

NOTICE OF SPECIAL 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: Friday, August 2, 2019

Time: 9:00 a.m.

Place: University of Hawai'i at Mānoa
Information Technology Building
1st Floor Conference Room 105A/B
2520 Correa Road
Honolulu, HI 96822

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.testimony@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. Agenda Items**
 - A. Discussion on Board of Regents Committee Structure
 - B. Amendments to the Bylaws of the Board of Regents Article II.C.1. Duties of Officers, Article II.D. Standing Committees of the Board, Article IV. Meetings, and Article VI. Voting
 - C. Amendments to Regents Policy 9.202, Classification Plans and Compensation Schedules
 - D. Appointment of a Permitted Interaction Group to Investigate Issues and Make Recommendations Related to Maunakea Governance
- IV. Announcements**
- V. Adjournment**

Item III.A.

Discussion on Board of
Regents Committee
Structure

**ITEM TO BE
DISCUSSED AT
MEETING**



July 26, 2019

MEMORANDUM

TO: Benjamin Kudo
Chair, Board of Regents

FROM: Kendra Oishi *KOishi*
Executive Administrator and
Secretary of the Board of Regents

SUBJECT: Amendments to the Bylaws of the Board of Regents Article II.C.1. Duties of Officers, Article II.D. Standing Committees of the Board, Article IV. Meetings, and Article VI. Voting

SPECIFIC ACTION REQUESTED:

It is requested that the Board of Regents ("Board") approve proposed changes to the Bylaws summarized as follows:

- (1) Clarify that the chair of the Committee on Independent Audit is selected as provided under section 304A-321, Hawai'i Revised Statutes ("HRS");
- (2) Given the reduction in the number of regents resulting from Act 172, Session Laws of Hawai'i (SLH) 2019, reduce the number of standing committees from seven to five by:
 - a. Eliminating the Committee on Intercollegiate Athletics and incorporating the charge to review certain annual academic reports to the Committee on Academic and Student Affairs; and
 - b. Consolidating the Committee on Personnel Affairs and Board Governance with the Committee on Planning and Facilities to be renamed the Committee on Personnel, Planning, and Facilities, and incorporating the charges relating to personnel and policy-related matters;
- (3) Delete the provision that the Committee on Academic and Student Affairs include Regents from the four major islands; and
- (4) Make conforming and clarifying edits.

RECOMMENDED EFFECTIVE DATE:

Effective upon adoption by the Board of Regents.

BACKGROUND:

Act 172, SLH 2019, amended the composition of the Board to reduce the number of members from 15 to 11. The law provides that the membership be reduced as terms expire. As such, as of July 1, 2019, the Board consists of 12 members. In order to sustain the effectiveness of the Board, it is proposed that the number of standing committees be reduced from seven to five.

Two committees were identified for consolidation: the Committee on Intercollegiate Athletics and the Committee on Personnel Affairs and Board Governance. Upon review of the charges of these committees, it appears that many of them fit within the scope of the remaining committees or the full Board.

Other clarifications are also proposed. The Bylaws allow for the Board Chairperson to appoint the chairperson of standing committees. However, the Committee on Independent Audit is established under section 304A-321, HRS, and specifies that the chair be "selected by and from among its members."

The provisions for appointment of committee members currently include a provision that the Committee on Academic and Student Affairs include Regents from the four major islands. This provision appears to be a remnant of a previous committee relating to community colleges and does not appear necessary. While it is a laudable goal, there have been times when an island was without representation.

Additional nonsubstantive conforming edits are also proposed.

ACTION RECOMMENDED:

Recommend approval to amend the Bylaws to reduce the number of committees to five and eliminate the committees on Intercollegiate Athletics and Personnel Affairs and Board Governance and reassign their charges as appropriate, given the reduction in the number of regents resulting from Act 172, SLH 2019; clarify that the chair of the Committee on Independent Audit is selected as provided under section 304A-321, HRS; delete the provision that the Committee on Academic and Student Affairs include Regents from the four major islands; and make nonsubstantive conforming and clarifying edits.

Attachments:

Bylaws of the Board of Regents of the University of Hawai'i (Ramseyer)

BYLAWS OF THE BOARD OF REGENTS OF THE UNIVERSITY OF HAWAII
(as of ~~February 28, 2019~~ [August 2, 2019](#))

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**BYLAWS OF THE BOARD OF REGENTS
UNIVERSITY OF HAWAI'I**

ARTICLE I. Definitions

As used in these Bylaws:

“Board” or “BOR” means the Board of Regents of the University;

“HRS” means the Hawai'i Revised Statutes, as may be amended from time to time;

“Meetings” shall not include rule-making hearings, declaratory rulings or contested cases under Chapter 91, HRS;

“Chairperson” means the chairperson of the board;

“President” means the President of the University;

“Secretary” means the Executive Administrator and Secretary of the Board; and

“University” means the University of Hawai'i system and its various campuses.

ARTICLE II. Membership and Organization

- A. Membership. The membership of the Board shall be as required by Chapter 304A-104, HRS. The members of the Board shall serve without pay, but shall be entitled to reimbursement for necessary expenses while attending meetings and while in the discharge of duties and responsibilities.

Notwithstanding the term of office, the term of a Board member shall expire upon the failure of the member, without valid excuse, to attend three consecutive meetings duly noticed to all members of the Board. The Chairperson or acting Chairperson of the Board shall determine if the absence of the member is excusable. The expiration of the member's term shall be effective immediately after the third consecutive unattended meeting and unexcused absence.

- B. Officers, Organization. As required by Section 304A-104, HRS, the Officers of the Board shall consist of a Chairperson, up to two Vice-Chairpersons, and a Secretary (who shall be appointed by the Board and shall not be a member of the Board). The Chairperson and up to two Vice-Chairpersons shall be elected at its first meeting after June 30 of the next year or thereafter until their successors are elected and have qualified and whose election shall be immediately certified by the Board to the Lieutenant Governor. The President shall act as the chief executive officer of the Board.

1. Term. The term of the office of Chairperson and up to two Vice-Chairpersons shall be for one year. A Chairperson may serve more than one term, but not more than two consecutive terms.
2. Vote. Votes for the Chairperson and up to two Vice-Chairpersons of the Board shall be by ballot if more than one person is nominated for an office.
3. Succession. In the event of a vacancy in the office of the Chairperson, the First Vice-Chairperson shall succeed as Chairperson for the unexpired term. If at that time there is a vacancy in the office of the First Vice-Chairperson, the Second Vice-Chairperson shall succeed as Chairperson for the unexpired term. If at that time there is also a vacancy of the office of the Second Vice-Chairperson, the Secretary shall succeed as Chairperson for the sole purpose of conducting an election as soon as possible for a new Chairperson to serve for the unexpired term.

C. Duties of Officers.

1. Chairperson. The Chairperson, in addition to presiding at all regular and special Board meetings, shall:
 - a. Appoint the chairperson and members of the standing committees and any other committees, [except for the chairperson for the Committee on Independent Audit, who shall be selected as provided under section 304A-321, HRS.](#)
 - b. Acknowledge communications, petitions, requests, and proposals on behalf of the Board and, except in emergencies, refer same to the President or Secretary or an appropriate Committee of the Board for action or recommendation so as not to detract from the Board's governance and fiduciary responsibilities.
 - c. Maintain liaison with the President to see that there is an effective working relationship between the University administration and the Board.
 - d. Approve all press releases and public statements made by the Board.
 - e. Approve agenda items for any regular or special meeting of the Board.
 - f. Coordinate the efforts of the Board's standing committees to strengthen the roles and functions of same.
2. Vice-Chairperson(s). The First Vice-Chairperson will assume the duties and responsibilities of the Chairperson in the absence of the Chairperson and will undertake such other duties as may be assigned by the Chairperson. If there is a second Vice-Chairperson, he/she will assume the duties and responsibilities of the First Vice-Chairperson in the absence of the First-Vice

Chairperson and will undertake such other duties as may be assigned by the Chairperson or First Vice-Chairperson.

3. Secretary. The Secretary shall serve under the direction of the Board through the Chairperson and shall provide the necessary administrative support services to the Board. The Secretary shall:
 - a. Prepare and distribute the agenda for each of the regular and special Board and standing and other committee meetings.
 - b. Schedule regular and special Board meeting dates in consultation with the Chairperson.
 - c. Record and prepare minutes and reports for each of the regular and special Board and standing and other committee meetings.
 - d. Be responsible for securing information from the University administration.
 - e. Acknowledge and answer routine correspondence directed to the Chairperson and/or Board.
 - f. Serve as liaison between the University administrative staff and the Board.
 - g. Review policy proposals submitted by the University administration.
 - h. Maintain a calendar of the Board's unfinished business.
 - i. Conduct research and analysis of policies relating to the governance of the University by the Board.
 - j. Review rules and regulations affecting the University in accordance with the Hawai'i Administrative Procedures Act.
 - k. Maintain, collect, and preserve the official records of the Board.
 - l. Collate and index policies which are adopted by the Board.
 - m. Serve as "Records Officer" under the State archives program.
 - n. Serve as "Certifying Officer" of official University documents.
 - o. Perform additional duties as assigned by the Chairperson and the various standing and other committee chairpersons.

D. Standing Committees of the Board.

1. Establishment of Standing Committees. To facilitate consideration of policy matters that must be approved by the Board, ~~seven~~five standing committees are established. Authority to act on all matters is reserved for the Board, and

the functions of each standing committee shall be to consider and make recommendations to the Board.

2. Standing Committees. The following are the standing committees of the Board and their functions:

a. Committee on Academic and Student Affairs

- (1) Review the academic mission and strategic direction of the system and its major units.
- (2) Periodically review to what extent programs support the mission and strategic direction of the University.
- (3) Monitor the quality and effectiveness of educational programs.
- (4) Develop and maintain policies governing academic and student affairs.
- (5) Review actions proposed by the President which fall under current board policies and procedures, including requests for exceptions.
- ~~(5)~~(6) Review annual reports on the academic standing and progress of student athletes, including but not limited to the Academic Progress Rate report.

b. Committee on Budget and Finance

- (1) Work in concert with the University administration relating to the operating budget.
- (2) Examine the budgetary process, budget proposals, expenditure plans, and development plans.
- (3) Discuss the implementation of the budgetary decisions with the University administration, especially amendments thereto or when circumstances require deviations from expenditure plans.
- (4) Review matters related to business affairs, and exercise fiduciary oversight of endowment funds and other financial assets of the University.
- (5) Exercise general oversight and policy direction over the University's financial systems and programs.

c. Committee on Personnel, Planning, and Facilities

- (1) Review, study, and make recommendations to the Board relative to the long-range plans for the development of the University,

considering academic needs, priorities, and fiscal capabilities of the State.

- (2) Review, study, and make recommendations to the Board relative to the physical facilities master plans for each campus in the University system and to periodically review approved campus master plans in order to recommend revisions, if necessary, to meet the needs of the University.
- ~~(3) Review proposals relative to naming of University improvements and facilities and make its recommendations to the Board.~~
- ~~(4)~~(3) Review policies and make recommendations to the Board on matters pertaining to the use of University facilities and ensure an environment that is complementary to the educational mission of this institution.
- ~~(5)~~(4) Work in concert with the university administration relating to the capital improvement budget.
- ~~(6)~~(5) Provide general oversight of the University's land-related strategic initiatives and partnerships program.

~~d. Committee on Personnel Affairs and Board Governance~~

- ~~(1)~~ (6) Review and consider policies and practices relating to university personnel.
- ~~(2)~~ (7) Ensure board statutes, bylaws, policies, and rules are being reviewed and updated on a routine and regular basis.
- ~~(3) Ensure board education and board member development is provided for board members.~~
- ~~(4) Provide recommendations to the board regarding best practices for board effectiveness.~~

~~e.d.~~ Committee on Independent Audit

- (1) Advise the Board regarding the Board's responsibilities to oversee:
 - (a) the quality and integrity of the University's compliance with legal, regulatory and policy requirements, financial reporting and financial statements, and internal controls related to risks;
 - (b) the function, disclosures, and performance of the University's compliance, internal control, and risk management systems

regarding ethics and compliance, risk, finance, and accounting, and the adequacy of such systems; and

(c) the independent certified public accountant's qualification, independence and performance, as well as performance of the internal audit function.

- (2) Review the annual internal audit plan and the extent to which it addresses high risk areas.
- (3) Review the annual report of the internal audit department and discuss significant issues of internal controls with the Internal Auditor and management.
- (4) Discuss the planned scope of the annual independent audit with the independent certified public accountants and review the results of the audit with the independent certified public accountants and management.
- (5) Receive and review the annual certified financial reports with the independent certified public accountants and management.
- (6) Recommend to the Board the certified public accountants to serve as the independent auditor, and their fees.
- (7) Revise the scope of the annual audit, and approve any services other than audit and audit related services provided by the certified public accountants.
- (8) Provide recommendations to the Board regarding approval of the internal audit mission statement, the committee's charter, and other governance documents related to both internal and external compliance and auditing activities at the University.

~~f. Committee on Intercollegiate Athletics~~

- ~~(1) Serve as a liaison between the Board and the respective campuses and their athletic departments.~~
- ~~(2) Advise the Board regarding its responsibility to oversee:
 - ~~(a) the health, safety and academic progress of student-athletes;~~
 - ~~(a) fiscal integrity and budgetary concerns;~~
 - ~~(b) compliance with NCAA and conference requirements; and~~~~

~~(c) any event or situation that may draw unusual public interest to the athletics program, a particular team, student athlete, or department employee.~~

~~(3) Review annual reports on the academic standing and progress of student athletes, including, but not limited to, the Academic Progress Rate report.~~

~~(4) Recommend policies governing all aspects of Intercollegiate Athletics at the University.~~

g.e. Committee on Research and Innovation

(1) Evaluate and approve long range plans that establish the strategic goals and objectives for research, innovation, and technology transfer at the University.

(2) Review and make recommendations regarding investments, policies, and practices relating to University research, innovation and technology transfer programs.

(3) Review and make recommendations on proposals to establish or to terminate Organized Research Units (ORU) and research centers.

(4) Work in concert with Administration to establish performance goals and metrics to evaluate progress against the strategic goals and objectives.

3. Appointment of Committee Members. The chairperson and voting members of each standing committee shall be appointed by the Chairperson and shall serve for one year or until the appointment of their successors. The Chairperson shall be an ex-officio, voting member of all standing committees. All board members who are not voting members of a committee or committees shall be ex-officio, nonvoting members of such committees. The President, as chief executive officer of the University, shall assign a member of the University administrative staff to each standing committee who shall be the administrative liaison with the chairperson of the committee.

~~The Committee on Academic and Student Affairs shall include Regents from the four major islands.~~

4. Meetings. Each standing committee shall schedule meetings as appropriate. The Committee on Academic and Student Affairs meetings shall be held on each of the islands with community college campuses, to the extent practicable.

5. Referrals to Committees. Each standing committee shall consider all matters referred to it by the Chairperson and shall make appropriate recommendations within a reasonable time to the Board.
6. Progress Reports. Each standing committee shall make progress reports to the Board periodically or when requested by the Chairperson.
7. Task Groups. Task groups may be established by the Chairperson upon authorization by the Board, and with such powers and duties as determined by the Board. The tenure of a specific task group shall expire at the completion of its assigned task.

E. New Board Member Orientation

New Board members shall be scheduled to receive an orientation within one month of the beginning of their term. The orientation shall include, among other things, an overview of the University system, BOR responsibilities, accreditation standards for Board governance, and BOR policies and practices. New Board members shall also be provided with a Reference Guide covering these and other topics.

ARTICLE III. Advisory Committee and Consultants

- A. Creation. The Board may create an advisory committee, as necessary, which shall serve as advisory to the Board. The committee membership shall be appointed by the Chairperson, subject to approval by the Board. The tenure of the advisory committee shall expire at the completion of the assigned task.
- B. Consultant Services. The Board may engage the services of consultants as it deems necessary.

ARTICLE IV. Meetings

- A. Number and Place of Meetings. The Board shall meet not less than ten times annually (July 1, thru June 30) and may from time to time meet in each of the counties of Honolulu, Hawai'i, Maui, and Kaua'i. The Board shall at each meeting set the time and place for its next regular meeting.
- B. Special Meetings. Special meetings may be called by:
 1. The Chairperson;
 2. The Secretary, upon request by a majority of the members of the Board; or
 3. Any Board member, with the consent of the Chairperson.
- C. Call for Committee Meetings. Standing committee meetings shall be called by the Secretary in consultation with the committee chairperson. In the event of a joint meeting, the Chairperson shall designate the presiding committee chairperson.

- D. Public Notice of Meetings. All meetings of and public appearances before the Board and its standing committees shall comply with chapter 92, HRS, and shall be as set forth in the Rules of Practice and Procedure of the Board of Regents (Hawai'i Administrative Rules, Title 20, Subtitle 1, Chapter [1.1](#)).

ARTICLE V. Quorum

A majority of all voting members to which the Board or its standing committees are entitled shall constitute a quorum.

ARTICLE VI. Voting

Voting by the Board and its standing committees shall be as set forth in the Rules of Practice and Procedures of the Board of Regents (Hawai'i Administrative Rules, Title 20, Subtitle 1, Chapter [1.1](#)).

ARTICLE VII. Legal Counsel

- A. The University General Counsel. The University General Counsel shall be designated as legal counsel for the Board. The University General Counsel or the University General Counsel's representative(s), in the capacity of legal counsel for the Board, shall be present at all regular and special meetings and certain standing committee meetings of the Board.
- B. Requests for Written Legal Opinions. Requests for any written legal opinion of the University General Counsel shall be made by the Chairperson or designee with the full knowledge of the Board. Whenever a legal opinion is rendered by the University General Counsel, such opinion shall be in writing and along with a copy of the written request for such opinion, distributed immediately to all Board members.
- C. Conflicts. By policy and organizational structure, the University General Counsel serves the Board as well as the University administration. Understandably, there may be occasions when it becomes necessary to avoid a perception of conflict, or actual conflict, or to obtain specialized legal expertise. At such times, the Board may exercise its discretion in securing the services of independent legal counsel through the Secretary.

ARTICLE VIII. Robert's Rules of Order

Meetings shall be conducted in accordance with the current edition of Robert's Rules of Order insofar as they are applicable and not inconsistent with these bylaws, or applicable statutes or rules.

ARTICLE IX. Amendments

These bylaws may be amended only by two-thirds (2/3) vote of all the members to which the Board is entitled. Any proposed amendment to the bylaws shall be submitted in writing for consideration and vote by the members at a Board meeting.

ARTICLE X. Conflicts of Interest

- A. Standard of Conduct. Members of the Board shall comply with the provisions of these bylaws and are subject to the standards of conduct and financial interest disclosure requirements of Chapter 84, HRS (State Ethics Code) and must act in accordance with Chapter 84, HRS.
- B. Fiduciary Responsibility. Members of the Board serve a public interest role and thus have a clear obligation to conduct all affairs of the University in a manner consistent with this concept. Members of the Board are expected to place the welfare of the University above personal interests, the interests of family members, or others who may be personally involved in affairs affecting the University. All decisions of the Board shall be made solely on the basis of a desire to promote the best interests of the University and the public good.
- C. Disclosures. In the event the Board must consider any matter for the University which also directly involves:
 - 1. a regent or a member of the regent's family (which shall be a spouse, parents, siblings and their spouses, children and their spouses, and any household member);
 - 2. a public or private organization with which a regent is affiliated, as defined below; or
 - 3. a regent's personal financial interest as defined under chapter 84, HRS;

Any affected regent, at the first knowledge of the matter, shall fully disclose, as noted below, the precise nature of the interest or involvement.

For purposes of this article, an affiliation exists if a regent or a member of the regent's family is an owner (which shall be defined as: (1) an ownership interest valued at more than \$5,000; or (2) 10% or more ownership of the business), officer, director, trustee, partner, employee (which shall also include legal counsel, consultant, contractor, advisor, or representative) or agent of such organization.

All disclosures required under this article must be directed in writing to the Secretary who, together with the University General Counsel, shall be responsible for the administration of this bylaw.

Matters covered under this article shall be reported initially to the Chairperson for appropriate action. Should the Chairperson be the regent with a potential conflict, the matter shall be reported to the Vice Chairperson. Should both the Chairperson and the Vice Chairperson have a potential conflict, the matter shall be reported to

the chairperson of a Board standing committee in the order as listed in Article II, Section D of the bylaws of the Board.

Information disclosed to the Secretary shall be held in confidence to the extent authorized by law.

This disclosure requirement shall not apply to any regent who declares a conflict of interest and recuses himself/herself from consideration of the matter before the Board.

- D. **Determination of Conflicts.** Questions concerning possible conflicts of interest shall be directed to the Secretary. Board shall resolve the questions by majority vote at a Board meeting in compliance with Chapter 92, HRS. Where any matter covered by Chapter 84, HRS, is involved, the potential conflict shall be referred to the State Ethics Commission for disposition. Questions of potential conflict not covered by Chapter 84, HRS, may be referred to the University General Counsel for a legal opinion, except that questions of conflict under Section 78-4, HRS, shall be referred to the University General Counsel for a legal opinion.

Restraint on Participation. A member of the Board who has declared a conflict of interest and recused himself/herself or who has been found to have a conflict of interest in any matter before the Board shall refrain from participating in the consideration of the proposed matter. The regent may not vote on such matters before the Board and may not be present during the Board's deliberation and at the time of vote.

- E. **Sanctions and Remedies.** Any Board action favorable to a regent obtained in violation of this bylaw is voidable on behalf of the Board; provided that in any proceeding to void a Board action pursuant to this bylaw, the interests of third parties who may be damaged thereby shall be taken into account. Any proceeding to void a Board action shall be initiated within sixty (60) days after the determination of a violation under this bylaw. The Board may pursue all legal and equitable remedies and/or sanctions through the University's legal counsel. Any Board action imposing a remedy or sanction under this section must be initiated within one year after the action of the Board that is affected by a violation.



Regents Policy Chapter 9, Personnel

Regents Policy RP 9.202, Classification Plans and Compensation Schedules

Effective Date: ~~June 7, 2018~~ [August 2, 2019](#)

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; [June 7, 2018](#)

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, 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.
 - (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, 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~~ and a 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

- I. 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. 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.
- 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:

 /S/
Kendra Oishi
Executive Administrator and
Secretary to the Board of Regents

 06/07/2018
Date



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SYSTEM

July 26, 2019

MEMORANDUM

TO: Board of Regents
University of Hawai'i

FROM:  Benjamin Kudo
Chair, Board of Regents

SUBJECT: Appointment of Maunakea Governance Task Group

This is a request that you approve the appointment of a permitted interaction group to be known as the Maunakea Governance Task Group (Task Group), whose scope is to investigate issues related to the university's stewardship and governance activities on Maunakea, and make findings and recommendations to the Board of Regents regarding the development of a statement expressing principles supported by the Board as it pertains to Maunakea, in addition to those articulated in the Resolution Affirming Commitment to the Collaborative Stewardship of Maunakea's Cultural, Natural, Educational and Scientific Resources, adopted by the Board of Regents on August 24, 2017.

Proposed Task Group members are: Regent Ben Kudo, Board Chair; Regent Jan Sullivan, Board Vice Chair; Regent Wayne Higaki, Board Vice Chair, Hawai'i Island Regent, and Regent-member of the Mauna Kea Management Board (MKMB); Regent Alapaki Nahale-a, Hawai'i Island Regent and Regent-member of MKMB; and Regent Ernest Wilson, Maui Island Regent. The Task Group may engage with University Administration, government officials, and outside advisors as needed.