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**Notice of Meeting
UNIVERSITY OF HAWAI'I
BOARD OF REGENTS**

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, July 21, 2022

Time: 11:00 a.m.

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

See the Board of Regents website to access the live broadcast of the meeting and related updates: www.hawaii.edu/bor

AGENDA

- I. Call Meeting to Order**
- II. Approval of the Minutes of the May 19, 2022 and June 2, 2022 Meetings**
- III. Public Comment Period for Agenda Items:**

Individuals who are unable to provide testimony at this time will be allowed an opportunity to testify when specific agenda items are called.

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 the board's website through the testimony link provided on the Meeting Agendas, Minutes and Materials page. Testimony may also be submitted via email at bor.testimony@hawaii.edu, U.S. mail at 2444 Dole Street, Bachman 209, Honolulu, HI 96822, or facsimile at (808) 956-5156.

Those wishing to provide oral testimony virtually may register [here](#). Given the constraints with the format of hybrid meetings, individuals wishing to orally testify virtually must register no later than 9:30 a.m. on the day of the meeting in order to be accommodated. Registration for in-person oral testimony on agenda items will also be provided at the meeting location 15 minutes prior to the meeting and closed at the posted meeting time. It is highly recommended that written testimony be submitted in addition to registering to provide oral testimony. Oral testimony will be limited to three (3) minutes per testifier.

All written testimony submitted are public documents. Therefore, any testimony that is submitted orally or in writing, electronically or in person, for use in the

public meeting process is public information and will be posted on the board's website.

IV. Report of the President

- A. COVID-19 Update
- B. SCR201 Task Force Next Steps Progress Report
- C. Strategic Plan Progress Report
- D. Other
- E. Willard Wilson Award for Distinguished Service
- F. President's Award for Excellence in Building and Ground Maintenance

V. Committee and Affiliate Reports

- A. Report from the Committee on Budget and Finance
- B. Report from the Committee on Independent Audit
- C. Report from the Committee on Intercollegiate Athletics
- D. Report from the Committee on Planning and Facilities

VI. Agenda Items

- A. Consent Agenda
 - 1. Requesting Approval to Indemnify National Aeronautics and Space Administration ("NASA") and the federal government when using U.S. Government Property for Sponsored Research awards received from NASA during Calendar Years 2022 and 2023
 - 2. Requesting Approval to Indemnify the U.S. Department of Commerce, National Oceanic and Atmospheric Administration from liability arising from transport of hazardous goods or materials for research projects undertaken by the UH Cooperative Institute for Marine and Atmospheric Research
 - 3. Request Approval of Indemnification Provision in a Grant Agreement between the American Association of Community Colleges and the University of Hawai'i to enhance the cybersecurity curriculum at Hawai'i Community College
- B. Legislative Update
- C. Discussion Item: Attainment Goal – Hawai'i's Graduates for Hawai'i's Future
- D. Discussion Item: Regents' Perspectives on Updating the University of Hawai'i's Mission and Vision

VII. Executive Session (closed to the public):

- A. Legal Matters: *(To consult with the board's attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)(4), Hawai'i Revised Statutes (HRS))*
 - 1. Quarterly Status Report on Legal Matters

VIII. Announcements

A. Next Meeting: August 18, 2022, at University of Hawai'i at Mānoa

IX. Adjournment

ATTACHMENT

Attachment A – Personnel actions posted for information only, pursuant to Section 89C-4, HRS. These actions are not subject to approval by the Board of Regents.

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.

DTS 22649

Executive/Managerial

Campus	Last Name	First Name & Middle Initial	Proposed Title	Unit	Nature of Action	Monthly Salary	Effective Date
UH Manoa	Manin	Lois	Associate Athletic Director and Senior Women Administrator	Intercollegiate Athletics	Reassignment	\$1,875 Additional Salary for a total of \$12,709/month	July 22, 2022
Hawaii CC	Mine	Jodi	Interim Vice Chancellor	Hawaii Community College	Appointment	\$8,494	July 22, 2022 - July 21, 2023
Kauai CC	Shirai	Calvin	Vice Chancellor	Administrative Services	Reassignment	\$1,128 Additional Salary for a total of \$9,584/month	July 22, 2022
Leeward CC	Fujioka-Imai	Kathryn	Interim Dean	Arts and Sciences	Appointment	\$10,418	August 1, 2022 - July 31, 2023
UH Manoa	Crichfield	Theresa	Associate Vice Provost for Student Success and Dean of Students	Vice Provost for Student Success	Appointment	\$14,650	September 1, 2022

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UNIVERSITY OF HAWAII
BOARD OF REGENTS

DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES AND ARE SUBJECT TO FURTHER REVIEW AND CHANGE UPON APPROVAL BY THE BOARD

MINUTES

BOARD OF REGENTS MEETING

MAY 19, 2022

I. CALL TO ORDER

Vice-Chair Nahale-a called the meeting to order at 9:37 a.m. on Thursday, May 19, 2022, at Honolulu Community College, Norman W.H. Loui Conference Center, Building 2, Room 201, 874 Dillingham Boulevard, Honolulu, Hawai'i 96817, with regents participating from various locations.

Quorum (10): Chair Randy Moore; Vice-Chair Alapaki Nahale-a; Vice-Chair Benjamin Kudo; Regent Simeon Acoba; Regent Kelli Acopan; Regent Eugene Bal; Regent William Haning; Regent Wayne Higaki; Regent Diane Paloma; and Regent Ernest Wilson.

Excused (1): Regent Robert Westerman.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Academic Strategy Debora Halbert; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; Vice President for Budget and Finance/Chief Financial Officer Kalbert Young; Vice President for Advancement/UH Foundation (UHF) Chief Executive Officer (CEO) Tim Dolan; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo Chancellor Bonnie Irwin; UH West O'ahu (UHWO) Chancellor Maenette Benham; Interim Honolulu Community College (HonCC) Chancellor Karen Lee; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. APPROVAL OF THE MINUTES

Chair Moore inquired if there were any corrections to the minutes of the April 21, 2022, meeting which had been distributed. Hearing none, the minutes were approved.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office received written testimony in support of the establishment of a new provisional Certificate in Labor Studies at UHWO from United States Senator Mazie Hirono; State Representative Amy Perruso; UNITE Here Local 5; the International Brotherhood of Electrical Workers Local 1260; the Labor Education Advisory Council; the Hawai'i State AFL-CIO; the Hawai'i State Teachers Association; and one individual submitted written testimony in support of the establishment of the Labor Studies certificate program at UHWO.

Several individuals submitted written testimony in support of the establishment of the Bachelor of Arts in Astronomy and the Bachelor of Science in Astrophysics at UHM.

Huliauapa'a submitted written testimony in support of establishing the Master of Arts in Heritage Management at UHH.

The Mānoa Staff Senate submitted written comments in the form of a resolution recognizing and honoring Dr. Allyson M. Tanouye for her service to the university.

Late written comments were received from the Mānoa Faculty Senate (MFS) Executive Committee and MFS in the form of a resolution regarding the granting of emeritus/emerita status; two resolutions regarding the general education redesign initiative including a resolution transmitting a report from the Committee on Academic Policy and Planning's (CAPP) on this initiative and a resolution transmitting a report from the CAPP summarizing feedback on the initiative that was collected from across the UHM campus; and a resolution supporting a reorganization that forms the School of Communication and Information within the College of Social Sciences. One individual submitted late written testimony in support of establishing the Master of Arts in Heritage Management at UHH.

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

[Written Testimony Comment Received](#)

[Late Written Testimony Comment Received](#)

Oral testimony was received from Brent Sipes, Chair of the MFS, regarding the various resolutions passed by the MFS as noted in its written comments.

IV. REPORT OF THE PRESIDENT

A. COVID-19 Update

President Lassner provided an update on the university's current state of affairs with regard to the COVID-19 pandemic expressing his appreciation to the board for the latitude it has given the administration to deal with this crisis over the last two years. He stated that while hospitalization rates remain manageable, test positivity rates and case counts have continued to rise throughout the State over the past several weeks. As such, the wearing of masks will still be required in classrooms, shared laboratory spaces, and other confined instructional spaces. The administration also continues to encourage individuals to obtain a full series of vaccinations and take other precautions.

B. SCR 201 Task Force (Task Force) Next Steps Progress Report

The steering committee formed to address the next steps of the Task Force has developed five tasks that are correlated to each of the recommendations in the Task Force report and continues to meet weekly to discuss these matters. President Lassner provided an overview of each of the established tasks which include reviewing unique issues involving faculty productivity challenges; developing guidelines for general faculty to "buy-out" teaching assignments with extramural or other sources of funding in a

manner that is consistent with the new work assignment template for faculty; simplifying the faculty classification system and better aligning it with systems used at benchmark institutions; determining criteria for the reclassification of specialist and non-instructional faculty at the community colleges; and developing a transition process whereby an incumbent in a researcher or specialist position could apply for reclassification of that position. He also noted the work taking place on each issue, highlighting the development of initial drafts of several proposals, guidelines, processes, and policies, and reiterating that any recommendations developed will be prospective and proceed through appropriate consultation.

C. Strategic Plan Progress Report

President Lassner reported on progress being made on the university's strategic planning initiative stating that the strategic plan steering committee (SPSC) established to contend with this issue continues to meet bi-weekly and is expected to do so throughout the summer. He noted significant activities that have occurred to date including the creation of a website that includes an infographic on the accomplishments made by the university since its last strategic planning initiative in 2014; the hosting of four town hall meetings that attracted over 400 attendees; and the distribution of a systemwide survey requesting comments on possible critical themes and emerging issues that received over 2,000 responses. The SPSC has also begun the process of identifying and working with key community stakeholders to host a series of outreach events to engage with and solicit input from the broader community; expects to continue reviewing all feedback received and begin drafting an initial strategic plan over the summer; and anticipates holding more town halls in the fall to further engage university campus communities. Philanthropic and intellectual support the university has received in the area of strategic planning was also highlighted and included financial support for the development of new strategic goals relating to equity, service to populations that need assistance, and Hawai'i's workforce needs, as well as data systems to assist in tracking progress toward attainment of these goals.

D. Update on Collective Bargaining (CB) Agreements and Student Employment

The university and State have concluded negotiations on employment contracts with the exclusive representatives for various public employee bargaining units that encompass university employees. Settlements were reached on contract extensions for existing CB agreements and include the immediate payment of a 1 percent increase in annual base pay retroactive to June 30, 2021, and salary increases of 3.72 percent, 5 percent, and 5 percent over the next three years. In total, salaries are expected to increase by approximately 14 percent when compounded over the three-year period exclusive of the one-time lump-sum payment.

Legislation to incrementally raise the minimum wage in Hawai'i over the next few years to a maximum of \$18.00 per hour in 2028 has passed the Legislature and is awaiting action by the Governor. President Lassner stated that the university has historically paid entry-level student-employees 50 cents above the minimum wage as part of an effort to attract students to seek on-campus employment which has also been shown to positively impact student retention. Should the minimum wage increase be

enacted, student-employee pay will be adjusted accordingly, and student compensation tables will be updated to reflect these changes.

In an effort to provide salary increases for Graduate Assistants (GAs), UHM currently plans to increase the minimum step for GAs by one step in each of the next three years beginning on August 1, 2022, which equates to an approximately four percent increase in minimum pay per annum. Additionally, a formal sick-leave policy for GAs has been established at the request of, and in consultation with, the UHM Graduate Student Organization. The sick-leave policy, which takes effect in fall 2022, will provide all university GAs with sick-leave proportionate to their full-time equivalent appointment percentage similar to other university employees.

E. Other

Registered headcount enrollment for the fall semester has decreased by 2.7 percent systemwide, although UHM's fall registered headcount enrollment has increased by approximately 10 percent. Although disappointing, the administration continues its enrollment efforts and anticipates fluctuations in these figures until the beginning of the fall semester.

The university continues to do well in securing extramural research funding with just over \$449 million received to date, an increase of approximately 6 percent as compared to the same period last year. President Lassner highlighted that increases in award counts were experienced by all of the university's major academic units and stated that the university anticipates reaching nearly \$500 million in extramural research funding by the end of the fiscal year. He also spoke about a \$20 million award received by the university's Established Program to Stimulate Competitive Research from the National Science Foundation (NSF) to support state-wide climate resilience through data science, and a \$400,000 grant received from the NSF for a project called Compute Koa which will increase the university's capacity and flexible high performance resources for advancing research in such areas as astronomy, chemistry, oceanography, bioinformatics, and data science.

President Lassner also discussed a systemwide, collaborative Open Educational Resources (OER), or zero-cost textbook project, in the area of Anatomy and Physiology (A&P) that was undertaken by the university as part of an effort to reduce student costs. He noted that A&P courses are required across a wide range of disciplines and that textbook costs typically are between \$160 to \$210 per course. Efforts to create a unified textbook with localized content were successful and will result in student cost-savings of approximately \$433,000 given course enrollment across the university system. He recognized Dr. Sheryl Shook from Kapi'olani Community College and Associate Vice President of Student Affairs Dr. Hae Okimoto for undertaking and leading this effort.

F. HonCC Campus Presentation

Interim Chancellor Lee provided an overview of HonCC's enrollment statistics and demographics highlighting student profile characteristics that differentiate HonCC from

other community college campuses, including elevated percentages of students that are male, home-based at other university system institutions, enrolled in Career and Technical Education (CTE) programs, and enrolled in apprenticeship and non-credit programs, with the latter accounting for almost 50 percent of total headcount enrollment. Despite a strong community presence and partnerships with feeder high schools, enrollment has been trending lower over the past six years, particularly among the Filipino and Pacific Island student populations.

Interim Chancellor Lee provided an overview of HonCC's improvement in several performance measures. Through a program known as "purposeful engagement" which actively engages students throughout the academic year, retention rates among first-time full-time freshman have vastly improved. Although graduation rates have been on an upward trajectory since 2010, Interim Chancellor Lee explained that the large number of students enrolled in CTE programs coupled with an explosion of employment in the trades caused a decline in this data point for 2021.

Interim Chancellor Lee spoke about the future priorities of HonCC including opportunities and pathways that will prepare students for entering the workforce and allow them to attain living-wage careers. She reviewed several actions being undertaken to achieve this vision including the establishment of stronger connections to industries and industry advisory boards associated with the various CTE programs; the creation of easier pathways for students to transfer from the non-credit, short-term training and education programs to credit programs; and the formation of collaborative partnerships with industry leaders and trade unions to increase work-based learning, opportunities such as internships and externships.

Alden Akau, a recent graduate of HonCC's Computing, Security, and Networking Technology (CSNT) program, provided a testimonial on the life-changing impacts of his decision to attend HonCC. He offered personal insights into his experiences with the CSNT program; noted the student support services he received from HonCC through programs such as Po'i Nā Nalu and TRiO were instrumental to his success; espoused the value of internships in providing real-world experiences as well as potential career opportunities; and stated that HonCC has provided him with the skills, knowledge, and confidence to achieve a successful career.

Student Report

Brigitte Tampon-Aragon, Kristine Manog, Faith Gabour, and Nalea Kaaikala, student leaders of HonCC Student Government (HonCC – SG), presented information on the work and accomplishments of HonCC – SG over the last two years highlighting several online, in-person, and off-campus events that were aimed at providing support to students, maintaining student connections to foster a sense of belonging, and increasing constituent communications. They also spoke about the hardships and negative-impacts of the COVID-19 pandemic faced by HonCC students as well as initiatives undertaken to address some of these issues including the provision of food assistance cards to attend to student's food insecurities and the production of videos with tips for achieving success in online coursework to assuage the uneasiness of

taking online classes. Student concerns with respect to campus identity due to cross-campus enrollment and the increasing of student fees were also expressed.

Faculty Report

Ross Egloria and Drake Zintgraff, Co-Chairs of the Faculty Senate Executive Council (FSEC), provided a presentation on several notable activities undertaken by the faculty at HonCC, as well as student accomplishments achieved with the help of faculty mentoring. Mr. Egloria spoke about efforts to stage a student fashion show, an event showcasing the talent and creativity of students enrolled in the Fashion Technology Program; highlighted the work of the faculty-driven College Achievement and Retention Experience program; reviewed endeavors undertaken by the FSEC's Sustainability Committee to promote, coordinate, and facilitate sustainability activities that are in accord with the university's sustainability initiatives and strategic direction for 21st century facilities; noted the establishment of virtual international educational exchange programs; and spotlighted projects that allowed students to apply classroom knowledge to real-world problems associated with urban heat due to climate change and space exploration.

Mr. Zintgraff stated that faculty worked diligently throughout the pandemic and reviewed actions such as the continual assessment of program outcomes as they relate to overall institutional goals, objectives, and values; the development of programming that will meet future workforce and community needs through collaborative engagements with community and industry partners; and the organizing of events to assist students with basic necessities, which were taken to ensure that quality curricula, effective instructional practices, and student support services were provided during this time.

Kupu Ka Wai Native Hawaiian Council ('Aha Kalāualani)

Greg Kashigi, Program Manager for Po'i Nā Nalu, provided an overview of the history and purpose of Po'i Nā Nalu, which is a Native Hawaiian CTE support services program at HonCC, stating that one of its primary missions is to prepare Native Hawaiian CTE and STEM students for employment in high-demand occupations with family-sustaining wages through culturally appropriate college access, engagement, and workforce preparation. He reviewed some of the services provided by Po'i Nā Nalu to achieve these goals including career readiness, entrepreneurship, internship, and college transfer programs; went over data on program enrollment demographics and educational outcomes emphasizing the high retention and course completion rates of program participants; spoke about successes of the program and program graduates; and discussed future initiatives for the program including those aimed at bolstering enrollment.

Interim Chancellor Lee spoke about the successes of HonCC in securing several federal Title III awards that focus on Native Hawaiian and place-based learning. She stated that these grants have allowed for the continuation of programs such as Ho'āla Hou and Kūalahale which are centered around infusing Hawaiian culture, traditions, place-based methodologies, strategies, and values into faculty and staff in their

teaching, learning, and student support work, as well as overall campus life, to support student success and completion. These programs also serve as a means of bringing the campus closer to becoming an indigenous serving institution. She also noted the return of HonCC's annual Ho'olaule'a which is a week-long festival that celebrates the Hawaiian culture through a series of campus-wide events.

Staff Report

Heather DeFries, Chair of the Staff Senate Executive Council (SSEC), provided background information on the establishment, membership, and work of the SSEC which was established in 2003. She noted that SSEC is an officially-recognized shared governance body that serves as the voice for all staff at HonCC and is responsible for collaborating with campus administration on policies and operations that impact staff.

Ms. DeFries reported on the top priorities and future plans of the SSEC including increasing staff development opportunities; continued collaboration with both campus and community college system administrations on the inclusion of staff on various advisory committees and systemwide initiatives; and the development of an All Campus Council of Staff Chairs. She also reviewed some of its accomplishments such as the incorporation of multiple means of communication to both relay information to, and garner feedback from, staff and the facilitation of staff-development experiences that focus on professional development and personal well-being.

Citing enrollment data, Regent Acoba asked about specific reasons for declining enrollment, particularly regarding the trending decline in Filipino students, and actions being taken to address this matter. Interim Chancellor Lee responded that it is often difficult to ascertain the specific reasons for students choosing not to enroll at, or continue their post-secondary studies with, HonCC. While HonCC remains concerned about decreasing enrollment, recent declines can be attributed to the large increase of employment in the trades, particularly the construction industry, which has resulted in students joining the workforce or transitioning to non-credit apprenticeship programs. HonCC is working with the trade unions and industry partners to combat this decline by stressing the importance of completing a post-secondary education to increase opportunities for upward employment mobility. With respect to the declining enrollment of Filipino students, she stated that the reasons for this decrease are unknown. However, HonCC continues to work with its feeder high schools on providing early college opportunities for liberal arts, science, and CTE programs. She also pointed out that students enrolled in non-credit credentialing programs are not counted towards overall enrollment despite accounting for almost 50 percent of the individuals attending HonCC. As such, efforts are underway to elevate the relevance of non-credit credentialing courses and programs.

Regent Acoba inquired about the basis for coursework redesign efforts that led to substantial improvements in completion rates for entry-level college English and math courses and whether these efforts were unique to HonCC. Interim Chancellor Lee replied that coursework re-design efforts were first brought to the fore by former VP for Community Colleges John Morton as part of an initiative to bridge the gaps between high school and post-secondary entry level classes, particularly in English and math.

HonCC faculty chose to focus on coursework reform efforts that eliminated pre-requisite classes and instead established co-requisite classes which were embedded with academic support such as tutoring. It was also noted that these efforts are not unique to HonCC, although the methodology for instituting these reforms differs for each community college campus.

Referencing the Honolulu rail project including the potential for a rail station on property belonging to HonCC, Regent Acoba questioned whether various scenarios have been considered regarding the potential campus impacts of this project. Interim Chancellor Lee stated that HonCC has been preparing for potential impacts of Honolulu's rail project for quite some time. Although the project is expected to provide HonCC with certain advantages given its presently-planned location, such as affording students with a direct connection to UHWO, the project's actual impacts remain unknown since the final rail route through the urban core remains in flux. She also noted that HonCC has discussed monetization opportunities related to the proximity of the rail project's present route to the campus and meets regularly with rail project leaders and university administration on the rail issue.

Regent Acoba asked if HonCC has engaged in planning in terms of determining the best use of resources for future job placement activities. Interim Chancellor Lee responded that the greatest impact on students' career opportunities occurs at the individual CTE program level because faculty within those programs have developed partnerships and connections within their respective industry. Additionally, HonCC has made inroads with respect to job placement activities through the investment of time, effort, and resources into collaborative efforts with industry partners to gain a better understanding of industry and workforce development needs.

Regent Wilson inquired about the emphasis placed by industry partners on professional as opposed to trade skills. He also asked about the importance of general education, particularly among CTE students. Interim Chancellor Lee explained that industry partners are increasingly looking for individuals with both trade skills and professional skills, such as critical thinking and workplace disposition. She stressed that professional skills are often gained through liberal arts courses, which is one reason for emphasizing degree completion among CTE students and noted that HonCC has been contemplating development of a certificate that will provide these skills through a means other than obtaining an associate degree. She also emphasized the importance of general education requirements in providing students with necessary life skills.

Regents commended the work of Interim Chancellor Lee and the faculty, staff, and students of HonCC and the collaboration, involvement, and innovation occurring on the campus.

V. REPORT OF THE UNIVERSITY OF HAWAI'I FOUNDATION (UHF)

VP/UHF CEO Dolan provided a report on UHF's fundraising efforts stating that much of the success being experienced is the result of the enduring and instrumental work conducted by UHF personnel, the fostering of academic relationships over the course of

several years, and stories about the impact the university has on the personal lives of its students and graduates. As of May 19, 2022, UHF has received approximately \$155 million, which is approximately \$80 million more than what was received during the same period last year. While the increase can mainly be attributed to UHM, it was emphasized that several campuses have experienced successful efforts over the past year which is very encouraging. He pointed out some of the strengths of UHF, as well as areas in which it needed to improve, stating that the foundation does a good job of expressing the needs of the university but is lacking in the areas of philanthropic collaboration and communicating the worthiness of the university to the public. He also expressed his belief that if UHF can improve in these areas, better performance will be realized in the years ahead.

Regent Acoba asked if there was a change in the approach used by UHF to garner financial support for the university that resulted in such a large increase in philanthropic donations and whether the static nature of expenditures for alumni relations is indicative of the approach the foundation is using to secure alumni support. VP Dolan replied that UHF's approach to securing donations for the university has remained the same. He emphasized that, even without the inclusion of a \$50 million pledge from the Chan-Zuckerberg Initiative, UHF garnered over \$100 million in contributions to date, which suggests that the fundamentals of its philanthropic activities are sound. With respect to alumni relations, although UHF coordinates and conducts alumni outreach activities across the country and would like to significantly expand these efforts, it has been hindered by the lack of funding available for this purpose. President Lassner added that VP Dolan has done an excellent job of eliminating the divide that used to exist between alumni relations and philanthropic development.

VI. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Academic and Student Affairs

Committee Vice-Chair Acopan summarized the committee report.

B. Report from the Committee on Personnel Affairs and Board Governance

Committee Chair Moore summarized the committee report.

C. Report from the Committee on Research and Innovation

Committee Chair Bal summarized the committee report.

D. Affiliate Reports

University Health Partners of Hawai'i (UHPH): Regent Acoba provided historical background on UHPH and its mission which included the provision of clinical education and training for students at the John A. Burns School of Medicine (JABSOM). He explained that, under separate tripartite agreements that were recently entered into, UHPH's major clinical departments were transferred to The Queens Health System (Queen's) and Hawai'i Pacific Health (HPH) and stated that UHPH is in the final stages of completing this transfer. However, UHPH is considering maintaining collateral ties to

these clinical departments. Other clinical programs such as those associated with the Nancy Atmospera-Walch School of Nursing and Daniel K. Inouye School of Pharmacy will be retained by UHPH. He also reported that UHPH is working with the nursing school to provide support services for the State Department of Education's Hawaii Keiki: Healthy and Ready to Learn Program; reorganizing its governance structure to reflect the reduction in clinical departments as a result of the abovementioned transfers; and seeking to expand its services to support other university health sciences related programs and units.

VII. AGENDA ITEMS

A. Consent Agenda

- 1. Approval of Established Status for the PhD Program in Nutritional Sciences at the University of Hawai'i at Mānoa (UHM)**
- 2. Approval of Established Status for the Bachelor of Arts in Astronomy and the Bachelor of Science in Astrophysics at UHM**
- 3. Approval of Provisional Status for the Master of Architecture Degree at UHM**
- 4. Approval of Established Status for the Bachelor of Arts in Biochemistry and Bachelor of Science in Biochemistry Degrees at UHM**
- 5. Approval of Established Status for the Bachelor of Arts in Pacific Island Studies at UHM**
- 6. Approval of Established Status for the Master of Arts in Heritage Management at the University of Hawai'i at Hilo**
- 7. Approval of a New Provisional Certificate in Labor Studies at the University of Hawai'i – West O'ahu**
- 8. Request Approval of Indemnification Provision to Allow the University of Hawai'i to Accept NASA Subawards from the Space Telescope Science Institute**
- 9. Request Approval of Indemnification Provision in an Agreement Between Curtin University, East Metropolitan Health Service, Purdue University and the University of Hawai'i**
- 10. Request Approval of Indemnification Provision in a Non-Exclusive Research and Materials License Agreement with Pioneer Hi-Bred International, Inc.**

Prior to acting on the consent agenda, Vice-Chair Kudo highlighted that there were no additional costs associated with any of the noted programs per the board action memorandums. He also stressed the importance of regents remaining cognizant of the fiscal as well as academic impacts related to the addition of new programs given the limited amount of resources available to the university.

Regent Acoba stated that he would be abstaining from the vote on agenda item A.2. which is the similar position he took at the May 5, 2022, meeting of the Committee on Academic and Student Affairs.

Chair Moore moved to approve the consent agenda, seconded by Regent Wilson, and noting the excused absence of Regent Westerman, and the abstention of Regent Acoba on agenda item A.2., the motion carried with all members present voting in the affirmative.

The meeting recessed at 11:43 a.m.

The meeting reconvened at 11:51 a.m.

B. Approval of Revisions to Regents Policy (RP) 5.201, Instructional Programs

VP Halbert reported that the administration presented a proposal to amend RP 5.201 at the May 5, 2022, meeting of the Committee on Academic and Student Affairs (ASA Committee). She noted that discussions during the ASA Committee meeting about specific terminology contained within the amended policy resulted in regents requesting the inclusion of additional amendments and stated that the version of RP 5.201 presently before the board reflected the requested changes.

Regent Acoba inquired as to whether the term “credentials” had been clarified to differentiate between program certificates and degrees. President Lassner replied that the administration uses the term “credentials” to refer to either a degree or certificate and noted that verbal clarification of this term was provided at the ASA Committee meeting. However, he stated that RP 5.201 could be further amended to include language that clarifies the term “credentials”. VP Halbert added that most of the terms used in RP 5.201 are defined in Executive Policy (EP) 5.201, which is also undergoing revisions to align it with the proposed RP amendments.

Regent Acoba moved to approve the revisions to RP 5.201 subject to distinctions being made between credential, certificate, and degree, seconded by Regent Wilson, and noting the excused absence of Regent Westerman, the motion carried with all members present voting in the affirmative.

Given that amendments to EP 5.201 were presented to the ASA Committee at its last meeting, Regent Acoba inquired if an amended version of the EP that reflected the changes made to RP 5.201 would be presented to the board. President Lassner replied that the administration does not present EPs to the board for approval although they are sometimes provided for informational purposes. Regent Acoba stated that since the EP was submitted to the ASA Committee and discussed at the committee meeting, it would be consistent for the administration to provide the board with an amended EP for review.

C. Request for Exception to Regents Policy 5.219, Emeritus/Emerita Title, for Christopher P. Lee, Director, Academy for Creative Media, University of Hawai'i

President Lassner requested deferral of this matter stating that Christopher P. Lee has agreed to continue serving the university in his capacity as the Director of the Academy of Creative Media, Systemwide. As such, this matter was deferred.

D. Legislative Update

VP Young reviewed the status of the supplemental operating and capital improvement projects (CIP) budgets passed by the Legislature which are currently awaiting action by the Governor, provided comparative details on aggregated appropriations contained within the various iterations of each budget, and explained that details of the supplemental operating budget appropriations would be provided in the budget worksheets which have not yet been released. He stated that the university is positioned to receive approximately \$63 million in supplemental operating funds and \$57 million in supplemental CIP funds for the upcoming fiscal year, but emphasized that the restoration of reductions in general fund appropriations made in fiscal year 2021 accounted for a large portion of the supplemental operating funds. He also provided information on the status of select bills of interest that have the potential to impact the university or the board including measures related to the sunshine law, Maunakea, procurement, and university assets; stated that both of the Regent nominees were confirmed by the full Senate and will officially join the board in July; went over concurrent resolutions that could possibly affect the university; and discussed key dates for the enactment of legislation as well as the elections in November.

Regent Acopan left at 12:16 p.m.

Regent Acoba asked if additional funding was provided for expansion of the Clarence T.C. Ching Athletic Complex (Ching Complex). VP Young replied that, to the best of his knowledge, additional funding was not provided for expansion of the Ching Complex.

E. Adoption of Final Report of the Maunakea Plan Review Permitted Interaction Group (Permitted Interaction Group) Recommending that the Board of Regents Review and Approve, and that the Board of Land and Natural Resources (BLNR) Approve, the 2022 Comprehensive Management Plan (CMP) Supplement Amending the 2009 CMP (2022 CMP Supplement)

F. Approval of the 2022 CMP Supplement for Submission to the BLNR for Approval

Vice-Chair Nahale-a, who served as the Chair of the Permitted Interaction Group, thanked the members of the group for their work and meaningful engagement on the CMP, and acknowledged the efforts of staff. Although the situation with respect to Maunakea remains dynamic, he expressed his support for the adoption of the final report of the Permitted Interaction Group, as well as approval of the CMP Supplement stating his belief that the overall body of work will help to guide any entity charged with stewarding Maunakea in the future.

President Lassner began by providing the rationale for the university's continued pursuit of an updated CMP even in light of actions by the Legislature to establish a new

management authority, stating that stewardship of Maunakea remains the kuleana of the university until such time that another entity takes on that responsibility. Chancellor Irwin added that a multitude of values and perspectives from numerous stakeholders were given due consideration during the creation of the 2022 CMP Supplement, stated that it was a sound document, and praised the efforts of the team of individuals working on the stewardship of Maunakea.

Dr. Greg Chun, Executive Director of Maunakea Stewardship, provided context to and background information on the 2022 CMP Supplement, as well as the processes used to develop this document. He noted that the CMP is the university's comprehensive plan to manage multiple uses and activities on Maunakea in order to protect and conserve natural and cultural resources; stated that approval of the 2022 CMP Supplement, which is supplemental to and not a replacement for the 2009 CMP, is critical for the university to continue to properly manage and steward the mountain; discussed outreach efforts with respect to the development of the 2022 CMP Supplement, emphasizing that all relevant input and feedback was given due consideration; and highlighted feedback received from the State Historic Preservation Division requesting an additional amendment to the 2022 CMP Supplement to place even more emphasis on the cultural importance of Maunakea. He also spotlighted the efforts of the Maunakea Rangers, provided an overview of a number of stewardship activities occurring on Maunakea that are guided by the CMP, and presented a video of the work being conducted by individuals from the Center for Maunakea Stewardship.

Vice-Chair Nahale-a announced that the adoption of the final report of the Permitted Interaction Group would be considered first followed by the request to approve the 2022 CMP Supplement for submission to BLNR for approval.

Regent Higaki moved to adopt the final report and recommendations of the Permitted Interaction Group, seconded by Regent Wilson, and noting the excused absences of Regent Acopan and Regent Westerman, the motion carried with all members present voting in the affirmative.

Regent Wilson then moved to approve the 2022 CMP Supplement for submission to BLNR for approval, seconded by Vice-Chair Kudo.

Vice-Chair Nahale-a expressed his pride in the university's current stewardship of Maunakea stating this the situation has vastly improved over the last few years. He acknowledged the work of the numerous individuals involved in the various facets of Maunakea stewardship, the actions taken by the university administration to improve upon its management of Maunakea, and the prioritization of this issue among regents. He also emphasized the importance of using the standards that have been established by the university as the foundation for managing and stewarding Maunakea going forward.

Regent Higaki concurred with Vice-Chair Nahale-a and lauded the work of Dr. Chun, Chancellor Irwin, and all of the individuals involved in managing and stewarding Maunakea.

There having been a motion that was moved and seconded, a roll call vote was conducted, and noting the excused absences of Regent Acopan and Regent Westerman, the motion carried with all members present voting in the affirmative.

VIII. ANNOUNCEMENTS

Vice-Chair Nahale-a announced that the next board meeting was scheduled for July 7, 2022, at the University of Hawai'i at Mānoa.

IX. ADJOURNMENT

There being no further business, Vice-Chair Nahale-a adjourned the meeting at 12:56 p.m.

Respectfully Submitted,

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents

DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES AND ARE SUBJECT TO FURTHER REVIEW AND CHANGE UPON APPROVAL BY THE BOARD

MINUTES

BOARD OF REGENTS SPECIAL MEETING

JUNE 2, 2022

I. CALL TO ORDER

Chair Randy Moore called the meeting to order at 11:55 a.m. on Thursday, June 2, 2022, noting that this was a special meeting of the Board of Regents. The meeting was held at the University of Hawai'i at Mānoa, Information Technology Building, 1st Floor Conference Room 105A/B, 2520 Correa Road, Honolulu, Hawai'i 96822, with regents participating from various locations.

Quorum (11): Chair Randy Moore; Vice-Chair Alapaki Nahale-a; Vice-Chair Benjamin Kudo; Regent Simeon Acoba; Regent Kelli Acopan; Regent Eugene Bal; Regent William Haning; Regent Wayne Higaki; Regent Diane Paloma; Regent Robert Westerman; and Regent Ernest Wilson.

Others in attendance: President David Lassner; Vice President (VP) for Legal Affairs/University General Counsel Carrie Okinaga; VP for Information Technology/Chief Information Officer Garret Yoshimi; Vice President for Budget and Finance/Chief Financial Officer Kalbert Young; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office did not receive any written testimony, and no individuals signed up to provide oral testimony.

III. AGENDA ITEMS

A. Consent Agenda

Prior to the board acting on the consent agenda, Chair Moore noted that amendments were made to Regents Policy (RP) 10.201 as suggested during the Planning and Facilities Committee (P&F Committee) meeting on June 1, 2022. As such, agenda item III.A.1. was placed on the regular agenda for further discussion.

- 2. Approval of Lease Between the University of Hawai'i and the North Shore Community Land Trust at Waiale'e Agricultural Research Station**
- 3. Approval of Lease Between the University of Hawai'i and Double J Livestock Ranch at Waiale'e Agricultural Research Station**
- 4. Approval for the Disposition by Transfer of Real Property at 4956 Kāhala Avenue, Honolulu, Hawai'i 96816 (Jean Charlot Residence)**

Regent Wilson moved to approve the consent agenda with the exception of agenda item III.A.1. as noted, seconded by Vice-Chair Nahale-a, and noting the recusal of Chair Moore on agenda item III.A.2., the motion carried with all other members present voting in the affirmative.

1. Approval of Amendments to RP 10.201, Interests in Real Property

Chair Moore explained that the P&F Committee reviewed and discussed proposed changes to RP 10.201 at its June 1, 2022, meeting and requested that additional clarifying amendments be made and presented to the board for further review. It was also noted that the additional amendments were circulated to regents and included in the materials packet.

VP Okinaga stated that the additional amendments reflected in the draft of RP 10.201 currently before the board were changes proposed by Regent Acoba and responded to comments made during the P&F Committee meeting. Regent Acoba concurred with VP Okinaga's comments.

Vice-Chair Nahale-a moved to approve the amendments to RP 10.201, Interests in Real Property, as reflected in the draft currently before the board, seconded by Regent Wilson, and the motion carried with all members present voting in the affirmative.

B. Approval of Authorization to Amend Pre-Closing (Pre-Construction) Agreement with Greystar Development Services, LLC (Greystar) for Development of a Multi-Family Rental Housing Facility at the Former NOAA Site

Chair Moore stated that this agenda item was also discussed at the P&F Committee meeting on June 1, 2022, and was placed on the board's regular agenda rather than the consent agenda to allow regents to make any additional inquiries about the pre-closing agreement.

Vice-Chair Nahale-a moved to approve authorization to amend the pre-closing (pre-construction) agreement with Greystar for the development of a multi-family rental housing facility at the former NOAA site, seconded by Regent Wilson, and noting the absence of Regent Acopan, the motion carried with all members present voting in the affirmative.

C. Approval of Authorization to Finalize and Execute the Agreement for Services Between Hawaiian Airlines, Inc. and the University of Hawai'i Relating to Airline Transportation Services at a Fixed Price

President Lassner presented background information on the administration's request for the authorization to finalize and execute an agreement with Hawaiian Airlines, Inc. (Hawaiian Air) to provide fixed-price airline transportation services. Despite RP 8.201 only requiring board approval for the procurement of goods or services exceeding \$5,000,000, he stated that the administration was seeking approval of this request because it anticipates that university will spend more than \$5,000,000 in the aggregate over the full term of the proposed agreement. He also noted the business and financial

advantages that the proposed agreement with Hawaiian Air provides to the University of Hawai'i at Mānoa Athletics Department. Additionally, President Lassner remarked that the administration will be requesting clarifying amendments to RP 8.201 in the future.

Regent Acoba and Regent Acopan stated that they would be recusing themselves from the vote on this agenda item.

Regent Wilson moved to approve the authorization to finalize and execute the agreement for services between Hawaiian Air and the University of Hawai'i relating to airline transportation services at a fixed price, seconded by Vice-Chair Kudo, and noting the recusal of Regents Acoba and Acopan, the motion carried with all other members present voting in the affirmative.

D. Board Self-Assessment

Chair Moore noted that a self-assessment survey was sent to regents in accordance with RP 2.204 which requires that the board conduct an annual self-study of its stewardship that includes, among other things, a review of its performance, goals, responsibilities, and expectations. He stated that, to date, nine of the eleven regents have submitted responses to the survey and implored the remaining regents to complete the survey. He also suggested that this matter be referred to the Committee on Personnel Affairs and Board Governance (PA&BG Committee) for further review and discussion and asked if regents had any comments on this suggestion.

Regent Nahale-a agreed with Chair Moore's suggestion.

Hearing no additional comments, Chair Moore referred the matter to the PA&BG Committee.

IV. EXECUTIVE SESSION

Regent Bal made a motion to convene in executive session, seconded by Vice-Chair Nahale-a, and with all members present voting in the affirmative, the board approved convening in executive session to carry-out deliberations concerning the hire, evaluation, dismissal, or discipline of an officer or employee, where consideration of matters affecting privacy will be involved, and the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations, pursuant to Sections 92-5(a)(2) and 92-5(a)3, Hawai'i Revised Statutes (HRS) and to consult with the board's attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)(4), HRS.

The meeting recessed at 12:13 p.m.

Regent Westerman left at 2:01 p.m.

Regent Higaki left at 2:10 p.m.

Vice-Chair Kudo left at 2:30 p.m.

Chair Moore called the meeting back to order at 2:47 p.m. and announced that the board met in executive session to discuss matters as stated on the agenda. He added that the board also discussed the president's evaluation during executive session, including challenges, achievements, and plans for the coming year and noted that further discussion about the president's performance will occur at the next board meeting.

V. AGENDA ITEMS (Continued)

A. Adoption of Resolution Honoring University of Hawai'i Regent Simeon Acoba

Chair Moore stated that a resolution honoring University of Hawai'i Regent Simeon Acoba was contained within the meeting materials and asked if regents had any comments.

Regents and President Lassner offered their thanks to Regent Acoba for his service and commitment to the university and outstanding work as a member of the board. He was praised for his calm and gracious demeanor, sincerity, insights, and thoughtful contemplation on issues that were brought before the board. It was noted that his presence on the board will be missed.

Regent Acoba expressed his appreciation and thanks to the regents, stated that he has enjoyed serving on the board, and underscored the important role of regents to the future of the university and the State. He also offered his best wishes to regents for continued success in the future.

Regent Wilson moved to adopt the resolution, seconded by Regent Paloma, and noting the abstention of Regent Acoba and the excused absences of Vice-Chair Kudo, Regent Higaki, and Regent Westerman, the motion carried with all other members present voting in the affirmative.

B. Adoption of Resolution Honoring University of Hawai'i Regent Benjamin Kudo

Chair Moore stated that a resolution honoring University of Hawai'i Regent Benjamin Kudo was contained within the meeting materials and asked if regents had any comments. Given the absence of Vice-Chair Kudo, Regent Wilson suggested that comments be reserved for another time when Vice-Chair Kudo was present.

Regent Wilson moved to adopt the resolution, seconded by Regent Acopan, and noting the excused absences of Vice-Chair Kudo, Regent Higaki, and Regent Westerman, the motion carried with all members present voting in the affirmative.

VI. ANNOUNCEMENTS

Chair Moore announced that the next board meeting was scheduled for July 7, 2022, at the University of Hawai'i at Mānoa.

VII. ADJOURNMENT

There being no further business, Chair Moore adjourned the meeting at 2:57 p.m.

DRAFT

Respectfully Submitted,

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents

Item IV.

Report of the President
A-F

**NO MATERIALS
ORAL REPORT**

Agenda Items:

A. Fiscal Year (FY) 2021-2022 Third Quarter UBS Legacy Endowment Fund (Fund) Investment Performance Report

UBS representatives provided a report on the investment performance of the Fund and its asset allocation and financial outlook. Performance was flat in the fourth quarter. It was noted that the decline in the portfolio's performance was largely due to market volatility caused by high inflation and increasing interest rates, as well as a lackluster performance in the international markets and that volatility is expected to continue. UBS representatives also discussed the use of a portion of the cash raised at the end of the 2021 calendar year. Overall, the Fund's portfolio is performing in line with long-term expectations and is comparable to the performance of similarly sized endowment funds.

Discussions occurred on the uses of the \$3 million in cash raised and the direction of the portfolio's investment given current and anticipated market volatility.

B. FY 2021-2022 Third Quarter Financial Report

VP Young provided the financial report for the third quarter of FY 2021-2022 stating that the fiscal condition of the university appears generally positive. Total revenues through the third quarter were higher than the same period last fiscal year, which was largely attributable to the university receiving the entire general fund allocation for the year. Overall expenditures were lower than the same period last fiscal year, although increased on-campus activity is expected to result in higher expenses. Tuition and fees revenues experienced increased growth due to increased enrollment, particularly at the University of Hawai'i at Mānoa campus, and the uptick in on-campus activity has boosted revenues for other special and revolving funds, though it was noted that they remained below pre-pandemic levels.

Discussions ensued on the impact of rising interest rates on the university's budget as well as the university's compliance with reserve fund requirements.

C. Status of Higher Education Emergency Relief Funds (HEERF)

VP Young reported on the status of the expenditure of HEERF funds received by the university. As of March 31, 2022, the university expended about \$144.9 million of the \$242.4 million it was awarded. He also noted that the deadline to use these funds has been extended.

D. Committee Annual Review

The committee annual review matrix was reviewed and discussed.

Agenda Items:

A. Annual Review of the Committee Charter

Chair Kudo explained that the Committee on Independent Audit (IA Committee) is governed by section 304A-321, Hawai'i Revised Statutes (HRS), which together with the board bylaws, comprise the committee charter. He also noted that the bylaws require the IA Committee to provide recommendations to the board regarding its charter. No questions or concerns regarding the committee charter were raised.

B. Approval of Proposed Internal Audit Work Plan (Work Plan) for Fiscal Year (FY) 2022-2023

Glenn Shizumura, Director of the Office of Internal Audit (OIA), stated that the proposed Work Plan for FY 2022-2023 was the outline of work to be performed by OIA during the coming year noting that it was developed in consultation with the administration. He furnished a summary of services provided by OIA to the committee, as well as the university's external auditor, Accuity, LLP, and presented a breakdown of new, carryover, and follow-up projects for FY 2022-2023.

Action: The committee voted to approve the Work Plan.

C. Review and Acceptance of Draft Committee on Independent Audit Annual Report to the Board (Annual Report)

The committee's Annual Report which summarizes the services provided by OIA during the past fiscal year, as well as projects included in last year's audit plan with current status, findings, and recommendations, is prepared by OIA pursuant to Section 304A-321, HRS, and the board bylaws. It was noted that this report includes audit results for the current fiscal year which will end on June 30, 2022.

Discussions occurred on staffing issues faced by OIA.

Action: The committee voted to accept the draft Annual Report.

D. Approval of the Selection of Accuity, LLP for Audit and Accounting Services as External Auditors for FY 2022 through FY 2024

VP Young provided the rationale for selecting Accuity, LLP to provide external auditing and accounting services to the university stating that board approval of this action was required under section 304A-321, HRS, and Regents Policy 8.201. He also noted the process used to solicit, qualify, and select an audit and accounting services firm; discussed the scope of the external audit services; and provided information on estimated costs.

Discussions ensued on the length of time that Accuity, LLP has provided external auditing services to the university as well as rules governing the accounting profession to prevent potential conflicts of interest.

Action: The committee voted to recommend board approval of the selection of Accuity, LLP, as the university's external auditors for FY 2022 through FY 2024.

E. Review and Acceptance of Evaluation of the Maunakea Revised Management Structure

Internal Auditor Shizumura reviewed the findings of OIA's evaluation of the internal restructuring plan for the management of Maunakea lands, as well as the status of corrective actions with respect to historical audits conducted by OIA and the State Auditor on university-related entities engaged in Maunakea stewardship and management. OIA has concluded that the reorganized and restructured management of Maunakea has created better lines of authority, jurisdiction, and communication which resulted in improved efficiency and effectiveness. Additionally, all recommendations noted in historical OIA and State Auditor reports have been addressed and implemented.

Action: The committee voted to accept the evaluation of the Maunakea revised management structure.

F. Review and Acceptance of the University Bookstore System (Bookstore) Status of Corrective Action

Internal Auditor Shizumura reported on the status of corrective actions taken by the Bookstore to address improvement opportunities and mitigate risks documented in a report dated January 29, 2021. OIA has concluded that most of the recommended corrective actions have been implemented by the Bookstore and noted that plans have been developed to address the remaining recommendations. OIA will conduct a follow-up audit in FY 2023 to assess the Bookstore's implementation of the remaining recommendations.

Discussions ensued on the corrective actions implemented by the Bookstore as well as its annual financial losses.

Action: The committee voted to accept the report.

G. Review and Acceptance of Waikīkī Aquarium (Aquarium) Status of Corrective Action

Internal Auditor Shizumura reported on the status of corrective actions taken by the Aquarium to address improvement opportunities and mitigate risks documented in a report dated January 29, 2021. OIA has concluded that recommended corrective actions have been completed, are in the process of being completed, or are pending implementation due to a delay in returning to normal operations. OIA will conduct a follow-up audit in FY 2023 to assess the Aquarium's implementation of the remaining recommendations.

Action: The committee voted to accept the report.

H. Review and Acceptance of the Review of the Masters of Business Administration for Executives in Vietnam (VEMBA) Program

Internal Auditor Shizumura summarized OIA's review of the VEMBA program and spoke about several identified financial, operational, and compliance risks associated with the program. It was noted that a management response was received from the Shidler College of Business, which oversees the VEMBA program, stating that, although several of OIA's recommendations are being implemented, the VEMBA program is being discontinued and will cease to exist after the completion of the 2022-2023 academic year. As such, OIA will not conduct a follow-up audit of the VEMBA program.

Discussions occurred on the difficulties faced by OIA during the audit process, the administration's response to requests made by the IA Committee or OIA, efforts to address the challenges facing the VEMBA program, and the cessation of the program.

Action: The committee voted to accept the report.

I. Update on Review of University of Hawai'i Revolving Funds at the Research Corporation of the University of Hawai'i (RCUH)

VP Syrmos provided an update on the administration's review of the revolving fund accounts currently in existence within RCUH. He went over the screening process, including the criteria to make certain determinations, discussed the results of the review, provided information on the anticipated next steps that will be taken by the administration, and presented a timeline for this work stating that the project is expected to be completed by June 2023.

Discussions occurred on the clarity of the criteria for revolving fund accounts as well as the knowledge and understanding of these parameters among the major units of the university.

J. Audit Project Status Update

Internal Auditor Shizumura provided a status update on the projects and audits outlined in the Work Plan and presented a chart indicating new and ongoing carry-over projects as well as their current status.

K. Whistleblower Report

Internal Auditor Shizumura provided an overview of the whistleblower summary and tracking reports noting that cases involving employment or human resources-related issues, which historically constitute the majority of whistleblower cases, were surpassed by cases involving health and safety issues related to the COVID-19 pandemic over the past academic year.

Discussions ensued on the process used for whistleblower complaints received from student-athletes, including the provision of updates on complaint status to the student-athlete, as well as the types of whistleblower cases that were contained within the student affairs category noted in the report.

L. Committee Annual Review

The committee annual review matrix was reviewed and discussed.

Agenda Items:

A. Coaches Corner: Charlie Wade, University of Hawai'i at Mānoa (UHM) Men's Volleyball Head Coach

UHM Head Men's Volleyball Coach Charlie Wade spoke about the team's accomplishments on the court as well as in the classroom; noted efforts to develop a team that embraces Hawai'i's culture; reflected on the significance of UHM Athletics to the people of Hawai'i; and voiced his concerns about the inability of players who continue their educational pursuits in graduate school to keep their athletic scholarships despite retaining their eligibility to participate in athletic competition.

Chair Acoba recommended that the issue regarding the provision of scholarships to student-athletes in graduate school be addressed by the board.

B. Student-Athlete Profile: Andre Illagan, UHM Men's Tennis Student-Athlete

UHM senior men's tennis standout Andre Illagan, who has received numerous academic and athletic accolades over his career, conveyed his appreciation for all of the support he has received from the university, UHM Athletics, and the community; noted his upbringing in Kalihi; discussed his future plans, including his pursuit of a professional career; and expressed his pride in representing Hawai'i through the sport he loves.

Chair Acoba congratulated Mr. Illagan and applauded his accomplishments stating that he has brought honor to the university.

C. Report on Association of Governing Boards (AGB) Conference on Trusteeship: Topics Related to Intercollegiate Athletics

Regent Wilson provided a report on sessions he attended at the AGB Conference on Trusteeship that addressed several issues involving intercollegiate athletics that will impact the National Collegiate Athletic Association (NCAA) and its member institutions, such as student-athlete name, image, and likeness (NIL) policies and gender equity. He also stated that a major focus of conversations at the conference was on the everchanging financial landscape of NCAA Division I athletics including the inequity in the amount and distribution of revenues generated by major sporting events.

D. Update on Health and Safety Matters

Kula Oda, University of Hawai'i at Hilo (UHH) Associate Athletic Director (AAD), provided an update on health and safety issues stating that UHH Athletics would be returning to large-scale pre-participation physical testing for student-athletes. He also reviewed the availability of mental health services at UHH, noted actions being taken to ensure the mental well-being of student-athletes, spoke about UHH Athletics concussion protocols, and provided data on concussions by sport.

Discussions ensued on efforts undertaken by UHH Athletics to minimize or prevent concussions among student-athletes.

Jonathan Sladky, M.D., UHM's team physician, provided statistics on concussions, discussed UHM Athletics' concussion protocols, and spoke about several initiatives to address student-athlete mental health, highlighting measures that are being taken to ensure that the mental health needs of student-athletes are met.

Discussions ensued on the causes of concussions among UHM student-athletes and the use of resources at UHM's John A. Burns School of Medicine to address the mental health needs of student-athletes.

E. Update on the Athletic Budget and Financial Integrity of the UHM and UHH Athletic Departments, Including Student Fees and the Restoration of Legislative Funding

AAD Oda provided a snapshot of revenue and expenditure projections for UHH Athletics stating that an anticipated surplus of almost \$15,000 is expected for fiscal year 2022.

AD Matlin gave an update on revenue and expenditure projections noting that UHM Athletics is projecting a net deficit of \$400,000 for fiscal year 2022. Ongoing and future considerations with respect to the UHM Athletics' budget, including potential impacts from the Aloha Stadium project, were also reviewed and discussed.

F. Update on Compliance with NCAA Policies and Conference Requirements Including Policies Related to Student Athlete Compensation for the Use of NIL

AAD Oda reviewed the Division II transfer portal process and safeguards to protect student-athletes. He noted that UHH's student-athlete transfer rate has increased since the implementation of the new transfer portal rules and stated that UHH Athletics is examining ways in which it can better adapt to these changes.

AD Matlin provided a report on the work of the NCAA Division I Transformation Committee (Transformation Committee) which was recently formed to respond to the dynamic landscape of intercollegiate athletics as well as issues that continually challenge the division.

Vince Baldemor, AAD for External Affairs, discussed matters involving NIL within UHM Athletics stating that interviews have already occurred with third-party vendors that specialize in managing NIL. UHM Athletics also continues to discuss the NIL issue with its Mountain West Conference and Big West Conference peers.

Discussions ensued on UHM Athletics' progress on engaging with a third-party vendor to manage NIL, the number of student-athletes taking advantage of NIL opportunities, and the use of NIL to attract student-athletes to intercollegiate programs.

G. Athletics Forecast for Fall and Winter 2022

AAD Oda and AD Matlin reported that both UHH and UHM Athletics are focusing on a continued return to normalcy for the fall and winter of 2022 including the return of unfettered competition. They also highlighted several team accomplishments and student-athlete achievements for the 2021-2021 academic year for their respective departments.

H. Athletic Facilities Update

AAD Oda reviewed several ongoing athletic facilities projects at UHH including a softball/soccer field/multipurpose building project that is close to being finished and the recently completed renovation of its tennis courts. Discussion occurred on issues related to the gym floor at UHH and additional facility improvements that were desired by UHH Athletics.

AD Matlin reviewed a number of projects, including the planned expansion of the Clarence T.C. Ching Athletics Complex (Ching Complex). Although the Legislature has appropriated \$350 million for a replacement of Aloha Stadium and several companies are actively competing for the project, the timetable for its completion remains uncertain. As such, UHM Athletics will be seeking a waiver from NCAA attendance requirements for home football games. Discussions ensued on the Aloha Stadium project and its potential impacts on the UHM football program and the proposed expansion of the Ching Complex.

I. Status of the Independent Assessment of UHM Athletics Department Operations Relating to Student-Athlete Welfare and Communications

Chair Acoba provided the rationale for initiating the independent assessment stating that claims made by student-athletes in the fall of 2021 necessitated action by the board. He reviewed specific steps taken by the board to attend to these matters and the goals of each measure taken. He also opined that the board's actions on the results of the independent assessment will be a defining moment for the board in regards to its oversight role of the university and emphasized that board must take actions that are in the best interests of the university.

Discussions ensued on the benefits of the independent assessment including its use as a tool for UHM Athletics to improve its operations.

J. Committee Annual Review

The committee annual review matrix was reviewed and discussed. Chair Acoba espoused the numerous accomplishments of UHM and UHH Athletics and expressed his belief that intercollegiate athletics at the university needs to be viewed as an economically viable asset and one that should be nurtured rather than considered a losing proposition. He emphasized the importance of university athletics in creating bonds between the university and the community and expressed his thanks to the student-athletes, coaches, staff, athletic departments, university administration, and committee members for their work throughout the year.

Agenda Items:

A. Fiscal Year (FY) 2021-2022 Third Quarter Capital Improvement Project (CIP) Status Report as of March 30, 2022

VP Gouveia reported on the status of CIPs through the third quarter of FY 2021-2022 and highlighted several projects that have experienced delays or change orders, as well as those that have been completed.

Discussions occurred on the costs, viability, and fiscal liabilities of the University Cancer Center's Early Phase Clinical Research Center project.

B. Recommend Board Approval of Amendments to Regents Policy (RP) 10.201, Interests in Real Property

VP Young reviewed and discussed proposed revisions to RP 10.201 stating that the changes were intended to provide clarity with respect to real property transactions that require board approval as well as signing authority for the university's execution of real property documents. He also noted that the administration is considering amendments to executive policies and administrative procedures that will work in concert with the proposed changes to RP 10.201.

Discussions occurred about the nuances of the proposed revisions and additional suggested amendments.

Action: The committee recommended board approval of the amendments to RP 10.201, subject to the inclusion of the proposed revisions.

C. Recommend Board Approval of Lease Between the University of Hawai'i and the North Shore Community Land Trust (NSCLT) at Waiale'e Agricultural Research Station (Waiale'e)

VP Young; Nick Comerford, Dean of the College of Tropical Agriculture and Human Resources; and Adam Borello, Executive Director of NSCLT, provided background information on the requested lease agreement with NSCLT for a portion of Waiale'e, including the history of the parcel, the major terms of the lease, collaborative efforts to rehabilitate the property, and NSCLT's vision for the acreage.

Action: The committee recommended board approval of the lease agreement with NSCLT for property at Waiale'e.

D. Recommend Board Approval of Lease Between the University of Hawai'i and Double J Livestock Ranch (Double J) at Waiale'e

VP Young; Dean Comerford; and Mr. and Mrs. Paul Eguire, owners of Double J, provided background information on the requested lease agreement with Double J for a portion of Waiale'e, including the history of the parcel, the major terms of the lease, and collaborative efforts to rehabilitate and maintain the property. They also discussed Double J's community service work, particularly in the arena of animal husbandry and Double J's vision for the property.

Discussions occurred on the potential growth of the livestock industry in Hawai'i.

Action: The committee recommended board approval of the lease agreement with Double J for property at Waiale'e.

E. Recommend Board Approval for the Disposition by Transfer of Real Property at 4956 Kāhala Avenue, Honolulu, Hawai'i 96816 (Jean Charlot Residence)

VP Young; William Chapman, Interim Dean of the School of Architecture; and David Charlot, grandson of Jean Charlot, spoke about the administration's request to approve the fee-simple transfer of the Jean Charlot Residence back to the Charlot family noting that the disposition is intended to eliminate all future costs and obligations associated with the property that are currently paid for by the university. They provided background information on the university's acquisition of the property and residence and noted the difficulties that have been faced in maintaining the property and residence, as well as generating revenues to offset annual expenditures. It was noted that all parties involved are in accord with the requested property transfer.

Action: The committee recommended board approval for the disposition by transfer of the Jean Charlot Residence.

F. Update and Status on Real Estate – Cape Kumukahi (Island of Hawai'i)

President Lassner provided background information on the university's acquisition of Cape Kumukahi; reported on various uses of, and activities that have occurred on, the property; discussed a complaint about the alleged disturbance of burial sites on the parcel as well as efforts to investigate this matter; and reviewed some of the university's future plans and goals for management of the property emphasizing that the university has no short- or long-term development plans for Cape Kumukahi.

Michael Shibata, Director of the Office of Strategic Development and Partnership reviewed the university's present goals for the parcel noting that discussions on the disposition of this property are ongoing.

G. Update and Status on Real Estate – Solicitation for Use of Approximately 293 Acres at UHH Relating to Hawaiian Electric Company (HECO) Hawai'i Island Stage 3 Request for Proposals (RFP) for Renewable Energy Projects

Director Shibata reported that the administration is exploring the feasibility of making land at UHH available to potential developers in response to a HECO Hawai'i Island Stage 3 RFP for renewable energy projects, emphasizing that the university's role in any project undertaken would solely be as the landowner. He provided historical background on the UHH property under consideration for use stating that it consisted of unimproved, vacant lands that were previously envisioned as the site for the relocation of Hawai'i Community College's Manono Campus. He also reviewed and discussed HECO's RFP schedule, key critical milestones and timelines for the project, anticipated board actions, and projected next steps.

Discussion ensued on the type of renewable energy project being considered; the renewable energy project's timeframe; the zoning of the parcel in question; and the financial benefits provided to the university by this type of project.

H. University Land-Related Strategic Initiatives and Partnerships Program FY 2021-2022 Third Quarter Update

Director Shibata presented updates on several projects. Due to the inability to acquire CIP funding for a proposed university village project on University of Hawai'i West O'ahu lands, the university is considering conducting a market study for the future use of these lands. Efforts to legislatively transfer the Kaimuki/Leahi Hospital parcels from the university to the Department of Hawaiian Homelands (DHHL) did not materialize although the university has been in discussions with DHHL about the transfer of property more suited to its needs. Details were provided on other ongoing projects including the Atherton Project, NOAA Graduate Student Housing Project, UH Press project, and a project involving an alternative UHWO property site to locate a 900-stall interim park-and-ride facility.

Discussions occurred on several aspects of the Kaimiku/Leahi Hospital Parcels Project as well as the Atherton Project.

I. Committee Annual Review

The committee annual review matrix was reviewed and discussed.

J. Recommend Board Approval of Authorization to Amend Pre-Closing (Pre-Construction) Agreement (PCA) with Greystar Development Services, LLC (Greystar) for Development of a Multi-Family Rental Housing Facility at the Former NOAA Site

VP Young provided a brief history and timeline of the NOAA Graduate Student Housing Project and reviewed the phased approach adopted by the board with respect to reimbursing Greystar for incurred pre-construction project costs. He stated that approval for a third and final amendment to the PCA to accommodate the last pre-construction phase of the Project was being sought which will bring the total expenditure for pre-construction costs to \$5,040,936.

Action: The committee recommended board approval to authorize amendments to the PCA with Greystar for the development of a multi-family rental housing facility at the former NOAA site.



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Office of the Vice President for Research and Innovation
UNIVERSITY OF HAWAII
BOARD OF REGENTS

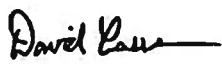
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UH DTS #22639


July 12, 2022


MEMORANDUM

TO: Randolph G. Moore
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: Requesting Approval to Indemnify National Aeronautics and Space Administration ("NASA") and the federal government when using U.S. Government Property for Sponsored Research awards received from NASA during Calendar Years 2022 and 2023

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the Board of Regents ("Board" or "BOR") authorize the University to indemnify the National Aeronautics and Space Administration ("NASA") and the U.S. Government against personal injury or property damage when University researchers use federal government property while conducting research supported by NASA funds for calendar years 2022 and 2023. NASA requires this indemnification by incorporating Section D20 of Appendix D of NASA's Grant and Cooperative Agreement Manual ("GCAM") into its prime or subawards to the University.

Board authorization, if approved, will be subject to the condition that prior to the actual acceptance of the award by the University, the UH chief financial officer in consultation with UH risk management office and the principal investigator determine whether additional University insurance is needed to cover the specific indemnity risk for the research project, and whether any specific risk management or mitigation measures need to be implemented by the principal investigator for the research project. The University will submit a semi-annual report to the Board about awards and sub-awards containing Section D20, GCAM indemnification provisions approved in the prior six months.

- 80NSSC21K1479, Subaward 0995 G ZA610, "The Thermophysical Properties and Rock Breakdown Rates of Crater Ejecta on the Moon," PI: Emily Costello - \$49,784
- 80NSSC22M0036 & 80NSSC22M0036 Supplemental P00001, "The Hawaii NASA ESPSoR Research Infrastructure Development Program," PI: Luke Flynn - \$260,000
- 80NSSC22K0976, "Exploring the Photochemical Processing of Ethane Droplets in Titan's Atmosphere in a Novel Ultrasound Levitation Setup" PI: Ralf Kaiser - \$177,821
- 80NSSC22K01714, "Leveraging A.37 Projects to Disseminate Global Surface Water Mapping from SAR and Optical Data to Global Stakeholders," PI: David Lassner - \$329,757
- 80NSSC22K0293, "Stellar Flares Through Time," PI: Jennifer van Saders - \$70,000
- 80NSSC21K1687, Subaward 362664 Sub 1, "Probing the Solar Corona with MHD Waves on Local and Global Scales," PI: Xudong Sun - \$21,540

Indemnification Required by NASA; Review by University

These NASA Awards are subject to standard terms and conditions, including those standardized terms and conditions set forth in NASA's Grant and Cooperative Agreement Manual.

In pertinent part, Section D20 (Allocation of Risk/Liability) located in Appendix D, at page 102 of the GCAM (January 10, 2022), requires the following (emphasis added):

D20. Allocation of Risk/Liability

- (a) With respect to activities undertaken under this award, the recipient agrees not to make any claim against NASA or the U.S. Government with respect to the injury or death of its employees or its subawardees/contractors and subaward/subcontractor employees, or to the loss of its property or that of its subawardees/contractors and subawardees/subcontractors, whether such injury, death, damage or loss arises through negligence or otherwise, except in the case of willful misconduct.
- (b) In addition, as applicable, the recipient agrees to indemnify and hold the U.S. Government and its contractors and subcontractors harmless from any third party claim, judgment, or cost arising from the injury to or death of any person, or for damage to or loss of any property, arising as a result of its possession or use of any U.S. Government property. If State law prohibits the recipient from accepting indemnification, then the recipient shall ensure this term and condition applies to all subrecipients, subawardees, contractors or subcontractors under this award.

Under University policy and applicable state law, acceptance of this D20 indemnification requires Board approval and favorable review by cognizant University officers under procedures set forth in HRS § 304A-110 (Indemnification). Specifically:

The president, or the president's designee, following a favorable review by the university general counsel or the counsel's designee, approves the proposed indemnification; and the chief financial officer, pursuant to section 304A-108, has obtained an insurance policy or policies in an amount

sufficient to cover the liability of the university that may be reasonably anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the university to obtain insurance.

RISK ANALYSIS:

As shown by this favorable loss history, the benefits of the University being able to conduct research sponsored by NASA outweigh the risks of the indemnity provision in GCAM section D20. As indicated above, in the past 10 years the University has performed over \$435 million in research activities for NASA, and currently as approximately 120 active projects.

It is noted that under D20 GCAM indemnification exposure for the University is created only when federal property is used by the University under the NASA award, and only when the University's use of such federal property causes third party injury or property damage. If the research will not involve use of federal property, the indemnification is not applicable. Second, even if the research activity requires use of federal property, to our knowledge, no injury or property damage resulted from such use, and NASA has not invoked indemnification protection.

Through its favorable loss history for federal research awards, the University has demonstrated its ability to identify and avoid, (or mitigate and satisfactorily resolve) claims for property damage or personal injury and thereby avoid consequent demands for indemnification by NASA or the federal government.

Advanced, Contingent Approval: Work Flow Efficiencies

This memorandum requests that the Board authorize the University to accept indemnification obligations required by NASA awards for calendar 2022, so long as the chief financial officer for the university, in consultation with the risk management office and the specific principal investigator, determine whether the specific indemnification risks can be addressed by the University current risk management program, or whether additional insurance coverage will be needed. These determinations and approval by the President and favorable review by UH General Counsel, or their designees, in accordance with statute, must be made in order for the proposed amendment to be fully processed by the UH Office of Research Services.

Under current indemnification approval procedures, research awards with indemnities are batched into groups for submission to the Board according to the Board's monthly public meeting schedule. These batches are submitted to the Board only after the administrative reviews by the President, the UH General Counsel, and the Chief Financial officer (including consultation with the Office of Risk Management) are completed.

This current process is suitable for research sponsors that make only one or two awards per year. The UH administration will continue to submit "single purpose" requests where appropriate.

In situations where a research sponsor – such as NASA – intends to make dozens of awards to multiple PIs over the course of a year and requires a “generic” indemnification, whether or not the actual sponsored research activity would generate an indemnification exposure, “batching” the approval requests to synchronize with the Board’s monthly meeting schedule creates work flow inefficiencies and peak load spikes for both the Board and the UH administrators, and planning uncertainties and delays for the researchers and support staff.

This memorandum requests that Board approve in advance the University’s acceptance of a standard Section D20 NASA indemnity obligation for use of federal property in the performance of the research, so long as prior to actual signature acceptance of the award, the indemnity is acceptable to the reviewing University officers as required by HRS § 304-110 (indemnification of sponsored research). This proposed sequence to approve the indemnity should reduce work flow inefficiencies while complying with the statutory requirements of HRS § 304A-110.

The University will submit an annual report to the Board describing issues or concerns regarding the NASA indemnifications proposed and accepted under this procedure.

ACTION RECOMMENDED:

It is recommended that the Board authorize the University to accept the indemnification obligations when using federal property as required by Section D20 in Appendix D of NASA’s Grant and Cooperative Agreement Manual, for NASA prime and subawards to be made for calendar years 2022 and 2023 so long as the indemnification is reviewed and accepted by cognizant University officers as required by HRS § 304A-110, including a determination whether the indemnity risk exposure can be addressed by the existing risk management program and mitigated by measures to be instituted by the principal investigator.

Attachment (HRS § 304A-110)

c: Executive Administrator and Secretary to the Board of Regents

[\S304A-110] Indemnification.

- (a) Notwithstanding any other law to the contrary, the board of regents may agree in writing to an indemnity provision by which the university agrees to indemnify, defend, and hold harmless any person, corporation, or entity that sponsors research at the university when all of the following conditions are satisfied:
 - (1) The person, corporation, or entity requires an indemnity in writing as a condition for providing a grant, benefit, service, or interest in or right to use property;
 - (2) The president, or the president's designee, following a favorable review by the university general counsel or the counsel's designee, approves the proposed indemnification; and
 - (3) The chief financial officer, pursuant to section 304A-108, has obtained an insurance policy or policies in an amount sufficient to cover the liability of the university that may be reasonably anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the university to obtain insurance.
- (b) Nothing in this section shall be construed to expand the scope of liability of the university beyond that set forth in chapters 661 and 662.
- (c) Nothing in this section shall be construed to waive the immunity of the university from suit in federal courts guaranteed by the Eleventh Amendment to the United States Constitution. An indemnity provision not in strict compliance with this section shall not give rise to a claim against the university under this chapter or chapter 661 or otherwise waive the university's sovereign immunity.



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UH DTS #22638

July 12, 2022

MEMORANDUM

TO: Randolph G. Moore
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: Requesting approval to indemnify the U.S. Department of Commerce ("DOC"), National Oceanic and Atmospheric Administration ("NOAA") from liability arising from transport of hazardous goods or materials for research projects undertaken by the UH Cooperative Institute for Marine and Atmospheric Research ("CIMAR")

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the Board of Regents ("Board" or "BOR") authorize the University of Hawaii ("University") to indemnify the federal Department of Commerce ("DOC") and the National Oceanic Atmospheric Administration ("NOAA") from liability arising from transport of hazardous materials using federal vehicles or vessels in performance of its research projects as a NOAA Cooperative Institute for Marine and Atmospheric Research ("CIMAR") (Award Numbers NA21NMF4320043 and NA22NMF4050043). Individual projects are documented through amendments to the original Awards, and although each project may not necessarily involve transport of hazardous materials, NOAA requires that the hazardous materials transport indemnification be included in each amendment.

The requested Board authorization would extend to all CIMAR amendments requiring this hazardous material transport indemnification proposed to be executed by NOAA during the CIMAR base period currently expiring on September 30, 2026, and would be subject to administration completed the following:

- (1) prior to the final acceptance of each amendment requiring this hazardous material transport indemnification, the UH chief financial officer, in consultation with the UH risk management office and the principal investigator, determines whether additional insurance is needed to cover the indemnity risks for the research project, and what additional risk avoidance, mitigation or management practices should be implemented by the principal investigator; and
- (2) the President submits a semi-annual report to the Board listing all CIMAR projects containing the hazardous transport indemnity undertaken by CIMAR during the reporting period, and identifying which projects required transport of hazardous materials using federal vessels or vehicles whether the University had to defend or hold NOAA harmless against liability and costs during the reporting period, and any other material issues or concerns regarding this indemnification.

This request is made pursuant to Hawai'i Revised Statutes § 304A-110, (Sponsored Research), appended as "Attachment 1" to this memorandum.

RECOMMENDED EFFECTIVE DATE:

It is recommended that authority to undertake CIMAR hazardous waste transport indemnity obligation be effective upon Board approval, and extend until the expiration of the "Base Period" on September 30, 2026.

ADDITIONAL COST:

Damage or injuries resulting from the transport of hazardous materials using federal vehicles or vessels for CIMAR activities, if any, are expected to be covered by the University's risk management program or by CIMAR project funds.

PURPOSE:

Advanced, contingent approval of the indemnity will allow the University to timely review and accept multiple CIMAR research projects during the Base Period that include indemnification for transporting hazardous materials using federal vessels or vehicles.

BACKGROUND:

The CIMAR Project

The NOAA/UH Cooperative Institute for the Pacific Islands Region (historically known as the Joint Institute for Marine and Atmospheric Research ("JIMAR")) has successfully served the mutual basic and applied research, education and outreach goals of NOAA and the University since 1977. Through the next decade, the University will continue to host and support the institute under a new name: Cooperative Institute for Marine and Atmospheric Research, or CIMAR.

A "Cooperative Institute" ("CI") is defined by NOAA Administrative Order 216-107A, Policy on Cooperative Institutes (issued June 4, 2021) as follows:

Cooperative Institute - A NOAA-supported, non-Federal, academic, and/or non-profit institution that has an established, outstanding research program in one or more areas relevant to NOAA's mission. A CI is established at a research institution that has a strong education program with established degree programs in NOAA-related sciences. A CI engages in research directly related to NOAA's long-term mission needs that require substantial involvement of one or more research units within the research institution(s), as well as one or more NOAA programs. A CI may include multiple research institutions. A CI provides significant coordination of resources among all non-government partners and promotes the involvement of students and postdoctoral scientists in NOAA-funded research. A CI provides mutual benefits, with value provided by all parties. A CI is synonymous with a Joint Institute.

A distinguishing feature of a CIMAR is that the funds are initially awarded based on competition and the expectation of a long-term partnership between NOAA and the institution. This partnership enables subsequent awards on a non-competitive basis during the base period. Although the initial award to the University was limited to \$200,000, the CIMAR award base period is for 5 years with a funding ceiling of \$210,000,000 (Federal Award ID Number NA21NMF4320043). An "administratively linked" or "parallel" award is also processed through CIMAR under a separate award number NA22NMF4050043. Prospective funding is contingent upon availability of funds from Congress, satisfactory performance, and continued relevance to NOAA and DOC program objectives. Continued funding is awarded within the sole discretion of the DOC.

Research Projects under the Auspices of UH CIMAR

During the course of the CIMAR base agreement, specific research projects with a budget, scope of work and period of performance are proposed and agreed to between NOAA and UH investigators. These research projects are documented and administered as "amendments" to the master cooperative agreement.

Indemnity Provisions Contained in Various Amendments.

Although amendments share similar terms and conditions, NOAA has from time to time required that UH indemnify NOAA against specific kinds of risks, depending on the nature of the research activity to be undertaken by UH.

For example, NOAA requested an indemnity whenever a UH researcher boards or pilots a federal vessel or drives a federal automobile. In August 2021 the Board approved UH providing that indemnity.

NOAA subsequently required that the University indemnify federal parties whenever UH researchers are given access to confidential commercial fishery information collected or maintained by NOAA. In October 2021 the Board authorized the University to provide that indemnification. The Board approval expressly extended to indemnifications for the use of federal confidential information during the 5-year base period (10/01/2021 – 09/30/2026).

For this third indemnity, NOAA requires that the University indemnify the federal parties whenever UH personnel use a federally-owned or leased vehicle, ship or boat to transport hazardous good or materials. In addition to the indemnity, NOAA also requires that the UH maintain appropriate insurance coverage for the transport of hazardous materials, and that the individual operator must complete training consistent with the requirements of the Hazardous Materials Transportation Act (49 USC 5101).

Section 5103 of the Hazardous Materials Transportation Act defines “hazardous materials” very broadly, leaving the specific designation to the discretion of federal officials.

§5103. General regulatory authority

- (a) Designating Material as Hazardous. —The Secretary shall designate material (including an explosive, radioactive material, infectious substance, flammable or combustible liquid, solid, or gas, toxic, oxidizing, or corrosive material, and compressed gas) or a group or class of material as hazardous when the Secretary determines that transporting the material in commerce in a particular amount and form may pose an unreasonable risk to health and safety or property.

For these CIMAR amendments, NOAA requires the following protections (emphasis added):

Hazardous Materials Transport. If an employee, agent, officer, student, invitee or guest of the Recipient will be using a Federally-owned or leased vehicle, vessel, ship and boat to transport hazardous goods or materials, such individual must complete training consistent with the requirements of the Hazardous Materials Transportation Act, as amended and codified in 49 U.S.C. 5101 et seq., prior to making such transport.

The Recipient recognizes and acknowledges that the transport of hazardous goods or materials is inherently dangerous and may pose additional risk of personal injury and property damage. The Recipient agrees not only to maintain appropriate insurance coverage for transport of such articles, but also to release, indemnify and hold harmless the United States Department of Commerce, National Oceanic and Atmospheric Administration, its officers, agents and employees from any and all liability or costs resulting from transport of hazardous goods or materials by employees, agents, officers, students, invitees, or guests of the Recipient.

UH had requested that NOAA use this particular indemnity clause only when the specific CIMAR research activity contemplates the actual transport of hazardous materials. NOAA declined to require

this indemnity on a case-by-case basis and instead required this indemnity in several proposed amendments, including for those amendments where hazardous material transport is not contemplated. NOAA subsequently clarified, however, that if the researchers will not, in fact, be transporting hazardous materials, then the indemnification (although incorporated in the contract amendment) is factually inoperative.

RISK ASSESSMENT:

Hazardous Material Transport Activities

The types of hazardous materials transported, the quantities involved, and the frequency of the transport under CIMAR during the current 5-year base period will most likely continue to be the kinds of operational activity that UH researchers conducted in past JIMAR operations, such as:

- Once a year, CIMAR staff in the cetaceans group transport a single Dewar of liquid nitrogen (~25 L) using a federal vehicle from a local vendor to the NOAA facilities (IRC) on Ford Island.
- Five to fifteen times per year, CIMAR staff in the monk seals group drive a federal truck carrying some of the following between the NOAA facilities and a local beach: 12 oz bleach, 1 gal formalin, 2 oz DMSO, 12 oz isopropyl alcohol, 12 oz betadine, 16 oz or 32 oz hydrogen peroxide.
- Ten to fifteen times per year, CIMAR staff in the monk seal group ferry propane (cooking fuel) in maximum 600 lb. loads (3-8 trips) from a ship via small boat to a remote camp in the Northwestern Hawaiian Islands. Also, gasoline fuel for small boat operations on the island is ferried from the ship to the island or atoll via small boat, up to 100 gallons, for one or two of the camps. Total distance for the fuel ferry operations is approximately 0.25 miles, depending upon weather and location.
- About three to six times per year, CIMAR staff in the Papahānaumokuākea Marine National Monument office use a federal truck to transport between the IRC and local port facilities (including UH Marine Center or the Honolulu Harbor) small quantities of formalin (1 gal), 100mM sodium nitrate (500 mL), 5mM sodium phosphate (500 mL), bleach (1 gal), ethanol (4 L), mercuric chloride (30 mL), sodium hypochlorite (0.5 gal), hydrogen peroxide (1 gal), and proteinase K (500 mL). About one to two times per year, a small boat may be used to transport these materials between the port and a ship or other boat in the harbor.
- CIMAR staff in the Science Operations group may occasionally (two to six times per year) transport small quantities (less than maximum allowed under Materials of Trade Exceptions) of off-the-shelf items by federal truck: household commercial cleaning materials (bleach, Simple Green, Salt Away), vessel/vehicle lubricants and fuels (oil, corrosion block, brake

fluid, hydraulic fluid, gasoline, diesel fuel), paints, adhesives, maintenance products (WD-40, 5200, acetone, epoxy, urethane, glue).

- Portable SCUBA cylinders of compressed air and/or oxygen are regularly transported (five to fifteen times per month) by CIMAR staff via federal boat. During field seasons, the frequency could double. There could be as many as 6 cylinders in a small boat. On occasion (five times per year), federal trucks are used to transport the SCUBA tanks for boat deployments on the windward side, etc., although many times the tanks are in the boat on a trailer.

As indicated by past experience, the kinds of hazardous substances transported, the quantities involved, and the frequency of transport are necessary to the routine operations of marine research laboratories and remote camp sites, e.g., transporting scuba tanks with compressed air, small volumes of bleach, cleaning and disinfecting supplies, and antiseptics. Although these materials may technically qualify as “hazardous materials” under the indemnity provision, the actual operational risks are routine. For the amount, form and frequency anticipated to be transported, these materials will not pose an “unreasonable risk to health and safety or property.”

Mitigation Measures

Notably, no extraordinary claims against the University have been made regarding hazardous materials used during the JIMAR operations, and no claims for indemnification regarding hazardous materials have been made by NOAA against the University based on JIMAR operations. It is anticipated that similar risk management practices will be used for CIMAR projects.

- Defensive driving fundamentals training and/or small boat training/certification will be required. NOAA requires these trainings when transporting hazardous materials with a government vehicle or small boat. These trainings are already required by NOAA before a UH/CIMAR employee operates a government vehicle or small boat (regardless of whether transporting hazardous materials or not) and UH/CIMAR employees are already complaint. Additionally, NOAA has informed us that NOAA Cooperative Institute employees fall under the “Government Employee Transportation Exemption” of 49 CFR 171.1(d)(5) when operating Federal Government vehicles and are not subject to the requirements of the Hazardous Materials Regulations.
- UH/CIMAR employees are also required take IRC Lab Training and certification for laboratory use which covers hazmat handling, storage, use, and first aid. In addition, UH/CIMAR employees are required to take an 8hr HAZWOPER certification every other year. UH/CIMAR employees transporting hazardous materials must complete HAZcom training. A spill kit must also be in the vehicle whenever hazardous materials are being transported.

- UH/CIMAR employees transporting, storing, or using compressed gases for SCUBA are properly trained in the safe use and handling such equipment, as is required by the NOAA dive program. Visual inspection of air cylinders is required prior to each use to ensure equipment is in safe operating condition.

In light of the favorable past history of no claims for indemnification, the nature and frequency of the hazardous materials transported, and the risk management operational practices to be continued by CIMAR staff, the overall benefits to the University to accept the proposed CIMAR amendments justify the indemnification exposure undertaken by the University.

Advanced. Contingent Approval: Work Flow Efficiencies

This memorandum requests that the BOR authorize the University to accept hazardous material transport indemnification obligations as those obligations are proposed during the course of the CIMAR Base Period, so long as the chief financial officer for the university, in consultation with the risk management office and the specific principal investigator, determine whether the specific indemnification risks can be covered under the University current risk management program, or whether additional insurance coverage will be needed. These determinations must be made in order for the proposed amendment to be fully processed by the UH Office of Research Services, which will serve as the control point.

Under the current procedures, amendments with indemnities are batched into groups for submission to the BOR according to the BOR monthly schedule, after the administrative review is completed. Under this proposed procedure for advanced approval, each amendment must still be reviewed by the reviewing University officers, but the review occurs as the amendments are formulated.

This proposed sequence should reduce the peak loads and time delays due to batching according to the BOR monthly meeting schedule and facilitate a more even-paced deployment of administrative resources supporting research, while still satisfying the statutory requirements for review by responsible University officials, including an assessment of the insurance coverage by the University's chief financial officer.

The University president will report semi-annually to the BOR on all CIMAR projects containing the hazardous transport indemnity undertaken by CIMAR during the reporting period, and identifying which projects required transport of hazardous materials using federal vessels or vehicles, whether the University had to defend or hold NOAA harmless against liability and costs during the reporting period, and any other material issues or concerns regarding this indemnification.

It is requested that this approval extend to all similar hazardous material transport indemnities required by NOAA during the CIMAR Base Period ending on September 30, 2026. This approval period is congruent with the period approved by the BOR on October 21, 2021 for indemnities regarding the use of federal confidential information.

ACTION RECOMMENDED:

It is recommended that the Board of Regents authorize the University to accept the indemnification obligation regarding the transport of hazardous materials for CIMAR projects during the initial 5 year Base Period anticipated to end on September 30, 2026, so long as the requisite statutorily required reviews are completed prior to full acceptance of each CIMAR amendment, and provided further that the University President reports semi-annually to the BOR listing all CIMAR projects containing the hazardous transport indemnity undertaken by CIMAR during the reporting period, and identifying which projects required transport of hazardous materials using federal vessels or vehicles, whether the University had to defend or hold NOAA harmless against liability and costs during the reporting period, and any other material issues or concerns regarding this indemnification.

Attachment 1 (HRS § 304A-110)

c: Executive Administrator and Secretary to the Board of Regents

[§304A-110] Indemnification.

- (a) Notwithstanding any other law to the contrary, the board of regents may agree in writing to an indemnity provision by which the university agrees to indemnify, defend, and hold harmless any person, corporation, or entity that sponsors research at the university when all of the following conditions are satisfied:
 - (1) The person, corporation, or entity requires an indemnity in writing as a condition for providing a grant, benefit, service, or interest in or right to use property;
 - (2) The president, or the president's designee, following a favorable review by the university general counsel or the counsel's designee, approves the proposed indemnification; and
 - (3) The chief financial officer, pursuant to section 304A-108, has obtained an insurance policy or policies in an amount sufficient to cover the liability of the university that may be reasonably anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the university to obtain insurance.
- (b) Nothing in this section shall be construed to expand the scope of liability of the university beyond that set forth in chapters 661 and 662.
- (c) Nothing in this section shall be construed to waive the immunity of the university from suit in federal courts guaranteed by the Eleventh Amendment to the United States Constitution. An indemnity provision not in strict compliance with this section shall not give rise to a claim against the university under this chapter or chapter 661 or otherwise waive the university's sovereign immunity.



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UH DTS #22640

July 12, 2022

MEMORANDUM

TO: Randolph G. Moore
Chairperson, Board of Regents

VIA: David Lassner *David Lassner*
President

VIA: Kalbert K. Young *Kalbert K. Young*
Vice President for Budget and Finance/Chief Financial Officer

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

FROM: Vassilis L. Syrmos *Vassilis L. Syrmos*
Vice President for Research and Innovation

SUBJECT: Request Approval of Indemnification Provision In a Grant Agreement between the American Association of Community Colleges ("AACC") and the University of Hawai'i ("University") to enhance the cybersecurity curriculum at Hawai'i Community College ("Hawai'i CC")

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the Board of Regents ("Board") authorize the University of Hawai'i ("University") to accept indemnification provisions in an agreement ("Agreement") between the American Association of Community Colleges ("AACC") and the University. Under this Agreement, Hawai'i Community College ("Hawai'i CC") will receive \$20,000 to "build a community of practice focused on increasing participation and/or enrollment in cybersecurity programs at community colleges as a means of economic development."

This request is made pursuant to Hawai'i Revised Statutes Section 304A-110, appended as "Attachment 1" to this memorandum.

RECOMMENDED EFFECTIVE DATE:

It is recommended that the effective date be upon Board approval.

ADDITIONAL COST:

There are no additional costs associated with this request.

PURPOSE:

The purpose of this request is to obtain Board approval so that the University may enter into a funding Agreement with AACC.

BACKGROUND:

The Project

This Initiative, called “Cyber Skills for All: Community Colleges Lead the Way”, is managed by AACC and funded by Microsoft (“Funder”). This Initiative will support Hawai'i Community College's capacity to deliver instruction and skills needed for employment in the cybersecurity workforce.

The Associate of Science in Information Technology (IT) program at Hawai'i CC will offer a Certificate of Competence in Cyber Security, a competency-based program that provides education and training in networking and cybersecurity. The program intends to provide the information and skills required for industry recognized certifications such as: COMPTIA A+, Network+, SANA, and other industry certifications in networking and cybersecurity support.

The University will conduct evaluations via surveys for the effectiveness of the content related to cybersecurity in establishing a baseline for workforce based programs.

The University's Principal Investigator is Carrie Butler. The award for the initial period is \$20,000, and the term of the Agreement is March 1, 2022 to February 1, 2023.

As stated in the Agreement, there is a research aspect to this Initiative:

This Initiative will be modeled after previous national efforts and will involve subject-matter experts where necessary. Working in partnership with AACC and Microsoft, best practices will be documented and disseminated for scaling to the wider network of AACC's membership and other channels. Each of the colleges will be tasked with conducting their agreed upon final versions of their proposals as discussed in the scope of work and Exhibit A.

As envisioned by Hawai'i CC, the research activities for this Initiative include an evaluation and survey of the community of practitioners' experience. The Initiative's objective is to learn from a national cross-section of up to 42 participating community colleges of the efficacy of cyber skills workforce development. From this evaluation, AACC and Microsoft hope that a template of workforce based programs can be deployed to all its member institutions. Hawai'i CC will be contributing to a

body of knowledge and work related to most effective ways to developing the cybersecurity workforce.

The Grant Agreement and the Indemnity Provision

As a condition to the award, the AACC requires that the University indemnify and hold harmless the AACC and Microsoft from liability arising from Hawai'i CC's performance of this Agreement.

Indemnification

The College agrees to defend, indemnify, and hold harmless AACC and the funder from and against all claims, actions, causes of action, or liabilities, including reasonable attorneys' fees, arising out of or resulting from any act undertaken or committed by the College pursuant to the performance of its obligations under this Agreement. The College also agrees to defend and hold harmless AACC from any liability resulting from any claim, action or cause of action, which may be asserted by third parties arising out of the College's performance pursuant to this Subgrant, except for those actions or liabilities that are due to the misconduct or negligence of AACC.

The University requested that these indemnification obligations be deleted or modified, but the AACC declined.

RISK ANALYSIS:

None of the activities Hawai'i CC intends to undertake in performance of this Agreement are inherently risky. Hawai'i CC already engages in educational, instructional, and workforce development activities as part of its core mission as a community college. The AACC sponsored project activities will not add measurably to the risks undertaken and currently managed by Hawai'i CC.

The activities will include assessing curriculum related to: computer security for risk management to aid in security administration, ethical hacking techniques for use in defense against attacks, and basic computer forensics for operating system diagnostics and preservation of forensic evidence. We do not anticipate that these project activities will create additional unmanageable or significant risks.

The survey methods will be conducted in accordance with the University protocols for human research conducted by UH personnel, and the necessary training and oversight will also be completed in compliance with the University protocols. In addition, the project will ensure the confidentiality of participants and respondents.

The University will carefully train, supervise and manage the activities of its officers, employees, agents, consultants, contractors, or invitees in order to minimize the University liability.

Chairperson Randolph G. Moore
July 12, 2022
Page 4

For the foregoing reasons, the risks of indemnifying AACC and the Funder from claims and losses due to the negligence of UH employees during the course of performing this Initiative are acceptable. The benefits to the community and the University from knowledge gained through this sponsored activity outweigh the risks of indemnifying the Initiative's Sponsor and Funder.

The UH Chief Financial Officer has also determined that sufficient insurance and retention exist to cover the liability of the University that may be reasonably anticipated to arise under the indemnity provision, and that no additional insurance is needed.

ACTION RECOMMENDED:

It is recommended that the Board of Regents ("Board") authorize the indemnification provisions in an agreement between the American Association of Community Colleges ("AACC") and the University of Hawai'i ("University") regarding the Microsoft-funded initiative "Cyber-Skills for All: Community Colleges Lead the Way."

Attachment (HRS § 304A-110)

c:Executive Administrator and Secretary to the Board of Regents

[§304A-110] Indemnification.

- (a) Notwithstanding any other law to the contrary, the board of regents may agree in writing to an indemnity provision by which the university agrees to indemnify, defend, and hold harmless any person, corporation, or entity that sponsors research at the university when all of the following conditions are satisfied:
 - (1) The person, corporation, or entity requires an indemnity in writing as a condition for providing a grant, benefit, service, or interest in or right to use property;
 - (2) The president, or the president's designee, following a favorable review by the university general counsel or the counsel's designee, approves the proposed indemnification; and
 - (3) The chief financial officer, pursuant to section 304A-108, has obtained an insurance policy or policies in an amount sufficient to cover the liability of the university that may be reasonably anticipated to arise under the indemnity provision or has determined that it is not in the best interest of the university to obtain insurance.
- (b) Nothing in this section shall be construed to expand the scope of liability of the university beyond that set forth in chapters 661 and 662.
- (c) Nothing in this section shall be construed to waive the immunity of the university from suit in federal courts guaranteed by the Eleventh Amendment to the United States Constitution. An indemnity provision not in strict compliance with this section shall not give rise to a claim against the university under this chapter or chapter 661 or otherwise waive the university's sovereign immunity.

2022 University of Hawai'i Legislative Update

For Presentation

UH Board of Regents
July 21, 2022



UNIVERSITY OF HAWAII

2022 Legislative Session

Contents

- 2022 Supplemental Budget
- 2022 Select Bills of Interest
- 2022 Select Concurrent Resolutions Adopted



2022 Supplemental Budget Operating

Description	Board FY23	Gov FY23	CD1 FY23
General Fund Restoration - Mānoa	\$ 30,000,000	\$ 30,000,000	\$ 30,000,000
General Fund Restoration - JABSOM	\$ 1,200,000	\$ 1,200,000	\$ 1,200,000
General Fund Restoration - Hilo	\$ 2,280,000	\$ 2,280,000	\$ 2,280,000
General Fund Restoration - UHWO	\$ 1,080,000	\$ 1,080,000	\$ 1,080,000
General Fund Restoration - Community Colleges	\$ 4,600,000	\$ 4,600,000	\$ 4,600,000
General Fund Restoration - System Support	\$ 3,391,232	\$ 3,391,232	\$ 3,391,232
Athletics - Mānoa	\$ 3,600,000	\$ 3,600,000	\$ 7,200,000
Athletics - Hilo	\$ 400,000	\$ 400,000	\$ 800,000
PISCES - Hilo	\$ 550,000	\$ 550,000	\$ 550,000
Creative Media - UHWO	\$ 282,000	\$ 282,000	
Nursing Clinical Instructors - Mānoa		\$ 381,767	\$ 381,767
Nursing Clinical Instructors - Hilo		\$ 532,150	\$ 532,150
Nursing Clinical Instructors - CCs		\$ 842,572	\$ 842,572
Residency Program Expansion - JABSOM		\$ 2,040,000	\$ 1,670,000
Teacher Workforce Education - Mānoa		\$ 557,097	\$ 557,097
IT and Cybersecurity Workforce - System Support		\$ 1,575,000	\$ 1,575,000
Creative Media - Mānoa		\$ 380,000	\$ 580,000
Aviation Program - Hilo		\$ 190,000	\$ 190,000
3 Positions and Funds for HIMB - Mānoa			\$ 85,500
3 Positions and Funds - Community Colleges			\$ 836,000
8 Positions and Funds - Community Colleges			\$ 389,840
11 Positions and Funds - Community Colleges			\$ 1,633,909
1 Procurement Director - System Support			\$ 125,000
Repairs, Maintenance, and Equipment - System Support		\$ 21,700,000	
Immersion School Teaching Pathway - Hilo			\$ 2,889,496
Total	\$ 47,383,232	\$ 75,581,818	\$ 63,389,563

2022 Supplemental Budget Capital Improvement Projects

Description	Board FY23	Gov FY23	CD1 FY23
Hamilton Library	\$ 6,000,000		
Central Admin Facility w/ Parking	\$ 4,000,000		
Leeward CC Fascias	\$ 6,500,000	\$ 6,500,000	\$ 6,500,000
Waikīkī Aquarium Discharge System Upgrade	\$ 11,500,000	\$ 11,500,000	\$ 11,500,000
RIM - Systemwide	\$ 33,500,000	\$ 32,000,000	\$ 2,360,000
RIM - UHWO	\$ 2,500,000	\$ 2,500,000	
Capital Renewal & Deferred Maintenance - CCs	\$ 25,000,000	\$ 24,000,000	\$ 25,000,000
UHWO Campus Expansion & University Village		\$ 10,000,000	
Maui College - Vocational Technology Center			\$ 4,000,000
Makai Research Pier			\$ 750,000
Waiakea Research Station			\$ 6,900,000
Mānoa Athletics - New Facilities at Lower Campus			\$ 750,000
Total	\$ 89,000,000	\$ 86,500,000	\$ 57,760,000



2022 Select Bills of Interest

Board of Regents

- **HB 2026 HD2 SD1** – RELATING TO CHAPTER 92, HAWAII REVISED STATUTES
Sunshine Law; Board Business; Informal Gatherings; Board Packets
Update: Act 264, SLH 2022
- **SB 3172 SD1 HD2 CD1** – RELATING TO PUBLIC AGENCY MEETINGS
Meeting Minutes; Public Record; Boards
Update: Vetoed
- **SB 3219 HD1 CD1** – RELATING TO THE SUNSHINE LAW
Public Meetings; Remote Meetings; Sunshine Law; Disclosure; Minors; Privacy; Private Interest
Update: Act 177, SLH 2022

Broadband Services

- **SB 2076 SD2 HD3 CD1** – RELATING TO BROADBAND SERVICE INFRASTRUCTURE
UH; Working Group; Statewide Broadband Initiative
Update: Act 231, SLH 2022, included a line-item veto of \$200,000,000 from ARPA funds, which was reduced to \$0 for UH System

Budget

- **HB 1600 HD1 SD2 CD1** – RELATING TO THE STATE BUDGET
State Budget
Update: Act 248, SLH 2022, included a line-item veto of \$1,300,000 from ARPA funds, which was reduced to \$0 for the Hawaii Promise Program for the UH Community Colleges
- **HB 1147 SD1 CD1** – RELATING TO THE STATE BUDGET
State Budget; Executive Branch
Update: Vetoed



2022 Select Bills of Interest

Computer Science Pathways

- **SB 2142 SD1 HD1 CD1** – RELATING TO COMPUTER SCIENCE
UH; Department of Education; Computer Science; Teaching; Education
Update: Vetoed

Healthcare

- **SB 2597 SD1 HD1 CD1** – RELATING TO LOAN REPAYMENT FOR HEALTH CARE PROFESSIONALS
JABSOM; Hawaii State Loan Repayment Program; Health Care Professionals
Update: Act 263, SLH 2022
- **SB 2657 SD2 HD1 CD1** – RELATING TO MEDICAL EDUCATION AND TRAINING
JABSOM; Medical Residencies and Training
Update: Act 262, SLH 2022

Mauna Kea

- **HB 2024 HD1 SD2 CD1** – RELATING TO MAUNA KEA
Mauna Kea Stewardship and Oversight Authority; Established
Update: Act 255, SLH 2022

OHA/Pro Rata

- **SB 2021 SD1 HD2 CD1** – RELATING TO INCREASING THE PAYMENT AMOUNT FOR THE OFFICE OF HAWAIIAN AFFAIRS' PRO RATA SHARE OF THE PUBLIC LAND TRUST
Office of Hawaiian Affairs; Public Land Trust; Working Group
Update: Act 226, SLH 2022



2022 Select Bills of Interest

Procurement

- **SB 2384 SD2 HD2 CD1** – RELATING TO HAWAII PRODUCTS PREFERENCE
Hawaii Product Preference; Agricultural Goods; Value-Added Products; Commodities
Update: Act 174, SLH 2022
- **HB 1568 HD2 SD2 CD1** – RELATING TO AGRICULTURE
Food Contracts; Specifications; DOE; DOH; PSD; DOD; UH System
Update: Act 144, SLH 2022

Tax Implications

- **SB 3201 SD1 HD1 CD1** – RELATING TO NONPROFIT ORGANIZATIONS
Nonprofit Organizations; GET; Fundraising; Exemption; Unrelated Trade or Business Activities
Update: Vetoed

UH Assets

- **HB 1579 HD2 SD2** – RELATING TO THE DEPARTMENT OF HEALTH
DOH; HHSC; Oahu Region; Leahi Hospital; Maluhia; Transition; Working Group
Update: Act 150, SLH 2022
- **HB 2288 HD2 SD2 CD1** – RELATING TO LAND
DHHL; Land Transfer
Update: Act 316, SLH 2022



Select Concurrent Resolutions Adopted

HCR 17 REQUESTING THE DEPARTMENT OF LAND AND NATURAL RESOURCES TO CONVENE A TASK FORCE TO DEVELOP A FERAL UNGULATE MANAGEMENT PLAN FOR WEST HAWAII. *Lead: UH Hilo*

HCR 36 REQUESTING THE UNIVERSITY OF HAWAII TO WORK WITH THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND DEPARTMENT OF EDUCATION TO CREATE A CORAL REEF ADVISORY TEAM OF YOUTH. *Lead: UH Hilo*

SCR 35 SD1 HD1 REQUESTING THE UNIVERSITY OF HAWAII - WEST OAHU TO RE-ESTABLISH A PRE-NURSING PATHWAY OR CREATE A PERMANENT NURSING PROGRAM FOR STUDENTS. *Lead: UH Hilo/UH West O'ahu*

SCR 132 REQUESTING THE UNIVERSITY OF HAWAII TO REPORT ON THE PAMANTASAN COUNCIL'S SYSTEMWIDE EFFORTS TO IMPROVE THE STATUS OF FILIPINOS AT THE UNIVERSITY OF HAWAII. *Lead: UH Mānoa*



Conclusion





Attainment Goal – Hawai‘i’s Graduates for Hawai‘i’s Future

**Board of Regents Presentation
July 21, 2022**

55 by '25 Goal



Hawaii's goal to have 55% earn a college degree by year 2025

- Set in 2009 by the Hawai'i P-20 Council
- 55% of Adults (ages 25-64) will hold a college degree by 2025
- Embraced by HIDOE, UH, other education entities, state and employer/community partners
- One of the first state attainment goals in the country



HAWAII P-20
Partnerships for Education
Spark. Transform. Excel.

Progress on 55 by '25

- Some leading indicators of success improved between 2009 and 2022:
HS graduation rate increased from 80% to 86%
- 4-year college-going rate increased significantly, from 23% to 33% in 2022
- Overall college-going rate increased from 50% in 2009 to 55% (class of 2019), then declined during pandemic to 51% (class of 2021)
- College graduation rates have increased across the UH System
- UH continues to graduate more students with degrees:
7,652 in 2009 to 9,634 in 2021
- Overall, working aged adults with a degree increased from 42% in 2009 to 46% in 2020

Reasons to Establish a New Goal

- Many credentials and training programs that have high value do not come with a college degree
- Some sectors have more opportunity for employment in Hawai'i than others, so a simple degree goal doesn't fully address our needs
- 55 by '25 does not take into account in- and out-migration
- We want a goal for the entire community, not just the education ecosystem

Approach to Setting New Goal

- Applied and accepted into SHEEO/ESG Attainment Academy
 - Supported by Lumina, Harold K.L. Castle Foundation, Hawai'i Community Foundation
- Established statewide multi-sector steering committee
- Consulting in community and with BOR, BOE, Early Learning, and others
- Participating in multi-state workshop this month
- Will have a solid draft for statewide consideration this fall
- Aiming for adoption by P-20 Council by end of 2022



Hawai'i Graduates for Hawai'i's Future

Principle 1 – Improve and increase early education participation

Principle 2 – Improve preparation of high school students

Principle 3 – Improve post-secondary persistence and graduation rates

Principle 4 – Provide explicit pathways that meet Hawai'i's workforce needs

Principle 5 – Fill the jobs of today and create the jobs of tomorrow

Developing specific metrics for each with commitment to equity and inclusion

**Board of Regents Discussion:
Revisiting the University of Hawai'i
Vision and Mission
July 21, 2022**



Approach to Revisiting the UH Vision and Mission

TODAY

- Context
- Review reference materials
- BOR open discussion
 - Desired content and length/detail
 - New or updated Regents Policy

NEXT

- Draft vision language for BOR review and consideration
- Continue work on Attainment Goal and Strategic Plan



References

- Language from current BOR policies
- BOR-approved language in IAFP
- Themes from post-pandemic planning
- Samples from other institutions



Language from current BOR policy



Mission and Purpose from RP 4.201 - 1

Mission and Purpose

1. The primary mission of the university is to provide environments in which faculty, staff and students can discover, examine critically, preserve and transmit the knowledge, wisdom, and values that will help ensure the survival of present and future generations with improvement in the quality of life.

<https://www.hawaii.edu/policy/index.php?action=viewPolicy&policySection=rp&policyChapter=4&policyNumber=201&menuView=closed>



Mission and Purpose from RP 4.201 - 2

Mission and Purpose

2. In carrying out that mission, it is the basic purpose of the university to afford all qualified people of Hawai'i an equal opportunity for quality college and university education at both undergraduate and graduate levels.



Mission and Purpose from RP 4.201 - 3

Mission and Purpose

3. As the only provider of public higher education in Hawai'i, the university embraces its unique responsibilities to the indigenous people of Hawai'i and to Hawai'i's indigenous language and culture. To fulfill this responsibility, the university ensures active support for the participation of Native Hawaiians at the university and support vigorous programs of study and support for the Hawaiian language, history, and culture.



Mission and Purpose from RP 4.201 - 4

Mission and Purpose

4. Within its unique geographical location, the university will serve as a leader in how it stewards the resources of the islands and the world for the benefit of all. The university shall be a global leader and model for the integration of sustainability throughout its teaching, research, operations, and public service. The university recognizes that an important knowledge base in sustainable island systems resides in the indigenous people of Hawai'i and all those for whom Hawai'i is home. The university commits to consult with local cultural practitioners and sustainability experts on best practices in sustainable resource allocation and use for the well-being of our communities, our state, and the world. Critical resources include energy, food, water, land and sea as they are integrated with the relationships of family, culture, community, justice, work, and economy in the present and future.



BOR-approved language in IAFP



BOR-Approved Vision for UH in IAFP (2017) Leads with Vision for Hawai'i

Hawai'i is a special place where diverse people and communities live, work, learn and play together in a sustainable manner. Hawai'i's economy is vibrant and globally competitive, characterized by engaging living-wage jobs. Inspired by its host culture, Hawai'i treasures and protects its amazing environment as it promotes a high quality of life for all its people.

The University of Hawai'i system is the single most important contributor to the future of Hawai'i. The people of Hawai'i appreciate the excellence throughout UH, understand its value to the state and show their pride in their university system. UH campuses are recognized for their quality and value and are destinations of choice within Hawai'i and beyond. The UH System is the premier integrated higher education system in the country.

https://www.hawaii.edu/offices/aa/IAFP_BOR_Approved_April17.pdf



Themes from post-pandemic planning



Lessons of the Pandemic for Hawai'i and UH

- Hawai'i needs a stronger and more diversified economy with less reliance on conventional tourism
- Hawai'i needs more high-quality jobs that our residents can fill
- UH needs more diversified revenue streams than General Funds and conventional tuition
- Everyone has now seen that online learning, working and services can be effective, which improves our flexibility and responsiveness moving forward
- UH is quite agile and we can do even more with investment in our people to advance Hawai'i priorities
- UH can do even better to utilize data to inform decision-making across the institution and the state



WHAT Hawai'i Needs Most from UH, Now More than Ever

- UH must engage more Hawai'i residents in post-secondary education and training
- UH must prepare more Hawai'i residents to fill the jobs Hawai'i needs
- UH must seed new economic sectors and develop new approaches to old ones
- UH must strengthen the research enterprise as a major economic and intellectual for the state



HOW UH Must Change the Way We Work

- UH must streamline administration, including academic administration, where possible
- UH must prioritize academic programming that advances the most pressing needs of our students and the State
- UH must diversify operating revenue sources and rely proportionately less on State General Funds
- UH must operate within the most modest physical plant feasible
- UH must work together as a more tightly knit system: UHUnited



Samples from other institutions - Houston

University of Houston Vision:

Building a Top 50 Public University:

- 1) Provide a Top Tier, Inclusive Educational Experience to All***
- 2) Build a Research Powerhouse that Impacts our Region & the World***
- 3) Serve as an Exemplar for Equitable & Inclusive Community Engagement***
- 4) Build a Competitive Athletics Program***
- 5) Build a Sustainable Funding Base to Support Vision & Goals***

<https://uh.edu/strategic-plan/>



Samples from other institutions - ASU

ASU Charter:

ASU is a comprehensive public research university, measured not by whom it excludes, but by whom it includes and how they succeed; advancing research and discovery of public value; and assuming fundamental responsibility for the economic, social, cultural and overall health of the communities it serves.

Vision:

ASU: The University the World Needs Now

<https://president.asu.edu/asu-mission-and-goals>



Pithy Snippets from BOR Retreat

- UH We are a part of you, you are a part of us
- A meaningful life for all
- Where everyone has access and everyone is successful.
- We are the institute for the advancement of mankind
- No one left behind
- To be of use to all
- Great minds restoring our 'āina and our sea
- Rise up, rise together, soar together
- Together
- Our students are the solution.
- Passion never rests; aspire to make a difference
- A place of excellence from distant galaxies to the ocean and everywhere in between.
- Our employment needs and incomes make Hawai'i affordable
- Access for all
- Educating Hawai'i now and for the future
- Moving, improving, educating Hawaii or educating the world.
- Rooted in 'āina, engaging the world
- Hawai'i soil, Hawai'i tree, global fruits
- Leading Hawai'i to a globally preeminent sustainable thriving caring future for all our people and islands.
- A sustainable future
- Mālama Hawai'i
- Breeding success by building leaders.
- Together, Hawai'i's future



BOR-Led Discussion



Item VII.

Executive Session

**ITEM TO BE
DISCUSSED IN
EXECUTIVE
SESSION**