philadelphia ("CHOP") and Children's Oncology Group ("COG") as set forth in provisions from the Materials Transfer Agreement ("MTA") between the University and COG.

Attachment

1. HRS §304A-111
2. COG Standard MTA

c: Executive Administrator and Secretary to the Board of Regents

**[§304A-111] Indemnification of collaborating institutions.**

- (a) The board of regents may indemnify collaborating institutions from claims arising against them for the gross negligence or wilful misconduct of the university's officers, employees, and agents in the course of their employment, in connection with the university's use, storage, or disposal of materials owned or licensed by a collaborating institution that are purchased by the university from or transferred to the university by the collaborating institution for research or training purposes.
- (b) The university shall use the materials transfer agreements recommended and approved by the Association of University Technology Managers to confer the indemnification authorized by this section.
- (c) Indemnification claims authorized by this section shall be payable solely from the moneys and property of the university and shall not constitute a general obligation of the State or be secured directly or indirectly by the full faith and credit of the State or the general credit of the State or by any revenues or taxes of the State. The board of regents may obtain loss insurance to cover the liability of the university that may arise under this section; provided that loss insurance for the university shall be at the university's expense.

## COG STANDARD MTA (2014)

prior written consent from a COG operating division acting to implement a study and/or protocol of the relevant COG study committee unless such permission is expressly stated in **Attachment A**. Such consent shall state the field of use for MATERIAL and any use not specifically stated therein shall not be deemed to be included within the scope of permissible uses for the MATERIAL. RECIPIENT agrees to ensure that Secondary Recipient(s) agree to use and dispose of MATERIAL (and if applicable, publish, present, use, or dispose of data and results) in accordance with the terms of this Agreement.

4. The data and results generated solely by Recipient (or the Principal Investigator who is the signatory to this Agreement) from the use of the MATERIAL shall be exclusively the property of the Recipient.
5. The MATERIAL and any corresponding COG clinical trial data or data associated with the MATERIAL when it is provided to Recipient shall be exclusively the property of COG.
6. Any data and results generated from the Material provided to the RECIPIENT and correlated and analyzed in conjunction with a COG protocol or COG study shall be the property jointly of the Recipient and COG.
7. Sections 2(g), 4, and 6 do not apply to designated COG Reference Laboratories or commercial laboratories retained by COG to provide scientific laboratory services. In this case, all data, including the data and results generated from the Material shall be the property of COG.
8. If RECIPIENT is a COG Member Institution, RECIPIENT acknowledges that this MATERIAL is provided as part of the resources and infrastructure provided by participation in the COG cooperative group, and that the foregoing is in addition to any funding reimbursement, payment, and/or other support from COG.
9. Any MATERIAL delivered pursuant to this Agreement are understood to be experimental and collected as a result of human subjects research for which informed consent, privacy authorization, and other ethical review and approval (from an IRB or similarly constituted research ethics board) was obtained. Notwithstanding any other term or provision, no use of MATERIAL is permitted if it has not been the subject of the required IRB review and approval or if it is not within the scope of the relevant informed consent, privacy authorization, and/or IRB policy or rule.
10. The RECIPIENT agrees that the MATERIAL will be provided as coded specimens without names of the COG research subjects. RECIPIENT will not release any identifiable information about the MATERIAL or COG research subjects to any third party unless required by law, and then only if RECIPIENT provides COG reasonable notice so that COG may file an objection or other motion in the relevant tribunal or proceeding.
11. RECIPIENT agrees to use the MATERIAL in compliance with all applicable statutes and regulations, and governmental policy and specifically agrees to adhere to all requirements necessary for maintaining research subject confidentiality associated with the MATERIAL.
12. The RECIPIENT understands that while the Biopathology Center or other repository or Member Institution of the COG attempts to avoid supplying MATERIAL contaminated with infectious agents such as hepatitis and HIV, all human cells and biological material should be handled as if potentially infectious. RECIPIENT and PRINCIPAL INVESTIGATOR acknowledge that they are aware of and follows OSHA regulations for handling human specimens and PRINCIPAL INVESTIGATOR will instruct his/her staff to abide by those rules. RECIPIENT further agrees to assume all responsibility for informing and training its employees, agents, representatives or other staff handling MATERIAL of the dangers and procedures for safe handling of human tissues. The MATERIAL is provided by COG as a service to the research community without warranty of merchantability or fitness for a particular purpose and without any other warranty or representation, express or implied.
13. Neither CHOP nor COG, nor any of their respective affiliates, trustees, directors, employees, agents, representatives, or divisions (hereinafter, individually, an Indemnified Party; collectively,

the “Indemnified Parties”) assumes any responsibility or liability for the use (or further distribution of, if any) of MATERIAL by RECIPIENT or PRINCIPAL INVESTIGATOR. RECIPIENT agrees to assume all risks and responsibility in connection with the receipt, handling, storage and use of MATERIAL. RECIPIENT further agrees to indemnify, defend and hold harmless the Indemnified Party and/or Indemnified Parties from any claims, costs, damages or expenses resulting from use or further distribution of the MATERIAL by RECIPIENT; except to the extent such claims, costs, damages or expenses arises from COG’s or CHOP’s gross negligence or reckless or willful misconduct. For INSTITUTIONS that are entities created by a federal or State Government, based on a public charter, or an agency or subdivision of a governmental authority and that are subject to limited liability based on applicable law (including limitations in statutes or State Constitutional provisions relating to Torts and Contracts or grants of sovereign immunity), INSTITUTION (RECIPIENT) agrees to indemnify or provide equivalent permitted reimbursement as stated above in this Section 13 to the maximum amount permissible under applicable law.

14. WHILE COG (IN ITS OPERATIONAL ASPECTS AND THROUGH ITS MEMBER INSTITUTIONS) STRIVES FOR COMPLIANCE WITH GCP PRINCIPLES, THE PARTIES ACKNOWLEDGE THAT COG OBLIGATIONS TO THE NATIONAL CANCER INSTITUTE (NCI) AND THE PROCEDURES IT FOLLOWS AS A COOPERATIVE GROUP MAY LEAD TO POTENTIAL OR ACTUAL DEVIATIONS FROM GCP (INCLUDING GCP ICH). PURSUANT TO THE TERMS OF THIS AGREEMENT, COG (AND, AS APPLICABLE, THE CHOP, EACH,) HAS PROVIDED AND NOW PROVIDES ANY MATERIAL, DATA AND RELATED FACILITIES, DATABASES, RECORDS, AND OTHER INFORMATION (AND ACCESS THERETO), IN CONNECTION WITH ANY ANTICIPATED GOVERNMENTAL OR REGULATORY AUDIT OR FOR ANY OTHER REASON, ON AN “AS IS” BASIS, WITH NO OTHER WARRANTIES OR REPRESENTATIONS, IMPLIED OR EXPRESS, AND IS NOT PROVIDING, WITHOUT LIMITATION, ANY IMPLIED WARRANTY OF NON-INFRINGEMENT, DATA ACCURACY, FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY. INSTITUTION (RECIPIENT) USES OR RELIES UPON DATA AND MATERIAL AT ITS OWN RISK.
15. If INSTITUTION or PRINCIPAL INVESTIGATOR would like to use, disseminate, or conduct research on the data and/or MATERIAL for purposes that are not described in **Attachment A**, such entity or person agrees to submit a research plan or protocol to COG and obtain prior written approval from COG before engaging in such tasks.
16. INSTITUTION and PRINCIPAL INVESTIGATOR each acknowledges that because of COG’s status as a cooperative group established and funded by NIH, federal law and governmental policy may apply and govern the development, ownership, and commercialization of intellectual property arising out of the performance of this Agreement. Any use or exploitation of intellectual property arising out of the performance of this agreement shall be governed by each Party’s regulatory and legal obligations to NCI, other governmental agencies or subdivisions thereof, applicable law, regulation, and policy including NIH policy relating to inventions and patents and applicable parts of the Intellectual Property Option To Collaborator” at [http://ctep.cancer.gov/industryCollaborations2/guidelines\\_for\\_collaboration.htm](http://ctep.cancer.gov/industryCollaborations2/guidelines_for_collaboration.htm)
17. INSTITUTION and PRINCIPAL INVESTIGATOR agree to cooperate fully with COG and CHOP and to execute any additional documents, waivers, agreements and/or consents required to establish the rights to COG stated in this Agreement. Failure to comply with this paragraph shall constitute a material breach of this Agreement entitling CHOP and COG to all remedies, including without limitation to immediately terminate all payments otherwise due under this Agreement and to seek preliminary and permanent injunctive relief and damages.
18. If disclosure, transmission, or use of data and/or MATERIAL takes place outside of the United States and United States law is found not to apply, then the applicable law, regulation, policies and



# Item V.B.1.

Report of the PIG for Board  
Participation in the  
Community Colleges  
Accreditation Institutional  
Self-Evaluation Reports

**ITEM TO BE  
DISCUSSED AT  
MEETING**



UNIVERSITY OF HAWAII  
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# Committee on Independent Audit of the Board of Regents

Annual Report  
*For the Fiscal Year Ended June 30, 2018*

+ Office of Internal Audit: *Audit Results for the fiscal year ended June 30, 2018*

## **Summary**

This Annual Report is prepared pursuant to the provisions of Hawai‘i Revised Statutes (HRS) §304A-321, *Independent Audit Committee*. Similar to the fiscal year ended June 30, 2017 Annual Report, the June 30, 2018 Annual Report is organized by the following sections:

1. Committee on Independent Audit (Audit Committee) Charter
2. Role of the Audit Committee
3. Membership
4. Meetings

The Audit Committee has fulfilled its responsibilities pursuant to the Bylaws of the Board of Regents of the University of Hawai‘i (BOR Bylaws) and HRS §304A-321. Collectively, BOR Bylaws (Article II.D.2.e) and HRS §304A-321 functions as the Audit Committee’s Charter. This Annual Report includes and is complemented and supported by the “Audit Results” report prepared by the University of Hawai‘i (University or UH) Office of Internal Audit (Internal Audit) that summarizes Internal Audit’s activities during the fiscal year ended June 30, 2018.

## **Committee on Independent Audit (Audit Committee) Charter**

The duties and responsibilities of the Audit Committee are documented in HRS §304A-321 and BOR Bylaws. The Audit Committee’s duties and responsibilities include the following:

1. Undertake professional development to improve the financial expertise of the Audit Committee.
2. Provide oversight relating to enterprise risk management.
3. Hold meetings at least twice per year.
4. Review the Audit Committee’s effectiveness and prepare or oversee the preparation of an annual report to the BOR.
5. Review the procedures for the receipt, retention, and treatment of complaints received by the University regarding accounting, internal accounting controls, auditing matters, or suspected fraud that may be submitted by any internal or external party.
6. Review (1) significant findings of internal audits and auditee responses, (2) whether internal auditors have encountered difficulties in the course of their audits, (3) changes in the scope of internal audits, (4) the internal audit budget and staffing, (5) the annual internal audit plan, and (6) the annual report of the internal audit department.
7. Review the following with management and the external auditor: (1) UH’s annual financial statements and related footnotes, (2) all reports certified by the external auditor, (3) the external auditor’s judgments about the quality of UH’s accounting principles, (4) any significant changes required in the external auditor’s audit plan, (5) any difficulties or disputes encountered during the audit, and (6) matters pursuant to Statement on Auditing Standards No. 114 (critical accounting policies and practices, consultations with audit firms other than the external auditor, and any other information relating to significant estimates and judgments).
8. Review with the external auditor matters affecting internal control including (1) the adequacy of UH’s internal control, including computerized information system controls and security and (2) any related significant findings and recommendations of the internal and external auditors, together with the responses of UH.
9. Annually evaluate the external auditor and the internal audit function.
10. Recommend to the BOR, the external auditor to be retained by UH and their fees.
11. Submit an annual report to the BOR and the legislature no later than 20 days prior to the convening of each regular session of the legislature on matters that include (1) all instances of

material weaknesses in internal control, including the responses of UH management and (2) all instances of fraud, including the responses of UH management.

12. Internal auditors shall meet separately with any external auditor to coordinate audit plans to optimize the ability of the external auditor to rely upon the results of an internal audit team.
13. Perform such other functions as assigned by the BOR and/or its bylaws.

### **Role of the Audit Committee**

The Audit Committee members are appointed by the BOR Chair and serve for one year or until the appointment of successors. The Audit Committee Chair is selected by the members of the Audit Committee.

Pursuant to the BOR Bylaws, the Audit Committee has the authority to conduct or authorize investigations into any matter within its scope of responsibility with unrestricted and timely access to all University functions, books, records, information systems, data, personnel, and property as necessary to carry out its duties.

### **Membership**

The Audit Committee must consist of at least three members but not more than five members. During the fiscal year ended June 30, 2018, membership of the Audit Committee consisted of the following Regents:

1. Michael McEnerney, Chair
2. Randy Moore, Vice Chair
3. Wayne Higaki
4. Jeffrey Portnoy
5. Norma Doctor Sparks (resigned during calendar year 2018)

### **Meetings**

The Audit Committee is required to meet at least twice per year. During fiscal year 2018, the Audit Committee held seven meetings. The fiscal year 2018 Audit Plan was approved by the Audit Committee at the May 17, 2017 Audit Committee meeting. In addition to Audit Committee members, other BOR members attending fiscal year 2018 meetings included BOR Chair Sullivan, and Regents Acoba, Bal, Higa, Putnam, Shinsato, Tagorda, Wilson, and Yuen. Meeting attendees also included University executive management (President, Vice Presidents, Chancellors of various campuses, etc.), the Director of Internal Audit, and personnel from the University's external auditors (Accuity, LLP or Accuity). Other attendees consisted of University personnel from a University campus/department/function associated with an Audit Committee meeting agenda topic or matter.

The following summarizes the significant matters and topics discussed at Audit Committee meetings held during fiscal year 2018.

#### **August 10, 2017:**

1. The Audit Committee reviewed and accepted the following report presented by Internal Audit:
  - a. Follow up Report of Corrective Action Status – University Purchasing Card Program.
2. Internal Audit presented the Whistleblower Hotline Tracking Report.
3. Vice President for Administration Gouveia provided the inaugural FY17 Office of Risk Management annual report.

4. Audit Committee Vice Chair Moore explained that in May 2017 the Audit Committee reviewed the self-evaluation questionnaire prepared by the American Institute of Certified Public Accountants (AICPA) and that committee member responses would be incorporated into agendas for the year ended June 30, 2018.

**October 5, 2017:**

1. The Audit Committee reviewed and accepted the following reports presented by Internal Audit:
  - a. Follow up Report on Evaluation of Corrective Action Status – Kapi‘olani Community College Chancellor’s Office Accounts at UH Foundation.
  - b. Review of Travel Policy Compliance
2. The Director of Internal Audit presented the Whistleblower Hotline Tracking Report.
3. Vice President Gouveia provided a background on enterprise risk management efforts.

**December 7, 2017:**

1. Accuity discussed their professional responsibilities and required communications pursuant to Statement on Auditing Standards No. 114
2. The Audit Committee reviewed and accepted the following reports presented by Accuity:
  - a. University Audited Financial and Compliance Reports pursuant to Uniform Guidance for the year ended June 30, 2017
  - b. University Internal Control and Business Issues Report for the year ended June 30, 2017.
  - c. University of Hawai‘i at Mānoa (UHM) Intercollegiate Athletics NCAA Agreed-Upon Procedures Report for the year ended June 30, 2017
  - d. UHM Intercollegiate Athletics Department Internal Control and Business Issues Report for the year ended June 30, 2017
  - e. University of Hawai‘i at Hilo (UHH) Intercollegiate Athletics NCAA Agreed-Upon Procedures Report for the year ended June 30, 2017
  - f. UHH Intercollegiate Athletics Department Internal Control and Business Issues Report for the year ended June 30, 2017
3. The Audit Committee reviewed and accepted the following reports prepared and presented by Internal Audit:
  - a. Annual Report to the Legislature on Material Weaknesses and Fraud pursuant to HRS §304A-321. The report noted no material weaknesses or fraud.
  - b. Audit Plan Supplement: Review of Employee Cell Phone Charges
4. Internal Audit presented the Whistleblower Hotline Tracking Report.

**February 7, 2018:**

1. The Audit Committee reviewed and accepted the following reports prepared and presented by Internal Audit:
  - a. Associated Students of the University of Hawai‘i at Mānoa Financial Statements for the year ended June 30, 2017
  - b. Associated Students of the University of Hawai‘i at Mānoa Management Letter for the year ended June 30, 2017
  - c. Review of Employee Cell Phone Charges
  - d. UHM Outreach College Financial and Operational Review
2. The Audit Committee reviewed and accepted Accuity’s UHM Intercollegiate Athletics Report on Agreed-Upon Procedures for the 2017 Football Season attendance.
3. Internal Audit presented the Whistleblower Hotline Tracking Report.
4. Vice President Yoshimi presented the Enterprise Risk Management Update – Overview of Cybersecurity at University of Hawai‘i.

**March 8, 2018:**

1. The Audit Committee reviewed and accepted the following reports prepared and presented by Internal Audit:
  - a. Audit Plan Supplement: Financial Management Audit of Maunakea Activities
  - b. Review of Check Disbursements Less Than \$2,500
  - c. Review of Capital Improvement Projects and Repairs and Maintenance

**April 4, 2018:**

1. The Audit Committee reviewed and accepted Vice President for Budget and Finance/Chief Financial Officer Young's recommendation of Accuity as the University's external auditor for the years ended June 30, 2020, 2019 and 2018.

**May 18, 2018:**

1. The Audit Committee is expected to review the Audit Committee Charter
2. The Audit Committee is expected to review and accept the following reports prepared and presented by Internal Audit:
  - a. Proposed year ended June 30, 2019 Audit Plan
  - b. Year ended June 30, 2018 Annual Report of the Committee on Independent Audit
  - c. Year ended June 30, 2018 Audit Results of the Office of Internal Audit
3. Internal Audit is expected to present an updated Whistleblower Hotline Tracking Report and discuss the status of the Maunakea audit.
4. Other matters expected to be discussed are as follows:
  - a. Enterprise Risk Management
  - b. Corrective action status related to Internal Audit's Travel Policy Compliance review
  - c. Audit Committee self-evaluation

# UNIVERSITY OF HAWAII

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## OFFICE OF INTERNAL AUDIT

### Audit Results

*For the Fiscal Year Ended June 30, 2018*

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For the Committee on Independent Audit of the Board of Regents

May 2018



## Executive Summary

### Introduction

The Office of Internal Audit (Internal Audit) prepares this Audit Results (or Annual Report) report to summarize their activities and accomplishments for the fiscal year ended June 30, 2018. The Bylaws of the Committee on Independent Audit of the Board of Regents (Audit Committee) require that the Audit Committee review this report. Additionally, the preparation of this report assists the Audit Committee review the internal audit function of the University of Hawai'i (University) as required by Hawai'i Revised Statutes (HRS) §304A-321, *Independent Audit Committee*. Pursuant to the Charter of the Office of Internal Audit of the University of Hawai'i (Internal Audit Charter), an annual audit plan is developed and submitted to the Audit Committee for review and approval. The fiscal year 2018 Audit Plan was approved by the Audit Committee on May 17, 2017.

### Overview of fiscal 2018 audit engagements

*Exhibit 1* summarizes the audit objective(s), audit scope, observations, findings, conclusions and status of the engagements included in the approved 2018 Audit Plan. The status, observations, findings and recommendations of these engagements were discussed with the Audit Committee Chair and Vice Chair continuously and throughout fiscal 2018. The following table categorizes the 25 engagements listed in *Exhibit 1*.

Fiscal 2018 engagements:	Completed reports		In process		Total
	Reviewed and accepted	For information	Substantially complete	Fieldwork ongoing	
New and carryover	5		2	1	8
Added to FY 2018 Audit Plan	1			1	2
H-Zone audit waived by landlord	NA				1
Audit Committee assistance	2	1			3
Follow-up	3		3	1	7
External assistance	4				4
<b>Total</b>	15	1	5	3	25

The two engagements added to the fiscal year 2018 Audit Plan consisted of the “Review of Cell Phone Charges” engagement (approved by the Audit Committee at the December 7, 2017 meeting) requested by Vice President for Budget and Finance/Chief Financial Officer Young and the “Maunakea Financial Review” engagement (in-process) pursuant to BOR Resolution. The Audit Committee assistance engagements related to the Whistleblower Hotline Program and related tracking reports, the annual report to the Hawai'i State Legislature noting no instances of material weaknesses and the Audit Committee's annual report evaluating their effectiveness. Substantial audit work has been completed with respect to the eight (8) in-process engagements. Draft reports associated with the substantially completed engagements have been distributed to auditees. The in-process engagements are anticipated to be completed during the first quarter of fiscal 2019.

With respect to the completed engagements, Unit (audited campus, college, department, etc.)





management concurred with all observations/findings and conclusions. Internal Audit produced recommendations ranging from 5 – 16 in connection with each engagement to mitigate identified operational, financial and compliance risks. Unit management have implemented or are in the process of implementing corrective action pursuant to these recommendations. Regarding the completed follow-up audits, Internal Audit verified implementation of corrective action for eleven (11) recommendations, noting one (1) recommendation for which corrective action was not implemented as management no longer believes the corrective action is reasonable given the current level of risk.

### **Conclusion**

In connection with the fiscal 2018 audit engagements, Internal Audit did not identify conditions that we believe are material weaknesses. Common recommendations included in fiscal 2018 audit reports included establishing or updating policies and procedures, the performance of periodic budget to actual analyses, and improving employee training in regards to policies and procedures.

Internal Audit recognizes the importance of building and sustaining effective relationships among the Audit Committee, University management and the external auditor. These relationships provide efficiencies and enhancements in the University's risk assessment and management processes and in the performance of internal and external audits. Accordingly, Internal Audit appreciates and thanks University management and staff for their cooperation and responsiveness in connection with the engagements summarized in *Exhibit 1*. Further, we thank the Audit Committee for their continued support of Internal Audit. Please call Glenn Shizumura at 956-7318 with any questions or comments with respect to the contents of this report.



## **Audit Resources & Competencies**

Internal Audit's staffing at the commencement of the fiscal year ended June 30, 2018 consisted of its Director and three full-time staff auditors. In August 2017, a full-time staff auditor resigned to pursue the supervising Fiscal Administrator position at a University of Hawaii campus. In late December 2017, another full-time staff auditor retired. To fill the open positions, two full-time staff auditors were hired (June 2017 and January 2018). Internal Audit's professionals have a substantial number of years of auditing and accounting experience within both the University environment and the private sector. Collectively, professionals have approximately 30 years of audit experience at international public accounting firms.

Internal Audit also employs University students majoring in accounting to provide the students with the opportunity to experience auditing from an internal audit perspective in addition to an external audit perspective. Assistance on Internal Audit projects include research and preparing working papers documenting the results of their research, verifying the mathematical accuracy of schedules and financial statements, obtaining and analyzing financial information from the University's general ledger, reviewing the contents of electronic and manual audit files for completeness, etc. Student auditor tasks may also include research on new or recently revised accounting and auditing literature. The work product of this research is an oral presentation and PowerPoint slide presentation to Internal Audit staff and student auditors. External audit assistance consists of assisting full-time staff perform audit procedures that can be relied upon by the University's external auditors (Accuity, LLP or Accuity). Audit experience gained through their employment at Internal Audit has benefited and assisted student auditors obtain internship and/or full-time employment opportunities with international and local accounting firms.

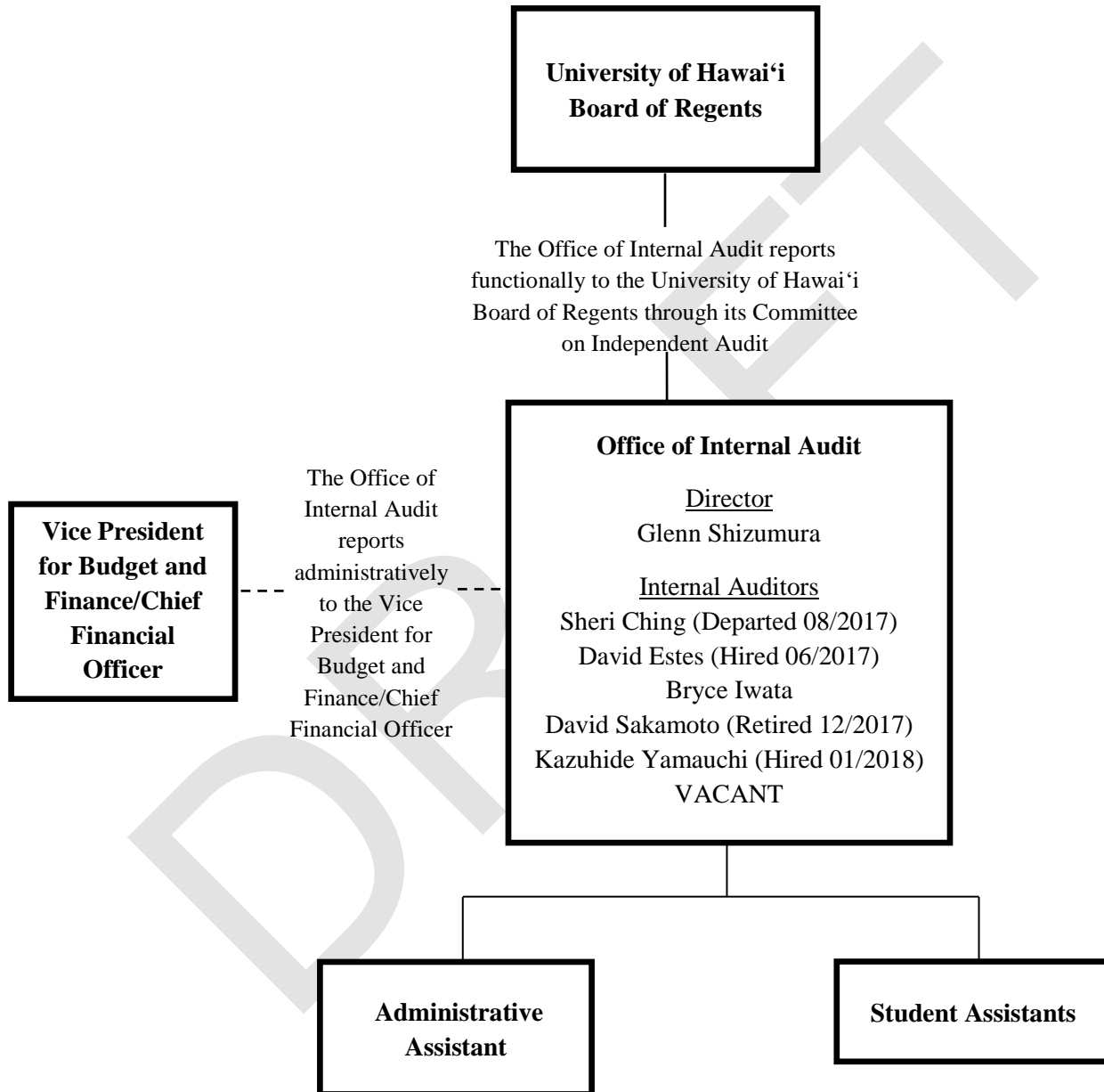
Internal Audit employed a total of eight students during the year ended June 30, 2018. During this period, three – five students were employed at any point in time. Employment fluctuations result from student internships at downtown accounting firms and graduation. Internal Audit encourages these internships and reserves the student auditor position for the student upon the completion of their internship.

The administrative functions of the office are handled by a full-time Administrative Assistant and student auditors. Administrative duties consist primarily of the following:

- Provide information technology support.
- Manage the storage, back-up and security of Internal Audit's electronic files.
- Prepare and issue fiscal related documentation for procuring goods and processing payments.
- Coordinate work orders and auxiliary services for the office.
- Maintain office supplies and equipment, including routine security maintenance on computers.
- File and archive internal and external audit reports.
- Manage office information flow.
- Prepare monthly and year-to-date financial reports to track and monitor Internal Audit expenses.
- Compare and analyze current year-to-date expenses to budget and prior year expenses.



**Office of Internal Audit  
Organization Chart  
July 1, 2017 – June 30, 2018**





## Profile of the Office of Internal Audit

Name: Glenn Shizumura  
Title: Director  
Professional Designation: Certified Public Accountant (CPA) – Hawai'i 1990  
Academic Qualification: Bachelor of Business Administration (BBA)  
Work Experience: 23 years, Ernst & Young

- Executive Director/Principal
- Industry expertise – public sector, real estate, retail, insurance and not-for-profit

8 years Director of Internal Audit/University of Hawai'i

Name: Sheri Ching (departed 8/2017)  
Title: Internal Auditor  
Professional Designation: CPA – Hawai'i 2003  
Academic Qualifications: BBA/Masters in Accounting (MAcc)  
Work Experience: 4 years Public Accounting/PricewaterhouseCoopers

- Industry expertise – public sector, not-for-profit and hospitality

5 years Financial Accounting/Kyo-ya Hotels & Resorts  
9 years Internal Audit/University of Hawai'i

Name: David Estes  
Title: Internal Auditor  
Professional Designation: CPA – Pennsylvania 2004  
Academic Qualifications: BBA  
Work Experience: 6 years Public Accounting/PricewaterhouseCoopers

- Industry expertise – investment management, not-for-profit

2 years Operational Risk/Perpetual Ltd. (Sydney, Australia)  
1 year Internal Audit/University of Hawai'i

Name: Bryce Iwata  
Title: Internal Auditor  
Academic Qualifications: BBA/MAcc  
Work Experience: 4 years Public Accounting/Deloitte  
1 year Financial Accounting/Bishop Insurance Agency  
10 years Internal Audit/University of Hawai'i

Name: David Sakamoto (retired 12/2017)  
Title: Internal Auditor  
Professional Designation: Certified Internal Auditor - 2008  
Academic Qualification: BBA  
Work Experience: 17 years General Accounting and Business/University of Hawai'i  
13 years Internal Audit/University of Hawai'i

Name: Kazuhide Yamauchi  
Title: Internal Auditor  
Academic Qualification: BBA  
Work Experience: 3 years Public Accounting/MC Group Hawai'i



## Internal Audit Activity and Results

### Audit Plan

Internal Audit's fiscal 2018 Audit Plan was approved by the Audit Committee during its meeting held on May 17, 2017. The Audit Plan was developed using a risk-based approach and considered Internal Audit's available resources. Criteria used in selecting audit projects included providing coverage of higher risk departments/units/functions and areas of concern to the Board of Regents (BOR) and University management. The following are considered in preparing Internal Audit's Audit Plan:

- Periodic meetings and discussions with the Audit Committee Chair and Vice Chair.
- Meetings and discussions with certain members of University management.
- Observations and findings contained in historical reports issued by Internal Audit. Certain University departments and/or functions may be reviewed as a result of:
  - audit findings noted in departments and/or functions with similar operations and/or
  - unremediated audit findings.
- Review of the various University Internal Control and Business Issues Reports issued by the University's external auditors (Accuity).
- Meetings and discussions with Accuity with respect to sensitive audit areas.
- Regulatory compliance.

The following are the types of engagements (including examples of fiscal 2018 engagements) generally performed by Internal Audit:

- **Financial audits and reviews** – determine the fairness, accuracy, and reliability of financial information presented in accordance with established or stated criteria..
- **Attestation engagement** – examination, review, or agreed-upon procedures on a subject matter, or an assertion about a subject matter (including financial information). An example was the review of ASUH's financial statements (required every three years by the ASUH constitution). The performance of this engagement by Internal Audit precluded the need to engage an external audit firm.
- **Operational reviews** – evaluate an area, department, or functional operation with the objective of evaluating efficiency and effectiveness. Examples of operational review projects include reviews of travel policy compliance and capital improvement projects and repairs and maintenance.
- **Compliance reviews** – assess the adherence to laws, regulations, policies and procedures. A compliance review may also include assessing compliance with the terms and conditions of contracts/agreements.
- **Follow-up audits** – performed to identify and evaluate management actions implemented in response to a prior audit. Follow-up audits are generally performed during the year following the issuance of the report to assess if management actions have been effectively implemented or if senior management has accepted the risk of not taking action.

Internal Audit provides consultative services to University personnel when questions arise with respect to generally accepted accounting principles and its application, accounting and operational process analyses



and related internal control matters. Internal Audit also provides guidance and collaborates with auditees in connection with their implementation of Internal Audit recommendations. In addition, Internal Audit may perform and participate in investigation projects as a result of complaints to the BOR office and/or University management.

In addition to the services previously described, Internal Audit provides a maximum of 1,000 hours of external audit assistance to Accuity. External audit assistance provided by Internal Audit has significantly reduced Accuity's audit fees charged to the University. Assistance provided by Internal Audit during fiscal 2018 included the following:

- Prepared audit schedules and audited certain accounts related to the Consolidated Financial Statements and University of Hawai'i at Mānoa Intercollegiate Athletics agreed-upon procedures pursuant to NCAA regulations. Audit procedures performed by Internal Audit were used and relied upon by Accuity to reduce their extent of audit work.
- Reviewed the University's Consolidated Financial Statements for the fiscal year ended June 30, 2017. Accuity's report date was December 7, 2017.
- Reviewed the separate agreed-upon procedures audit (required pursuant to NCAA regulations) of UHM Athletics and UHH Athletics for the fiscal year ended June 30, 2017. Accuity's reports were dated December 7, 2017.
- Attended and participated in all audit status meetings with Accuity and Financial Management Office personnel.

The University's Consolidated Financial Statements were completed and issued prior to the date requested by the Department of Accounting and General Services of the State of Hawai'i for incorporation into the State of Hawai'i's Comprehensive Annual Financial Report.

The Director of Internal Audit and Audit Committee Chair and Vice Chair had conversations and meetings throughout fiscal 2018 to discuss various University topics and matters including the following:

- status of external and internal audit engagements;
- questions and comments on reports drafted by Internal Audit or external auditors;
- findings, observations, recommendations and risks identified in connection with projects performed by Internal Audit;
- Whistleblower Hotline matters;
- agenda matters for Audit Committee meetings;
- form and content of reports to be presented to the Audit Committee; and
- other issues or concerns.

### **Audit Phases**

Internal Audit's audit process commences with the above described Audit Plan. Summarized below are the typical audit phases utilized by Internal Audit in connection with each audit project. An overarching Internal Audit objective is frequent and constant communication with Unit personnel on an ongoing basis. Ongoing and effective communication is critical in validating potential audit issues/findings as well as determining feasible recommendations.

#### 1. Preliminary review:

Internal Audit gathers and reviews information to obtain a preliminary understanding of the operation, activity or process that will be audited. A preliminary assessment of risks relevant to the



audit is conducted.

2. Notification:

The Director of Internal Audit contacts appropriate University management regarding an audit project(s) that will impact their Unit. The audit purpose and objective, scope, time period covered by the audit, etc. are also discussed.

3. Initial meeting:

An initial meeting is scheduled to establish the tone for the audit and to discuss the audit's scope, objectives, timing and expectations. Internal Audit will also request the auditee to describe their Unit's operations that will be impacted by the audit as well as available resources (personnel, facilities, systems, etc.) and any other issues or concerns.

4. Planning:

Written documentation of relevant processes and controls is requested and analyzed. Internal Audit will perform a walk-through to confirm the documented processes and controls. Subsequent to the completion of the preliminary risk assessment, an audit plan and program are developed to assist in the performance of an efficient and effective audit. Internal Audit has developed a quality assurance checklist to utilize on all engagements to ensure compliance with applicable professional authoritative literature and Internal Audit's in-house policies.

5. Fieldwork:

Fieldwork consists of gathering evidence and analyzing and evaluating that evidence pursuant to the audit program. Audit procedures are performed such that the most significant and high risk audit risk areas are completed first. Internal Audit utilizes Microsoft One Note to manage and electronically file audit documentation and workpapers. All engagement documentation and workpapers are reviewed by the designated supervisor(s).

6. Report draft:

The drafting of the audit report commences during the performance of fieldwork. Internal Audit schedules a meeting with Unit management to discuss the form and content of the draft report and provides a copy of the draft report concurrently with or subsequent to this meeting. From a timing perspective, Internal Audit generally provides the preliminary draft report to the auditee at least four (4) weeks prior to the next scheduled Audit Committee meeting. The auditee is requested to provide draft report comments by an agreed upon due date of receiving the initial draft report. Internal Audit incorporates relevant and appropriate comments received by the auditee into the report draft. A revised draft report is generally distributed to the auditee within one business day.

7. Report distribution to the Audit Committee Chair, Vice Chair and BOR Office:

Subsequent to incorporating auditee comments into the draft report, the report draft will be distributed to the Audit Committee Chair and Vice Chair for review and comment. Subsequent to review by the Audit Committee Chair and Vice Chair, the report draft will be forwarded to the BOR Office for distribution to Audit Committee members prior to the Audit Committee meeting. The report draft will be presented by the Director of Internal Audit at the Audit Committee meeting.

8. Management response:

Unit management is generally requested to provide a written response to Internal Audit's report. Depending upon the timing of management's preparation of their written response, the Director of



Internal Audit forwards and generally discusses the written response with the Audit Committee Chair and Vice Chair prior to distribution to Audit Committee members. Unit management personnel are requested to attend the Audit Committee meeting to respond to possible Audit Committee member questions and comments.

9. Final report distribution:

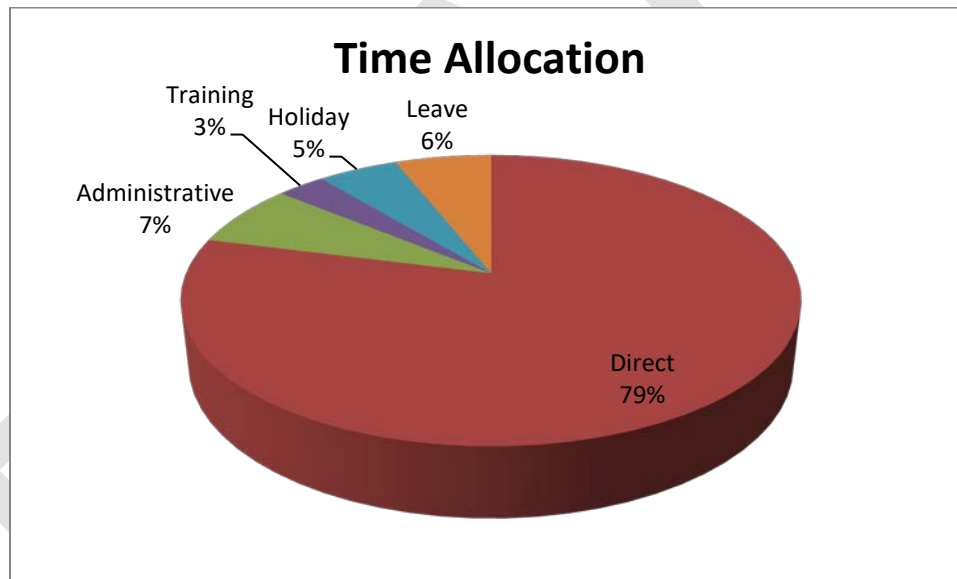
Subsequent to the Audit Committee's review and acceptance of the draft report, Internal Audit finalizes and distributes printed and electronic copies of the report to Unit management and appropriate senior management personnel of the University.

10. Follow-up:

Approximately one year subsequent to audit report issuance, Internal Audit performs a follow-up audit to assess the implementation of Internal Audit's recommendations and Unit corrective action.

**Time Allocation**

Similar to other professionals in accounting and auditing, Internal Audit tracks time spent on each project and task. The following chart summarizes the time allocation for the fiscal year ended June 30, 2018 (actual time through April 15<sup>th</sup> and estimate to complete through June 30<sup>th</sup>):



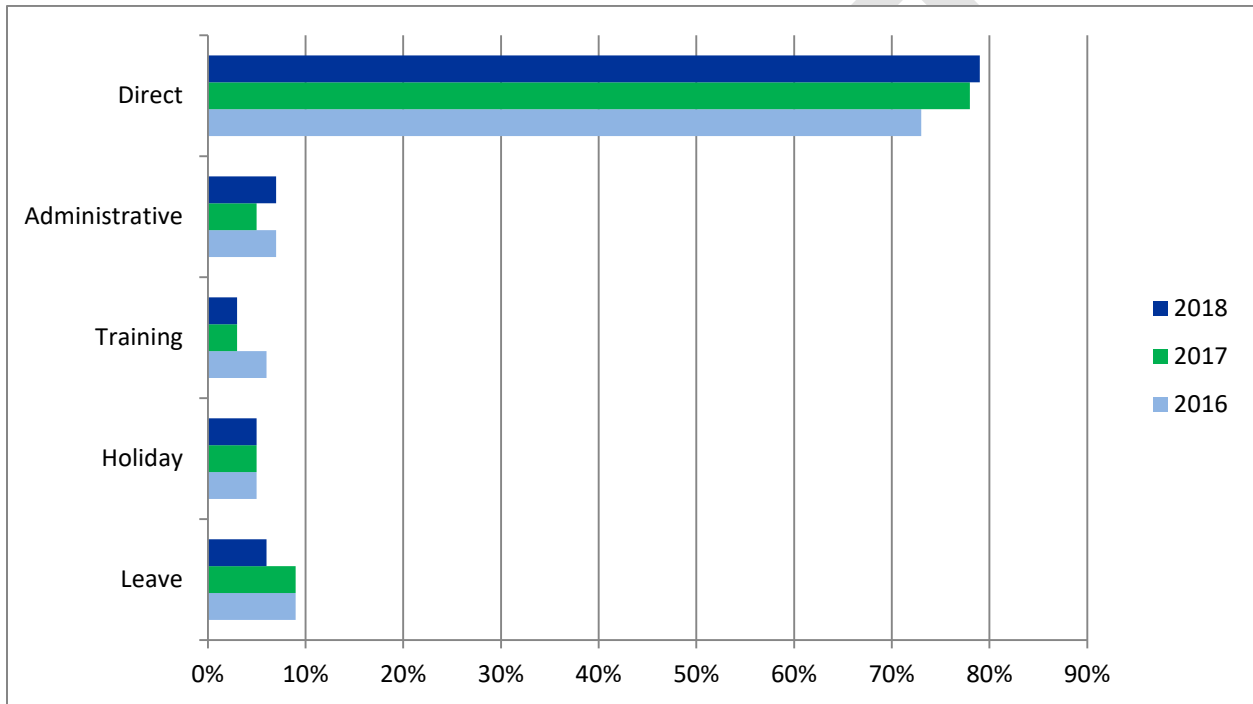
Administrative time primarily includes various human resource related functions (e.g., performance of employee evaluations, student hiring, etc.) and office management functions (e.g., review of current year-to-date expenses to budget and prior year expenses, engagement scheduling, etc.). Training time includes the reading of various professional organization periodicals (Association of College and University Auditors, National Association of College and University Business Officers, Journal of Accountancy, etc.) and participating in webinars and on-line courses relating to emerging accounting, auditing and operational issues primarily affecting governmental entities and higher education institutions.

The following table and chart compares Internal Audit's allocation of total time for the fiscal years ended June 30, 2018, 2017, and 2016:



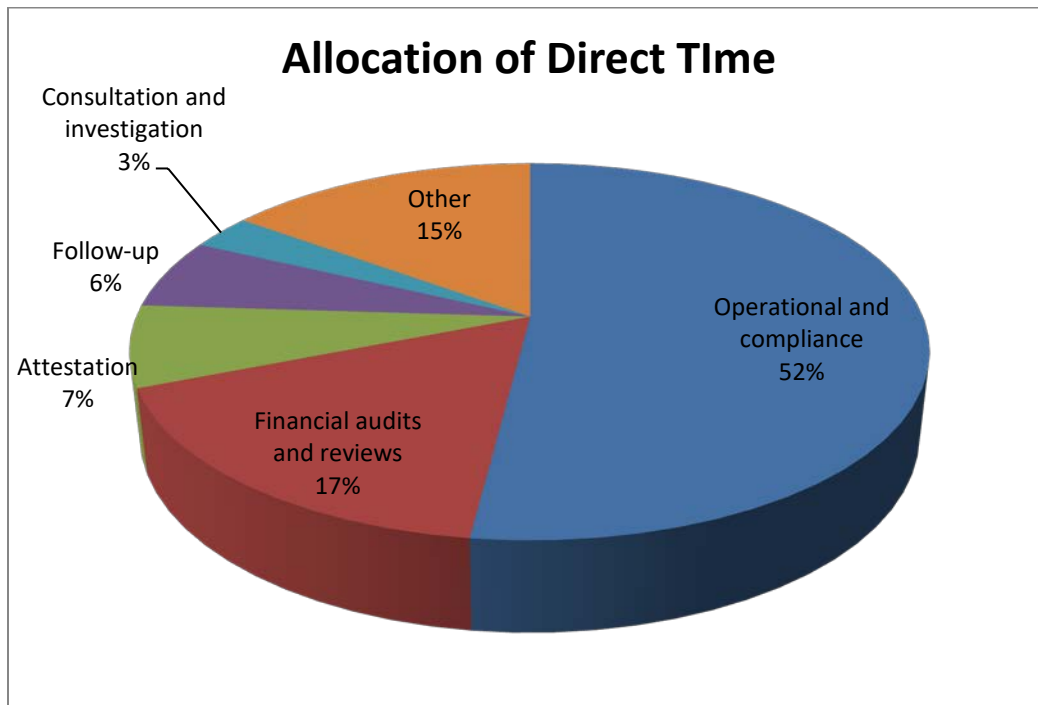


	Fiscal Year Ended June 30,		
	2018	2017	2016
Direct	79%	78%	73%
Administrative	7%	5%	7%
Training	3%	3%	6%
Holiday	5%	5%	5%
Leave	6%	9%	9%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



**Direct Time**

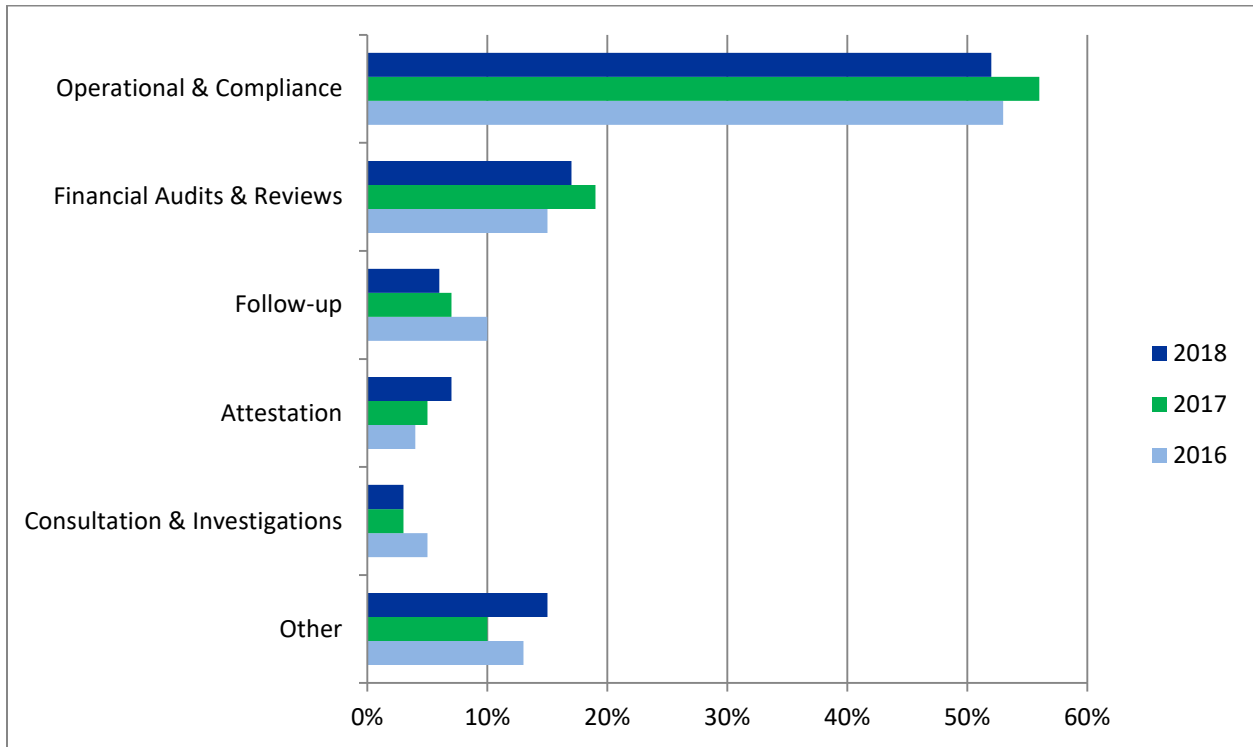
Direct time represents services directly benefiting the University. The following chart summarizes the allocation of direct time by engagement type for the fiscal year ended June 30, 2018:



Other time represents audit related functions, such as preparing for and attending Audit Committee meetings and Audit Committee planning meetings, as well as the preparation of documents for the Audit Committee.

The following table and chart compares Internal Audit's allocation of direct time for the fiscal years ended June 30, 2018, 2017, and 2016:

	Fiscal Year Ended June 30,		
	2018	2017	2016
Operational & Compliance	52%	56%	53%
Financial Audits & Reviews	17%	19%	15%
Follow-up	6%	7%	10%
Attestation	7%	5%	4%
Consultation & Investigations	3%	3%	5%
Other	15%	10%	13%
<b>Total</b>	<b>100%</b>	<b>100%</b>	<b>100%</b>



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**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Findings/Conclusions & Comments	Status
<b>EXTERNAL AUDIT ASSISTANCE</b>			
<b>1. University of Hawai'i (Consolidated) Financial Reports</b> <ul style="list-style-type: none"> <li>• Type: Financial</li> <li>• Period: Year ended June 30, 2017</li> </ul>	Audits pursuant to federal requirements. <ul style="list-style-type: none"> <li>• Provide audit assistance under the direction of Accuity, LLP (Accuity).</li> <li>• Provide support and assistance in connection with all audit reports.</li> <li>• Participate in periodic status meetings with Accuity and Financial Management Office personnel.</li> </ul>	Accuity's report noted: <ul style="list-style-type: none"> <li>• Unmodified audit opinion.</li> <li>• No material weaknesses in internal controls over financial reporting.</li> </ul>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on December 7, 2017.</li> </ul>
<b>2. University of Hawai'i (Uniform Guidance) Reports</b> <ul style="list-style-type: none"> <li>• Type: Compliance</li> <li>• Period: Year ended June 30, 2017</li> </ul>		Accuity's report noted: <ul style="list-style-type: none"> <li>• Unmodified audit opinion</li> <li>• Total expenditures of federal awards - \$519 million.</li> <li>• No material weaknesses in internal controls over financial reporting.</li> </ul>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on December 7, 2017.</li> </ul>
<b>3. UHM Athletics agreed-upon procedures (AUP) report</b> <ul style="list-style-type: none"> <li>• Type: Attestation (NCAA agreed-upon procedures)</li> <li>• Period: Year ended June 30, 2017</li> </ul>	AUP pursuant to NCAA regulations. <ul style="list-style-type: none"> <li>• Provide AUP assistance under the direction of Accuity.</li> <li>• Provide support and assistance in connection with the AUP report.</li> </ul>	Accuity's report noted no exceptions.	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on December 7, 2017.</li> </ul>
<b>4. UHH Athletics agreed-upon procedures (AUP) report</b> <ul style="list-style-type: none"> <li>• Type: Attestation (NCAA agreed-upon procedures)</li> <li>• Period: Year ended June 30, 2017</li> </ul>	AUP pursuant to NCAA regulations. <ul style="list-style-type: none"> <li>• Provide support and assistance in connection with the AUP report.</li> </ul>	Accuity's report noted no exceptions.	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on December 7, 2017.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Findings/Conclusions & Comments	Status
<b>AUDIT COMMITTEE ASSISTANCE</b>			
<p><b>5. Whistleblower Hotline</b></p> <ul style="list-style-type: none"> <li>• Type: Audit Committee Assistance</li> <li>• Period: Ongoing</li> </ul>	<p>The Audit Committee will be provided with a “Whistleblower Tracking Report” summarizing the type, nature, status, etc. of hotline reports received during their periodic meetings.</p>	<p>Most frequently reported complaints relate to human resource matters. Administrators continue to oversee the resolution of reported cases.</p>	<ul style="list-style-type: none"> <li>• Continuous.</li> <li>• Report provided for the Aug. 2017, Oct. 2017, Dec. 2017, Feb. 2018, and May 2018 Audit Committee meetings.</li> </ul>
<p><b>6. Audit Committee Reports – Annual Report to the Board of Regents (BOR) and Hawai‘i State Legislature</b></p> <ul style="list-style-type: none"> <li>• Type: Audit Committee Assistance</li> <li>• Period: July 1, 2016 – June 30, 2017</li> </ul>	<p>Assisting the Audit Committee prepare an annual report to the Board of Regents (BOR) and Hawai‘i State Legislature identifying 1) all instances of material weakness in internal controls and 2) all instances of fraud required by HRS §304A-321.</p>	<p>Annual report to the Hawai‘i State Legislature dated December 7, 2017 noted no instances of material weaknesses in internal controls over financial reporting and no instances of fraud or illegal acts.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on December 7, 2017.</li> </ul>
<p><b>7. Audit Committee Reports – Annual Report to the BOR</b></p> <ul style="list-style-type: none"> <li>• Type: Audit Committee Assistance</li> <li>• Period: July 1, 2017 – June 30, 2018</li> </ul>	<p>Assisting the Audit Committee prepare an annual report to the BOR regarding the Audit Committee’s effectiveness required by HRS §304A-321.</p>	<p>Annual report to the BOR notes that the Audit Committee fulfilled its HRS §304A-321 and Charter responsibilities for the fiscal year ended June 30, 2018.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• To be presented at the May 2018 Audit Committee meeting.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
<b>INTERNAL AUDITS</b>					
<p><b>8. Travel Policy Compliance</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance, Financial</li> <li>• Period: July 1, 2016 – June 30, 2017</li> </ul>	<p>Evaluate the frequency and severity of policy non-compliance, identify trends in non-compliance and determine the impact of non-compliance on University operations and financial results. Emphasis should be allocated to non-compliance associated with travel advances.</p>	<p>University travelers have generally complied with travel policies, laws, rules and regulations. Disbursing currently remits a reimbursement check in less than five calendar days from receipt of a Travel Completion Report. Additionally, eTravel is an excellent tool for managing and monitoring travel expenses and Disbursing’s pre-audit group were effective in mitigating risks related to University travel.</p> <p>Improvement opportunities identified include:</p> <ul style="list-style-type: none"> <li>• Specifying in AP 8.851 the manner in which travel approval should be documented.</li> <li>• Researching the feasibility of providing other optional travel payment methods as an alternative to travel advances.</li> <li>• Change the number of days an advance can be outstanding to 21 days from 30 days to be consistent with submission of Travel Completion Reports.</li> <li>• Clarify the meaning of “no other travel advances outstanding.”</li> <li>• Implement a series of escalating consequences for noncompliance with travel advance policies.</li> <li>• Collaborate with RCUH to develop an audit approach and testing strategy such that RCUH processed travel</li> </ul>	<p>Management response letter dated September 22, 2017 agreed with all findings and recommendations.</p> <p>The expected date of addressing all findings and recommendations ranged from March 2018 – June 2018.</p>	<p>An evaluation of corrective action status will be performed during fiscal year 2019 by Internal Audit.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on October 5, 2017.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		<p>disbursements are included in the testing population to comply with HRS §40-1.</p> <ul style="list-style-type: none"> <li>• Add a data field in eTravel to document the repayment date of excess advances, as well as a data field to record the document/reference number for each repayment.</li> <li>• Enhance eTravel to validate the travel request at multiple points in the process rather than only at the beginning, thereby reducing the effectiveness of an eTravel automated control.</li> </ul>			
<p><b>9. Associated Students of the University of Hawai‘i at Mānoa (ASUH)</b></p> <ul style="list-style-type: none"> <li>• Type: Financial, Compliance</li> <li>• Period: July 1, 2016 – June 30, 2017</li> </ul>	<p>Perform a financial statement review in conformity with AICPA standards on ASUH’s financial statements for the year ended June 30, 2017.</p>	<p>Based on I/A’s review, I/A is not aware of any material modifications that should be made to ASUH’s financial statements as of and for the year ended June 30, 2017 in order for the financial statements to be in accordance with GAAP.</p> <p>I/A noted the ASUH investment portfolio was not actively managed or monitored for compliance with Board of Regents Policy (RP) 8.207 during the period May 2015 through August 2017 due to the delay in hiring Graystone Consulting. Accordingly, I/A’s management letter recommended that ASUH should implement investment compliance monitoring activities during periods where no investment consultant is contracted to perform such activities.</p>	<p>Management response letter dated January 24, 2018 agreed with the management letter recommendation noting that ASUH will draft and present revisions of RP 8.207 to the BOR by June 2019 to address this matter.</p>	<p>An evaluation of corrective action status will be performed during fiscal year 2019 by Internal Audit.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on February 7, 2018.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
<p><b>10. Review of Employee Cell Phone Charges</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance</li> <li>• Period under audit: As of December 2017</li> </ul>	<p>Evaluate the adequacy and consistency of University procedures and practices in regards to employee cell phone payments, and identify risks with respect to such procedures and practices in connection with federal and State of Hawai'i income tax matters.</p>	<p>The lack of University policies regarding employee cell phone payments has resulted in the following:</p> <ul style="list-style-type: none"> <li>• Inconsistent documentation supporting these payments as well as the goods and services associated with these payments.</li> <li>• Potential income tax matters with respect to classifying employee cell phone payments as non-compensatory business expenses.</li> <li>• Cell phone plans with the various wireless service providers were not always the most cost efficient.</li> </ul> <p>I/A recommended that University management consult with the University's Tax Manager to mitigate potential income tax exposures and prepare and implement a cell phone policy that includes:</p> <ul style="list-style-type: none"> <li>• A description of the job function or position eligible for employee cell phone payments.</li> <li>• The nature and extent of required supporting documentation.</li> <li>• Whether employee reimbursements will be permitted.</li> <li>• The monthly maximum and/or standard amounts to be paid, as well as the treatment of excess charges.</li> <li>• The types of phones that will be provided, as well as any limitations on the costs of such devices.</li> </ul>	<p>Management response letter dated January 22, 2018 agreed with all findings and recommendations.</p> <p>The expected date of addressing all findings and recommendations is December 31, 2018.</p>	<p>An evaluation of corrective action status will be performed during fiscal year 2019 by Internal Audit.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on February 7, 2018.</li> </ul>



**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
<p><b>11. University of Hawai‘i at Manoa Outreach College</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Financial</li> <li>• Period under audit: Four years ended June 30, 2017</li> </ul>	<p>Review historical Outreach College financial and operational risks and opportunities.</p>	<p>Outreach College generates substantial tuition and fee revenues annually (\$35 m - \$40m) but lacks written policies or a formalized process to determine and approve the disposition of surplus cash. In addition, Outreach College is providing learning opportunities for students that are unable to attend UHM classes during the day. I/A recommended the following:</p> <ul style="list-style-type: none"> <li>• Develop policies and procedures related to the handling and disposition of surplus cash.</li> <li>• Consider preparing annual cash forecasts to estimate operational cash requirements.</li> <li>• Analyze a schedule comparing quarterly budgeted to actual revenues and expenses to identify significant and/or unexpected variances.</li> <li>• Consider limiting or eliminating the preparation of separate MOAs for each course by developing a policy incorporating terms and conditions included in current MOAs that would be applicable and consistently applied to all Credit and Professional Program courses.</li> <li>• Develop a written strategic or business plan to document financial and operational goals and objectives.</li> <li>• Determine whether the tuition policy related to Credit Programs should be modified for full-time UHM students attending the regular day program.</li> </ul>	<p>Management response letter dated January 31, 2018 agreed with all recommendations.</p> <p>The expected date of addressing all recommendations range from the Fall 2018 semester to the Spring 2019 semester except that the 10-week NICE program course recommendation may be impacted by the campus reorganization.</p>	<p>An evaluation of corrective action status will be performed during fiscal year 2019 by Internal Audit.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on February 7, 2018.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		<ul style="list-style-type: none"> <li>• Ensure that the 10-week NICE program and the courses offered by the UHM Dept. of Linguistics Hawai'i English Language Program are sufficiently diversified to eliminate the risk of offering similar courses.</li> <li>• Consider utilizing a single database system for the International and Professional Programs.</li> </ul>			
<p><b>12. Check Disbursements less than \$2,500</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance, Financial</li> <li>• Period: July, 2016 – June 30, 2017</li> </ul>	<p>Verify University policy compliance and assess efficient and effective use of resources with respect to purchases less than \$2,500.</p>	<p>The University processes approximately \$50 million of checks annually with check amounts less than \$2,500. Within the \$0.01 - \$1.00 range, there were two checks amounting to \$0.01, three checks amounting to \$0.03, one check amounting to \$0.04, and eighteen checks amounting to between \$0.05 and \$0.10.</p> <p>I/A believes increasing the use of PCards for purchases less than \$2,500 will provide cost savings and increase PCard rebates from First Hawaiian Bank. I/A recommended the following to decrease the volume of checks less than \$2,500.</p> <ul style="list-style-type: none"> <li>• Provide on-demand online PCard training with real-time scoring of the examination.</li> <li>• Consider relaxing the restrictions on travel-related MCCs given the effective travel expense controls performed by Disbursing's pre-audit group (see "Travel Policy</li> </ul>	<p>Management response letter dated March 2, 2018 agreed with all recommendations but will analyze the risks and benefits associated with the MCC restrictions and penalties for policy non-compliance.</p> <p>The expected date of addressing all recommendations is March 2019.</p>	<p>An evaluation of corrective action status will be performed during fiscal year 2019 by Internal Audit.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on March 8, 2018.</li> <li>• The Audit Committee requested that University Administration map out the processes for PCard, purchase order and check transactions to determine which process is more efficient.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		<p>Compliance” summary above).</p> <ul style="list-style-type: none"> <li>• Clarifying the “after-the-fact” purchase policy.</li> <li>• Imposing P-Card restrictions on non-compliant cardholders rather than the entire Unit.</li> <li>• Determine alternative uses for surplus rebate account balances.</li> </ul>			
<p><b>13. University of Hawai‘i – Capital Improvement Projects and Repairs and Maintenance</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance, Financial</li> <li>• Period under audit: As of January 2018</li> </ul>	<p>Evaluate the current processes, procedures and practices to determine if the significant risks identified in historical evaluations and reviews with respect to managing and monitoring the timing and costs associated with Capital Improvement Projects as well as managing the timing of service provided on Repair and Maintenance Projects have been mitigated.</p>	<p>The reorganization of the Office of Planning and Facilities (OPF) and the University’s Office of Capital Improvement (OCI) has resulted in the implementation of improvements to mitigate a significant number of risks identified in the historical evaluations and reviews. However, Internal Audit’s review of quarterly CIP progress reports from June 30, 2016 through December 31, 2017 indicate ongoing issues with respect to the completion of CIP on time and within contract amounts.</p> <p>Internal Audit noted the following improvement opportunities.</p> <p>Procurement of CIP:</p> <ul style="list-style-type: none"> <li>• Adopt electronic signatures for Form 1.</li> <li>• Establish goals for the expected duration of each procurement activity for both RFPs and IFBs.</li> </ul> <p>CIP Management:</p> <ul style="list-style-type: none"> <li>• Review and update the Construction</li> </ul>	<p>Management response letter dated March 2, 2018 agreed with all recommendations.</p> <p>The expected date of addressing all recommendations was December 2018. Certain recommendations were implemented subsequent to I/A finalizing this report but prior to presentation to the Audit Committee.</p>	<p>An evaluation of corrective action status will be performed during fiscal year 2019 by Internal Audit.</p>	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on March 8, 2018.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		<p>Management Manual dated July 22, 2015 for changes to processes and procedures.</p> <ul style="list-style-type: none"> <li>• Update policies and procedures for the establishment of CIP contingencies.</li> <li>• Update policies and procedures to address change orders resulting from University (owner) requests.</li> <li>• Create a standard checklist for the pre-design phase, as well as guidelines to be included in the Due Diligence Report or criteria package.</li> <li>• Review CIP progress against the overall CIP schedule at Owner-Architect-Contractor meetings.</li> <li>• Include total CIP costs (design, construction and contingency) in the quarterly reports to increase transparency with the Planning and Facilities Committee.</li> <li>• Allow electronic approvals for change orders in e-Builder.</li> </ul> <p>Repair and Maintenance Projects:</p> <ul style="list-style-type: none"> <li>• Prepare written policies and procedures of unwritten practices.</li> <li>• Track the average time for each Shop to complete work orders.</li> <li>• Perform a periodic detailed review of open work orders to validate the accuracy of the AiM database.</li> <li>• Require the Key Shop to follow the same processes and procedures as other Shops.</li> <li>• Provide a work order performance</li> </ul>			

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		date at least a day in advance. <ul style="list-style-type: none"> <li>• Review the Campus Operations and Facilities e-mail notification template to determine if additional information would be valuable in providing customer service.</li> <li>• Train employees on all policies and procedures and add controls for the Shop Manager to monitor that all Shops are in compliance with inventory policies and procedures.</li> </ul>			
<b>14. Sales Audit of the H-Zone</b>	The UHM Athletics Department has decided not to renew the H-Zone lease agreement (termination date of June 30, 2017). The lease agreement requires a sales audit through lease termination date.	UHM Athletics informed Internal Audit that the H-Zone landlord waived the requirement of a sales audit through lease termination date.	N/A	N/A	N/A
<b>15. UHM Student Fees for Professional Programs</b> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance, Financial</li> <li>• Period: Three years ended June 30, 2017</li> </ul>	Evaluate the methodology of determining the professional fee amount charged in addition to evaluating the adequacy, appropriateness and usage of these fees by the respective professional program. Additionally, compliance with RP 6.203 will also be assessed.	At UHM, the following programs charge professional fees (Fee/semester): <ol style="list-style-type: none"> <li>1. College of Engineering (\$500)</li> <li>2. School of Nursing (\$1,000) and Dental Hygiene (\$500)</li> <li>3. Shidler College of Business (\$500)</li> <li>4. School of Architecture (\$500)</li> </ol> <p><u>Preliminary:</u></p> <ul style="list-style-type: none"> <li>• Perform an annual review to validate whether the Fee amount is reasonable based on past and expected future expense levels.</li> <li>• Implement processes and procedures for budgeting, tracking and</li> </ul>	Preliminary comments provided on draft audit report. Additional comments forthcoming.	N/A	<ul style="list-style-type: none"> <li>• Fieldwork complete.</li> <li>• Draft audit report provided to auditee on April 19, 2018.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		monitoring of Fees and the associated expenses. <ul style="list-style-type: none"> <li>• Enhance transparency by disclosing the purpose of the Fee and the expenses incurred annually associated with the Fees on each Program’s respective website.</li> </ul>			
<b>16. Accounts Receivable – Student Accounts</b> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance, Financial</li> <li>• Period: As of and for the year ended June 30, 2017</li> </ul>	The objective of this audit is to review and analyze the process and policies related to originating, collecting and recording transactions impacting the student accounts receivable balances. In addition, Internal Audit will evaluate compliance with University policies.	The gross student A/R balance has increased from \$16m to \$35m during the period June 30, 2011 to June 30, 2017. <u>Preliminary:</u> <ul style="list-style-type: none"> <li>• University campuses inconsistently cancel class registrations for students that registered for classes but did not make payment by stated deadlines contrary to University policy.</li> <li>• Disbursement of student financial aid prior to the start of the semester has increased gross student A/R’s for students that were later determined to be ineligible to receive financial aid.</li> <li>• Internal Audit noted a backlog of Banner and KFS error reports requiring resolution and gaps in the consequences levied on students with delinquent accounts. Internal Audit also identified financial information discrepancies between Banner and KFS and transactions that may not be properly recorded in KFS.</li> </ul>	Preliminary comments provided on draft audit report. Additional comments forthcoming.	N/A	<ul style="list-style-type: none"> <li>• Fieldwork complete.</li> <li>• Draft audit report provided to auditee on May 8, 2018.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
<p><b>17. Business Office – Cash Collections</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Compliance, Financial</li> <li>• Period: As of December 31, 2017</li> </ul>	<p>Determine and evaluate 1) if adequate internal controls have been implemented to safeguard cash collection activities; 2) the existence of proper segregation of duties; and 3) if the procedures and practices at various cash collection locations comply with University policies.</p>	<p>Internal Audit met and collaborated with the University of Hawai‘i Bursar (Bursar) and Treasury Office and determined that audit procedures would be performed on 13 cash collection locations.</p> <p><u>Preliminary:</u></p> <ul style="list-style-type: none"> <li>• Certain cash collection locations did not reconcile subsidiary systems to KFS on a periodic basis and lacked appropriate segregation of duties in the cash receipts process.</li> <li>• Several cash collection points were not in compliance with certain University policies.</li> <li>• Treasury’s process for compliance with the Payment Card Industry Data Security Standard (PCI DSS) should be improved to ensure all cash collection locations accurately and properly complete the Self-Assessment Questionnaire (SAQ).</li> </ul>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• In Progress</li> </ul>
<p><b>18. University of Hawai‘i – Maunakea</b></p> <ul style="list-style-type: none"> <li>• Type: Operational, Financial</li> <li>• Period: Three years ended June 30, 2017 with select information updated through the end of fieldwork</li> </ul>	<p>Compile and review financial results related to the management and operations of Maunakea.</p>	<p>Meetings and consultations have occurred with personnel from the following organizations:</p> <ul style="list-style-type: none"> <li>• Office of the Vice President of Research and Innovation</li> <li>• RCUH</li> <li>• Office of Maunakea Management</li> <li>• Maunakea Management Board</li> <li>• Institute for Astronomy</li> <li>• UHH fiscal office</li> <li>• Maunakea Observatories Support Services</li> </ul>	<p>N/A</p>	<p>N/A</p>	<ul style="list-style-type: none"> <li>• In Progress</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
		Information requests (verbal and written) have been provided to the above organizations. Internal Audit reviews the requested information when received.			
<b>FOLLOW-UP</b>					
<b>19. Evaluation of Corrective Action Status – University Purchasing Card Program</b> <ul style="list-style-type: none"> <li>• Type: Follow-up</li> <li>• Period: As of July 2017</li> </ul>	Assess the implementation status of corrective action.	Three (3) recommendations identified in the prior year.	Management informed Internal Audit that identified risks noted in the prior year have been addressed	Two (2) of the three (3) recommendations were implemented although implemented inconsistently. PCard mgt. now believes the third recommendation regarding Merchant Category Codes (MCC) is not reasonable given the current level of risk.	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on August 10, 2017.</li> <li>• The Audit Committee requested that PCard mgt. report the frequency of MCC unblock requests to the Audit Committee during fiscal 2019.</li> </ul>
<b>20. Evaluation of Corrective Action Status – KCC Chancellor’s Office Accounts at UHF</b> <ul style="list-style-type: none"> <li>• Type: Follow-up</li> <li>• Period: As of September 2017</li> </ul>	Assess the implementation status of corrective action.	Four (4) recommendations identified in the prior year.	Management informed Internal Audit that all recommendations have been implemented.	I/A noted that all recommendations have been implemented. However, I/A identified improvements to increase the effectiveness of	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on October 5, 2017.</li> </ul>



**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
				implementation that were agreed to by KCC mgt.	
<p><b>21. Corrective Action</b>  <b>Auditee Status – Associated Students of the University of Hawai‘i</b></p> <ul style="list-style-type: none"> <li>• Type: Follow-up</li> <li>• Period: As of December 31, 2017</li> </ul>	Assess the implementation status of corrective action.	<ul style="list-style-type: none"> <li>• Five (5) findings and recommendations identified in the prior year.</li> <li>• Update incorporated into current ASUH report (see no. 9 above).</li> </ul>	Four (4) recommendations have been implemented. One (1) recommendation regarding policy non-compliance was not fully implemented. ASUH has revised their policy to minimize the reoccurrence of policy non-compliance.	I/A noted that all five (5) corrective actions have been implemented or other actions have been taken to remediate each finding.	<ul style="list-style-type: none"> <li>• Complete.</li> <li>• Accepted by the Audit Committee on February 7, 2018.</li> </ul>
<p><b>22. Corrective Action</b>  <b>Auditee Status – University of Hawai‘i Press</b></p> <ul style="list-style-type: none"> <li>• Type: Follow-up</li> <li>• Period: As of January 2018</li> </ul>	Assess the implementation status of corrective action.	Six (6) recommendations identified in the prior year.	Management agreed with all findings and recommendations and will implement recommendations from June 2017 – December 2017.	<u>Preliminary:</u> I/A noted that all corrective actions have been implemented. I/A identified further improvements to one recommendation.	<ul style="list-style-type: none"> <li>• Fieldwork complete.</li> <li>• Draft audit report provided to auditee on May 9, 2018.</li> </ul>
<p><b>23. Corrective Action</b>  <b>Auditee Status – UHM Student Housing Services</b></p> <ul style="list-style-type: none"> <li>• Type: Follow-up</li> <li>• Period: As of December 31, 2017</li> </ul>	Assess the implementation status of corrective action.	Fourteen (14) recommendations identified in the prior year.	Management response letter dated September 29, 2016 agreed with all findings and recommendations. UHM Student Housing provided a management response update dated January 13, 2017 noting that implementation of	<u>Preliminary:</u> Substantially all corrective actions are in the process of implementation.	<ul style="list-style-type: none"> <li>• Fieldwork complete.</li> <li>• Draft audit report provided to auditee on May 10, 2018.</li> </ul>

**Office of Internal Audit  
Summary of Audit Engagements  
Fiscal Year Ended June 30, 2018**

Engagement	Primary Objective(s)/ Audit Scope	Condensed Conclusions & Comments	Management Response/Action Plan	Implementation Status	Status
			the majority of recommendations were in process.  Revised completion dates ranged from March 1, 2017 – June 30, 2018.		
<b>24. Corrective Action Auditee Status – UHH Student Housing</b> <ul style="list-style-type: none"> <li>• Type: Follow-up</li> <li>• Period: As of December 2017</li> </ul>	Assess the implementation status of corrective action.	Ten (10) recommendations identified in the prior year.	Management response letter dated January 27, 2017 agreed with all findings and recommendations.  The expected date of addressing all findings and recommendations ranged from February 2017 – June 2018.	<u>Preliminary:</u> The majority of corrective actions are in the process of implementation.	<ul style="list-style-type: none"> <li>• Fieldwork complete.</li> <li>• Draft audit report provided to auditee on May 10, 2018.</li> </ul>
<b>25. Corrective Action Auditee Status –</b> <ul style="list-style-type: none"> <li>• UHM Athletics Equipment and Apparel</li> <li>• UHM Commuter Services</li> </ul>	In connection with these follow up reviews, Internal Audit determined that the implementation of a number of corrective actions were either in process or pending the occurrence of certain events. Accordingly, Internal Audit will perform additional reviews.	<u>Athletics Equipment and Apparel</u> Five (5) pending recommendations were assigned to the Head Equipment Mgr who was expected to be hired in the prior year.  <u>Commuter Services</u> Four (4) pending recommendations were to be fully implemented by December 2017.	N/A	N/A	N/A

# Item V.B.3.

Appointment of Board  
Members as Liaisons

**ITEM TO BE  
DISCUSSED AT  
MEETING**

# Item V.B.4.

Update on Maunakea  
Stewardship

**ITEM TO BE  
DISCUSSED AT  
MEETING**



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MĀNOA

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'18 MAY 14 P2:10

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

18 MAY 21 10:34

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

May 10, 2018

**MEMORANDUM**

TO: Jan Naoe Sullivan  
Chair, Board of Regents, University of Hawai'i

VIA: David Lassner *David Lassner*  
President, University of Hawai'i System

VIA: David Lassner *David Lassner*  
Interim Chancellor, University of Hawai'i at Mānoa

VIA: Donna Vuchinich *Donna Vuchinich*  
President & CEO, University of Hawai'i Foundation

FROM: Nathan Murata *Nathan Murata*  
Dean, College of Education, University of Hawai'i at Mānoa

SUBJECT: REQUEST FOR ACTION TO APPROVE THE ESTABLISHMENT OF AN  
ENDOWED CHAIR IN ARTS EDUCATION IN THE COLLEGE OF  
EDUCATION.

**SPECIFIC ACTION REQUESTED:**

It is requested that the University of Hawai'i Board of Regents (BOR) approve the University of Hawai'i at Mānoa College of Education's (COE) request to create a named endowed chair after Alexander and Frances Pickens in recognition of their \$2,500,000 estate gift.

**RECOMMENDED EFFECTIVE DATE:**

Upon Board of Regents approval.

**ADDITIONAL COST:**

No additional costs are associated with this request.

**PURPOSE:**

The purpose of this gift is to provide support for an endowed chair in the Art Education program at the COE, to promote teaching for the arts at the University of Hawai'i at Mānoa (UH Manoa).

The funds may be used for but are not limited to:

1. Salary support for the recipient based on the recommendation of the Dean of COE.
2. Program support includes: Recipient will consider input from the Dean of COE in determining priorities for research, education and community outreach initiatives for Arts Education.
  - a. Travel by the recipient and/or other faculty members specializing in Arts Education to other universities and schools of education, government agencies, and industry visits.
  - b. Attendance at workshops, short or extended courses, and other educational opportunities on or off campus, by the recipient and/or by other faculty members specializing in Arts Education.
  - c. Support for faculty, junior faculty, students, graduate researchers, and administrative professionals specializing in Arts Education at the COE.
  - d. Support for research, curriculum, and/or program development in the Arts Education area at the College of Education.

Funds may also be used to support the recruitment and relocation expenses of the endowed chair position.

The recipient shall make an annual report to the Dean of COE.

During any period of vacancy of this endowed position, proceeds may be used to support faculty recruitment and start-up packages in support of the Arts Education at the discretion of the Dean of COE.

#### Criteria

The chair holder will be recommended by a committee appointed by the Dean of the COE; and selected and approved by the Dean. The recipient of this endowed chair will be appointed for a one-year term by the Dean of the COE, subject to the standard review and renewal process as established by the COE. More than one-year appointments may be permissible at the discretion of the committee and Dean.

BACKGROUND:

The funding for this naming opportunity will be from a \$2,500,000 gift received in recognition of Dr. Alexander and Frances Pickens. Dr. Alexander Pickens joined the UH Manoa COE in 1962 as an associate professor, and for 27 years, headed the Art Education program. Prior to retiring in 2001, Dr. Pickens served as the Special Assistant to the Dean for College Development & Alumni Relations for 12 years.

Both Dr. Alexander and Frances Pickens' vast support for education is evidenced through their generous support to various COE initiatives, as well as establishing and supporting scholarships.

ACTION RECOMMENDED:

It is recommended that the University of Hawai'i Board of Regents (BOR) approve the University of Hawai'i at Mānoa College of Education's (COE) request to create a named endowed chair after Alexander and Frances Pickens in recognition of their \$2,500,000 estate gift.

c: Executive Administrator and Secretary of the Board Oishi



UNIVERSITY  
of HAWAII  
SYSTEM

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

Carrie K. S. Okinaga  
Vice President for Legal Affairs and  
University General Counsel

DTS-18867

18 MAY 21 10:34  
May 7, 2018

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MEMORANDUM

'18 MAY -8 P3:43

TO: Jan N. Sullivan, Chair  
Board of Regents

VIA: David Lassner  
President *David Lassner*

FROM: Carrie K. S. Okinaga  
Gary Y. Takeuchi *Carrie Okinaga*  
Office of the Vice President for Legal Affairs and  
University General Counsel

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

SUBJECT: RECOMMEND APPROVAL TO REQUEST THE GOVERNOR'S  
FINAL APPROVAL OF REPEAL OF HAWAII ADMINISTRATIVE  
RULES, TITLE 20:

- (A) CHAPTER 2, "STATEMENT ON RIGHTS AND RESPONSIBILITIES OF THE UNIVERSITY OF HAWAII COMMUNITY";
- (B) CHAPTER 5, "TUITION SCHEDULES";
- (C) CHAPTER 6, "TUITION WAIVERS";
- (D) CHAPTER 15, "FEES OF THE UNIVERSITY OF HAWAII";
- (E) CHAPTER 18, "STUDENT HOUSING";
- (F) CHAPTER 21, "FEES OF THE UNIVERSITY OF HAWAII SYSTEM LIBRARIES";
- (G) CHAPTER 22, "WAIKIKI AQUARIUM FEES"; AND
- (H) CHAPTER 23, "UH SPECIAL EVENTS ARENA ADMISSION FEES AND CHARGES".

I. SPECIFIC ACTION REQUESTED

The Board of Regents ("BOR") is requested to approve requesting the Governor's final approval to repeal 8 chapters in Hawaii Administrative Rules ("HAR") Title 20: (1) Chapter 2, "Statement on Rights and Responsibilities of the University of Hawaii Community"; (2) Chapter 5, "Tuition Schedules"; (3) Chapter 6, "Tuition Waivers"; (4) Chapter 15, "Fees of the University of Hawaii"; (5) Chapter 18, "Student Housing"; (6) Chapter 21, "Fees of the University of Hawaii System Libraries"; (7) Chapter 22, "Waikiki Aquarium Fees"; and (8) Chapter 23, "UH Special Events Arena Admission Fees and Charges" (collectively, the "Final Repeal Group").

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The University of Hawai'i (the "University") administration proposes the above action in a manner consistent with University autonomy. Where the University is not statutorily required to promulgate rules, these rules are being repealed to allow BOR oversight of the function through BOR policies, and executive and administrative policies and procedures, as applicable.

## **II. RECOMMENDED EFFECTIVE DATE**

Upon approval by the BOR.

## **III. PURPOSE**

Article X, Section 6 of the Hawai'i Constitution specifically affords the BOR the "power to formulate policy, and to exercise control over the [U]niversity" and the "exclusive jurisdiction over the internal structure, management, and operation of the [U]niversity." Consistent with Article X, Section 6, the Hawai'i Legislature conferred upon the BOR the power to manage and control the University's general affairs, and the "exclusive jurisdiction over the internal structure, management, and operation of the [U]niversity." Hawai'i Revised Statutes ("HRS") § 304A-105. To this end, if the University is not statutorily required to promulgate rules governing certain operations of the University, the University has the discretion to establish and has indeed historically established BOR policies and executive policies and procedures instead of administrative rules. The BOR adopts its policies at open meetings conducted in accordance with HRS Chapter 92, with its strict requirements for notice and transparency. Adopting BOR policies via HRS Chapter 92, instead of going through formal rulemaking via HRS Chapter 91, is consistent with the autonomy provided in Article X, Section 6 of the Hawai'i Constitution and HRS § 304A-105, and permits a governance structure more appropriate and responsive to the unique needs and configuration of the University, while maintaining transparency with the public as well as the University community.

## **IV. BACKGROUND INFORMATION**

The proposed action is being made as part of an ongoing effort by the University to govern itself through University policies and procedures where allowed, instead of by HARs. This effort aims to place governance of the operations of the University as an autonomous entity more appropriately at the BOR and administration level. Any HAR chapters under Title 20 that are not required by statute are being reviewed for necessity with the goal of increased efficiency and effectiveness. Where the HRS requires the University to adopt rules or where the University will be impacting the public at large, HARs will remain.

As discussed in previous BOR meetings, the Final Repeal Group is not required by statute, outdated, inconsistent with current statutory mandates, and/or addressed in existing BOR policies and executive policies and procedures.

Since the September 21, 2017, BOR meeting approving moving forward with the rulemaking process for the Final Repeal Group, the University has obtained confirmation from the Small Business Regulatory Review Board that the submission of small business impact statements for the proposed repeals is not necessary, approval from the Governor to publish notices of intended repeal, and concurrence on the proposed repeals from University of Hawai'i Professional Assembly, United Public Workers, and Hawai'i Government Employees Association. On March 23, 2018, public notice of repeal of Chapters 20-2, -5, -6, -15, -18, -21, -22, and -23 were published in the Honolulu Star-Advertiser. No objections were received within the 30-day notice period, which expired on April 27, 2018.

Having received no objections from the public and no other outstanding matters that need to be addressed prior to the repeal, e.g., adoption or amendment of BOR policies and executive policies and procedures, the University intends to request the Governor's final approval of the repeal of all 8 chapters.

Of note, if the proposed action to request the Governor's final approval of the repeal of all 8 chapters is approved and Chapter 20-2 is repealed, the BOR will be asked to repeal RP 1.204, which consists only of a reference to Chapter 20-2. RP 1.204 is available at <http://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=rp&policyChapter=1&policyNumber=204&menuView=closed>.

Also, if the proposed action to request the Governor's final approval of the repeal of all 8 chapters is approved and Chapter 20-21 is repealed, the BOR will be asked to approve an amendment to Attachment 1 of RP 6.203, entitled "Board of Regents Approved Fees" to remove a reference to library external service fees in Section 5.d of Attachment 1.

**V. ACTION RECOMMENDED**

It is recommended that the BOR approve requesting the Governor's final approval to repeal 8 chapters of HAR Title 20:

- (1) Chapter 2, "Statement on Rights and Responsibilities of the University of Hawaii Community";
- (2) Chapter 5, "Tuition Schedules";
- (3) Chapter 6, "Tuition Waivers";
- (4) Chapter 15, "Fees of the University of Hawaii";
- (5) Chapter 18, "Student Housing";
- (6) Chapter 21, "Fees of the University of Hawaii System Libraries";
- (7) Chapter 22, "Waikiki Aquarium Fees"; and
- (8) Chapter 23, "UH Special Events Arena Admission Fees and Charges".

APPROVED/DISAPPROVED

---

JAN N. SULLIVAN  
Chair, Board of Regents  
University of Hawai'i



UNIVERSITY of HAWAII  
**KAUA'I**  
COMMUNITY COLLEGE

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

18 MAY 10 P6:02

RECEIVED

March 22, 2018

**MEMORANDUM**

'18 MAY 10 P5:13

**TO:** Jan Naoe Sullivan  
Chair, Board of Regents

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

**VIA:** David Lassner  
President

**VIA:** Donald O. Straney  
Vice President for Academic Planning and Policy

**VIA:** John Morton  
Vice President for Community Colleges

**FROM:** Helen Cox  
Chancellor, Kaua'i Community College

**SUBJECT:** REQUEST APPROVAL TO CHANGE FROM PROVISIONAL TO ESTABLISHED STATUS, CERTIFICATE OF ACHIEVEMENT IN MEDICAL ASSISTING

**SPECIFIC ACTION REQUESTED:**

Request approval to change from provisional to established status for the Certificate of Achievement in Medical Assisting

**RECOMMENDED EFFECTIVE DATE:**

Fall 2018

**ADDITIONAL COSTS:**

None

**PURPOSE:**

Board of Regents Policy Section 5-1 b (3) states that "the Board shall determine whether the program is to be awarded established status or terminated..." The purpose action is for Board of Regent approval for permanent establishment of the Certificate of Achievement in Medical Assisting.

Jan Naoe Sullivan

March 22, 2018

Page 2

### **BACKGROUND INFORMATION:**

The Medical Assisting program (MEDA) at Kaua'i Community College is 42-credit certificate of achievement (CA). Program courses combine classroom and intensive hands on clinical laboratory experiences in both administrative and clinical competencies. In addition, students participate in clinical hours in community ambulatory care setting that allows them to apply their new healthcare skills in a real world setting and also serves as a bridge to future employment on Kaua'i. The MEDA CA program obtained provisional status approval from the Board of Regents in spring 2014 and launched in fall 2015. In January 2018 the program received initial accreditation from the Commission on Accreditation of Allied Health Education Programs (CAAHEP). CAAHEP accreditation is a mark of quality and a powerful marketing tool for student recruitment. It also assures local employers that program graduates will be high quality medical assistants.

**Significance/Contribution of this degree (address the need of the program):** The Kaua'i Community College MEDA CA program has been designed to target nontraditional students, part time and working students, and students who test into remedial/developmental courses. These students often have family and work responsibilities that require programs designed to accommodate their needs. The MEDA CA provides students with a high level of support that accelerates student progress. The high level of program satisfaction is due in part to a close collaborative partnership between the MEDA program and community employers. The MEDA CA program is very effective. Course completion and persistence rates remain consistently at or above 90%. Graduation rates are also excellent; 100% of students who persist into the spring semester graduate. The MEDA programs certification exam pass rate is 100% which is well above the national pass rate of 63%. Students succeed and persist while taking a 12-15 credit semester course sequence. In addition, this course sequence increases the speed with which students get to graduation. This collaborative partnership ensures that the MEDA program has met, and continues to meet a critical workforce need on Kaua'i.

**Demand projections:** Demand for the program is good as work force demand for medical assistants is increasing. Manual tracking of advertised jobs by MEDA program coordinator ensures accurate data for Kaua'i. This data supports the projected need for 10-12 graduates each year to meet the ongoing and critical need on Kaua'i without market saturation. In addition, a need assessment conducted in 2016 indicated the sustained need for medical assistants on Kaua'i, which is supported by the growing number of advertised MA positions.

**Accreditation impact (if any):** None

**Examples (2-3) of similar models from peer institutions:** On Oahu: Remington College, Hawai'i Technology Institute. Since the closure of Heald College on Oahu in

Jan Naoe Sullivan  
March 22, 2018  
Page 3

2015 there is an increased and urgent need for the UH system to produce more medical assistants to meet community workforce demands.

**Similar programs at other UH campuses:**

Kapi'olani Community College is currently the only other school in the UH system that offers a CA in medical assisting. Kaua'i Community College students do not have the financial resources to relocate to Oahu to complete the Kapi'olani Community College program. The MEDA CA enables Kaua'i Community College to respond to student needs and meet a critical workforce demand on Kaua'i.

**Statement from campus administration of new program's strategic value within the UH System and campus mission, and the Integrated Academic and Facilities Plan.**

Under the campus mission and the UH Systems Integrated Academic and Facilities Plan the UH Community Colleges are identified as playing a major role in providing for workforce needs across the state. This certificate program meets the workforce needs on Kaua'i that cannot be easily met otherwise. Kaua'i students cannot afford to relocate to Oahu for this training and Kaua'i employers have difficulty recruiting qualified Medical Assistants from off island.

**Cost and resource allocation/reallocation implications:**

There are no additional costs associated with moving the certificate of achievement in medical assisting from provisional to established status.

**ACTION RECOMMENDED:**

Recommend approval to change from provisional to established status, Certificate of Achievement in Medical Assisting, Kaua'i Community College

Attachment(s)

1. Certificate of Achievement Medical Assisting Provisional to Established Proposal: Spring 2018

c: Kendra Oishi, Executive Administrator and Secretary, Board of Regents

18824

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

Office of the Chancellor



UNIVERSITY of HAWAII  
MAUI COLLEGE

18 MAY 10 P5:59

May 1, 2018

RECEIVED

MEMORANDUM

'18 MAY -2 A9:44

TO: Jan Naoe Sullivan  
Chair, Board of Regents

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

VIA: David Lassner *David Lassner*  
President

VIA: *Donald C. Straney*  
Donald Straney  
Vice President for Academic Planning and Policy

VIA: *John Morton*  
John Morton  
Vice President for Community Colleges

FROM: *Lui Hokoana*  
Lui Hokoana  
Chancellor

SUBJECT: REQUEST TO CHANGE THE BACHELOR OF APPLIED SCIENCE  
DEGREE IN ENGINEERING TECHNOLOGY AT UNIVERSITY OF  
HAWAII MAUI COLLEGE FROM PROVISIONAL TO ESTABLISHED  
STATUS

SPECIFIC ACTION REQUESTED:

University of Hawaii'i Maui College (UHMC) requests approval to change the Bachelor of Applied Science degree (BAS) in Engineering Technology (ENGT) from provisional to established status.

RECOMMENDED EFFECTIVE DATE:

Upon Board of Regents approval.

ADDITIONAL COSTS:

There are no additional costs associated with changing the BAS in ENGT degree from provisional to established status.



**PURPOSE:**

The purpose action is for Board of Regent approval for permanent establishment of the Associate in Business. Board of Regents (BOR) Policy RP Section 5.201, III.B.2. states, "Each provisional program shall be reviewed at the end of its first full cycle. The request to the board for "established" program status shall be submitted in the academic year following the end of the program's first full cycle." The mission of the ENGT program is to prepare graduates to be productive technologists with a broad array of skills in a variety of areas such as telescope operations, high performance computing for scientific and engineering applications, energy production and distribution, and system administration in a variety of industries. The average annual salary of ENGT graduates is \$70,000.

**BACKGROUND:**

Board of Regents (BOR) Policy RP Section 5.201, III.B.2. states, "Each provisional program shall be reviewed at the end of its first full cycle. The request to the board for "established" program status shall be submitted in the academic year following the end of the program's first full cycle."

**Significance/Contribution of this degree:**

The BAS in ENGT program addresses one of the major shortcomings identified by Maui County high technology businesses and organizations that have recruited employees from the U.S. mainland and elsewhere: employees who stay in Hawai'i for less than two years. The BAS in ENGT program addresses this problem by providing local engineering technology education to enable Hawai'i residents to fill these high-paying technical positions. Moreover, the BAS in ENGT program is unique in that it is the only engineering technology baccalaureate degree offered in the State of Hawai'i.

**Demand projections:**

- **Current Workforce:** 100% of ENGT graduates are employed with 79% working in high technology careers (68% on Maui).
- **Future Workforce:** There is a local high tech hub that is hiring BAS in ENGT graduates. New facilities under construction on Maui (such as the Daniel K. Inouye Solar Telescope atop Haleakalā and the related expansion of the Institute for Astronomy, Maui) will need high-qualified technicians and technologists, all positions that BAS in ENGT graduates are well prepared to fill.
- **Student Demand:** The number of majors has remained steady with an average of 3-4 students graduating per year over the last six years. The BAS in ENGT is by design a low-enrolled program that addresses a specific technical education niche on Maui.



**Accreditation Impact:**

On May 9, 2009, the Board of Regents provisionally approved the BAS in ENGT program, which led to Maui Community College moving its accreditation from the Accrediting Commission for Community and Junior Colleges (ACCJC) to the Accrediting Commission for Senior Colleges and Universities (ACSCU).

At the February 18, 2010 meeting, the Board of Regents approved the name change of Maui Community College to University of Hawai'i Maui College.

In July 2014, UHMC was granted reaccreditation for eight years, through June 2022, from the WASC Senior College and University Commission (WSCUC, formerly ACSCU). In its report, the Commission noted that "student achievement at the upper division level for baccalaureate degrees is verified with each academic program."

**Similar programs at other UH campuses:**

The BAS in ENGT degree program is unique in that it is the only engineering technology baccalaureate degree offered in the State of Hawai'i.

**Cost and resource allocation/reallocation implications:**

None. The BAS in ENGT program is already well established in the UHMC budget.

**Impact of a new program/program change request on campus budget allocations and mission priority:**

None.

**ACTION RECOMMENDED:**

Recommend approval to change the Bachelor of Applied Science degree in Engineering Technology, University of Hawai'i Maui College, from provisional to established status.

**ATTACHMENT**

A Proposal to Change from Provisional to Established Status: Bachelor of Applied Science (BAS) in Engineering Technology (ENGT)

c: Executive Administrator and Secretary of the Board of Regents Oishi.



UNIVERSITY  
of HAWAII  
MĀNOA

UNIVERSITY OF HAWAII  
BOARD OF REGENTS



UNIVERSITY  
of HAWAII  
HILO

18 MAY 10 P6:00  
April 18, 2018

RECEIVED

**MEMORANDUM**

'18 MAY -1 P12:43

TO: Jan Naoe Sullivan  
Chair, Board of Regents

VIA: David Lassner  
President

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

VIA: Donald O. Straney  
Vice President for Academic Planning and Policy

FROM: David Lassner  
Interim Chancellor  
University of Hawai'i at Mānoa

Marcia Sakai  
Interim Chancellor  
University of Hawai'i at Hilo

SUBJECT: Request Approval to Change from Provisional to Established Status the  
Doctor of Nursing Practice Degrees at the University of Hawai'i at Hilo and  
the University of Hawai'i at Mānoa

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents approve established status for the Doctor of  
Nursing Practice degrees at the University of Hawai'i at Hilo and the University of  
Hawai'i at Mānoa.

RECOMMENDED EFFECTIVE DATE:

Effective upon Board approval.

ADDITIONAL COSTS:

No additional costs are associated with this request.

PURPOSE:

The Doctor of Nursing Practice is a professional doctorate integrating evidence-based  
practice, quality improvement, and systems leadership to prepare experts in specialized  
advanced nursing practice.

18 MAY 23 6:25

RECEIVED

**BACKGROUND INFORMATION:**

Board of Regents Policy RP5.201, 3(b) 1-3 states that "Each provisional program shall be reviewed at the end of its first full cycle... Following its review, the board shall determine whether the program is to be awarded established status or terminated."

With 11,000 licensed nurses working in state, nursing is the largest segment of the healthcare workforce in Hawai'i. As state healthcare needs evolve, the UH has responded by developing innovative educational delivery models and diverse clinical placement opportunities to ensure a pipeline of competent nurses across the state. Nursing is an applied discipline and by Hawai'i Board of Nursing regulation at least 40% of curriculum must be provided in a clinical (health care delivery). Thus, the six UH system nursing programs provide degree access across the state. UH Mānoa and Hilo offer baccalaureate, master's, and doctoral degrees in nursing, while the community colleges (Kapi'olani, Hawai'i, and Kaua'i) and Maui College offer associate degrees in nursing. As health care delivery is transformed by new federal and state payment models, statewide collaboration among the nursing programs is increasingly critical to ensuring a well prepared entry and advanced practice nursing workforce.

Currently, the UH nursing programs partner via the UH Statewide Nursing Consortium, formed in 2005, to support of seamless academic progression, while decreasing the time to degree and cost of obtaining a degree. Academic partners meet together twice a year and quarterly via calls/Skype to share expertise and resources that enrich programs and create cost efficiencies.

On May 19, 2011, the Board of Regents gave provisional approval to the Doctor of Nursing Practice (DNP) degrees at the University of Hawai'i at Hilo and the University of Hawai'i at Mānoa. Demonstrating our success in functioning as a System, these programs provide two differentiated pathways that build on the strengths of each campus, support workforce development for rural and urban populations in the islands, and maximize resources. Each campus recognizes each other's credit, faculty have taught across programs, and students can enroll in courses that best meet their interests regardless of home campus. Since obtaining provisional approval the two programs have continued to modify the programs in response to continuing provider shortages, changes in our state and health care delivery system, and demand for the degree.

UH Hilo offers the Doctor of Nursing practice with an emphasis on providing education to improve the quality of life for diverse and rural community populations. The health care needs of persons living in rural Hawai'i was the inspiration for the UH Hilo School of Nursing DNP Program. The degree prepares nurses with practice doctorates to address significant health care issues and resource shortages created by the lack of primary care physicians in these rural communities.



The UH Mānoa DNP program's focus is an interdisciplinary and practice partnership addressing the needs for primary care in a variety of settings. The emphasis is on increasing access to primary care services in community settings and acute care services in hospital settings while creating health care leaders and change agents. The geographic location primarily addresses workforce needs for employers and health systems located on O'ahu.

***Significance/Contribution of this degree:***

The 2010 Institute of Medicine Report, [\*The Future of Nursing: Leading Change, Advancing Health\*](#), took a strong position by recommending a doubling of the number of nurses with a doctorate degree by 2020 and expanding the role of nurse practitioners.

In a 2015 Hawai'i State Center for Nursing [Workforce Report](#), 90% of the 1,312 advanced practice registered nurses licensed in Hawai'i reported the master's degree as the highest degree held. There is a strong need to expand educational opportunities for Hawai'i students in this new role.

The 2017 Hawaii State Center for Nursing report shows that Hawaii has doubled its number of APRN's, increasing the State's Supply of Primary care Providers. More than half of these providers are in a primary care specialty of family health, pediatrics and mental health and are working in remote or rural areas where there are the severest provider shortages in the state.

Nationally, the exponential growth of DNP programs speaks to the continued need for the program. In 2010, there were 153 DNP programs with an additional 106 programs in the planning stage. By 2016, there were 289 DNP programs with an additional 128 new DNP programs in the planning stages.

***Demand projections:*** Several trends indicate increased and continued demand for DNP graduates. The health care industry can expect: (1) ever-increasing lifespans, or the greying of America, with corresponding need for chronic illness management, (2) shifts in health care provision from acute care facilities to the community, (3) direct reimbursements for autonomous care, (4) expanded prescriptive privileges, and (5) nursing leadership roles requiring a terminal degree.

The [Hawai'i Workforce Infonet website](#) is a powerful labor market information system specifically designed for employers, job seekers, researchers and analysts, and others seeking economic and workforce information. As of October 2017, the site identified 732 job openings for registered nurses at an average annual salary of \$78,051. In addition, there were 25 job openings for Nurse Practitioners (NP) at a salary range of \$87,000 to \$131,810. The site noted medium demand for the NP going forward. The anticipated job openings for Nurse Practitioners is expected to increase as there is an increasing physician shortage of 747 medical doctors statewide. Current physician practices are swamped and not accepting new patients. NP's are a logical addition to these practices and to develop stand-alone practices in rural areas.

As of fall 2017, as a System we have awarded 50 DNP degrees: 25 from UHM and 25 from Hilo. Fall 2017 enrollment is currently 117 (UH Mānoa: 85; UH Hilo: 32)

A strong focus of the Manoa program is to prepare DNPs as executive leaders to work in hospitals and large regional health care systems. The majority of UH Mānoa DNP graduates are employed in healthcare organizations on the island of O'ahu and the U.S. mainland, followed by schools of nursing across the UH System and in California. Employers represent O'ahu's major healthcare systems and a Federally Qualified Health Center. Graduates are also employed in state and federal system organizations including the Department of Health and VA on O'ahu, as well as non-profit organizations. Of the 25 UH Mānoa DNP graduates to date, 71% changed positions or were promoted, and 71% received an increase in salary upon completion of the degree. Furthermore, 82% noted that their employer provided tuition support while enrolled in the program.

In contrast, the Hilo program prepares DNPs to work as primary health care providers and in rural health care clinics. Graduates of the UH Hilo DNP are almost exclusively employed in areas that are federally designated as rural under the Health Resources Service Administration (HRSA) and that qualify as medically underserved areas. They are also employed in small health clinics, local doctor's offices, as faculty members in higher education in rural health areas and as sole health care providers in small communities. The UH Hilo DNP program is clearly successful in producing graduates who want to serve rural Hawai'i. Employers of UH Hilo DNP graduates include numerous Federally Qualified Health Centers on Hawai'i Island, the Hawai'i Health Systems Corporation, and across the UH System where graduates are serving as faculty members.

**Accreditation impact (if any):** In 2014, the UH Mānoa and UH Hilo DNP programs were each accredited by the Commission on Collegiate Nursing Education (CCNE) for five years (the maximum for new programs). Both programs will be reviewed again in 2019.

***Examples (2-3) of similar models from peer institutions:***

**UH Mānoa:**

- University of Arizona – Tucson, College of Nursing, DNP
- University of Illinois – Chicago, College of Nursing, DNP
- University of New Mexico – Albuquerque, College of Nursing, DNP

**UH Hilo:**

- University of Wyoming, School of Nursing, DNP
- South Dakota State University, School of Nursing, DNP
- Medical University of South Carolina, College of Nursing, DNP

***Similar programs at other UH campuses (if there is duplication, why is this program necessary):*** The nursing programs across the UH System collaborate and coordinate efforts via the UH Hawai'i Statewide Nursing Consortium. UH Mānoa and UH Hilo are the only campuses that award the bachelor degree and graduate degrees in nursing. UH Mānoa Nursing partners with the nursing programs at three UH community colleges to offer a seamless Associate Degree (AD) to Bachelor of Science (BS) program on Maui, Kaua'i, and with Kapi'olani Community College on O'ahu. UH Hilo and Hawai'i Community College work closely together to support nursing program articulation and progression from AD to BS for students on Hawai'i Island. The DNP programs on O'ahu and Hawai'i Island have created pathways that allow these graduates to progress from the BS to the DNP.

The UH Manoa and UH Hilo DNP programs have marked differences in courses and learning outcomes, which are complementary. The two programs emphasize different aspects for their DNP programs. The UH Manoa program provides graduates with the skills to work in large hospital settings and in healthcare management. The UH Hilo program trains graduates to function as individual practitioners or primary care providers in small clinics in rural environments. The practicum courses for these two programs have very different needs and requirements that are best managed by two distinct programs. The total number of resources required would not decrease if the programs were combined, but it would be difficult to retain the unique emphases that serve a wide variety of health care needs across the state.

***Statement from campus administration of new program's strategic value within the UH System and campus mission, and the Integrated Academic and Facilities Plan.***

Nursing education is recognized in the Integrated Academic and Facilities Plan as an area where must continue to meet the professional workforce needs of Hawai'i.

The UH Mānoa and UH Hilo DNP programs reflect our commitment to leveraging efficiencies across the UH System to meet the needs of our State. The collaborative efforts support local nursing workforce development, with an emphasis on increasing access to primary care services in the community setting, acute services in the hospital setting, strengthened public health nursing and education of nursing leaders.

***Cost and resource allocation/reallocation implications:***

BOR has approved differential graduate nursing tuition for both programs. The increased tuition revenues provide support for accreditation, clinical placement and faculty costs.



## **UH Hilo**

The UH Hilo School of Nursing which encompasses the DNP and undergraduate BSN program receives a total of 1.7 million dollars in allocation from a combination of General and Special/Tuition funding and Program/Course Fees. The allocation for the school has increased from approximately 1.3 million to 1.7 million over the last 6 years. The increase reflects the hiring of additional tenure track faculty to teach in the DNP program along with doubling the lecturer budget for the School of Nursing. During this period course fees have increased from 73 thousand dollars to over 100 thousand dollars.

Costs are kept at a manageable level by leveraging existing interdisciplinary courses and faculty members to teach in the DNP program as well as by 160 MD or APRN trained clinical preceptors and numerous community agencies across the state who open their practices to provide clinical training and guest lectures for students.

The UH Hilo DNP program has been self-supporting and with the change to established status will require no additional resources to be reallocated by the campus.

## **UH Mānoa**

The UH Mānoa School of Nursing and Dental Hygiene \$11 million budget allocation, which includes general, tuition and fee funding, has remained consistent over the past five years. The Department of Nursing instructional budget of \$6.1 million provides support for the 46 faculty FTEs that teach across the Mānoa undergraduate and graduate nursing program offerings including the Hawaii Statewide Nursing Consortium Curriculum supporting seamless articulation from the community college campuses. The department manages resources effectively by ensuring minimum class size for courses and cohorts and leveraging resources among interdisciplinary and community partners. The interdisciplinary courses are taught by faculty from the Communication and Information Sciences Program, Political Science, Public Health, Shidler College of Business, and William S. Richardson School of Law. In addition to compensated faculty, the school has more than 200 adjunct (uncompensated) faculty with graduate preparation and maintains affiliation agreements for field work and clinical laboratories with over 200 healthcare agencies. The program has also leveraged existing resources through its membership in the Nursing Education Exchange (NEXus), a collaboration of doctoral nursing programs, that allows our students to enroll at member colleges and universities to take courses that may not be offered at UHM or UHH.

The UH Translational Health Science Simulation Center, located on the third floor of Webster Hall, is used for learning and pre-clinical experiences for the DNP students. The Center hosts the majority of interprofessional education activities with students from medicine, social work, public health and pharmacy. There is no need for immediate future facilities updates. Classrooms, conference rooms, and faculty offices in Webster Hall were updated in 2014. and include comfortable seating, state of the art audiovisual equipment in each classroom.

The UH Mānoa DNP program has been self-supporting and with the change to established status will require no additional resources to be reallocated by the campus.

Accreditation by the Commission on Collegiate Nursing programs (CCNE) documents the institutional support and that both programs have the program has sufficient faculty, physical, and fiscal resources available to meet program outcomes to meet their unique learning outcomes.

***Impact of program change request on campus budget allocations and mission priority.*** There are no additional costs associated with the request for established status.

The UH Systemwide Nursing Consortium program offerings at multiple campuses and entry points provides a complete portfolio that supports local access for students from Associate Degree to the Doctoral Degree. Present and future workforce demand support the need for two DNP degrees in the UH System. This approach provides for pipeline entry and progression to advanced practice nursing leadership roles to meet the professional nursing workforce needs of the state.

**ACTION RECOMMENDED:**

It is recommended that the Board of Regents approve established status for the Doctor of Nursing Practice degrees at the University of Hawai'i at Hilo and the University of Hawai'i at Mānoa.

**Attachments**

c: Executive Administrator and Secretary Kendra Oishi  
Interim Vice Chancellor Michael Bruno  
Vice Chancellor Ken Hon  
Dean Mary Boland  
Director Alice Davis





UNIVERSITY of HAWAII  
**LEEWARD**  
COMMUNITY COLLEGE

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

18 MAY 10 P6:01

RECEIVED

April 26, 2018

'18 APR 30 P3:34

**MEMORANDUM**

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

TO: Jan Naoe Sullivan  
Chair, Board of Regents

VIA: David Lassner *David Lassner*  
President

VIA: *Donald O. Straney*  
Donald O. Straney  
Vice President for Academic Planning and Policy

VIA: *John Morton*  
John Morton  
Vice President for Community Colleges

FROM: *for* Manuel J. Cabral *Della Teraska*  
Chancellor

SUBJECT: REQUEST APPROVAL TO CHANGE FROM PROVISIONAL TO ESTABLISHED STATUS, LEEWARD COMMUNITY COLLEGE, ASSOCIATE IN SCIENCE IN HEALTH INFORMATION TECHNOLOGY

SPECIFIC ACTION REQUESTED:

It is requested that approval to change from provisional to established status, Associate in Science in Health Information Technology (HIT) be granted.

RECOMMENDED EFFECTIVE DATE:

Upon Board of Regents approval.

ADDITIONAL COST:

None.

PURPOSE:

Leeward CC has the only HIT Program in the University of Hawai'i Community Colleges (UHCC) System. In May 2017, the HIT Program was awarded accreditation by the Commission on Accreditation for Health Informatics and Information Management Education (CAHIIM). Leeward CC students are now eligible to take the Registered Health Information Technician (RHIT) national certification that leads to higher paying jobs.

BACKGROUND:

Board of Regents (BOR) Policy, RP 5.201, III.B.2 states: Each provisional program shall be reviewed at the end of its first full cycle. The request to the board for "established" program status shall be submitted in the academic year following the end of the program's first full cycle.

The Leeward CC Associate in Science (AS) in HIT is a 61-credit stackable degree, which includes a Certificate of Competence (16 credits) and a Certificate of Achievement (31 credits). The HIT Program provides classroom instruction that integrates both lectures and practical applications, professional practice experience (practicum), and study preparation for the RHIT. The HIT Program received its provisional program approval by the University of Hawai'i (UH) BOR on May 17, 2012.

The Bureau of Labor Statistics, U.S. Dept. of Labor, *Occupational Outlook Handbook* states: Employment of health information technicians is projected to grow 13 percent from 2016 to 2026, faster than the average for all occupations. Job Prospects: Prospects will be best for those with a certification in health information, such as the RHIT or the Certified Tumor Registrar (CTR). Source: <https://www.bls.gov/ooh/healthcare/medical-records-and-health-information-technicians.htm#tab-6>

The HIT Program received CAHIIM accreditation in May 2017. Six students have passed the RHIT national certification.

ACTION RECOMMENDED:

Recommend approval to change from provisional to established status, Associate in Science in Health Information Technology be granted.

Attachment

1. HIT Program

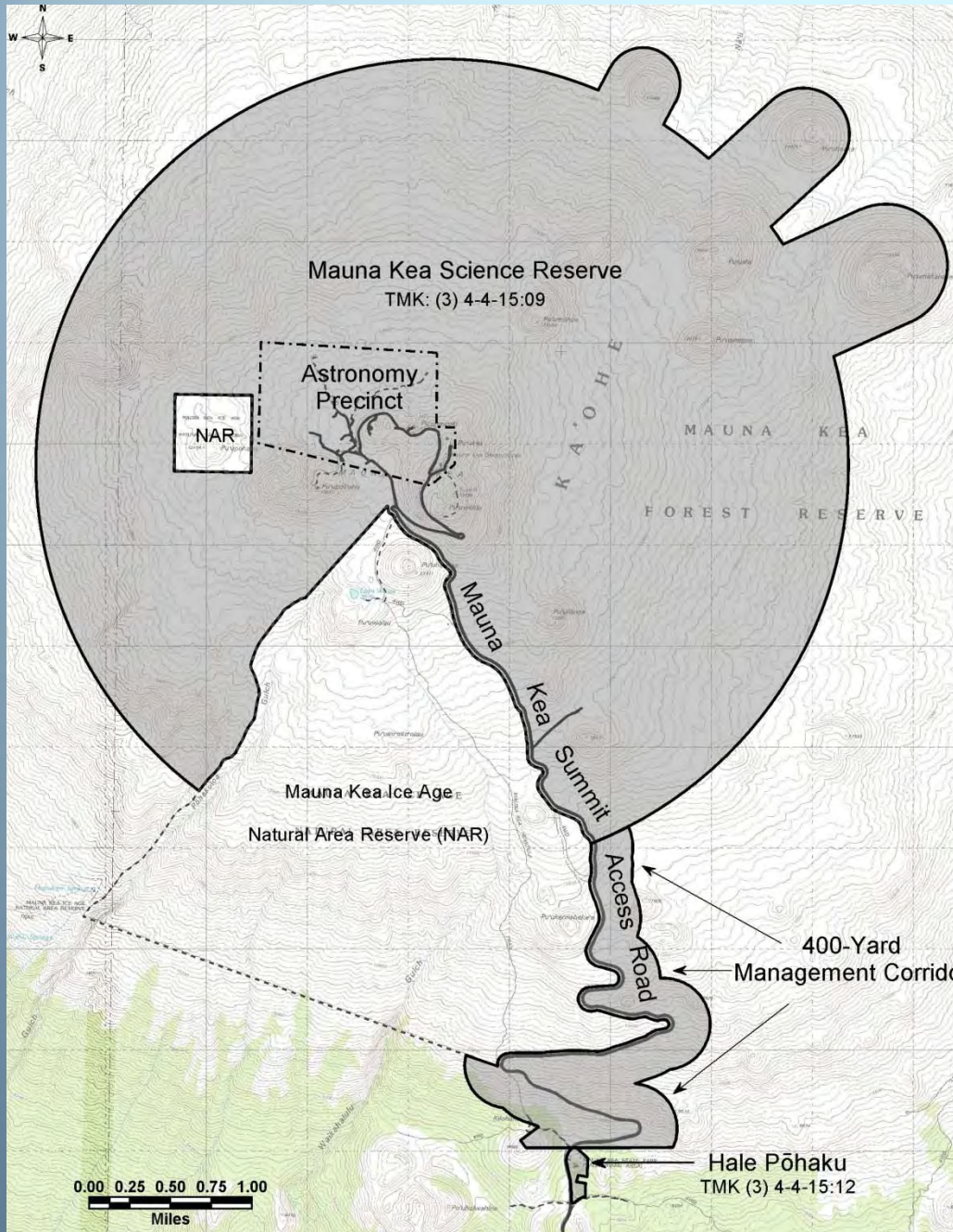
c: Executive Administrator and Secretary of the Board Oishi

# Proposed Hawai‘i Administrative Rules “Public and Commercial Activities on Maunakea Lands”

Office of  
Maunakea Management







# UH MANAGEMENT AREAS

# Authority and Purpose

- **1998: Audit**
- **Authority : 2009: Act 132**
  - Governing public and commercial activities
- **Purpose**
  - Proper use, management, protection of resources and health and safety
- **Consistency with DLNR Forest Reserve & Natural Area Reserves System Rules**

Approved by the Governor  
on JUN 18 2009

**ACT 132**  
H.B. NO. <sup>1174</sup>  
H.D. 3  
S.D. 2  
C.D. 1

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A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Pursuant to the Hawaii Constitution and Hawaii  
2 Revised Statutes, the University of Hawaii is vested with  
3 autonomous authority to control and manage its educational and  
4 proprietary affairs. This authority extends to the use and  
5 oversight of lands and real property owned by the University of  
6 Hawaii or leased, demised, or transferred to the University of  
7 Hawaii from various owners, including state, federal, or private  
8 entities, for the furtherance of the University of Hawaii's  
9 educational, research, and agricultural activities.

10 Such autonomous authority presumably carries with it the  
11 necessary legal means to supervise, oversee, and permit public  
12 activities on lands it leases and controls on Mauna Kea,  
13 including the Mauna Kea Science Reserve, Hale Pohaku, and the  
14 connecting roadway corridor between Hale Pohaku and the Mauna  
15 Kea Science Reserve (collectively the Mauna Kea lands), and may  
16 be implied from the autonomous character of the University of  
17 Hawaii. Nevertheless, the purpose of this Act is to clarify and

HB1174 CD1 HMS 2009-4061  


# Development of Rules

Year	Rule Making Process
2001 – 2002	Stakeholder interviews; begin drafting rules
2003 – 2005	No authority; bill introduced
2009	Legislature authorizes
2010	BLNR approves Public Access Plan; Begin drafting rules
2011	Hold on rules; TMT Contested Case
2014	Restart rules
2016	Governor request not to forward rules
2016 - 2017	TMT Contested Case
2018	Governor gives approval



# Development of Rules

- **2015 – Open Houses**
  - **Ads June 14 and 17**
    - **Star Advertiser**
    - **Hawaii Tribune Herald**
    - **West Hawaii**
  - **Ads June 21, 24 & 25**
    - **Hawaii Tribune Herald**
    - **West Hawaii**
  - **Surveys**

**PUBLIC OPEN HOUSE**


In accordance to Hawaii State Legislature Act 132, the Office of Maunakea Management is currently working on content for Administrative Rules for public and commercial activities within UH managed lands on Maunakea.

The purpose of rules is to provide proper protection of the natural, cultural and scientific resources and maintain public safety and welfare. OMKM welcomes the community and their input.

**Kona – Tuesday, June 23 – 5:00 to 7:30 p.m.**  
West Hawaii Civic Center  
County Council Chambers, Bldg A.

**Hilo – Wednesday, June 24 – 5:00 to 7:30 p.m.**  
'Imiloa Astronomy Center  
600 'Imiloa Place

**Waimea – Thursday, June 25 – 5:00 to 7:30 p.m.**  
Kuhio Hale, DHHL West Hawai'i District Office  
64-756 Mamalahoa Highway (Mile Marker 55)

**OMKM**  
Office of Mauna Kea  
Management

For more information, contact:  
OMKM  
200 W. Kawili Street  
Hilo, HI 96720  
808-933-0734

# Consultation

- **2010 – DLNR Divisions**
- **2011 – OHA (March 22 and May 19)**
- **2014 – Community; 110 individuals, non-profit, business, government, and cultural organizations (June – September)**
- **2015 – Open houses in Kona, Waimea and Hilo (June)**
- **2015 OHA (July)**
- **2016 – Kahu Kū Mauna reviewed (September)**
- **2016 – Maunakea Management Board reviewed and recommended (October)**
- **2018 – DLNR divisions; Mayor Kim and OHA (January)**



# PROTECTION OF NATIVE HAWAIIAN RIGHTS

- Protects the exercise of traditional and customary practices
- Constitutionally protected
- Subject to reasonable regulation



# DEFINITIONS

- **Public Activities**
  - **Activities by ordinary people, general public**





# DEFINITIONS



- **Commercial Activities**

- **Compensation for profit received for goods and services**
- **Not part of the university's educational and research or activities that support research, or activities that support university public programs**

# PUBLIC ACTIVITIES

- **Commonly prohibited activities:**
  - **Remove, damage, injure, disturb, kill, etc. resources and/or facilities**
    - **Hunting allowed according to DLNR rules**
  - **Introduction of plant or animal life**
    - **Exception is dogs permitted by hunting rules**
  - **Littering, human and animal waste, dumping**
  - **Parking, speeding**
  - **Hiking off the road or trails**

# PUBLIC ACTIVITIES

- **Commonly prohibited activities:**
  - Fire hazards – camp fires, explosives, weapons
    - Except as allowed by hunting regulations
  - Hazardous materials
  - Alcohol drugs & tobacco
  - Camping
  - Threatening rangers
- **Hunting**
  - Allowed according to DLNR hunting rules

# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Customary &amp; traditional practices</b>	<p>No permit or approval if minimal or no impact on existing cultural, natural, or scientific resources</p> <p>If impacts, consult with OMKM, Kahu Kū Mauna, and OHA for special use permit</p> <p>Other applicable permits and approvals from other government agencies still apply</p>

# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Vehicle related</b> <ul style="list-style-type: none"><li>• Steep and unimproved roads</li><li>• Breakdowns</li><li>• Accidents</li><li>• Overheated brakes</li><li>• Stuck vehicles</li></ul>	<b>4-wheel drive required above Halepōhaku</b>
<b>Hiking off the road or not on designated trails</b>	<b>Prohibited</b>



# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
Size of groups – NAR limits to 10	Limit to 10





# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Visiting Hours</b> <ul style="list-style-type: none"><li>- No Emergency services</li><li>- Remote observing</li><li>- Future</li></ul>	<b>Schedule; consult with community; accommodation – Native Hawaiian cultural practitioners</b>
<b>Impacted areas; scientific studies</b>	<b>Closure of areas; kapu system; closed until area is safe rehabilitated; with notification</b>



# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<p><b>Hazardous Road Conditions</b> (e.g., snow &amp; ice; large equipment) <b>Health and safety for public and enforcers</b></p>	<p><b>Close road; accommodations for Native Hawaiian cultural practitioners</b></p>
<p><b>Snow Play</b></p> <ul style="list-style-type: none"><li>– Inappropriate equipment</li><li>– Competitive events</li></ul>	<p><b>Limitations on apparatus; no snow mobiles; no competition; no towing</b></p>





# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Air conveyances (paragliding); air toys (for example, kites, boomerangs, drones)</b>	<b>Prohibited</b>



# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
Construction activities; use of heavy equipment; aerial hunting	Temporary limitations on public use



# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Invasive species</b>	<b>Introducing any form of plant and animal life except for dogs used in hunting</b>  <b>Littering or depositing garbage, trash other than in receptacles</b>



# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Visitor unawareness: Significance Dos and Don'ts Hazards</b>	<b>Orientation Kiosk/gate</b>
<b>Impacts from heavy visitor and vehicle traffic</b>	<b>Limit the number of cars Shuttle system</b>



# PUBLIC ACTIVITY - ISSUES

ISSUE	RULE
<b>Use of electromagnetic devices (cell phones)</b> – Interference with radio telescopes	<b>Prohibited except for emergencies</b>
<b>Artificial illumination at night (flashlights; beams, etc.)</b> – Interference with telescopes	<b>Prohibited, except for headlights</b>
<b>Activities inconsistent with operations of astronomical or other research activities</b>	<b>Prohibited</b>



# PUBLIC ACTIVITIES

- **Special use permits:**
  - **Activities otherwise prohibited**
  - **Compatible with the functions and purpose of the Maunakea lands**
  - **Examples:**
    - **Group hikes with more than 10 persons**
    - **Weddings**
    - **Scientific research**



# COMMERCIAL ACTIVITIES

- **Commercial Tour Operations**
  - **Permit required**
    - Number of permits may be limited
  - **Permit types**
    - Regular
    - Special and/or Intermittent use
  - **Fees - Required**
  - **Revocable**
    - Violation of permit conditions
    - Damages or threatens resources
  - **Non Transferable**



# ADMINISTRATION & ENFORCEMENT

- **Violations & Penalties**
  - Subject to removal, fine, or monetary assessment
- **Additional penalties**
  - Failure to pay fine
  - Denial of access
- **Act 132 set fine schedule**
  - First offense - up to \$2,500
  - Second offense – up to \$5,000
  - Third offense – up to \$10,000
- **Mauna Kea Lands Management Special Fund**





# ADMINISTRATION & ENFORCEMENT

- **Enforcement**
  - Authorized agent, law enforcement officer, or the president's designee
  - Citation
  - Vehicle towing
- **Appeal**
  - **Informal**
    - President's designee reviews and issues final binding decision
  - **Formal**
    - Hearing officer, decision by president's designee, judicial appeal

# Summary: Process & Next Steps

- **Public Outreach and Consultation for Public Hearings Version (2010-2018)**
- **BOR Approval for Public Hearing/Notice**
- **SBRB Consultation and Hearing**
- **Governor's Public Hearing Approval**
- **Public Hearings**
- **University Review (KKM, MKMB, UHH Chancellor)**
- **BOR Adoption and Final Approval**
- **Governor Approves**



- 10919



UNIVERSITY  
of HAWAII  
**HILO**

UNIVERSITY OF HAWAII  
BOARD OF REGENTS

18 MAY 25 AM 1:35  
May 21, 2018

RECEIVED

**MEMORANDUM**

'18 MAY 23 P3:45

TO: Jan Sullivan  
Chairperson, Board of Regents

VIA: David Lassner  
President *David Lassner*

FROM: Marcia Sakai *Marcia Sakai*  
Interim Chancellor, University of Hawai'i at Hilo

UNIVERSITY OF HAWAII  
PRESIDENT'S OFFICE

SUBJECT: Authorization to Request Governor's Approval to Allow the University to Hold Public Hearings regarding Proposed Chapter 20-26, Hawai'i Administrative Rules, entitled, "Public and Commercial Activities on Mauna Kea Lands"

**A. SPECIFIC ACTION REQUESTED**

On behalf of the Office of Maunakea Management ("OMKM"), we request that the Board of Regents ("Board") authorize the President to request approval from the Office of the Governor ("OTG"), and if the OTG grants said approval, to conduct public hearings on the proposed adoption of the subject rules.

**B. RECOMMENDED EFFECTIVE DATE**

Upon approval.

**C. ADDITIONAL COST**

None.

**D. PURPOSE**

The University is authorized by Section 304A-1903 of the Hawai'i Revised Statutes ("HRS"), "to adopt rules pursuant to Chapter 91 to regulate public and commercial activities on Mauna Kea lands." This request seeks approval to begin the formal rulemaking process under Chapter 91, HRS, by requesting the

OTG's approval to conduct public hearings. This request is procedural in nature; the Board is not being asked to adopt the subject rules at this time.

## E. BACKGROUND INFORMATION

### 1. Outreach and Development

In 1997, the State Legislature, through Senate Concurrent Resolution No. 109, directed the State Office of the Auditor ("Auditor") to conduct an audit of the management of Mauna Kea. The Auditor's report was issued in February 1998.<sup>1</sup> Among other things, the Auditor recommended that the University develop "rules and regulations for development and public access in the summit and Hale Pohaku area[.]"<sup>2</sup> In 2005, the Auditor issued a follow-up audit, recommending that the University be granted authority to develop and implement Mauna Kea rules to "control public access as necessary" and "commercial activities."<sup>3</sup>

On April 9, 2009, the Board of Land and Natural Resources ("BLNR") approved the University's Mauna Kea Comprehensive Management Plan ("CMP").<sup>4</sup> Consistent with previous audits, the CMP recommended that the University adopt administrative rules to protect resources and support some of the management actions identified in the CMP that require rulemaking authority.

Through Act 132, signed into law in 2009, and codified as Sections 304A-1901 through 304A-1905, HRS, the legislature granted the University authority to adopt rules. Specifically, Section 304A-1903, HRS, provides as follows:

**Mauna Kea lands[;] rules.** The board of regents may adopt rules pursuant to chapter 91 to regulate public and commercial activities on Mauna Kea lands.

In adopting these rules, the board shall:

(1) Strive for consistency with the administrative rules of the division of forestry and wildlife of the department of land and natural resources related to forest reserves and natural area reserves;

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<sup>1</sup> *Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve*, Rpt No. 98-6, February 1998.

<sup>2</sup> *Id.* at 35.

<sup>3</sup> *Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve*, Rpt. No. 05-13, December 2005, at pp. 19-20.

<sup>4</sup> Let. from S. Lemmo to D. McClain re *Mauna Kea Comprehensive Management Plan*, April 15, 2009.



(2) Consult with the office of Hawaiian affairs to ensure that these rules shall not affect any right, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupuaa tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights; and

(3) Hold at least one public hearing, in addition to the public hearing at which decision-making on the proposed rule is made, on the island of Hawai'i.

The scope and application of the University's rulemaking authority is limited to "Mauna Kea lands," which is defined under Section 304A-1901, HRS, as follows:

"Mauna Kea lands" means the lands that the University of Hawai'i is leasing from the board of land and natural resources, including the Mauna Kea Science Reserve, Hale Pohaku, the connecting roadway corridor between Hale Pohaku and the Mauna Kea Science Reserve, and any other lands on Mauna Kea that the University of Hawai'i leases or over which the University of Hawai'i acquires control or jurisdiction.

Drafting and consultation regarding the subject rules began soon after adoption of Act 132. The University made significant efforts to gather input from stakeholders, including the Office of Hawaiian Affairs ("OHA"), Department of Land and Natural Resources ("DLNR"), communities on Hawai'i Island, and others, as summarized in Exhibit "A". The University circulated drafts of the rules to stakeholders as they evolved based on feedback. In accordance with the community consultation process established by the Mauna Kea Science Reserve Master Plan and CMP, the subject rules were reviewed by Kahu Kū Mauna ("KKM")<sup>5</sup>, OMKM, and the UH Hilo Chancellor. MKMB also reviewed the subject rules and voted unanimously to recommend approval to proceed to public hearing.

On March 25, 2010, the BLNR approved the University's CMP Sub Plans and Project Development and Management Framework, and BLNR approved delegation of implementing authority from the Board to OMKM subject to the condition that the University demonstrate progress in the development of

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<sup>5</sup> The "Guardians of the Mountain," KKM is a volunteer council on Hawaiian cultural matters who advise the Mauna Kea Management Board ("MKMB").

administrative rules for Mauna Kea.<sup>6</sup> In its 2014 follow-up audit, the Auditor found that the University had “not adopted administrative rules governing public and commercial activities on Mauna Kea,” and “urge[d] UH to redouble its efforts to adopt administrative rules.”<sup>7</sup>

In the Auditor’s most recent 2017 report, it found the following regarding the administrative rules:

UH completed the drafting of administrative rules and was prepared to begin the necessary public hearing process. However, at the request of the governor, who must authorize the initiation of public hearings for the draft rules, UH has temporarily halted the process of finalizing such rules.<sup>8</sup>

The University restarted rulemaking in 2018, as detailed in Exhibit “A,” which included additional outreach and consultation with stakeholders, including DLNR, MKMB, KKM, and OHA.

## 2. Scope of Rules

The Mauna Kea lands are governed, and will continue to be governed, by laws generally applicable to state lands, and by the Conservation District Rules (“CDRs”) of the DLNR. The subject rules do not regulate non-public, non-commercial activities, such as scientific, educational, and management functions. The subject rules regulate “activities” not “land use.” The lands are also subject to the management standards set forth in the CMP and its Sub Plans.

As directed by the legislature in Section 304A-1903, HRS, the intent of the subject rules are “to regulate public and commercial activities on Mauna Kea lands,” consistent with Forest Reserve System<sup>9</sup> and Natural Area Reserves System<sup>10</sup> rules administered by DLNR. These DLNR rules regulate activities like littering, hunting, swimming, camping, access, and commercial activities that focus on “transportation” activities. This is in contrast to the CDRs<sup>11</sup>, which

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<sup>6</sup> Let. from S. Lemmo to R. Tseng re *Mauna Kea Comprehensive Management Plan for UH Management Areas , Summit of Mauna Kea, Island of Hawai’i*, April 12, 2010.

<sup>7</sup> *Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve*, Rpt No. 14-07, August 2014, at 36.

<sup>8</sup> *Follow-Up on Recommendations from Report No. 14-07, Follow-Up Audit of the Management of Mauna Kea and the Mauna Kea Science Reserve No. 14-07*, Rpt. No. 17-06, July 2017, at p. 6.

<sup>9</sup> Chapter 13-104, HAR, *Activities Within Forest Reserves*.

<sup>10</sup> Chapter 13-209, HAR, *Activities within Natural Area Reserves*.

<sup>11</sup> Chapter 13-5, HAR, *Conservation District Rules*.

regulate “land uses” within the conservation district. BLNR is far more involved in land use permit approvals under the CDRs. Under the forest and natural area reserves rules, BLNR does not have a direct role in managing and permitting activities, which it primarily delegates to an “authorized representative.” The subject rules follow this approach, which is consistent with the intent of the Legislature.<sup>12</sup>

### 3. Summary of Rules

Exhibit “B”, attached is a copy of the subject rules. The rules are divided into five subchapters: General Provisions, Public Activities, Commercial Activities, Permits for Public and Commercial Activities, and Administration and Enforcement. Pertinent sections are highlighted in the following summary.

Subchapter 1, *General Provisions*, includes eight sections. Section 20-26-1, *Purpose*, focuses on proper use, management, and protection of cultural, natural, and scientific resources; public safety and welfare; and fostering co-management with DLNR. Definitions are found under Section 20-26-2, which includes “Authorized agent,” “Commercial activity,” “Public activities,” and “UH management areas.” Section 20-26-3, *Applicability and implementation, generally*, exclude activities that are not “public activities and commercial.” These include “persons” or “Government entities under an agreement with the university.” Section 20-26-4, *Consistency with other rules*, was an important addition for DLNR. The required orientation prior to visiting Mauna Kea, was an important provision under Section 20-26-5 for those concerned with cultural impacts.

Subchapter 2, *Public Activities*, includes twenty-three sections. Like the forest reserve and natural area reserve rules, this section describes what public activities are prohibited and allowed within UH management areas. This subchapter starts with Section 20-26-21, *Traditional and customary rights*, which was an important section for OHA. After many iterations of this section, OHA staff agreed to this provision as drafted. Section 20-26-29, *Vehicles and transportation*, empowers the University to regulate traffic and vehicles within UH management areas. Section 20-26-39, *Access*, allows the University to install a gate or other access control structure consistent with the CMP and upon approval of BLNR. It also establishes a process for closing roads. Section 20-

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<sup>12</sup> *Capua v. Weyerhaeuser Co.*, 117 Hawai‘i 439, 446 (2008) (“[A] public administrative agency possesses only such rule-making authority as is delegated to it by the state legislature and may only exercise this power within the framework of the statute under which it is conferred. Administrative rules and regulations which exceed the scope of the statutory enactment they were devised to implement are invalid and must be struck down.”)

26-41, *Scattering of cremated remains*, allows this activity consistent with subject rules and further developed by policy.

Subchapter 3, *Commercial Activities*, includes two sections. Section 20-26-51, *Commercial activities generally*, prohibits commercial activities of any kind without a written permit. Section 20-26-52, *Selling, advertising, and solicitation*, further defines prohibited commercial activities.

Subchapter 4, *Permits for Public and Commercial Activities*, includes eight sections. Section 20-26-61, *General provisions*, provides for six types of permits issued by the University: Group use; Permits for public assemblies and meetings; Research activities not otherwise permitted by, or excluded from, these rules; Special use; Commercial tour activity; and Commercial film and recordings. These permits allow for the orderly management of public and commercial activities in UH management areas by the University. For each permit type, process and criteria is established for evaluating and issuing approvals. Section 20-26-62, *Group use permits*, and Section 20-26-63, *Permits for public assemblies and meetings*, are for groups larger than ten. The purpose of these permits is to provide a framework within which the University can engage with the community to allow group activities, ensure public safety, and minimize impacts to area resources. Similarly, Section 20-26-65, *Special use permits*, provides a mechanism for allowing prohibited activities if certain criteria is met. Section 20-26-66, *Commercial tour activity permits*, provides a fair and open framework for issuing commercial tour permits

Subchapter 5, *Administration and Enforcement*, includes seven sections. Section 20-26-74, *Enforcement*, provides a framework for the University to issue citations. Section 20-26-75, *Appeals process, information requests and submittals, and petitions for declaratory rulings*, provides a process for addressing administrative appeals. The process allows for informal and formal procedures. Informal procedures allow for a final determination by president's designee. Formal procedures allows for a hearing conducted by the president's designee or a hearing officer. A party to a contested case may appeal from the final decision to the judiciary.

#### 4. Procedural Steps

The action requested herein is a prerequisite to the formal rulemaking process under Chapter 91, and is further outlined in Exhibit "A". Chapter 91, HRS, requires that an agency proposing to adopt new administrative rules must first conduct one or more public hearings, and Act 132 adds a specific requirement that at least one hearing on the subject rules be conducted on the Island of Hawai'i. Governor's Administrative Directive No. 18-02, requires the University obtain approval from the OTG, as summarized in Exhibit "A", prior to

holding public hearings. Unless otherwise specifically directed by the Board, each rulemaking hearing will be presided over by the Board Chair or by the Chair's designated representative.<sup>13</sup>

Upon approval by the Board and the OTG to conduct public hearings, the University will conduct at least two hearings, and at least one on the Island of Hawai'i. Comments received will be fully considered, and revisions to the subject rules will be made as appropriate, before returning to the Board to seek approval for the adoption of the rules.<sup>14</sup> After Board adoption, approval must also be obtained from the Governor, following a review of the final text by the Attorney General. This extensive review and approval process is expected to be completed, and the final rules to be adopted and effective, in 2019.

#### F. ACTION RECOMMENDED

We recommend that the Board authorize the President to request approval from the OTG, and if the OTG grants said approval, to conduct public hearings on the proposed adoption of the subject rules. If the Board determines that it has significant changes to offer at this time, administration respectfully requests the Board consider directing administration to make those changes as a condition of the subject request and prior to submission to the Governor to avoid potential challenges calling for additional hearings.

#### G. ATTACHMENTS

- Exhibit "A" - Administrative Rule Making Process; Authorities, Outreach, and Next Steps
- Exhibit "B" - Proposed Chapter 20-26, Hawai'i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands"

c: Kendra Oishi, Executive Administrator and Secretary of the Board,  
University of Hawai'i

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<sup>13</sup> HAR § 20-1.1-19, *Conduct of rulemaking hearing*.

<sup>14</sup> If substantial changes are made to the subject rules after the initial public hearings, additional hearings may be necessary.

## EXHIBIT "A"

### MAUNA KEA ADMINISTRATIVE RULE MAKING PROCESS AUTHORITIES, OUTREACH, AND NEXT STEPS

#### AUTHORITIES

- HRS § 1-28.5, *Publication of notice*, at [https://www.capitol.hawaii.gov/hrscurrent/Vol01\\_Ch0001-0042F/HRS0001/HRS\\_0001-0028\\_0005.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol01_Ch0001-0042F/HRS0001/HRS_0001-0028_0005.htm).
- HRS Chapter 91, *Administrative Procedure*, at [https://www.capitol.hawaii.gov/hrscurrent/Vol02\\_Ch0046-0115/HRS0091/HRS\\_0091-.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol02_Ch0046-0115/HRS0091/HRS_0091-.htm).
- HRS Chapter 201M, *Small Business Regulatory Flexibility Act*, at [https://www.capitol.hawaii.gov/hrscurrent/Vol04\\_Ch0201-0257/HRS0201M/HRS\\_0201M-.htm](https://www.capitol.hawaii.gov/hrscurrent/Vol04_Ch0201-0257/HRS0201M/HRS_0201M-.htm).
- HAR Chapter 20-1.1, *Rules of Practice and Procedure*, at <https://www.hawaii.edu/offices/bor/adminrules/chapter01.1.pdf>.
- *Policy and Procedure for the Adoption, Amendment, or Repeal of Hawai'i Administrative Rules*, Administrative Directive No. 18-02, January 1, 2018.
- 2009 Haw. Sess. Laws 132, § 2, codified at HRS §§ 304A-1901 to -1905, "Mauna Kea Lands," at [https://www.capitol.hawaii.gov/session2009/bills/GM749\\_.PDF](https://www.capitol.hawaii.gov/session2009/bills/GM749_.PDF).

#### SUMMARY OF CONSULTATION AND OUTREACH

The following are key public outreach and consultation required by Act 132, and relevant information affecting the process:

- 2010, OMKM had various discussions with DLNR starting in 2010, to "strive for consistency" with DLNR's Forest Reserve System and Natural Area Reserves System rules, as required by Act 132.
- 2011, OMKM began consultation with OHA, "to ensure that these rules shall not affect any right, customarily and traditionally exercised for subsistence, cultural, and religious purposes and possessed by ahupuaa tenants who are descendants of native Hawaiians who inhabited the Hawaiian Islands prior to 1778, subject to the right of the State to regulate such rights," as required by Act 132; this included meetings on March 22 and May 19, 2011, and July 16, 2015.
- April 4, 2011, in the matter of the Thirty Meter Telescope, CDUA HA-3568 ("TMT CDUA I"), Petitioner KAHEA requested that DLNR and the University cease all *ex parte* communications regarding the development of administrative rules on Mauna Kea; the DLNR and University complied.
- June 20, 2011, letter from OHA to OMKM providing detailed comments on draft rules dated March 17, 2011.

- April 12, 2013, BLNR grants TMT CDUA I; *ex parte* restriction ends with proceedings.
- June 27, 2014, BLNR consents to sublease between the University and TMT—rulemaking resumes.<sup>15</sup>
- June-September 2014, OMKM conducted outreach with individuals from approximately 110 non-profit, business, government, and cultural organizations on Hawai'i Island.
- May 26, 2015, Governor David Ige issues his, *10-point action plan for the stewardship of Mauna Kea*, which asks the University to, among other things, “[m]ove expeditiously the access rules.”
- June 24, 25 and 26, 2015, OMKM holds open houses in Kona, Hilo and Waimea, to obtain feedback and comments from the public about the proposed rules; over 89 comments and surveys were received.
- June 8, 2016, letter from OMKM to OHA responding to OHA’s June 20, 2011 letter with updated draft rules enclosed.
- September 8, 2016, meeting with KKM regarding draft rules.
- October 4, 2016, meeting with MKMB regarding draft rules.
- November 16, 2016, letter from Governor David Ige to Chair Sullivan requesting “the University not send the draft rules forward to me in their current form for consideration of public hearings.”
- January 4, 2018, comments on draft rules from DLNR shared with University.
- January 11, 2018, email from OTG to OMKM allowing rulemaking to proceed.
- January 18, 2018, meeting between DLNR and the University regarding draft rules.
- January 30, 2018, status update on draft rules provided to MKMB and KKM.
- January 30, 2018, meeting with Mayor Kim and his staff regarding draft rules.
- February 16, 2018, consultation meeting between OHA and the University regarding draft rules.
- April 12, 2018, email comments on draft rules sent from OHA to University.
- April 13, 2018, consultation meeting between OHA and the University regarding draft rules.
- May 15, 2018, letter from the University to OHA regarding consultation meetings on February 16, 2018 and April 13, 2018, and next steps.

## NEXT STEPS

Assuming the Board approves the request made in this Board Action Memorandum, the following are key next steps based on the above authorities:

- Submit Small Business Impact Statement and proposed rules to the SBRB. The SBRB may hold a hearing.

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<sup>15</sup> University of Hawai'i System, *Annual Report to the 2018 Legislature on the Mauna Kea Lands*, Nov. 2017, at p. 3.

- Submit request for hearings to the OTG through the Hawai'i Administrative Rules Processing Site ("HARPS").
- Upon approval of public hearing request, set public hearing dates, times, and locations.
- Publish 30-day hearing notice.
- Accept written testimony from all parties who are unable to attend the public hearing.
- Transcribe oral testimony from the public hearings and prepare a public hearing summary document for the Board and OTG.
- Make any necessary changes to proposed rules (more hearings may be needed if changes are substantial).
- Set decision-making meeting for the Board to consider the final rules.
- Assuming the Board approves the final rules, request approval of final rules from the Governor through HARPS.
- The Departments of Budget and Finance and Business, Economic Development and Tourism may provide comments if there are fiscal impacts or economic/small business impacts, respectively.
- Attorney General will review final rules.
- If the Governor approves the final rules, the University files copies with the Office of the Lieutenant Governor.
- The final rules take effect 10 days after filing.



**Exhibit "B"**

UNIVERSITY OF HAWAI'I

Adoption of Chapter 20-26  
Hawai'i Administrative Rules

(Date)

1. Chapter 20-26, Hawai'i Administrative Rules, entitled "Public and Commercial Activities on Mauna Kea Lands," is adopted to read as follows:

"HAWAI'I ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAI'I

SUBTITLE 1

UNIVERSITY OF HAWAI'I

BOARD OF REGENTS

CHAPTER 26

PUBLIC AND COMMERCIAL ACTIVITIES ON MAUNA KEA LANDS

Subchapter 1 General Provisions

- \$20-26-1 Purpose
- \$20-26-2 Definitions
- \$20-26-3 Applicability and implementation, generally
- \$20-26-4 Consistency with other rules
- \$20-26-5 Orientation
- \$20-26-6 Fees
- \$20-26-7 Mauna Kea lands management special fund
- \$20-26-8 Delegation of authority
- \$\$20-26-9 to 20-26-20 (Reserved)

### Subchapter 2 Public Activities

- \$20-26-21 Traditional and customary rights
- \$20-26-22 Preservation of resources
- \$20-26-23 Preservation of property
- \$20-26-24 Preservation of scientific and educational resources
- \$20-26-25 Litter and sanitation
- \$20-26-26 Fire use restrictions
- \$20-26-27 Explosives
- \$20-26-28 Firearms or other weapons
- \$20-26-29 Vehicles and transportation
- \$20-26-30 Unmanned aerial vehicles, drones and air toys
- \$20-26-31 Outdoor sports activities
- \$20-26-32 Hazardous materials
- \$20-26-33 Animals
- \$20-26-34 Audio devices and noise
- \$20-26-35 Public safety
- \$20-26-36 Use of drugs or alcohol
- \$20-26-37 Use of tobacco
- \$20-26-38 Camping
- \$20-26-39 Access
- \$20-26-40 Snow play
- \$20-26-41 Scattering of cremated remains
- \$20-26-42 Interference with government function
- \$20-26-43 Compliance with laws
- \$\$20-26-44 to 20-26-50 (Reserved)

### Subchapter 3 Commercial Activities

- \$20-26-51 Commercial activities generally

§20-26-52 Selling, advertising, and solicitation  
§§20-26-53 to 20-26-60 (Reserved)

Subchapter 4 Permits for Public and Commercial  
Activities

§20-26-61 General provisions  
§20-26-62 Group use permits  
§20-26-63 Permits for public assemblies and  
Meetings  
§20-26-64 Research permits  
§20-26-65 Special use permits  
§20-26-66 Commercial tour activity permits  
§20-26-67 Commercial film and recordings  
§20-26-68 Period of validity and renewal of permit  
§§20-26-69 to 20-26-70 (Reserved)

Subchapter 5 Administration and Enforcement

§20-26-71 Purpose of subchapter; statement of policy  
§20-26-72 Applicability  
§20-26-73 Violations, penalties, costs,  
administrative fines, sanctions, and  
collection  
§20-26-74 Enforcement  
§20-26-75 Appeals process, information requests and  
submittals, and petitions for declaratory  
rulings  
§20-26-76 Enforcement and stay of final decision  
§20-26-77 Severability

SUBCHAPTER 1

GENERAL PROVISIONS

**§20-26-1 Purpose.** The purpose of these rules is to provide for the proper use, management, and protection of cultural, natural, and scientific resources of the UH management areas; to promote public safety and welfare by regulating public and

commercial activity within the UH management areas; to ensure safe and appropriate access to the UH management areas for the public; and to foster co-management with the department of land and natural resources in UH management areas. [Eff  
] (Auth: HRS §304A-1903) (Imp: HRS  
§§304A-103, 304A-105, 304A-1903)

**§20-26-2 Definitions.** As used in these rules, unless context requires otherwise:

"Authorized agent" means a person, persons, or entity authorized by the president or the president's designee, to act on the president's behalf under this chapter.

"Board" means the board of regents of the University of Hawai'i.

"Camping" means the use of UH management areas (other than designated facilities at Halepōhaku) for living accommodation purposes such as sleeping activities, or making preparations to sleep (including but not limited to the laying down of bedding for the purpose of sleeping), or storing personal belongings, or using any tents or shelter or other structure or vehicle for sleeping or carrying on cooking activities, between one hour after sunset and sunrise. The activities indicated constitute camping when it reasonably appears, in light of the circumstances, that the participants, in conducting these activities, are in fact using the area as a living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaged.

"Commercial activity" means a use or purpose designed for profit, which includes the exchange or buying and selling of goods, or the providing of services, or relating to or connected with trade, traffic or commerce in general; provided, however, that the use of land for utility purposes shall not be considered a commercial activity. Commercial activities include but are not limited to activities

whose base of operations are outside the boundaries of the UH management areas, or provide transportation to, from, or within the UH management areas.

"Commercial tours" means the transport of people for compensation for the purpose of engaging in public activities within the UH management areas, including but not limited to transport by cars, sport utility vehicles, trucks, taxis, vans or buses.

"Compensation" includes, but is not limited to, monetary payments, barter, or services in-kind. Bona fide sharing of resources or expenses among participants in scientific research-related activities, including but not limited to astronomical observatory operations, does not constitute compensation.

"Comprehensive management plan" means the Mauna Kea comprehensive management plan approved by the board of land and natural resources, including any sub-plans, as may be amended.

"Drone" means an unmanned aircraft, ship, or vehicle guided by remote control or onboard computers.

"Forest reserve" means lands set apart as forest reserve pursuant to section 183-11, Hawai'i Revised Statutes.

"Game mammals and birds" means those animals that have been designated as such by the department of land and natural resources.

"Halepōhaku" means the Halepōhaku (also known as Hale Pōhaku) mid-level facilities as described in the lease between the board of land and natural resources and the university.

"Hazardous materials" means any pollutant, toxic substance, hazardous waste, hazardous material, hazardous substance, or oil as defined in or pursuant to the Resource Conservation and Recovery Act, as amended, the Comprehensive Environmental Response, Compensation, and Liability Act, as amended, the Federal Clean Water Act, or any other federal, state, or local environmental law, regulation, ordinance, rule, or by-law, whether existing as of the date hereof or subsequently enacted.

"Kahu Kū Mauna" means the advisory community-based council that advises the Maunakea Management Board, OMKM, and the chancellor of the University of Hawai'i at Hilo on Hawaiian cultural matters affecting the UH management areas.

"Law enforcement officer(s)" means any federal, state, or county government employee with law enforcement powers.

"Mauna Kea" or "Maunakea" refers to the dormant volcano on the island of Hawai'i standing approximately 4,205 meters above sea level; its peak is the highest point in the state of Hawai'i.

"Maunakea Management Board" or "MKMB" means the community-based advisory body established by the board to provide the Hawai'i Island community with a direct voice to the university for the management of the UH management areas.

"Motorized vehicle" means a vehicle of any shape or form that depends on a gas, electric, or other fuel motor for propulsion.

"Natural area reserve" means an area designated as a part of the Hawai'i natural area reserves system, pursuant to chapter 195, Hawai'i Revised Statutes.

"Non-motorized vehicle" means a vehicle of any shape or form that depends on human, animal, wind, spring, and other non-motorized means for propulsion.

"Office" or "OMKM" means the office of Maunakea management.

"Person" includes individuals, partnerships, corporations, associations, or public or private organizations of any character other than government agencies.

"President" means the president of the university, or the president's designee.

"Private vehicle" means any vehicle not operated for governmental purposes, including but not limited to private cars and trucks, rental cars and trucks, commercial tour vehicles, taxis, limousines, buses, and other transportation for hire. It does not include vehicles operated by employees or agents of government agencies on official business, but can include any vehicle, including a government vehicle,

if operated by an employee or agent of a government agency when not acting in an official capacity.

"Public activities" means activities of the general public that are not governed by contract or other legal agreement with the university, other than a permit issued under these rules or the rules of the department of land and natural resources, if applicable.

"Solicit" means to ask, implore, plead for; to endeavor to obtain by asking; to importune; or to try to obtain.

"UH management areas" are those lands defined as "Mauna Kea lands" under section 304A-1901, Hawai'i Revised Statutes.

"University of Hawai'i", "University", and "UH" means the state university established under article X, section 5 of the Hawai'i Constitution and section 304A-101, Hawai'i Revised Statutes, which is governed by the board.

"Written permit" or "written permission" means a permit or permission issued under this chapter by the president. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-3 Applicability and implementation, generally.** (a) These rules shall apply to all public activities and commercial activities in the UH management areas as defined in these rules.

(b) These rules do not apply to education and research activities and support functions carried out by:

- (1) The university;
- (2) Persons under an agreement with the university; or
- (3) Government entities under an agreement with the university.

(c) Where overlapping jurisdictions within UH management areas are present, including but not limited to department of land and natural resources administrative rules pertaining to conservation

districts, forest reserves, historic preservation, hunting, and natural area reserves, those rules shall govern.

(d) This chapter shall be implemented in consultation with the department of land and natural resources, to allow hunting and recreation in those areas designated by the department of land and natural resources as regulated by department of land and natural resources hunting rules.

(e) The president or president's designee may seek the advice of the Maunakea management board and the Kahu Kū Mauna pursuant to the comprehensive management plan and consistent with the timelines and procedures of this chapter. [Eff \_\_\_\_\_ ]  
(Auth: HRS §§304A-105, 304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-4 Consistency with other rules.** These rules shall not be interpreted so as to be inconsistent with other rules applicable within UH management areas, including but not limited to conservation district rules, and where applicable, forest reserves, hunting, historic preservation, and natural area reserves rules. [Eff \_\_\_\_\_ ]  
(Auth: HRS §§304A-105, 304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-5 Orientation.** As set forth in the comprehensive management plan, all persons accessing the UH management areas shall be required to complete an orientation regarding cultural and natural resources, safety matters, and other relevant information prior to entering the UH management areas. [Eff \_\_\_\_\_ ]  
(Auth: HRS §§304A-105, 304A-1903)  
(Imp: HRS §§304A-103, 304A-105, 304A-1903)



**§20-26-6 Fees.** Fees, as established by the board, may be charged for permits, parking, entrance, and for the use of facilities and programs related to the UH management areas. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-1902, 304A-1903, 304A-2170)

**§20-26-7 Mauna Kea lands management special fund.** (a) All payments collected pursuant to these rules shall be deposited into the Mauna Kea lands management special fund.

(b) The proceeds of the Mauna Kea lands management special fund shall be used as provided in chapter 304A, Hawai'i Revised Statutes. [Eff ] (Auth: HRS §§304A-105, 304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-2170)

**§20-26-8 Delegation of authority.** The board delegates its authority to administer this chapter to the president, who may further delegate that authority to a designee. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§§20-26-9 to 20-26-20 (Reserved).**

SUBCHAPTER 2

PUBLIC ACTIVITIES

**§20-26-21 Traditional and customary rights. (a)**

This chapter is subject to the right of native Hawaiians to exercise protected customary and traditional rights as provided for in Article XII, section 7 of the Hawai'i Constitution, consistent with the laws of the state of Hawai'i.

(b) The University recognizes the spiritual, cultural, and historical significance of Maunakea to native Hawaiians and the protected customary and traditional rights referenced under subpart (a) of this section. Where such customary and traditional rights have minimal or no impact on existing cultural, natural, or scientific resources, no permit or approval is required under this chapter. If such activity is found to impact cultural, natural, or scientific resources, OMKM, after consulting with Kahu Kū Mauna and the Office of Hawaiian Affairs, may restore the site to its condition prior to such activity.

(c) Where a particular activity may impact existing cultural, natural, or scientific resources, persons proposing to conduct such activities are encouraged to consult with OMKM and Kahu Kū Mauna to obtain a special use permit, under section 20-26-65. OMKM shall assist applicants and allow protected customary and traditional practices to the greatest extent possible.

(d) This section does not eliminate the need for other applicable permits and approvals issued by other government entities. [Eff \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-1903)

**§20-26-22 Preservation of resources.** The following activities are prohibited within the UH management areas:

- (1) Removing, injuring, disturbing, or killing any form of plant or animal life, either in whole or in part, except game mammals and birds hunted according to rules of the department of land and natural resources;

- (2) Introducing any form of plant or animal life, except dogs when permitted by the hunting rules of the department of land and natural resources and legally authorized service animals when accompanying their handlers;
- (3) Removing, damaging, or disturbing any natural feature or resource;
- (4) Removing, damaging, or disturbing any geological or paleontological features or substances;
- (5) Removing, damaging, or disturbing any historic or prehistoric property or remains;
- (6) Removing, damaging, or disturbing any private or university property, sign, marker, or structure;
- (7) Entering into any cave, as defined in section 6D-1, Hawai'i Revised Statutes, or any portion thereof, except as allowed by the department of land and natural resources;
- (8) Having or possessing the following tools, equipment or implements: cutting or harvesting tools or gear, including but not limited to chainsaws, axes, loppers, any mechanized or manual sawtooth tool, seed pickers, or machete, that may be used for the taking, injuring, or killing of plant life, and hunting gear or tools that may be used for the taking, injuring, or killing of wildlife; except as permitted by the hunting rules of the department of land and natural resources or in accordance with a special term or condition of a written permit;
- (9) Engaging in any improvement or construction, except as authorized by written permit and, if applicable, a permit issued by the department of land and natural resources, or by the board of land and natural resources;
- (10) Engaging in activity in a group larger than ten (10) in size, except by written permit;
- (11) Hiking, conducting nature study, or

- conducting any activity on pu'u (cinder cones) unless on designated trails or roads, except by written permit; or
- (12) Introducing any materials from outside the UH management areas, including but not limited to manmade and natural items such as balls, plastic flowers, glass, metal and rocks, except by written permit and, if applicable, a permit issued by the department of land and natural resources. [Eff \_\_\_\_\_ ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-23 Preservation of property.** The following activities are prohibited within the UH management areas:

- (1) Entering, occupying, or using any building, structure, facility, motorized vehicle, machine, equipment, or tool without permission from its owner or the university;
- (2) Removing, damaging, disturbing, defacing, or attempting to remove, damage, disturb or deface any building, structure, facility, motorized vehicle, machine, equipment, or tool without permission from its owner or the university; or
- (3) Entering and remaining within any portion of the UH management areas developed or used by the university for educational or research purposes, after being asked to leave the area by an authorized agent or law enforcement officer. [Eff \_\_\_\_\_ ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-24 Preservation of scientific and educational resources.** The following activities are prohibited within the UH management areas:

- (1) Using any electro-magnetic device, including but not limited to radio transmitters and cellular telephones, except for use in an emergency;
- (2) Using wireless communication technologies, except for use in an emergency;
- (3) Using artificial illumination, except for headlights on licensed motorized vehicles; or
- (4) Conducting any other activity that materially interferes with the scientific and educational operations of the astronomical facilities or research equipment or with the protection of the scientific resources. [Eff ]  
(Auth: HRS §§304A-105, 304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-25 Litter and sanitation.** The following activities are prohibited within the UH management areas:

- (1) Littering, or depositing any garbage, trash, refuse, waste material, or rubbish in any place other than receptacles provided for this purpose;
- (2) Depositing any bodily waste in areas without comfort stations without digging a hole and covering all signs of the waste;
- (3) Depositing any bodily waste, without use of a comfort station, within 200 feet of any body of water, building, road, or trail; or
- (4) Leaving or abandoning any items, including but not limited to, vehicles, appliances, garbage or trash, or other forms of waste, debris, personal effects, or unattended items. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-26 Fire use restrictions.** The following acts are prohibited within the UH management areas: Starting or maintaining a fire or depositing or discarding any potential fire-producing material such as matches, cigarette butts, embers, or coals, except as otherwise provided in this chapter. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-27 Explosives.** The following acts are prohibited within the UH management areas: Using or possessing fireworks, firecrackers, or explosive devices. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-28 Firearms or other weapons.** Firearms, bows and arrows, knives with blade length greater than three (3) inches, and other weapons are prohibited within the UH management areas, except when permitted by the hunting rules of the department of land and natural resources or for use by law enforcement officers. The use and possession of any such weapons are subject to all applicable federal, state, and county statutes, ordinances, and rules. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-1903)

**§20-26-29 Vehicles and transportation.** (a) The following acts are prohibited within the UH management areas:

- (1) Exceeding posted speed limits;
- (2) Driving, operating, or using any motorized or non-motorized vehicle in areas and on roads or trails unless designated for that

use;

- (3) Launching or landing an air conveyance of any shape or form, including but not limited to aircraft, gliders, hang gliders, helicopters, balloons, parachutes, parasails, or other similar means of transportation in any portion of the UH management areas not designated for that purpose, including but not limited to roads or trails, provided that the department of land and natural resources may allow these uses under its applicable rules after consultation with the university or unless used for emergency purposes;
- (4) Parking any motorized or non-motorized vehicle or trailer except in designated areas;
- (5) (5) Operating any motorized or non-motorized vehicle in violation of existing state or county traffic regulations, including but not limited to having a valid vehicle license plate, registration and safety check as required;
- (6) Operating any motorized or non-motorized vehicle on a closed roadway or in violation of any usage restriction established pursuant to these rules; or
- (7) Failing to comply with any posted sign or any posted equipment requirement based on roadway conditions, such as a requirement to use or carry tire chains when snow or ice is present or anticipated.

(b) Only vehicles equipped with low-range four-wheel-drive are allowed north of Halepōhaku.

(c) Vehicles left unattended in closed areas or for longer than forty-eight (48) hours may be impounded by an authorized agent at any time.

(d) All impounded vehicles shall be towed to a place of storage. Towing, storage, and other related costs shall be assessed pursuant to section 290-11, Hawai'i Revised Statutes. [Eff ]

(Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-30 Unmanned aerial vehicles, drones and air toys.** The following acts are prohibited within the UH management areas: using or operating unmanned or remote controlled terrestrial vehicles, aerial vehicles, drones, or air toys, including but not limited to kites, balloons, boomerangs, gliders, rockets, and model aircraft. [Eff ]  
(Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-31 Outdoor sports activities.** The following acts are prohibited within the UH management areas:

- (1) Engaging in any outdoor sport or play involving objects thrown, hit, or driven, of any shape or size that could result in injury to others or damage to existing structures or equipment, that are likely to be lost or misplaced, or inconsistent with section 20-26-21; or
- (2) Formally or informally organized contests, meets, or competitions. [Eff ] (Auth: HRS §304A-1903)  
(Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-32 Hazardous materials.** Introducing, using, disposing, releasing, spilling, or transporting any hazardous materials is prohibited within the UH management areas, other than fuel or lubricants contained within a licensed motorized vehicle or as otherwise used in the ordinary course of lawful activities in a manner sanctioned by law and compliant with all applicable legal requirements. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)



**§20-26-33 Animals.** (a) Dogs, cats, and other animals are prohibited within the UH management areas except for hunting dogs when permitted by department of land and natural resources hunting rules and legally authorized service animals when accompanying their handlers.

(b) All dogs used for hunting shall be crated, caged, or leashed or otherwise under restrictive control during transportation while in transit at all times, to and from hunting areas in the UH management areas, except under written authorization by the department of land and natural resources for management activities.

(c) Dogs, cats, or other domestic animals will be removed in the interest of public safety and the protection of resources. [Eff ]  
(Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-34 Audio devices and noise.** Creating noise or sound within UH management areas, either vocally or otherwise, including but not limited to public address systems, radios, television sets, musical instruments, or use of any noise producing devices, such as electric generating plants or other equipment driven by motors or engines, in a manner and at times that create a nuisance is prohibited. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-35 Public safety.** The following acts are prohibited within the UH management areas:

- (1) Disorderly conduct, as defined in section 711-1101, Hawaii Revised Statutes; or
- (2) Engaging in activities that would obstruct

or impede public or vehicular access, or harass visitors to UH management areas, either verbally or with physical contact. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-36 Use of drugs or alcohol.** The following acts are prohibited within the UH management areas:

- (1) Using or possessing narcotics or drugs, except as legally prescribed by a physician, or over-the-counter medication in accordance with applicable law; or
- (2) Using or possessing alcohol in public areas. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-37 Use of tobacco.** The following acts are prohibited within the UH management areas, unless in designated areas: Smoking tobacco or nicotine products, including but not limited to cigarettes or cigars, pipes, or utilizing e-cigs, e-cigarettes, vapor and other such tobacco or nicotine delivery devices that create a vapor. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-38 Camping.** Camping is prohibited within the UH management areas. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-39 Access.** (a) Roadway access control.

Upon approval of the board of land and natural resources, a gate or other access control structure may be installed as set forth in the comprehensive management plan to manage vehicular access to portions of the UH management areas.

(b) Closed areas, road closures or usage limitations.

- (1) The president's designee may close or limit access to all or portions of the UH management areas, when needed for protection from hazardous conditions, including but not limited to inclement weather conditions, construction or maintenance activities on or near the roadway or at observatory sites, transportation of wide, heavy, or otherwise hazardous loads, or roadway congestion. Notice of road closures or usage limitations shall be provided through signage, road blocks, closed gates, or other means reasonably calculated to provide public notice of the location and extent of closure. The road shall remain closed until it is determined the hazardous condition no longer exists.
- (2) Access by private vehicles may be restricted for public safety and welfare, for the protection of resources, and to reduce congestion. Restrictions may include, but are not limited to, setting a maximum number of private vehicles allowed within the UH management areas at a time, restricting the areas in which private vehicles may operate, or utilizing shuttle vehicles in lieu of private vehicles.
- (3) No person shall operate a vehicle on a closed roadway or in violation of a usage restriction.

(c) Closed areas, public access hours. Public access hours for the UH management areas shall be adopted as set forth in the comprehensive management plan, provided that hunting shall be allowed pursuant

to department of land and natural resources hunting rules. All persons shall abide by the officially posted signs designating public access hours.

(d) Closed areas, management and public safety.

(1) The president's designee may close any portion of the UH management areas as necessary or appropriate for the protection of the resources of the area or the safety and welfare of persons or property, by posting appropriate signs indicating the extent and scope of closure.

(2) All persons shall abide by the officially posted signs designating closed areas.

(e) Public access policies and procedures. The president may establish policies and procedures for the implementation of this chapter, which shall be posted on the OMKM website and made available for inspection at its offices upon request. [Eff

] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-40 Snow play.** (a) Skiing, snowboarding, sledding and other similar winter or snow sports may be restricted to maintain public safety and welfare, to prevent damage to resources, and to minimize conflicts among visitors. The use of devices that are not equipped with braking mechanisms or which do not provide directional control on snow or ice is prohibited.

(b) Skiing, snowboarding, sledding or other forms of snow recreation or snow activities may be prohibited in specific designated zones or areas in order to maintain public safety and welfare, and protect resources.

(c) Formally or informally organized contests, meets, or competitions, snow play tours, or other similar events for skiing, snowboarding, sledding or other forms of snow recreation or snow activities are prohibited.

(d) Operating a snowmobile, an all-terrain vehicle, or other motorized vehicle used for snow recreation is prohibited anywhere in the UH management areas.

(e) Towing persons on skis, sleds, or other sliding devices by any motorized vehicle is prohibited. [Eff \_\_\_\_\_ ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-41 Scattering of cremated remains.** The scattering of cremated human remains is allowed within the UH management areas, consistent with this chapter and policies and procedures established by the president. [Eff \_\_\_\_\_ ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-42 Interference with government function.** The following acts are prohibited within the UH management areas:

- (1) Threatening, resisting, intimidating, or intentionally interfering with an authorized agent or law enforcement officer engaged in the performance of its official duties under this chapter;
- (2) Disobeying or refusing to heed the lawful instructions or orders of an authorized agent or law enforcement officer in the performance of its official duties to manage public access and movement, to maintain public safety and welfare, or to protect resources;
- (3) Knowingly giving a false or fictitious report or other false information:
  - (A) To a person investigating an accident or violation of these rules, or
  - (B) In an application for a permit; or
- (4) Knowingly giving a false report for the purpose of misleading an authorized agent or

law enforcement officer in the conduct of their official duties, or making a false report that causes a response by an authorized agent or law enforcement officer to a fictitious event. [Eff ]  
(Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-43 Compliance with laws.** All persons entering the boundaries of the UH management areas shall comply with all federal, state, and county laws, ordinances, and rules. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304a-1903)

**§§20-26-44 to 20-26-50 (Reserved).**

### SUBCHAPTER 3

#### COMMERCIAL ACTIVITIES

**§20-26-51 Commercial activities generally.** Soliciting or engaging in commercial activities of any kind within the UH management areas without a written permit is prohibited. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903, 304A-1904)

**§20-26-52 Selling, advertising, and solicitation.**  
(a) Selling of goods of any nature is prohibited within the UH management areas.  
(b) Posting or distribution of commercial notices or advertising material of any nature, or soliciting

the purchase or sale of goods or services, including but not limited to transportation, is prohibited within the UH management areas.

(c) Any commercial notice or advertising material soliciting the purchase or sale of goods or services for a commercial activity that has received a permit pursuant to these rules, including but not limited to transportation, shall conspicuously provide the permit number and the name of the permittee to whom the permit is issued. [Eff \_\_\_\_\_ ] (Auth: HRS §304A-1903) (Imp: §§304A-103, 304A-105, 304A-1903).

**§§20-26-53 to 20-26-60 (Reserved).**

#### SUBCHAPTER 4

#### PERMITS FOR PUBLIC AND COMMERCIAL ACTIVITIES

**§20-26-61 General provisions.** (a) The president's designee may issue the following types of permits:

- (1) Group use;
- (2) Permits for public assemblies and meetings;
- (3) Research activities not otherwise permitted by, or excluded from, these rules;
- (4) Special use;
- (5) Commercial tour activity; and
- (6) Commercial film and recordings.

(b) All permits shall be subject to the following provisions:

- (1) Permits may be suspended, canceled, revoked or terminated at any time upon violation of these rules or any conditions of the permit, which may include failure to comply with applicable federal, state, or county statutes, ordinances, and rules; or for

public safety reasons arising from weather or other natural or human-created conditions in the UH management areas.

- (2) Permits are not transferable.
- (3) Persons or organizations to which permits are issued shall be responsible for compliance with all conditions stipulated in the permit.
- (4) All persons eighteen (18) years of age or older shall be eligible to secure a permit and all persons under eighteen (18) years of age shall be allowed use of the area, provided that they are under the direct supervision of one (1) adult for every ten (10) minors during daylight hours and one (1) adult for every five (5) minors for night hours.
- (5) The size of groups as well as the length of time any permit is in effect may be limited.
- (6) All payments of fees and charges, as established under section 20-26-6, shall be in U.S. funds, and by cash, check, cashier's check, certified check, postal money order, bank money order, or other methods approved by the president's designee, provided that personal or business checks may be used to pay for activities that will occur thirty (30) or more days after the date of payment.
- (7) Permits shall be subject to such other procedures, terms, and conditions as may be established from time to time by the president's designee to carry out the provisions of chapter 304A, Hawai'i Revised Statutes, this chapter, or any applicable federal, state, or county statute, ordinance, or rule. Conditions may include, but are not limited to, restricting access to certain areas for public safety, requiring execution of a liability waiver, setting protocols for invasive species prevention, requiring compliance with protocols to prevent the accidental



- introduction of non-native species, or designating approved transportation methods.
- (8) All permittees shall, upon request, show the permit to an authorized agent, law enforcement officer, or the president's designee to manage and regulate public and commercial activities within the UH management areas.
  - (9) Permits shall not create a property interest in favor of the permittee.
  - (10) Persons crossing UH management areas to access the adjacent Mauna Kea Ice Age Natural Area Reserve or Mauna Kea Forest Reserve, shall obtain a permit from the department of land and natural resources, if required, and make said permit available for an authorized agent, law enforcement officer, or the president's designee's inspection upon request.

(c) Permit applications shall be submitted in the form prescribed by the president's designee. The president's designee may determine numbers of permits to be issued based on consideration of impacts of permitted activities on resources, and public safety and welfare.

(d) Permits may be canceled or terminated at any time without advance notice when:

- (1) A state of emergency is declared by the Governor or other proper authority;
- (2) Natural or civil disturbances occur or threaten to occur, including but not limited to, tsunamis, floods, earthquakes, storms, riots, and demonstrations;
- (3) The permittee violates permit conditions or provisions of this chapter;
- (4) The permitted activity damages or threatens serious damage to the integrity of the resources of the UH management areas or threatens the safety of the permittee or the general public;
- (5) Fees are not paid when required; or

(6) Applicant's prior record or conduct within the UH management areas are contrary to university or department of land and natural resources' policy to protect the resources of the UH management areas, including but not limited to failure to pay fines issued under this chapter.

(e) The president's designee may impose fines for failure to comply with the terms of a permit.

(f) The department of land and natural resources is not required to obtain permits under this chapter, provided that the department of land and natural resources consults with the president's designee on its activities. [Eff \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-1903)

**§20-26-62 Group use permits.** (a) Any group larger than ten (10) members shall be required to obtain a group use permit.

(b) Applications for group use permits shall identify the maximum size of the group and the planned day and duration of the group activity and shall be submitted at least fifteen (15) calendar days in advance of the date the permit is to be in effect.

(c) Applications for group use permits shall be evaluated for compatibility with the functions and purpose of the UH management areas, for consistency with existing approved management plans; for the potential effect on the surrounding resources, the existing facilities, and the public's use of the UH management areas; for compatibility with existing approved uses; for compatibility with scheduled or ongoing construction, repairs, or maintenance activities; and for the applicant's prior record of non-compliance with permit conditions, or of violations. Additional information from the applicant may be required to make this evaluation. Failure to provide additional information when requested may be grounds for permit denial.

(d) Any other restrictions or conditions may be imposed by the president's designee to protect the integrity, condition, and safety of, or access to the UH management area; provided restrictions and conditions may include but are not limited to, the size of the area available for the activity, location of the activity, the type of activity, seasonal and weather restrictions, intensity of the activity or the requirement to hire licensed security services or first aid/cardiopulmonary resuscitation (CPR)-certified personnel deemed necessary by the president's designee.

(e) Fees may be assessed in accordance with section 20-26-6 and additional terms and conditions necessary to protect the resources of the UH management areas and to protect safety and welfare may be imposed. Conditions may include but are not limited to insurance and licensing requirements and applicable county, state, or federal oversize and overweight vehicle and load standards. [Eff  
] (Auth: HRS §304A-1903) (Imp: HRS  
§§304A-103, 304A-105, 304A-1903)

**§20-26-63 Permits for public assemblies and meetings.**

(a) Public assemblies, meetings, gatherings, demonstrations, parades, and other such events, resulting in assemblies of ten (10) or more persons, are allowed in the UH management areas, provided a permit for such event has been issued by president's designee.

(b) An application for such a permit shall set forth the name of the applicant, the date, time, duration, nature, and place of the proposed event, an estimate of the number of persons expected to attend, a statement of equipment or facilities to be used and any other information required by the permit application form. Permittees shall display a copy of the application containing the required information in plain view during the event at the permitted location.

(c) The president's designee may deny an application if:

- (1) A prior application for a permit for the same time and place has been made that has been or will be granted and the activities authorized by that permit do not reasonably allow multiple occupancy of that particular location;
- (2) It reasonably appears that the event will present a clear and present danger to public health and safety; or
- (3) The event is of such nature or duration that it cannot reasonably be accommodated in the particular location applied for, when taking into account such things as probable damage or unreasonable interference with resources, structures, and operations that are allowed, permitted, or authorized within the UH management areas.

(d) If an application is approved, the president's designee will issue a written permit. If an application is denied, the applicant shall be informed in writing, with the reason(s) for the denial.

(e) The permit may contain such conditions as are reasonably consistent with protection and use of the UH management areas for the purposes for which the areas are managed. It may contain reasonable limitations on equipment to be used and the time and area within which the event is allowed.

(f) Permits are issued on a first come, first served basis. No permit shall be allowed for a period in excess of seven (7) consecutive days.

(g) An approved and issued permit may be revoked under any of the conditions listed in subparagraph (c) of this section. Such a revocation shall be made in writing, with the reason(s) for revocation clearly set forth, except under emergency circumstances, when an immediate verbal revocation or suspension of the permit may be made, to be followed by written confirmation within seventy-two (72) hours.

(j) Violation of the terms and conditions of a permit issued in accordance with this section may result in the suspension or revocation of the permit. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-64 Research permits.** (a) Research permits may be issued to engage in activities for scientific, educational, or management purposes, that may otherwise be prohibited by this chapter.

(b) Applications for research permits shall adequately describe the planned research activity, including but not limited to the scope, duration, and location of the research and shall be submitted at least one hundred twenty (120) calendar days in advance of the date the permit is to be in effect.

(c) Applications for research permits shall be evaluated for duplication with existing or previously approved research, for compatibility with the functions and purpose of the UH management areas, for consistency with existing approved management plans; for the potential effect on the surrounding resources, the existing facilities, and the public's use of the UH management areas; for compatibility with existing approved uses; and for the applicant's prior record of non-compliance with permit conditions, or of violations. Additional information may be required from the applicant to make this evaluation. Failure to provide additional information when requested may be grounds for permit denial.

(d) Fees shall be assessed in accordance with section 20-26-6, and additional terms and conditions necessary to protect the resources of the UH management areas and to protect safety and welfare may be imposed. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-65 Special use permits.** (a) Special use permits may be issued to engage in activities otherwise prohibited by this chapter.

(b) Special uses are all types of uses, other than group use, public assemblies and meetings, research, commercial tour activities, and commercial film and recordings which are considered compatible with the functions and purpose of the UH management areas and are consistent with the approved management plans for the UH management areas.

(c) Applications for special use permits shall adequately describe the planned use, including but not limited to the scope, duration, and location of the activity, and shall be submitted at least forty-five (45) calendar days in advance of the date the permit is to be in effect.

(d) Each special use permit application shall be evaluated on its own merits for compatibility with the functions and purpose of the UH management areas, for consistency with existing approved management plans; for the potential effect on the surrounding resources, the existing facilities, and the public's use of the UH management areas; for compatibility with existing approved uses; for compatibility with scheduled or ongoing construction, repairs, or maintenance activities; and for the applicant's prior record of non-compliance with permit conditions, or of violations. Additional information may be required from the applicant to make this evaluation. Failure to provide additional information when requested may be grounds for permit denial.

(e) Fees shall be assessed in accordance with section 20-26-6, and additional terms and conditions necessary to protect the resources of the UH management areas and to protect safety and welfare may be imposed. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-66 Commercial tour activity permits.** (a) Commercial tour activity permits for conducting

commercial tours or transporting passengers for hire within the UH management areas may be issued by the president's designee.

(b) Permits for commercial tours or passenger transportation for hire may be issued under such terms and conditions as shall be determined by the president's designee.

(c) Each permit application shall be evaluated on its own merits for compatibility with the functions and purpose of UH management areas; for consistency with existing approved management plans; for the potential effect on the surrounding resources, the existing facilities and infrastructure, and the public's use of the UH management areas; for compatibility with existing approved uses; for compatibility with scheduled or ongoing construction, repairs, or maintenance activities; and for the applicant's prior record of non-compliance with permit conditions, or of violations. In addition, each permit application shall also be evaluated for the quality of the educational aspects of the activity, the comprehensiveness of planned staff training, the inclusion of safety protocols, and the extent to which additional practices are incorporated to ensure customer and public safety and welfare and to protect the resources of the UH management areas. Additional information may be required from the applicant to make this evaluation. Failure to provide additional information when requested may be grounds for permit denial.

(d) The president's designee shall establish a number of available permits under this section. If qualified applications outnumber available permits, the permits shall be allocated by drawing or lottery.

(e) The president's designee may elect to manage commercial tour activities through issuance of one (1) or more concession agreements in lieu of, or in addition to, commercial tour activity permits. Any such concession agreements shall be consistent with these rules and applicable law.

(f) The president's designee may enter into an agreement with another public agency to manage commercial tour activities and transportation of passengers for hire within the UH management areas, on such terms and conditions deemed appropriate, which shall be consistent with these rules and applicable law. Such an agreement may be in lieu of, or in addition to, written permits or concession agreements for such purposes.

(g) Fees shall be assessed in accordance with section 20-26-6 and additional terms and conditions necessary or appropriate to reduce congestion, protect the resources of the UH management areas and protect safety and welfare may be imposed, including but not limited to insurance and licensing requirements, and loading restrictions.

(h) Commercial tour activity permits in force as of the effective date of these rules shall remain in effect through their stated expiration dates or such earlier termination date as may apply in accordance with their terms. Upon expiration, any future application shall be submitted in accordance with these rules. [Eff \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-67 Commercial film and recordings.** (a)

Use for commercial purposes of video, digital, film, still photography, or any other visual and audio recordings taken within the UH management areas is prohibited without a written permit issued by the Hawai'i film office of the department of business, economic development and tourism.

(b) The president's designee shall review all permit applications involving the UH management areas that are submitted to the Hawai'i film office of the department of business, economic development and tourism. The president's designee shall recommend approval or denial of each permit application, may require specific conditions, and may request fees, insurance, performance bonds, or deposits to cover



administrative and personnel expenses or potential damages to resources associated with the proposed activity. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-68 Period of validity and renewal of permit.** (a) Permits shall be valid for the term set forth therein, as established the president's designee. Upon expiration of the stated term, the permit and all rights of the permittee thereunder shall automatically terminate.

(b) No permit shall be renewed unless the permittee has submitted a timely application to renew the permit, all the conditions or covenants of the original issuance, including but not limited to the requirement of prompt payment of fees or charges, have been met, and the rules governing the UH management areas have been fully complied with.

(c) The renewal of an existing permit is discretionary, and applications for renewal of an existing permit shall be evaluated by the criteria provided in these rules for the issuance of new permits. [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§§20-26-69 to 20-26-70 (Reserved).**

## SUBCHAPTER 5

### ADMINISTRATION AND ENFORCEMENT

**§20-26-71 Purpose of subchapter; statement of policy.** This subchapter shall govern the university's practices and procedures relating to the

administrative proceedings for civil violations of these rules and the assessment of administrative sanctions for such violations. This subchapter shall effectuate and carry out the purposes and policies of section 304A-1903, Hawai'i Revised Statutes, and shall be construed and interpreted in the manner most favorable to the promotion of justice, expeditious processing, and cost-effective resolution in every case involved. [Eff \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903, 304A-1904)

**§20-26-72 Applicability.** (a) This subchapter shall apply to violations of this chapter and permits issued under this chapter.

(b) Any criminal prosecution against a person shall not preclude the university from imposing administrative sanctions pursuant to this subchapter against the same person for any civil violation committed in the same course of conduct.

(c) Any administrative proceeding against a person under this subchapter shall not preclude the state from pursuing a separate criminal prosecution against the same person for a criminal offense committed in the same course of conduct, or any collateral proceeding before the department of land and natural resources. [Eff \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903, 304A-1904)

**§20-26-73 Violations, penalties, costs, administrative fines, sanctions, and collection.** (a) An authorized agent, law enforcement officer, or the president's designee shall impose one or more of the following sanctions for violations of these rules or permits issued pursuant to these rules:

- (1) Immediate expulsion from the UH management areas;

- (2) Exclusion from the UH management areas for a specific period or until the violation has been corrected;
  - (3) An administrative fine determined in accordance with subparagraph (b) of this section;
  - (4) A monetary assessment to recover costs of mitigation or restoration required as a result of the violation and to recover the costs of enforcement proceedings;
  - (5) Revocation or suspension of a permit; and
  - (6) Imposition of additional permit conditions.
- (b) Administrative fines shall be assessed as follows:

- (1) For a first violation, not more than \$2,500;
- (2) For the second violation within five (5) years of a previous violation, not more than \$5,000; and
- (3) For the third violation within five years of a previous violation and any subsequent violation, not more than \$10,000.

(c) Each day that the violation continues shall constitute a separate offense.

(d) The costs of any enforcement proceedings, including the costs of contested case proceedings, may be assessed against a party found to be in violation.

(e) For parking violations, the driver or registered owner of the motorized vehicle, or both, shall be subject to the applicable penalties described above.

(f) All payments shall be in U.S. funds, and by cash, check, cashier's check, certified check, postal money order, bank money order, or other methods approved by the president's designee.

(g) Any action taken to impose or collect penalties provided for in this chapter shall be considered a civil action. [Eff ]

(Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-1903, 304A-1904)

**§20-26-74 Enforcement.** (a) Citations. An authorized agent or law enforcement officer shall have the power(s) to issue a citation for any violation of the provisions of this chapter:

- (1) Law enforcement officer(s) may use a form of citation that is authorized for use for violations of Hawai'i Administrative Rules, ordinances, or Hawai'i Revised Statutes;
- (2) In every case when a citation is issued, a copy of the same shall be given to the violator or in the case of a parking, standing or stopping violation a copy of the same shall be affixed to the vehicle, as provided in paragraph (5);
- (3) Every citation shall be consecutively numbered and each copy shall bear the number of its respective origin;
- (4) Whenever a vehicle is in violation of any provision, other than a parking, standing, or stopping provision, of this chapter, any law enforcement officer and any authorized agent shall take the name, address and driver's license number of the alleged violator and the license plate number of the vehicle or vehicle identification number of the vehicle involved, and shall issue to the alleged violator in writing a citation, notifying the alleged violator to answer to the citation in writing at the address provided and by the date indicated; and
- (5) Whenever any motor vehicle is parked, standing, or stopped in violation of this chapter, an authorized agent or the law enforcement officer finding the vehicle shall conspicuously affix to the vehicle a citation. The citation shall be addressed to the registered owner of the vehicle, but need not identify the registered owner by name, so long as the citation identifies the vehicle by its license plate number or vehicle identification number. The citation shall instruct the registered owner to

answer to the citation in writing at the address provided and by the date indicated. The registered owner of a vehicle shall be responsible and accountable for the illegal parking, standing, or stopping of the vehicle when:

- (A) The registered owner committed the illegal parking, standing, or stopping of the vehicle; or
- (B) Another person committed the illegal parking, standing, or stopping of the vehicle, but the registered owner gave the person explicit or implicit permission to use the vehicle at the time of the violation.

In any proceeding for violation of a parking, standing, or stopping provision of this chapter, the license plate number or vehicle identification number of the parked, standing, or stopped vehicle shall constitute prima facie evidence that the registered owner of the vehicle was responsible and accountable for the illegal parking, standing, or stopping of the vehicle. [Eff: \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-75 Appeals process, information requests and submittals, and petitions for declaratory rulings.**

(a) Requests for formal hearings shall be submitted in writing within seven (7) days after issuance of a citation or the president's designee's written decision regarding a permit on a form to be provided by the president's designee. These forms shall be made available by the president's designee at OMKM's office and on OMKM's website.

(b) The following rules of practice including both informal and formal procedures are adopted:

- (1) Informal procedures. Persons who believe that they have received a citation in error, whose vehicle was removed by an authorized agent, or who disagree with a written decision by the president's designee regarding a permit may file a written request for an informal review with the president's designee within fifteen (15) days of the issuance of the citation or of the removal of a vehicle. Upon review the written request, the president's designee shall issue a written decision that shall be final and binding. No further appeal is permitted; and
- (2) Formal procedures. A person requesting a formal hearing on a citation or decision by the president's designee in accordance with subsection (a) shall be afforded an opportunity for hearing after reasonable notice as provided by chapter 91, Hawai'i Revised Statutes. The hearing under this section shall be treated as a contested case hearing under chapter 91, Hawai'i Revised Statutes, and shall be conducted in accordance with the statutory requirements for contested case hearings, as follows:
  - (A) The hearing shall be conducted by the president's designee or a hearing officer appointed by the president's designee;
  - (B) Upon receipt of a written request for a formal hearing, the president's designee or the hearing officer shall issue a written notice, which notice shall include a statement of:
    - (i) The date, time, place, and nature of hearing;
    - (ii) The legal authority under which the hearing is to be held;
    - (iii) The particular sections of the

statutes, rules, and procedures involved;

- (iv) An explicit statement in plain language of the issues involved and the facts alleged by the authorized agent or law enforcement officer issuing the citation in support thereof, provided that if the president's designee or the hearing officer is unable to state the issues and facts at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished; and
- (v) The fact that any party may retain counsel if so desired.

The written notice of hearing shall be provided to all parties to the proceeding at least fifteen (15) days before the hearing;

- (C) Opportunity shall be afforded each party to present evidence and argument on all issues involved. Every party shall have the right to conduct a cross-examination as may be required for a full and true disclosure of the facts and shall have the right to submit rebuttal evidence;
- (D) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default;
- (E) For the purpose of preserving a record of the proceedings before the president's designee or the hearing officer, the proceedings shall be

either tape-recorded or recorded verbatim by a certified shorthand reporter. It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review;

- (F) Within a reasonable time following the closure of the hearing on the contested case, the president's designee or the hearing officer shall prepare findings of fact and conclusions of law, and a decision on the case. The proposed findings, conclusions, and decision shall be served on the parties. A party may file written exceptions and present written or oral arguments to the president's designee or the hearing officer. Any exceptions and written arguments shall be filed not more than fifteen (15) days from the date of the proposed decision with the president's designee;
- (G) In rendering the final decision, the president's designee shall consider the whole record of the contested case or the portions thereof as may be cited by the parties. No matters outside the record shall be considered in making a decision, except as provided in this chapter;
- (H) Every decision and order adverse to a party to the proceeding shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. Parties to the proceedings shall be notified by delivering or mailing a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party;



- (I) If a party does not appear at the date, time, and place appointed for the hearing, either before the president's designee or the hearing officer, the party may be denied another hearing on the matter; and
- (J) Judicial appeals from the final decision of the president's designee in a contested case under this chapter shall be in accordance with chapter 91, Hawai'i Revised Statutes.

(c) The public may obtain information or make submittals or requests relative to this chapter by addressing a letter to the president's designee.

(d) Petitions for declaratory rulings as to the applicability of any statutory provision concerning this chapter shall be in the form of a letter to the president's designee stating the interest of the petitioner in the matter, the reasons for requesting the ruling and the specific nature of the ruling being requested. The president's designee shall render in writing a declaratory ruling or other order disposing of the matter. [Eff \_\_\_\_\_] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903)

**§20-26-76 Enforcement and stay of final decision.** (a) Unless otherwise stated in a final decision, payment and performance of all administrative fines, other monetary assessments, and non-monetary sanctions shall be due and enforceable within thirty (30) calendar days of the service of the final decision imposing such fines and sanctions.

(b) Upon request filed by a party, the president's designee may stay enforcement of a final decision pending a judicial review of the case. The decision as to the request for stay is final.

(c) The university may take any legal action to collect any overdue monetary sanctions or enforce any non-monetary sanctions imposed in an administrative

proceeding under this chapter. [Eff ]  
(Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903, 304A-1904, 304A-1005)

**§20-26-77 Severability.** These rules are declared to be severable and if any portion or the application thereof to any person or property is held invalid for any reason, the validity of the remainder of these rules or the application of the remainder to other persons or property shall not be affected." [Eff ] (Auth: HRS §304A-1903) (Imp: HRS §§304A-103, 304A-105, 304A-1903, 304A-1904, 304A-1005)

2. The adoption of chapter 20-26, Hawai'i Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on \_\_\_\_\_, and filed with the Office of the Lieutenant Governor.

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JAN NAOE SULLIVAN  
Chairperson, Board of Regents  
University of Hawaii

APPROVED AS TO FORM:

University of Hawaii

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Carrie K. S. Okinaga, Esq.  
Vice President for Legal Affairs and  
University General Counsel

Department of the Attorney General

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Diane Erickson  
Deputy Attorney General

DRAFT 2018-05-10



## UH open to alternative management models

In 2017 the UH Board of Regents formally adopted a resolution to affirm UH's commitment to the collaborative stewardship of Maunakea's cultural, natural, educational and scientific resources in a manner that integrates traditional indigenous knowledge and modern science. The resolution directs the university to work with the state, County of Hawai'i, Native Hawaiian organizations and the community to achieve this aim, and also directs the university to increase the engagement of Native Hawaiian students, Hawai'i Island residents and residents of the State of Hawai'i in the areas of astronomy, celestial navigation and exploration through an active educational and outreach program that highlights indigenous knowledge as well as enhanced student access to and utilization of Maunakea-based astronomical resources. UH stands open and ready to collaborate with all.

## 'Imiloa honors Maunakea

The 'Imiloa Astronomy Center at UH Hilo opened in 2006 with a mission to honor Maunakea in all its dimensions, exploring science and culture as different facets of the same reality. 'Imiloa is arguably the only science center in the world founded for the explicit purpose of public education on contemporary science within the context of an indigenous culture. Few places are better suited to explore this interplay than Hawai'i, where world-class science exists among a rich and remarkable indigenous culture.

'Imiloa has attracted more than one million visitors to the center—85 percent of whom are local, including 120,000 K–12 school-children through guided field trips and other educational programs. The center's outreach efforts have reached more than 20,000 people throughout the world through programs delivered directly in schools and communities.



## Educational outreach and opportunity

Providing the community and students of all ages opportunities to experience the wonders of astronomy is a top priority. OMKM and the Maunakea observatories organize events that reach more than 13,000 students and community members annually. UH Hilo astronomy students now have access to the Maunakea telescopes, an amazing opportunity unavailable to undergraduates elsewhere. And the new Maunakea Scholars program—a collaboration between the Department of Education, UH and Maunakea Observatories that began in 2015—provides Hawai'i's high school students with the remarkable opportunity to engage in world-class science using the best resources in the world with the support of Hawai'i's premiere astronomers and UH graduate students. As of the 2017–2018 school year, the program is already reaching approximately 200 local students in 13 Hawai'i high schools.



# MAUNAKEA 2018 AND BEYOND



UNIVERSITY  
of HAWAII

## Commitment to Maunakea and Hawai'i

It is a privilege for the University of Hawai'i to be the official steward of Maunakea. This began in the 1960s, at the request of Hawai'i Island residents and with the support of the state to advance scientific knowledge utilizing Hawai'i's natural resources and diversify the economies of the island and the state. The university now more fully understands and embraces its tremendous responsibility to care for what some feel to be Hawai'i's most sacred place.

## UH stewardship of Maunakea

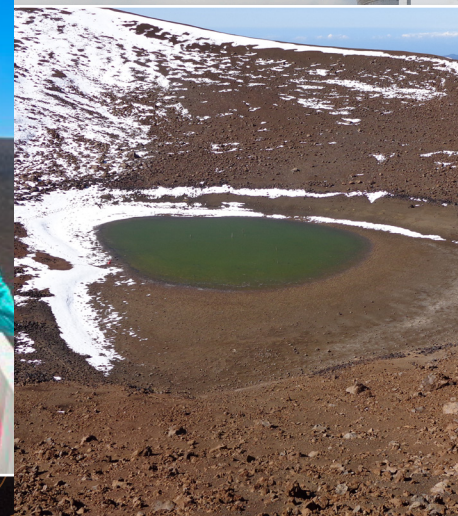
UH has made great strides in its management of Maunakea since a critical state audit in 1998. The comprehensive follow-up by the state auditor in 2014 observed:

*"We found that UH has developed several management plans that provide a comprehensive framework for managing and protecting Mauna Kea while balancing the competing interests of culture, conservation, scientific research and recreation."*

The dramatic turnaround occurred with UH's shift of stewardship responsibility to Hawai'i Island and the creation of the Office of Maunakea Management (OMKM) in 2000 in Hilo. Two community based boards were also established. The Mauna Kea Management Board and Kahu Kū Mauna Native Hawaiian advisory council provide guidance and counsel to UH on management matters and cultural stewardship.

## Openly developed and adopted management plans

With this commitment to community and island-based management, OMKM led the development of the much-needed Maunakea Comprehensive Management Plan and its four subplans. These were created with significant community input and approved in 2009–2010 by the UH Board of Regents and State Board of Land and Natural Resources. The Comprehensive Management Plan provides overarching management guidelines for Maunakea including subplans for public access, cultural resources management, natural resources management and decommissioning of observatories as well as management of construction activities, education and outreach.







## Exemplary stewardship recognized

In 2017, UH stewardship of Maunakea was lauded with the highest recognition of preservation, rehabilitation, restoration and interpretation of the state's architectural, archaeological and cultural heritage from the Hawai'i Historic Foundation.

## Maunakea Rangers protect people and the mauna

Established in 2001, UH's Maunakea Rangers program has been key to the turnaround. The rangers are on duty every day, interacting with approximately 300,000 visitors each year including cultural practitioners, local residents, tourists and observatory personnel. Rangers provide first response emergency care and health and safety warnings. They also answer questions regarding the cultural, scientific and natural resources of Maunakea and provide protection against inappropriate behaviors.



## Ensuring access

With substantial financial support from the observatories, UH also ensures safe access for cultural practitioners and the public by maintaining the road to the summit with twice weekly grading, snow plowing when necessary and issuance of weather alerts.

## Monitoring cultural resources

UH conducts rigorous, annual monitoring of more than 250 cultural sites, including shrines, ahu and burials based on long term monitoring and burial plans approved by the State Historic Preservation Division. The sites were identified in an extensive archaeological inventory survey that the university completed for the 11,288-acre Maunakea Science Reserve and access road.



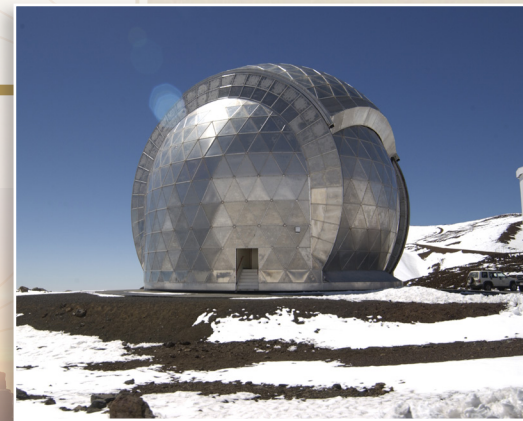
## Protecting flora and fauna

UH has a robust natural resources program for the mountain and oversees regular monitoring of the mountain's plant life as identified in the botanical survey of the Maunakea Science Reserve conducted by the university. Regular surveys and control programs are also conducted for invasive species that threaten the environment. Numerous students and volunteers assist with the program with more than 1,800 garbage bags of weeds pulled since 2012.



## Observatory decommissioning underway

Three observatories have been publicly identified for decommissioning before the deadlines set in the openly approved decommissioning subplan. Two of these decommissioning initiatives are already underway, and all will follow the stringent guidelines of the Comprehensive Management Plan that requires review of telescope deconstruction, removal, site restoration, environmental due diligence and cultural considerations.



## Managing public access

UH is in final consultation on draft administrative rules to guide all activities on the mountain, specifically public and commercial activities. In June, 2018 the UH Board of Regents is expected to request the Governor to approve public hearings, in accord with statutory requirements for adopting such rules. The rules will be an essential element in managing and limiting traffic and congestion on the mountain, which has increased since the substantial and welcomed improvements to the Daniel. K. Inouye Highway portion of Saddle Road. The rules will also enable traffic reduction and a new approach to commercial tour activities including increased revenue-sharing to support stewardship. UH and the Department of Land and Natural Resources have already stepped up activities to fine illegal tour operators on Maunakea.

## Substantial sublease rents planned

Current observatories entered into subleases in the last century that did not provide substantial rent payments, although these observatories make substantial payments for common services including road maintenance and the Visitor Information Station. UH initiated a new approach with TMT, which agreed to pay more than a million dollars per year in rent when fully operational to support stewardship of Maunakea as well as support its share of common services. TMT also provides a separate community benefits package of an additional million dollars per year focused on STEM education on Hawai'i Island and support for a workforce pipeline specifically to help Hawai'i Island residents prepare for jobs in astronomy. UH will implement this new methodology with other observatories to assess substantial sublease rents to support stewardship of Maunakea when new subleases can be negotiated under a new master lease that will ensure a future for astronomy past 2033. UH has started the required environmental review and public comment process with the publication of the Environmental Impact Statement Preparation Notice on February 23, 2018.

## Strengthening cultural connections

UH is beginning work to envision and plan a stronger educational presence on Maunakea for visitors and the public, as well as those who work on the mauna, around culture as well as the environment, history, astronomy and science. A key element of this will be the creation of a more integrated center at the mid-level facility.



## Wēkiu bug success story

The wēkiu bug was first listed as a candidate for federal protection in 1999, and UH began conducting intensive annual surveys in 2002. After years of research on the insect's biology, genetics and habitat, combined with UH's Comprehensive Management Plan assuring its protection, the wēkiu was removed as a candidate for federal protection in 2011.