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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, August 18, 2022
Time: 11:00 a.m.
Place: University of Hawai'i at Mānoa
Stan Sheriff Center
Ed Wong Hospitality Suite
1355 Lower Campus 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 July 7, 2022 and July 21, 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 provide testimony before each agenda item.

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 8:30 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. WASC Accreditation Update
- D. Other

V. Committee and Affiliate Reports

- A. Report from the Committee on Academic and Student Affairs
- 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. Review of the University of Hawai'i Community Colleges Midterm Accreditation Reports to the Accrediting Commission for Community and Junior Colleges for the following campuses:
 - a. Hawai'i Community College
 - b. Honolulu Community College
 - c. Kapi'olani Community College
 - d. Kaua'i Community College
 - e. Leeward Community College
 - f. Windward Community College
2. Approval of Construction Projects to Expand the Clarence T.C. Ching Athletics Complex and Relocate the Track on the University of Hawai'i Mānoa Campus
3. Approval of Indemnification Provisions in a Non-Proprietary User Agreement with the Operator of SLAC National Accelerator Laboratory ("SLAC"), a U.S. Department of Energy Laboratory
4. Approval of Indemnification Provision in a Sponsored Research Agreement from the U.S. Agency for International Development for the University of Hawai'i, Pacific Disaster Center to enhance the early warning and decision support capacity in the Philippines
5. Approval of Indemnification Provision in a Multi-Institutional Agreement among University of Sydney, Flinders University and the University of Hawai'i

- B. Adoption and Approval to Request the Governor's Final Approval of the Following:
 - 1. Amendments to Hawai'i Administrative Rules (HARS) Title 20:
 - a. Chapter 4, "Determination of Residency as Applied to Tuition Payments and Admission"; and
 - b. Chapter 10, "Delinquent Financial Obligations"; and
 - 2. Simultaneous Repeal of HARS Title 20, Chapter 30, "Rules of Practice and Procedure", and the Adoption of Chapter 30.1, "Rules of Practice and Procedure"
- C. Request to the Personnel Affairs and Board Governance Committee to Recommend a Process for the Future Evaluation of the President
- D. University of Hawai'i System Strategic Plan Progress Report
- E. Discussion on Updating the University of Hawai'i's Mission and Vision

VII. Announcements

- A. Next Meeting: September 15, 2022, at Windward Community College

VIII. Adjournment

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

JULY 7, 2022

I. CALL TO ORDER

Chair Randy Moore called the meeting to order at 9:30 a.m. on Thursday, July 7, 2022, 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; Regent Kelli Acopan; Regent Eugene Bal; Regent William Haning; Regent Wayne Higaki; Regent Gabriel Lee; Regent Diane Paloma; Regent Laurie Tochiki; 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 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; UH Mānoa Provost Michael Bruno; UH Hilo Chancellor Bonnie Irwin; UH West O'ahu Chancellor Maenette Benham; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Kendra Oishi; and others as noted.

II. WELCOME NEW REGENTS LEE AND TOCHIKI

Chair Moore welcomed new Regents Gabriel Lee and Laurie Tochiki to the board.

Regent Lee and Regent Tochiki remarked that they were looking forward to serving on the board and working with their fellow regents for the betterment of the university.

III. 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.

IV. ELECTION OF OFFICERS

Chair Moore requested that Board Secretary Oishi conduct the election of officers as the current board officers may potentially be considered for election.

Board Secretary Oishi explained the process that would be used for the election of board officers, noting that the person elected would preside beginning at the next board meeting, and began the election by opening the nominations for chair of the board. Vice-Chair Nahale-a nominated Chair Moore to continue to serve as board chair. Board

Secretary Oishi asked if there were any further nominations and none were made. The nominations were closed and a roll-call vote was conducted. With all members present voting in the affirmative, Chair Moore was re-elected as chair of the board.

It was noted that both the Hawai'i Revised Statutes and Bylaws of the Board of Regents provide for up to two vice-chairs to serve on the board. Regent Wilson moved for the election of two vice-chairs for the 2022 – 2023 academic year, seconded by Regent Paloma. Board Secretary Oishi conducted a roll-call vote and the motion carried with all members present voting in the affirmative. She then proceeded with the election of the first vice-chair and opened the floor for nominations. Vice-Chair Nahale-a questioned whether an individual could nominate themselves for consideration as a vice-chair. Board Secretary Oishi replied in the affirmative. Vice-Chair Nahale-a then proceeded to nominate himself for consideration as first vice-chair. Board Secretary Oishi asked if there were any further nominations, and with none being stated, the nominations were closed and a roll-call vote was conducted. With all members present voting in the affirmative, Vice-Chair Nahale-a was re-elected as first vice-chair.

Board Secretary Oishi then proceeded with the election of the second vice-chair and opened the floor for nominations. Regent Wilson nominated himself for consideration as second vice-chair. Board Secretary Oishi asked if there were any further nominations. Regent Westerman nominated himself for consideration as second vice-chair. Board Secretary Oishi asked if there were any further nominations, and with none being made, she declared the nominations closed. Ballots were distributed to regents, collected, and tallied, and with six regents casting a vote for Regent Wilson and five regents casting a vote for Regent Westerman, Regent Wilson was elected as second vice-chair.

Chair Moore expressed his thanks and appreciation to regents for their support.

V. AGENDA ITEMS

A. Consent Agenda

1. Approval of Selection of Accuity, LLP for Audit and Accounting Services as External Auditors, for Fiscal Years 2022 through 2024

Regent Wilson moved to approve the consent agenda, seconded by Regent Westerman.

Regent Tochiki requested clarification on the process used to select Accuity, LLP as the university's external auditor. VP Young explained that the current services contract with Accuity, LLP expired on June 30, 2021, following the completion of the fiscal year (FY) 2021 audits. He provided an overview of the process used to solicit, qualify, and select an audit and accounting services firm for the FY 2022 through FY 2024 university audit reviews and reporting requirements, highlighting that three proposals for the provision of these services were received with each proposal being vetted by a team of university personnel familiar with accounting, auditing, and financial services.

There having been a motion that was moved and seconded, a roll call vote was taken, and the motion carried with all members present voting in the affirmative.

VI. EXECUTIVE SESSION

Regent Haning made a motion to convene in executive session, seconded by Regent Wilson, 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 pursuant to Section 92-5(a)(2), Hawai'i Revised Statutes.

The meeting recessed at 9:57 a.m.

Chair Moore called the meeting back to order at 11:05 a.m. and announced that the board met in executive session to discuss matters as stated on the agenda.

VII. AGENDA ITEMS (Continued)

A. Evaluation of the President

Chair Moore stated that the board met in executive session to continue discussions on the evaluation of the President and the board's evaluation of the President is attached to these minutes. The evaluation notes the following challenges, accomplishments, and matters for focus in the upcoming academic year:

Challenges:

- COVID-19 upended the university – students, faculty, staff, and activities – for the second year.
- Maintaining a focus on improving the way we do things, when the federal government provided so much pandemic stimulus money and the state's economy recovered more quickly than most people expected. The regents think the president/university is moving too slowly, while the faculty thinks it's moving too fast.
- Legislative issues: Maunakea management, Mānoa football, faculty tenure, state budget appropriation, and the lack of funds to expand Ching Field to meet NCAA fan attendance requirements.
- UH and higher education nationally are attracting fewer high school graduates, who increasingly do not pursue post-secondary education. Impacts are greatest on community colleges.

Accomplishments:

- UH handled the pandemic better than almost anyone in the state, and with little drama. Faculty, staff, and students are all to be commended on rising to the unprecedented challenges posed by the pandemic.
- UH rebuilt its financial reserves.

- After the dust settled, there was general agreement that hiring the new football coach was a good decision.
- The gradual reorganization of UH and the Mānoa campus continues to result in savings, efficiencies, and positive outcomes. The personnel freeze enabled resources to be gradually shifted to areas of higher priority. Position control will be permanent. The P-20 and career and technical education offices were successfully merged. Other mergers are under consideration and more common services are being developed across the community colleges, saving money and improving the delivery and consistency of services.
- UH has expanded its online degree programs, especially at the community colleges and for non-traditional students.
- Enrollment is up at Mānoa, countering falling enrollment at mainland public universities and colleges. Enrollment declines at other UH campuses are not as steep as the national averages.
- Research and philanthropy outcomes were outstanding.
- The president's administrative team is strong.

In the upcoming year:

- The development of a new strategic plan to implement an updated vision for the university is underway. It will provide context and direction for a “reimagined University of Hawai‘i.”
- Clarifying and simplifying faculty classifications is underway.
- Better land and facilities management and utilization is ongoing.
- The development of common general education requirements is underway.
- The president and board will work together on succession planning for administrative leadership at every level.
- The president and board will work together to improve the relationship between the university and the legislature.
- The university will address declining enrollment in the community colleges through expanded efforts in attracting and retaining students, including increasing and fully acknowledging enrollment in non-credit workforce development programs.

Overall, the board was pleased with President Lassner's performance and management of the university. The board looks forward to working with President Lassner and his administrative team to address the challenges, build on the successes, and continuously improve the outcomes for students, faculty, staff, and the community and to improve the university's responsiveness to our many constituencies, including government officials, members of the business community, and philanthropists and other grant-makers.

VIII. ANNOUNCEMENTS

Chair Moore announced that the next board meeting was scheduled for July 21, 2022, at the University of Hawai'i at Mānoa.

IX. ADJOURNMENT

There being no further business, Chair Moore adjourned the meeting at 11:13 a.m.

Respectfully Submitted,

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents

Attachment

The University of Hawai‘i board of regents met in executive session on June 2 and July 7, 2022, both with and without president David Lassner, to discuss his annual performance evaluation. We noted a number of challenges, accomplishments, and matters for focus in the upcoming academic year:

Challenges:

- COVID-19 upended the university – students, faculty, staff, and activities – for the second year.
- Maintaining a focus on improving the way we do things, when the federal government provided so much pandemic stimulus money and the state’s economy recovered more quickly than most people expected. The regents think the president/university is moving too slowly, while the faculty thinks it’s moving too fast.
- Legislative issues: Maunakea management, Mānoa football, faculty tenure, state budget appropriation, and the lack of funds to expand Ching Field to meet NCAA fan attendance requirements.
- UH and higher education nationally are attracting fewer high school graduates, who increasingly do not pursue post-secondary education. Impacts are greatest on community colleges.

Accomplishments:

- UH handled the pandemic better than almost anyone in the state, and with little drama. Faculty, staff, and students are all to be commended on rising to the unprecedented challenges posed by the pandemic.
- UH rebuilt its financial reserves.
- After the dust settled, there was general agreement that hiring the new football coach was a good decision.
- The gradual reorganization of UH and the Mānoa campus continues to result in savings, efficiencies, and positive outcomes. The personnel freeze enabled resources to be gradually shifted to areas of higher priority. Position control will be permanent. The P-20 and career and technical education offices were successfully merged. Other mergers are under consideration and more common services are being developed across the community colleges, saving money and improving the delivery and consistency of services.
- UH has expanded its online degree programs, especially at the community colleges and for non-traditional students.
- Enrollment is up at Mānoa, countering falling enrollment at mainland public universities and colleges. Enrollment declines at other UH campuses are not as steep as the national averages.
- Research and philanthropy outcomes were outstanding.
- The president’s administrative team is strong.

In the upcoming year:

- The development of a new strategic plan to implement an updated vision for the university is underway. It will provide context and direction for a “reimagined University of Hawai‘i.”
- Clarifying and simplifying faculty classifications is underway.
- Better land and facilities management and utilization is ongoing.
- The development of common general education requirements is underway.
- The president and board will work together on succession planning for administrative leadership at every level.
- The president and board will work together to improve the relationship between the university and the legislature.
- The university will address declining enrollment in the community colleges through expanded efforts in attracting and retaining students, including increasing and fully acknowledging enrollment in non-credit workforce development programs.

The board looks forward to working with President Lassner and his administrative team to address the challenges, build on the successes, and continuously improve the outcomes for students, faculty, staff, and the community and to improve the university’s responsiveness to our many constituencies, including government officials, members of the business community, and philanthropists and other grant-makers.

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MINUTES

BOARD OF REGENTS MEETING

JULY 21, 2022

I. CALL TO ORDER

Chair Moore called the meeting to order at 11:01 a.m. on Thursday, July 21, 2022, 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 (10): Chair Randy Moore; Vice-Chair Alapaki Nahale-a; Vice-Chair Ernest Wilson; Regent Kelli Acopan; Regent William Haning; Regent Wayne Higaki; Regent Gabriel Lee; Regent Diane Paloma; Regent Laurie Tochiki; and Regent Robert Westerman.

Excused (1): Regent Eugene Bal.

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; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo Chancellor Bonnie Irwin; UH West O'ahu Chancellor Maenette Benham; 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 May 19, 2022, and June 2, 2022, meetings which had been distributed. Hearing none, the minutes for both meetings were approved.

III. 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. She also explained that, in accordance with new statutory requirements, public testimony would be accepted during the meeting should an individual sign-up to provide testimony on a specific agenda item.

IV. REPORT OF THE PRESIDENT

A. COVID-19 Update

President Lassner stated that the wearing of masks is still required in classrooms, shared laboratory spaces, and other confined instructional spaces and that the administration continues to encourage individuals to obtain a full series of vaccinations and take other precautions. He also noted that discussions on masking policies for the fall semester are ongoing given the recent increase in COVID-19 case counts and the prevalence of multiple variants.

Regent Paloma arrived at 11:08 a.m.

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

The steering committee formed to address the next steps of the Task Force continues to meet weekly to discuss five tasks that were developed to correlate with recommendations in the Task Force report. President Lassner reviewed each of the established tasks, provided updates on the work taking place on each issue, and stated that initial drafts of several recommended proposals, guidelines, processes, and policies have been developed and are currently being reviewed and prepared for appropriate consultation processes in the fall.

C. Strategic Plan Progress Report

President Lassner reported on progress being made on the university's strategic planning initiative noting significant activities that have occurred to date including the hiring of an external consulting firm to assist with community outreach efforts; the commencement of public survey efforts requesting comments on possible critical themes and emerging issues that has received over 1,000 responses to date; and the initiation of a process to begin interviewing key community stakeholders, including legislators. The strategic plan steering committee (SPSC), as well as its various working groups, will continue to meet throughout the summer to assess preliminary draft frameworks for the university's strategic plan. The Council of Chancellors will be briefed on the university's strategic planning efforts in August and feedback will be solicited on goals and metrics contained within the plan. It is anticipated that formal consultation on the proposed strategic plan will occur in fall 2022.

Regent Acopan arrived at 11:10 a.m.

D. Other

Registered headcount enrollment for the fall semester is down approximately 5.6 percent systemwide from the same day last year, although UHM's fall registered headcount enrollment has increased by approximately 1.4 percent. While disappointing, President Lassner pointed out that the university is still trending ahead of enrollment figures for peer institutions across the country. These enrollment statistics for the community colleges do not include the very large numbers of individuals enrolled in non-credit, workforce development programs, which remains a vital part of its mission and has accelerated with the pandemic. All campuses are focused on their enrollment efforts and fluctuations in these figures will continue until the beginning of the fall semester. A more detailed update on fall enrollment will be provided to the board in November after the official census date.

Extramural funding for the university system reached a significant milestone, achieving an historic \$505 million in fiscal year (FY) 2022, which is a \$19.5 million or 4% increase over FY 2021. President Lassner espoused the numerous benefits provided to the State resulting from extramural funding, including economic stimulation and diversification; the creation of thousands of jobs and other employment opportunities; and increased engagement in research and problem-solving that addresses the challenges and opportunities that face Hawai'i and the world. He lauded the efforts of VP Syrmos as well as the entire university community for this tremendous accomplishment. He also reported that \$18.4 million in extramural funding for the current fiscal year has been received to date.

President Lassner reported that the National Science Foundation (NSF) recently announced its decision to initiate consultation for a federal environmental impact statement for the Thirty Meter Telescope project. He stressed that the university has no formal role in NSF's process or its outcomes other than as a stakeholder. With the recent enactment of Act 255, Session Laws of Hawai'i 2022, the new Mauna Kea Stewardship and Oversight Authority (MKSOA) will serve as the sole authority for the management of Maunakea lands and associated regulatory processes going forward. He stated that the university remains committed to its Maunakea stewardship responsibilities through this transition in governance and will assist in the transfer of all subleases and permits as well as stewardship programs that the MKSOA decides to retain.

Three Nā Hōkū Hanohano award winners with ties to the university were recognized last night. The UH Maui College Institute of Hawaiian Music won the award for compilation album of the year. The Tuahine Troupe, a 22-member traditional Hawaiian music group born out of the Kawaihuelani Center for Hawaiian Language at UHM, won the award for Hawaiian language performance of the year. UHM Dean of the Hawai'inuiākea School of Hawaiian Knowledge, historian Jonathan Kay Kamakawiwo'ole Osorio, was awarded the inaugural George Helm Leo Aloha 'Āina Award which honors an individual or group whose music inspires and embodies aloha 'āina.

Regent Paloma left at 11:19 a.m.

E. Willard Wilson Award for Distinguished Service

President Lassner and the board presented Dr. Lee Buencosejo-Lum, Associate Dean for Academic Affairs at the John A. Burns School of Medicine, with the Board of Regents' Willard Wilson Award for Distinguished Service to the University of Hawai'i (Willard Wilson Award) which is named in honor of long-time university administrator and secretary of the board, Willard Wilson, who set a standard for exemplary service to the university during his 40-year career. He noted Dr. Buenconsejo-Lum's 25 years of dedicated service to the university; spoke about her commitment to both the university and the community during the COVID-19 pandemic, highlighting some of her numerous undertakings including testing and vaccination efforts for the university 'ohana as well as the drafting and constant revising of university COVID-19 policies and procedures; and expressed his gratitude for her service to the university. He also introduced 2019

Willard Wilson award winner Gerald Kato, an Associate Professor for UHM's School of Communication, who was unable to be recognized previously for his dedicated service to the university due to the COVID-19 pandemic.

F. President's Award for Excellence in Building and Ground Maintenance

President Lassner presented Mr. Martin Ramos, a groundskeeper on the UHM campus, with the President's Award for Excellence in Building and Ground Maintenance which is given to an individual who has exhibited sustained superior performance in a maintenance, landscaping, custodial, or trucking position. He noted several of Mr. Martin's achievements, spoke about some of the accolades he has received from supervisors and fellow employees and commended his exemplary service to the university. He also introduced Marc McClintock and Kim Nishimura, the 2019 and 2020 recipients of the President's Award for Excellence in Building and Ground Maintenance who were unable to be previously properly recognized for their achievements due to the COVID-19 pandemic.

Regent Paloma returned at 11:26 a.m.

Regents offered their congratulations to all of the university's awardees with Vice-Chair Nahale-a specifically expressing his appreciation for the acknowledgement of staff in light of the many criticisms that the university faces throughout the year as well as the significance of the awards with respect to aloha 'āina and what the university represents to the people of Hawai'i.

V. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Budget and Finance

Committee Chair Westerman referenced the committee report provided in the meeting materials.

B. Report from the Committee on Independent Audit

Regent Higaki referenced the committee report provided in the meeting materials.

C. Report from the Committee on Intercollegiate Athletics

Regent Haning referenced the committee report provided in the meeting materials.

D. Report from the Committee on Planning and Facilities

Committee Chair Nahale-a referenced the committee report provided in the meeting materials.

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**

Chair Moore provided a brief background on indemnifications, explained the reasoning behind the approval of indemnification requests by the board, and described the consent agenda process for the benefit and edification of the newly-appointed Regents and the public.

Vice-Chair Wilson moved to approve the consent agenda, seconded by Regent Haning, and noting the excused absence of Regent Bal, the motion carried with all members present voting in the affirmative.

B. Legislative Update

VP Young reviewed the supplemental operating and capital improvement projects (CIP) budgets; highlighted the status of select bills of interest that had the potential to impact the university or the board that were taken up by the Legislature this session; and noted concurrent resolutions involving the university that were adopted by the Legislature. He stated that the university received approximately \$63.3 million in supplemental operating funds and \$57.7 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.

Regent Haning requested clarification on the amount of funds appropriated for the New Aloha Stadium Entertainment District (NASED) project. VP Young replied that \$350 million was provided to the Department of Business, Economic Development, and Tourism for the capital construction of the NASED project and \$50 million was provided to the Aloha Stadium Authority for operations and maintenance.

Vice-Chair Nahale-a recognized and commended VP Young and his staff for their efforts at streamlining and simplifying the complexity of legislative matters for the board.

C. Discussion Item: Attainment Goal – Hawai'i's Graduates for Hawai'i's Future

Steve Schatz, Executive Director of the Hawai'i P-20 Partnerships for Education (Hawaii P-20), provided an overview of Hawai'i's 55 by '25 Campaign ("55 by '25") that was established in 2009 with an overall goal of 55 percent of working-age adults having

a two-or four-year degree by the year 2025 and highlighted the progress made in attaining this goal, citing numerous successes such as increases in the 4-year college-going rates, college graduation rates, and number of working-aged adults with a college degree. Despite this success, he stated that Hawai'i P-20 believes there are reasons for establishing a new educational attainment goal and offered the rationale for these efforts, including that many credential, training, and apprenticeship programs that have high value do not require a college degree and the fact that a simple degree goal does not fully address Hawai'i's educational and workforce needs. He also reviewed the approach used in setting the new attainment goal, "Hawai'i's Graduates for Hawai'i's Future," and went over the five principles associated with this new goal as well as metrics related to each principle.

Regents expressed their thoughts on, and support for, the establishment of a new attainment goal, as well as its five guiding principles, and applauded the work of Director Schatz and Hawai'i P-20 in this endeavor.

Regent Tochiki questioned whether the new attainment goal included strategies for addressing individuals who have already left the educational pipeline without seeking a post-secondary education or other alternative. Executive Director Schatz responded in the affirmative stating that the fourth principle of the new attainment goal, which is to provide specific pathways that meet Hawai'i's workforce needs, contains initiatives to address this issue. President Lassner added that the pathways will allow for individuals to reenter the educational pipeline at any time to further their education or increase their skills to address the changing employment marketplace.

Regent Acopan asked whether the group tasked with developing and monitoring the new attainment goal and its five principles included individuals actively involved in the implementation of measures to achieve this goal such as counselors, instructors, deans, and chancellors. Executive Director Schatz replied that Hawai'i P-20 is continuing its outreach efforts on this matter but noted that some of the issues with respect to the new attainment goal are more K-12 focused while others are more post-secondary education focused and will require additional outreach from other entities such as the State Department of Education.

Regent Wilson inquired as to whether organized labor has had a role in the development of the new attainment goal. Executive Director Schatz stated that representatives for the unions that advocate for educational personnel, including the Hawai'i State Teachers Association and Hawai'i Government Employees Association, are on the Hawai'i P-20 Council and have been engaged in conversations regarding the new attainment goal.

Regent Paloma left at 12:22 p.m.

D. Discussion Item: Regents' Perspectives on Updating the University of Hawai'i's Mission and Vision

President Lassner stated that efforts to update the mission and vision of the university have been ongoing for the last two years noting numerous discussions held

between the board and the administration. He stated that the goal for this discussion was not to come up with specific language today, but rather, to listen to input from the regents on mission and vision, and work closely with Board Secretary Oishi to use the feedback in updating relevant documents. He reviewed the reference materials that are being used to guide this process including relevant Regents Policies; the Integrated Academic and Facilities Plan; lessons learned about the university and Hawai'i during the COVID-19 pandemic; themes developed through post-pandemic planning; and mission and vision statements from other institutions of higher education.

While it has been clear that the board desires a mission and vision that will set forth the context and direction for the State's only public university, the administration has faced difficulties in developing language for the university's mission and vision that meets these expectations. As such, the administration is seeking clear guidance from regents on the establishment of a new mission and vision for the university and believes this discussion will lay the groundwork for these efforts.

Discussions ensued on the process used thus far to develop mission and vision statements for the university, including the progress made on developing these statements as well as previous dialogue that occurred between the board and the administration on this matter. Regents also talked about the purpose of today's discussion; offered their thoughts on what they believed constituted a well-drafted mission and vision statement; noted several topics and issues they believed should be incorporated within these statements; opined that a succinct, well-defined mission and vision that lays out what the university wishes to achieve in its future will serve as a guide for successful attainment of these achievements and is important to the implementation of an effective strategic plan for the university; and deliberated the next steps that should be taken in this process.

Chair Moore requested that regents submit written comments expressing their personal view of the university's mission and vision, as well as its goals and objectives, to Board Secretary Oishi, by Friday, August 5, 2022, for compilation into a single document to be provided to the administration and regents for reflection and discussion at the August board meeting.

VII. EXECUTIVE SESSION

Vice-Chair Wilson made a motion to convene in executive session, seconded by Regent Westerman, and noting the excused absences of Regent Bal and Regent Paloma, and with all members present voting in the affirmative, the board approved convening in executive session 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.

The meeting recessed at 1:16 p.m.

Regent Higaki left at 1:16 p.m.

Chair Moore called the meeting back to order at 2:36 p.m. and announced that the board met in executive session to discuss matters as stated on the agenda.

VIII. ANNOUNCEMENTS

Chair Moore announced that the next board meeting was scheduled for August 18, 2022, at the University of Hawai'i at Mānoa.

IX. ADJOURNMENT

There being no further business, Chair Moore adjourned the meeting at 2:37 p.m.

Respectfully Submitted,

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents

Item IV.

Report of the President
A-D

**NO MATERIALS
ORAL REPORT**

Agenda Items:

A. Committee Work Plan

Chair Wilson reviewed the Committee Work Plan stating that it would be used as an outline to guide the work of the committee during the coming year.

B. Review of the University of Hawai'i Community Colleges Midterm Accreditation Reports to the Accrediting Commission for Community and Junior Colleges (ACCJC) for the following campuses:

- 1. Hawai'i Community College (HawCC)**
- 2. Honolulu Community College (HonCC)**
- 3. Kapi'olani Community College (KapCC)**
- 4. Kaua'i Community College (KauCC)**
- 5. Leeward Community College (LeeCC)**
- 6. Windward Community College (WinCC)**

Erika Lacro, Vice President (VP) for Community Colleges provided background information on the ACCJC midterm reports noting their purpose; spoke about the type of information that is contained within the reports; emphasized that all six colleges are fully accredited by ACCJC in good standing; and reviewed the next steps in the midterm accreditation reporting process.

The chancellors of the six community colleges each presented a synopsis of their respective campus' midterm reports focusing on recommendations made by the ACCJC's comprehensive peer review evaluation team in 2018 and actions undertaken to address the recommendations and progress made in attaining goals that were identified in each campus' Quality Focus Essay.

Discussions occurred on assessment tools used by the various campuses, as well as the community college system, and the measurement and analysis of achievement gaps on both a campus and system level.

Agenda Items:

A. Committee Work Plan

Vice-Chair Lee reviewed the Committee Work Plan stating that it would be used as an outline to guide the work of the committee during the coming year.

B. Designation of Committee Member Financial Expertise

It was noted that Section 304A-321, Hawai'i Revised Statutes, requires that membership of the committee include one or more individuals with financial expertise. Vice-Chair Lee, Regent Paloma, and Regent Westerman each submitted statements highlighting the financial qualifications they possessed that would allow for their designation as a member of the committee with financial expertise.

C. Review and Acceptance of the Clery Act Compliance Review

Glenn Shizumura, Director of the Office of Internal Audit (OIA), summarized OIA's review of the administration's compliance with the requirements of the Clery Act. Although no material gaps or deficiencies with respect to the preparation and timely submittal of required reports and surveys were discovered, OIA identified instances of non-compliance which it believes are attributable to a lack of familiarity with these requirements and can be rectified through increased training and education. The creation of a working group as described in the management response to OIA's review is expected to mitigate these issues.

Action: The committee voted to accept the report.

D. Review and Acceptance of the Review of the University of Hawai'i at Mānoa Warrior Recreation Center (WRC)

Internal Auditor Shizumura reviewed the findings and recommendations of OIA's evaluation of the WRC. Although OIA found that WRC operations conform with applicable university policies, it discovered that financial results are prepared, managed, and monitored in the aggregate with other operations of the Campus Center Complex (CCC). OIA believes that stand-alone financial reports can provide the Office of Student Life and Development (OSLD) leadership with the financial information necessary to better assess whether or not financial expectations are being met. As such, OIA has recommended that OSLD leadership disaggregate financial information specific to the WRC from similar information related to the CCC.

Robust discussions occurred on the ability of OSLD to properly analyze the financial condition of the WRC without stand-alone fiscal reports, as well as its response to the audit and objections to the disaggregation of fiscal information.

Action: The committee voted to accept the report.

E. Update on Office of Internal Audit Emergency Response Plan (ERP)

Internal Auditor Shizumura gave an update on OIA's ERP which has remained relatively unchanged since it was last presented to the committee during the August 5, 2021, meeting

although revisions were made to reflect the development of a more structured approach to offsite data storage in response to regents' concerns with the security of OIA's electronic audit files.

F. 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 once again constituted the majority of whistleblower cases for the current reporting period after being surpassed by cases involving health and safety issues related to the COVID-19 pandemic during the last reporting period.

G. Enterprise Risk Management (ERM) Update

Jan Gouveia, Vice President for Administration, provided background on the establishment of the ERM report and the development of a risk heat map that identifies the top risk categories for the university. She noted that a comprehensive review was being undertaken to update the heat map so that it can continue to be used as an effective tool for managing the university's risk exposure. An ERM report using the updated heat map will be provided at the next committee meeting.

H. Audit Project Status Update

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

Agenda Items:

A. Coaches Corner: David Kaneshiro, University of Hawai'i at Hilo (UHH) Women's Basketball Head Coach

UHH Head Women's Basketball Coach David Kaneshiro spoke about the team's academic and athletic accomplishments over the past year; touched upon the anticipation and excitement that is building throughout the Hawai'i Island community about the first annual Big Island Basketball Classic; and expressed his appreciation for the support UHH Athletics has received from the community. He also noted the commitment of both players and coaches to improve upon their successes.

B. Health and Safety Matters – Mental Health

Patrick Guillen, UHH Athletic Director, and, Jonathan Sladky, M.D., University of Hawai'i at Mānoa (UHM) team physician, reviewed the availability of mental health resources and services at UHH and UHM; talked about several proactive and preventative actions being taken to address mental health issues among student-athletes; noted efforts undertaken to increase mental health awareness among student-athletes, coaches, and staff, and reduce the stigma associated with obtaining mental health assistance; and stressed the importance of ensuring the mental well-being of student-athletes.

Discussions occurred on some of the mental health services provided by UHH and UHM.

C. Academic Progress Report

AD Guillen and David Matlin, UHM AD, provided the 2021 – 2022 academic progress reports for both UHH and UHM. They highlighted the academic achievements of their respective departments; noted several recently attained individual and team academic honors and awards; provided data on a number of academic metrics, such as grade point averages, retention rates, and graduation rates; and spoke about the impacts of new student-athlete transfer rules on academic performance.

D. Update on Mānoa Athletics Title IX 50th Anniversary Activities

Lois Manin, Associate Athletic Director (AAD) and Senior Women's Administrator, noted that events celebrating the 50th anniversary of Title IX will be held over the course of the year. In addition to honoring Title IX, UHM Athletics will also be recognizing the 50th anniversary of the establishment of Wahine Athletics. Details were provided on several festivities being coordinated by UHM Athletics to commemorate both of these historic milestones.

E. Committee Work Plan

Chair Haning reviewed the Committee Work Plan stating that it would be used as an outline to guide the work of the committee during the coming year.

Item V.D.

Report from the Committee
on Planning and Facilities

**NO MATERIALS
ORAL REPORT**



July 27, 2022

'22 JUL 29 P1:38

MEMORANDUM

TO: Randolph Moore
Chair, University of Hawai'i Board of Regents

Ernest Wilson
Chair, Committee on Academic and Student Affairs

FROM: Erika Lacro *EL*
Vice President for Community Colleges

SUBJECT: UNIVERSITY OF HAWAII COMMUNITY COLLEGES MIDTERM
ACCREDITATION REPORTS

I am transmitting to you the midterm reports of the six community colleges accredited by the Accrediting Commission for Community and Junior Colleges (ACCJC). UH Maui College is not accredited by the ACCJC and therefore is not included in these reports.

Currently, all six colleges are fully accredited by ACCJC in good standing. These midterm reports are routine assessments submitted half-way through the seven year accreditation cycle to apprise the ACCJC Commission on the work that has been done to meet the recommendations that arose during the comprehensive visits in 2018 and one follow-up visit for Kapi'olani Community College. The reports also address progress on the individual campus Quality Focused Essays that were included in the 2018 visit. This work is to ensure we continue on a path of continuous improvement to excel our institutions and progress to improve student success.

Board is requested to review the midterm accreditation reports and upon review, the Chairs of the Academic and Student Affairs Committee and the Board of Regents are requested to sign the external signature pages. We have provided you with the full midterm reports and corresponding executive summaries by college.

C: Executive Administrator and Secretary of the Board Oishi

Attachment:

1. Executive Summaries: 2022 Accreditation Midterm Report for Hawai'i CC, Honolulu CC, Kapi'olani CC, Kaua'i CC, Leeward CC, and Windward CC

Executive Summary for 2022 Accreditation Midterm Report Hawai'i Community College

Hawai'i Community College (Hawai'i CC/College) prepared its 2022 Midterm Report to be submitted to the Accrediting Commission for Community and Junior Colleges (ACCJC) to provide an update on how improvement plans arising from the [2018 Institution Self-Evaluation Report](#) (ISER) were integrated into the College's ongoing planning and implementation processes, addresses the work accomplished in response to the improvement recommendations made by the previous comprehensive peer review team, reflects on improving institutional performance (student learning outcomes and institution-set standards) and reports on the progress and outcomes from the action projects that were identified in the College's Quality Focus Essay (QFE). Hawai'i CC certified that there was broad participation/review by the campus community and that this Midterm Report accurately reflects the nature and substance of this institution.

PLANS ARISING FROM THE SELF-EVALUATION PROCESS

Hawai'i CC identified sixteen action plans in their 2018 ISER. Ten of these plans have since been completed and the remaining six plans are in progress of being completed.

INSTITUTIONAL REPORTING ON QUALITY IMPROVEMENTS

A. Response to Recommendations for Improvement

The 2018 External Evaluation Team Report did not identify any compliance requirements and outlined just two college recommendations and one UHCC System recommendation for improving institutional effectiveness. Hawai'i CC and the UHCC System have since taken actions to address these recommendations.

B. Reflection on Improving Institutional Performance: Student Learning Outcomes and Institution Set Standards

1. Student Learning Outcomes (Standard I.B.2)

During the past seven years, Hawai'i CC has engaged in a dynamic reinvigoration of its assessment process and practices. Central to the success of this initiative has been the development of consistent, cogent protocols and requirements for course/program and non-instructional unit assessment, which are clearly defined in detail in Hawai'i CC's [Haw 4.202 Assessment Policy](#).

As Hawai'i CC works to constantly improve its ability to "close the loop" by more closely integrating assessment results data and analyses into curricular, programmatic, and budget resource allocation planning, the College continues to refine and streamline ways for faculty and staff to efficiently provide their colleagues and administrators with their assessment data and analyses, and for faculty, staff and administrators to be able to effectively use that data in decision making.

Assessment results data and analyses have guided changes and improvements in curriculum, teaching strategies, assessment strategies and overall action planning for improvements in almost all of Hawai'i CC's instructional programs and the majority of non-instructional units during the past seven years. Support for assessment is provided at many levels throughout Hawai'i CC. In addition to focused assistance from program administrators and the institutional assessment coordinator, the College Council's Assessment Committee provides guidance and support to programs that are struggling to conduct and report their course assessments, and to units working to develop and implement appropriate assessment strategies. The committee's evaluations and recommendations are provided to the programs and units based on the assessment portions of their three-year comprehensive Program/Unit Reviews.

2. Institution Set Standards (Standard I.B.3)

The UHCC System implemented [UHCC Policy 4.203](#) in 2017 that identified eight specific standards for which each campus is held accountable. The standards, baseline (floor) values and aspirational (stretch goal) values are included in [Attachment 1](#) of this policy for each community college.

Hawai'i CC met the baseline (floor) standards for Course Completion, Certificates Awarded, Transfers to Baccalaureate Institutions, and IPEDS Student Success Rate during this review period. Whereas, the baseline (floor) standards for Native Hawaiian Degrees and Certificates Awarded, Licensure and Certification Examination Success Rate, and Job Placement Rate were partially met. The baseline (floor) standards for Degrees Awarded and Pell Recipient Degrees and Certificates Awarded were not met. The College is addressing those standards in which the baselines were not met.

C. Report on the outcomes of the Quality Focus Projects

As a result of self-reflection during the 2018 ISER process, Hawai'i CC's Quality Focus Essay (QFE) identified two areas on which to focus to better meet the mission of the College and to ultimately increase student learning and achievement. These two action projects aim to improve the College's 1) integrated planning process, and 2) student first-year experience.

Action Project 1: Integrated Planning

Hawai'i CC convened three sub-committees to review the current campus institutional effectiveness and budget allocation process. These three sub-committees found many inconsistencies and deficiencies in the current institutional effectiveness and budget allocation process, primarily that many of the documented plans were not effectively implemented, some were not being used at all, and many were not producing their intended outcomes. To begin to address these issues, the three separate sub-committees combined into one QFE-Integrated Planning (QFE-IP) committee so that experts over the areas of planning, evaluation and resource allocation could come together to discuss and begin to develop a blueprint for revising and

improving the plans and processes related to institutional effectiveness and budget allocation. In fall 2020, the combined QFE-IP committee was transferred to the College Council as a task force under the provisions of the [College Council Charter](#) (see Article II, Section 3, p.2).

The next steps for the QFE-IP committee includes disbanding as a College Council task force at the end of AY 2022 and creating an Implementation task force to take over the next phase of the QFE-IP work. Once the Kauhale has adopted the current committee's proposed revisions to the Integrated Planning process for institutional effectiveness and budget allocation, implementation should be able to start in fall 2022 and continue through spring 2023, with an initial evaluation of the new process scheduled to take place in AY 2024.

Action Project 2: First-Year Experience (FYE)

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

During the AY 2021, a group was formed to work on an FYE designation process for courses. Hallmarks were created along with a designation process. Training for faculty is ongoing. Hawai'i CC is currently in its soft launch of FYE for this academic year. A hard launch is scheduled for AY 2023.

Goals to accomplish by end of AY 2022:

- Submit proposal to College Council to become a Standing Committee
- Continue to increase awareness of FYE
- Create a designation process for non-academic units
- Provide ongoing professional development for faculty and staff
- Submit proposal to Academic Senate to have the FYE Academic Designation an official committee
- Develop evaluation and tracking system for FYE students

Other actions scheduled for this academic year include increasing FYE training and services in the Division of Student Affairs/Counseling and Academic Support Units (e.g. The Learning Center, Paepae 'Ōhūa, etc.).

D. Fiscal Reporting

The [2022 ACCJC Annual Fiscal Report](#) reflects that Hawai'i CC has met its fiscal goals and is not subject to any enhanced fiscal monitoring.

Executive Summary for 2022 Accreditation Midterm Report Honolulu Community College

Honolulu CC did not receive any compliance requirements from the ACCJC after the Fall 2018 team visit, but the following were suggestions (recommendations) by the visiting team for improvements of institutional effectiveness.

Recommendation - Policies

To increase institutional effectiveness, the team recommends that the College follow and communicate widely its recently approved UHCC Policy 5.304 on Regular Review of College Policies and Procedures and HCCSOP 1.201, Roles and Responsibilities of Committee Service. (I.B.7)

To follow best governance practices and maintain institutional integrity, the College developed its own policy on policy review and informed its five governance groups (Faculty Senate Executive Committee, Planning Council, Staff Senate Executive Committee, Kupa Ka Wai, and Student Government). The College also reminded all campus committees to inform their members of the procedures outlining roles and responsibilities of committee service.

Recommendation - Facilities Master Plan

In order to improve institutional effectiveness, the team recommends that the College follow a participatory process to develop a comprehensive Facilities Master Plan that will assure access, safety, security, and a healthful learning environment. (III.B.2)

The Honolulu CC Facilities Plan 2018 (Facilities Master Plan) was prepared with cooperation from the University of Hawaii Community Colleges (UHCC). Because much of our institution's facilities planning depends on and coincides with the planning by UHCC, University of Hawaii system, and State legislators, the document incorporates and references multiple other plans. The plan includes topics of access, safety, security, and a healthful learning environment.

Included in the Honolulu CC's Long-Range Development Plan were requirements and issues related to two major medium-term projects: (1) an Advanced Technology and Training Center (ATTC) and (2) the City's planned Kapālama Transit Station. The training center was delayed due to issues in land preparation and legislature funding issues, while the transit system is still in initial stages of construction on and around the campus. An addendum of the plan was prepared in February 2022 and presented to the campus.

Recommendation - DE Training

In order to improve institutional effectiveness, the team recommends that the College codify criteria used to approve faculty who teach online, provide training opportunities for faculty to meet those criteria, finalize the distance education handbook, and widely communicate the handbook contents. (III.A.2, III.A.14)

All new faculty desiring to teach online are required to receive certified training on designing and teaching courses using *Laulima*, building engaging content, using interaction to form online learning communities, as well as effectively implementing best practices in assessment, accessibility, and pedagogy. The certified training ensures that all distance education faculty are prepared and able to deliver quality instruction and facilitate student learning online.

The *Distance Education Faculty Handbook* was updated in September 2021, incorporating comments from the Faculty Senate Executive Committee and the Committee on Programs and Curricula. The handbook was distributed to the campus and posted on the college website.

Recommendation - DE Resource Allocation

In order to increase institutional effectiveness, the team recommends that the College include distance education in its integrated planning and resource allocation processes. (I.B.9)

The College implemented an integrated plan and resource allocation process for distance education in early 2019, but after the pandemic required more classes to be offered remotely, the process was revised to better meet the needs of online instruction. The revised process includes a more pragmatic funding mechanism, strengthens the quality of instruction through certification, and provides faculty with more online teaching support through workshops and training sessions. Under the updated integrated resource priorities, the College allocates funding of up to \$10,000 annually through the Office of the Vice Chancellor of Academic Affairs (VCAA).

Executive Summary for 2022 Accreditation Midterm Report Kapi'olani Community College

After the ACCJC comprehensive site visit in 2018, the College received two compliance recommendations specific to the institution: (1) the need to evaluate policies, plans, procedures and policies and the use of the results to improve and (2) the need to analyze and integrate the results of learning outcomes assessment. The College was required to submit a follow up report and host a site visit in 2020. ACCJC accepted the follow up report as demonstrating that we had satisfactorily and completely addressed these recommendations and are in compliance with the associated standards.

Standards I.B.7, I.B.8, IV.A.7 (College Recommendation 1)

In order to meet the Standards, the Team recommends that the College regularly evaluate its institutional plans and governance and decision-making policies, procedures, and processes to ensure their effectiveness. Further, the Team recommends that the results of evaluations be widely communicated across the institution and used as a basis for making improvements.

What we did to address Recommendation 1:

- We developed continuous improvement surveys and reports to ensure regular evaluation of our “plans, governance and decision-making policies, procedures and processes.”
- We hosted regular town halls to share results of accreditation and the progress on meeting the recommendations. We posted the results of continuous improvement surveys and plans on a public website.
- To ensure the regular evaluation of policies, we developed a process for policy review and documented that process in a policy on policy development.
- Kapi'olani Community College developed the Integrated Planning for Student Success Model, which is driven by the continuous improvement cycle. It outlines processes and documentation procedures for continuous improvements across the institution, including course, program, and institutional assessment as well as the evaluation and continuous improvement of our Authorized Governance Organizations and institutional plans and policies.
- A special listserv for the Chancellor's Advisory Council (CAC) open to all employees ensures that all campus community members can get updates on evaluations of institutional plans, governance, and decision-making policies, procedures, and processes. Links to CAC minutes are posted on the News and Events website.

Standards I.B.2, I.B.4, I.B.5 (College Recommendation 2)

In order to meet the Standards, the Team recommends that the College analyze and document the results of learning outcomes assessment across all disciplines and programs, and integrate this analysis and documentation into program review and institutional planning processes on a regular and consistent cycle. Further, the Team recommends that the College use the results of this analysis and documentation to make improvements in student learning at the course, program, and institutional levels.

What we did to address Recommendation 2:

- We phased out the Taskstream assessment management system and replaced it with revised versions of the documentation we had previously employed.
- A plan and timeline were developed to ensure mapping is completed for course student learning outcomes (SLOs) to program learning outcomes (PLOs), to the revised general education outcomes, and institutional learning outcomes (as applicable). The mapping to general education outcomes is delayed as we want to ensure we align with the redesign of UH general education outcomes.
- A five-year reporting cycle of course learning outcomes assessment began in fall 2019 and will end in spring 2024.
- We developed a standardized template for course syllabi to ensure the alignment of information in the syllabi with the approved course outlines of record and to facilitate student orientation to course information.
- The Annual Report of Program Data was modified to better connect assessment results to program improvement and resource allocation.
- We changed the three-year cycle for Comprehensive Program Review to a five-year cycle to align with the five-year cycle of course SLO assessments.
- We re-examined and revised the resource allocation process for program improvement.

In addition to addressing these two recommendations, the midterm report provides the progress on the College's Quality Focus Essays.

Quality Focus Essays (QFE)

The College identified two areas of quality focus: improving the assessment of student learning outcomes and improving engagement for student success.

The goals for the QFE for the Assessment of Student Learning Outcomes address the Commission's compliance recommendation around assessment. They are:

- to update the assessment process under the guidance of an Assessment Coordinator;
- to review the Taskstream (assessment management system) process and to create queries and reports in Taskstream to inform SLO and service area outcome (SAO) assessments;
- to update the general education outcomes and to map SLOs and SAOs to the revised institutional learning outcomes and general education outcomes; and
- to continue innovative workshops and programs to further engage faculty and staff and explore impactful assessment activities across the College.

Initial progress was slowed by the pandemic, when faculty were consumed with converting the majority of our face-to-face classes to online delivery. More recently a renewed focus on assessment by the Faculty Senate student learning outcomes and Assessment Committee has resulted in significant progress.

In addition to the progress noted in the follow-up report in 2020, the following accomplishments address Recommendation 2:

- The Continuous Improvement Work Group was instituted to support improvement initiatives throughout the campus.
- The faculty completed a plan to map student learning outcomes (SLOs) to institutional learning outcomes (ILOs).
- Innovative trainings for faculty and staff were conducted to engage them in student learning outcomes and service area outcomes assessments. Service areas have responded to training with stronger service area assessments.
- An evaluation was conducted of the new assessment processes with recommendations for improvement and a plan for next steps.
- The College re-evaluated the assessment of institutional learning outcomes to improve student learning. A town hall on assessment resulted in the recommendation to fill the full-time institutional assessment coordinator position, which had been vacant since 2020, as well as other recommendations to sustain a robust assessment process

The goals for the QFE on Engagement for Student Success are:

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

Many of these measures are tied to enrollment numbers, which continue to decline. Nevertheless, using student success pathway strategies to improve engagement, the outcomes accomplished include:

- At the end of AY 2019-2020, course completion and fall-to-spring persistence rates increased slightly. Native Hawaiian and STEM student completions increased slightly. Student transfers to four-year programs increased.
- The COVID-19 pandemic resulted in a historical disruption of the College's plans. However, Kapi'olani CC students ignited conversations around strategic planning with qualitative social science research through participation in the Pāoa Indigenous Research Program. Staff and faculty added to this brainstorming with energetic discussions in Spring 2022. This planning takes place as the UH System's strategic plan is being developed.

Executive Summary for the 2022 Accreditation Midterm Report Kaua`i Community College

The 2018 external evaluation team noted no recommendations to meet standards and only three recommendations for improvement (two college and one system). For the sake of brevity, only highlights from the college recommendations are included in this summary.

College Recommendation for Improvement #1: *In order to improve institutional effectiveness, the College is encouraged to complete the transition to assessing of course learning outcomes through program learning outcomes and to use the results to improve student learning and achievement. (I.B.4)*

Improvements made in assessment of learning outcomes included:

1. Continuing the transition from assessing course student learning outcomes (CSLOs) to assessing program student learning outcomes (PSLOs) by evaluating the five-year assessment plans of academic programs,
2. Developing direct assessments of PSLOs in academic programs while also ensuring any aggregated course student learning outcome (CSLO) data were clearly mapped to a program student learning outcome (PSLO),
3. Removing general education core classes from program assessments and developed a standalone “general education” program assessment,
4. Revising PSLOs for the Liberal Arts program by not only removing general education core courses that were common across programs but also creating student learning outcomes that made the program unique,
5. Sunsetting the expensive and onerous LiveText Via assessment platform in favor of using the college Google Drive as a data storage and management process, and
6. Focusing on closing-the-loop on student learning outcome assessment in assessment reporting that continues to be done via the University of Hawai`i Community College’s Annual and Comprehensive Program Review process.

College Recommendation for Improvement #2: *To improve effectiveness of its online offerings, the College should consistently apply the best practices articulated in College plans and documents, such as the KCC Distance Education Handbook. (II.A.7)*

Improvements made in distance education included:

1. Developing a schedule for evaluating online courses,
2. Expanding professional development to support faculty by providing instruction on how to incorporate universal design and distance education best practices into their distance courses,
3. Overhauling the *Distance Education Faculty Handbook* to list new resources and additional distance education student services, provide up-to-date best practices, and

provide updated policies that ensure online courses have regular and substantive interaction,

4. Joining NC-SARA to ensure distance education programs meet interstate postsecondary education national standards and quality, and
5. Updating the Distance Education/Learning Committee five-year strategic plan to not only align with the college's *Ka Papa Hana Holomua Academic Plan (2021-2026)* but also to emphasize the shift toward course evaluation.

The COVID-19 pandemic illustrated that the current certification process at the college is not sustainable given the increase in online and hybrid courses over the past few years. The sheer number of new instructors that need to be supported and peer-reviewed creates an unreasonable amount of work for reviewers as well as current faculty going through the process. The Distance Education/Learning Committee is exploring other options, which includes expanding partnerships with other University of Hawai'i campuses and entities.

Executive Summary for 2022 Accreditation Midterm Report Leeward Community College

Quality Focus Essay Background

Resulting from College-wide engagement, in the development of the Institutional Self-Evaluation Report (ISER) for the Accrediting Commission for Community and Junior Colleges, Leeward Community College (CC) identified two action projects for the Quality Focus Essay (QFE). Namely, *increase student retention by keeping the students that we already have and improve student learning by making outcomes assessment more meaningful for faculty and staff.*

Action Projects

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

The Self-Evaluation Core Team's review of the data indicated a gap in student retention despite the implementation of several initiatives. Additionally, faculty and staff began experiencing "initiative fatigue" with many initiatives needing attention. Thus, the college selected a Wildly Important Goal (WIG) of "Keeping the Students We Have" to focus our efforts on a single goal to increase retention and persistence.

Goals and Outcomes

- Increase student retention and persistence by 10% in 2018-2019.
- Increase the three-year graduation rate from 16% to 22% by 2020-2021.

For our first goal, we did not increase student retention and persistence by 10% in 2018-2019. Fall to Spring persistence has remained steady at 68% since 2017. However, Fall to Fall persistence increased from 44% in 2017 to 45% in 2019, successful course completion rates increased from 74% in 2016 to 78% in 2020, and the average number of semesters to graduate fell from 8.6 semesters in Summer 2016 to seven semesters in Fall 2021. For our second goal, Leeward CC was successful in increasing the three-year graduation rate from 16% to 22% by 2020-2021. Since there is a three to four-year lag for this data, the actual rate was 17.3% (2013) at the time the 2018 ISER was written. Leeward's three-year graduation rates have steadily improved to 28.7% (2018).

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

The second project is to improve student learning by making outcomes assessment more meaningful for faculty and staff. It was developed out of a Spring 2018 convocation breakout session that focused on the areas of improvement identified by the Self-Evaluation Core Team. Leeward CC has had an assessment management system (AMS) since 2010 however, faculty and staff did not find it intuitive or easy to use. This created a deterrent to meaningful dialogue about assessment instead of facilitating continuous improvement.

Goals and Outcomes

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

Leeward CC made progress on our first goal by providing several workshops and training including training sessions for division chairs and program coordinators, and convocation workshops from 2018 to 2021, and two hands-on training for early adopters using our new AMS,

Anthology. For our second goal, Anthology allows for each instructional division, department, section and course to be able to manage their own outcomes assessment process. It allows for a centralized method of data collection and analysis that can be shared with key stakeholders and facilitate improvements in teaching and student success. To reach our third goal, we will implement an evaluation of the Leeward CC's assessment services and practices in Fall 2022. The evaluation will be replicated annually to determine areas for continuous improvement.

Other Planned Improvements

Planned Improvement	Status
Perform comprehensive review of Mission Statement. (Standard I.A.4)	Completed Spring 2022
Improve Integrated Planning and Budgeting Process and increase transparency. (Standards I.B.1, I.B.7, I.B.9, IV.A.3)	Revised in 2019 and currently under revision by an ad hoc committee.
Provided required training on faculty-initiated interaction in distance education (DE) courses. (Standards I.B.1, II.A.7, IV.A.4)	Fall 2018, 100% of DE instructors completed DE Federal Requirements Training and 30+ workshops have been offered since then.
Clarify relationship between General Education Learning Outcomes and Institutional Learning Outcomes. (Standard I.B.2)	Completed Spring 2021
Conducted Employee Satisfaction Survey every three years. (Standard I.B.7)	Completed in Fall 2019. Will be readministered Fall 2022.
Communicated more clearly results of program reviews, resource requests, and institutional priorities to the campus. (Standard I.B.9)	Since 2018 VCAA and VCAS share regular campus updates about these issues.
Completed AA in Liberal Arts Assessment. (Standard II.A.3)	Completed Fall 2020
Created a disability services training program for faculty and staff. (Standard II.B.1)	Completed and regularly implemented since Fall 2019.
Conduct student focus groups on counseling and advising services. (Standard II.C.5)	Delayed due to COVID. Will be implemented Fall 2023
Conducted the Faculty Senate (FS) Campus Satisfaction Survey. (IV.A.7)	Completed in Fall 2019. Will be readministered Fall 2022.

Executive Summary for 2022 Accreditation Midterm Report Windward Community College

The following summarizes Windward CC's responses to visiting team recommendations and the activities undertaken to address the Quality Focus Essays in Windward CC's Self-Evaluation.

College Recommendation 1

In order to improve quality, the team recommends the College provide public access to documented assessment of student learning and enhance online access to student success and achievement data (Standard I.C.3).

To address this, the College determined that a) its homegrown learning assessment platform would need to be replaced and b) the College website would need to be redesigned. The College has purchased and implemented Watermark's Aqua platform to address weaknesses in our assessment platform. The Aqua platform was further enhanced by securing the Planning and Self Study tools from Watermark. These two pieces of software will continue to serve as a unified information gathering space so that Windward CC will be able to assess student learning outcomes in a consistent fashion and disseminate the resulting data online in an easy-to-read format. To ensure that data from the previous assessment database are not lost, older assessments have been converted into reports and are displayed on the assessment page of the Windward CC website from Fall 2021 onward. The Aqua/Planning and Self Study Reports for Spring 2020 onward are also displayed on the site.

This coincides with the overhaul and modernization of the overall [Windward CC website](#), which was implemented following broad feedback from the campus community, including input specific to learning outcomes assessment. Information from the Office of Institutional Research (OIR) on student success and achievement, as well as accreditation information, is now available more easily from the home page by clicking on the Institutional Research link under the Where We Stand section. The OIR site provides information on grade point average and retention, as well as student success and achievement data and reports generated by the office. This enhances online access and fully addresses this recommendation.

College Recommendation 2

In order to improve quality, the team recommends that the College formalize planning and processes for distance education offerings to include plans for continuing to meet the regular and effective contact as required in federal regulations (Standard II.A.7, Commission Policy on Distance Education and Correspondence Education).

Recognizing the ad hoc nature of the development and expansion of distance education (DE) offerings at Windward CC, and reflecting the work begun in the College's Quality Focus Essay (QFE) on DE, the team identified the need for the College to: (a) formalize its distance education planning and processes, and that (b) these plans should ensure that DE offerings comply with

federal regulations for regular and substantive contact. The College has developed clear guidelines on how to develop, design, assess, and approve distance education courses, including a formal policy on online office hours and response time and a Peer Evaluation form specific to online courses. Regular and substantive contact has been addressed through sustained professional development, the regular guidance of the Distance Education Committee, an online office hours policy, and support through faculty peer networks, such as the Distance Education Hui.

To ensure effectiveness of online offerings and parity for online students, an online student orientation has been implemented. Online specific counselor strategies have been incorporated by Windward CC general counselors to advise online students. Students now have access to resources, including readiness assessment, tutoring, supplemental instruction, improved Learning Management System, guided pathway-based registration, online appointment scheduling and other services, and continuing education courses and programs. Efficient online degree pathway programs using cohorted eight week classes and best practices for adult learners have also been implemented for specific degree and transfer pathways. This recommendation has been fully met.

College Recommendation 3

In order to improve quality, the team recommends that the College provide additional professional development training, technological support, and infrastructure to support the expanding distance education program. (Standard III.A.14, III.C.4)

Windward CC designed and implemented a robust Distance Education professional development program, starting in Spring 2020, focusing on the pivot to low-contact and fully online course modalities, instructional design, online pedagogy, technology and software tools, and service equity for distance education students. Workshops on how to utilize DE software and services have been conducted by the Instructional Developer and grant funded experts. Personal one-on-one sessions by the Instructional Development staff have provided additional technological training. To increase participation, the institution committed \$33,000 of institutional, grant, and federal funds to pay stipends to eligible full-time instructional faculty and part-time lecturers for participation. Since Spring 2020, faculty and staff completed more than 116 DE-focused professional development activities, workshops, courses, and modules.

Increased demand for instructional technologies and multimedia content led the College to reorganize Academic Support in 2018, to include Media Technology Services (MTS). MTS's mission is to support face-to-face and distance education instruction, along with instructional design, through new technologies and multimedia production. This support includes classroom and telework hardware and software, as well as maintaining facilities such as the video and audio instructional studios, and a faculty production laboratory. Through substantial resource investment, MTS has implemented high definition display classrooms, bring your own device systems, interactive white boards, lecture capture and synchronous face-to-face and remote

instruction technologies. Trainings, individual and workshop style, have supported faculty incorporation of new technology. This, other professional development opportunities offered, and staff support from both WCC and UH system ITS has led to increased online course success.

Further infrastructure support by Windward CC's Computing Services (CS) Department has ensured continued functioning of data networks during hardware failures through readily available spare equipment, extra workstations in classrooms, and secondary print locations. Campus servers have fault-tolerant components such as RAID storage, ECC memory, and dual power supplies to avoid downtime in the event of a single component failure. The CS department purchases extended warranties and guarantees uninterrupted power supplies by maintaining functionality during short power interruptions to the campus servers, network switches, PBX, and Ethernet-connected wireless access points and telephones. A portable generator is available that will keep the College's Internet connection, PBX, web server, and file servers running during extended power outages. Thus, WCC has strongly addressed this recommendation through professional development, technological support and infrastructure.

QUALITY FOCUSED ESSAY: NATIVE HAWAIIAN PARITY

From September 2017 through May 2020, the College implemented the Quality Focus Essay (QFE) goals and action steps to fulfill the first action plan, providing disaggregation of data and refinement through review with Ke Kumu Pali (KKP), Windward CC's Native Hawaiian governing body. Three annual Native Hawaiian data reports on student data have been created, disseminated, reviewed and refined to improve the quality of dialogue on parity measures. This has resulted in data which now clearly distinguishes between Native Hawaiian students and non-Native Hawaiian students, providing clarity and removing ambiguity. The College has now begun to address goals related to enrollment, beginning with the creation of a systematic, evidence-based enrollment management plan, which will be undertaken this year.

QUALITY FOCUSED ESSAY 2: DISTANCE EDUCATION PARITY

This QFE has provided the College a roadmap to grow and improve distance education through three major strategies: (1) providing faculty who teach online with expert training and support, (2) providing equivalent support services to online and face-to-face students, and (3) aligning institutional and programmatic practices for online instruction. As seen under Recommendation #3, significant professional development has been invested in online learning. As seen under Recommendation #2, significant work has been undertaken to provide equivalent support services for online students and align practices for online instruction.

Windward CC is making appropriate progress on both quality focus essay initiatives.



UNIVERSITY OF HAWAII
BOARD OF REGENTS dts 22727

'22 AUG 15 P3:28

Office of Intercollegiate Athletics • 1337 Lower Campus Road • Honolulu, Hawai'i 96822-2370

August 18, 2022

TO: RANDOLPH MOORE
Chairperson, Board of Regents

VIA: DAVID LASSNER 
President

VIA: KALBERT YOUNG 
Vice President for Budget and Finance

VIA: JAN GOUVEIA 
Vice President for Administration

FROM: DAVID A.K. MATLIN 
Director of Athletics, University of Hawai'i at Mānoa

SUBJECT: RECOMMEND BOARD APPROVAL OF CONSTRUCTION PROJECTS
TO EXPAND THE CLARENCE T.C. CHING ATHLETICS COMPLEX AND
RELOCATE THE TRACK ON THE UNIVERSITY OF HAWAII AT MĀNOA
CAMPUS

SPECIFIC ACTION REQUESTED:

In accordance with Regent Policy ("RP") 8.201, which requires the Board of Regents of the University of Hawai'i ("Board") to approve construction projects "in excess of and/or totaling more than \$5,000,000," it is recommended that the Board approve construction projects to expand the capacity of the Clarence T.C. Ching Athletic Complex ("Ching Complex") of approximately 17,000 seats and relocate the track in lower campus, as set forth herein.

RECOMMENDED EFFECTIVE DATE:

Upon board approval.

BACKGROUND:

Closure of Aloha Stadium and Impact on Athletic Program

Aloha Stadium, which has a seating capacity of 50,000, has been the home game venue for University of Hawai'i at Mānoa ("UHM") football since it opened in 1975. In December 2020, the Stadium Authority declared that the existing Aloha Stadium would no longer be safe to host spectator events due to the observed cumulative deterioration of the structure stemming from a lack of funding for deferred maintenance of the facility. As such, Aloha Stadium would be unavailable for the 2021 football season. This closure negatively impacted the UHM intercollegiate athletics program ("Athletics") in several ways:

- Approximately \$3.9 million annually in net contribution was no longer available to offset the costs of non-revenue generating athletic teams, most of which are within the women's programs.
- The loss of a full-sized stadium puts at risk UHM compliance with the NCAA requirement that Division 1 Football Bowl Subdivision (FBS) teams meet minimum attendance requirements of 15,000.
- The unavailability of a full-sized stadium as a home game venue for UHM's Division 1 football team ("Rainbow Warrior Football") diminished the program's competitiveness. Not only did the closure negatively impact the playing experience for existing athletes, who selected UHM and entered the Rainbow Warrior Football program with the expectation of playing in a full-sized stadium, but the closure also impacted future recruiting opportunities as recruits could opt to play elsewhere at programs that had stadiums available for game play.
- The loss of a full-sized stadium adversely impacted existing season ticket holders and other fans that purchased individual tickets. It also threatens the loyalty and interest of long-term fans and may make it more challenging to develop the market for new fans in the future.

2021 Expansion of Ching Complex to 9,300 Seats:

When the Aloha Stadium unexpectedly and abruptly announced its closure in December 2020, Rainbow Warrior Football was left without a site to play any football games with any fans at all. On February 4, 2021, the Board Committees on Intercollegiate Athletics ("ICA") and Budget and Finance met to discuss and address the problems created by the sudden closure of Aloha Stadium for Rainbow Warrior Football. After studying alternate possibilities, Athletics Director Matlin proposed that the best solution to this challenge presented by the state was to make immediate improvements to the Ching Complex to accommodate hosting football games by adding bleachers to the original capacity of 2,500 seats. At its March 3, 2021 meeting, the ICA Committee was advised of initial plans to purchase and install bleachers for the Ching Complex to allow UHM to host football games with fans for three to four years, while the Aloha Stadium underwent redevelopment. At the May 6, 2021 Planning and Facilities Committee meeting, the

Board was updated on the progress of improvements to the Ching Complex, with the expansion of the seating capacity to accommodate up to 10,000 spectators being completed by August 31, 2021 (just in time for the first home game). This work was completed as proposed, with an increase of capacity to 9,300 seats.

Programmatic Impact of Ching Complex Expansion:

The initial expansion of the Ching Complex to 9,300 seats provided a venue for UHM football games during the 2021 football season as a temporary measure in response to the closure of Aloha Stadium. However, in its current state, the Ching Complex does not meet the minimum attendance requirement of the NCAA, Football Bowl Subdivision ("FBS"), which requires a two-year average of 15,000 attendees. Specifically, NCAA Rule 20.10.9.3 on Football-Attendance Requirements states, "Once every two years on a rolling basis, the institution shall average at least 15,000 in actual or paid attendance for all home football games."¹

If Athletics does not meet the NCAA's minimum attendance requirements, UHM could lose its Division 1 FBS status. If UHM were to continue its football program at a lower level it would need to exit the Mountain West Conference, compete primarily against a lower level of competitors, and develop a completely new financial model for UHM athletics since there would be significant negative impact on attendance, media opportunities, and sponsorship. Given the positive financial impact of football on the overall UHM athletics budget, the just-stabilized financial model for the UHM athletics program would need to be reassessed.

To comply with NCAA requirements and maintain a competitive Division 1 FBS program, UHM proposes to expand the existing Ching Complex from its current seating capacity of 9,300 to approximately 17,000. While the initial improvements to the Ching Complex resulted in a venue that could at least accommodate UHM football home games during the pandemic, the proposed expanded Ching Complex is required for several years to meet NCAA requirements before the new stadium becomes available to host home games. Furthermore, as average fan attendance was approximately 20,400 turnstile (23,300 issued) prior to Aloha Stadium's closure, the Ching Complex expansion to approximately 17,000 seats would more closely align the Ching Complex capacity with previous UHM football game attendance at Aloha Stadium.

Additionally, the Athletics Department has assessed the financial impact of operating and maintaining the larger capacity facility of an expanded Ching Complex. Overall, the department estimates the expansion from 9,000 to approximately 17,000 seats will provide incremental positive net revenue of \$1.0 million annually. In addition to meeting

¹ Should the proposed Ching Complex expansion project be approved, Athletics plans to request a temporary waiver of the NCAA requirement while the expanded Ching Complex is constructed and the New Stadium is being built

NCAA requirements, this expansion will help offset the substantial financial loss to UHM when Aloha Stadium was abruptly closed by the state.

Description of Construction Project to Expand Ching Complex to Approximately 17,000 Seats and Relocate Track & Field in Lower Campus:

The construction project to expand Ching Complex to approximately 17,000 seats (“Ching Complex Expansion Project”) will require the existing stands in the ‘Ewa Endzone to be removed and replaced with a larger capacity grandstand. In the Diamond Head Endzone, UHM plans to expand the existing seating by adding 2,000 seats. The new seating is anticipated to wrap the corners of the field to help increase the attendance without exceeding the height of the Ching Complex. The seating design will be considered semi-permanent in nature, which allows the seats to be repurposed and reused in the future if appropriate. In addition to increasing the complex capacity, UHM has partnered with Aloha Stadium to provide UHM with the existing 75-foot-wide video scoreboard. The installation of the new video board will transform the look and feel of the Ching Complex for the fans. The estimated cost of this project is approximately \$15 million and the work is expected to commence in January 2023 and be completed by August 2023.

Once Aloha Stadium is redeveloped to again serve as the permanent home field for Rainbow Warrior Football, the capacity at the Ching Complex is anticipated to be reduced to approximately 10,000 seats. At that time, the campus will evaluate its options of either selling the unneeded seats or reusing them for another purpose.

As the expansion of the Ching Complex to approximately 17,000 seats requires the installation of new grandstands on the existing track, all track and field activities will be temporarily relocated while a new track is installed at the current location of the Cooke Practice Fields. The bleachers that were removed from the ‘Ewa Endzone will be repurposed for this project. Additionally, the soccer practice field will be re-incorporated into the design of the track to support the current use of Cooke Field for soccer. Due to the size of the track, the Mauka hill will be excavated and a new retaining wall will be installed. The existing practice fields will need to be leveled to account for the differing field elevations. UHM will install a drainage system underneath the soccer field and a new irrigation system. Utility pathways will be installed underneath the track for future work. The cost of this phase is approximately \$15 million and the work is expected to be completed by May 2024.

A future phase of work will be required prior to permanently relocating the women’s soccer team back to campus. The soccer team currently holds its games at the Waipi’o Peninsula Soccer Stadium. The future phase will require additional improvements like the installation of stadium lighting, a new scoreboard, a PA booth, and a ticket office. At the end of this project, in addition to the Football improvements, womens track & field will have substantially improved facilities and womens soccer will be able to compete on

campus, improving the experience for these student athletes, and attract fans to this new on campus facility.

Project Funding:

The total project cost is estimated to be \$30 million, inclusive of improvements for football, track & field, and soccer. Governor Ige has directly advised President Lassner that the State will need to allocate an estimated \$50 million in one-time funding to UH this fiscal year to satisfy the state's Maintenance of Effort (MOE) requirements associated with the substantial federal funding provided to the state through the federal pandemic relief acts. While this unexpected one-time MOE funding cannot be used directly for capital projects, it will provide the university the flexibility required to utilize Tuition and Fees Special Funds (TFSF) for the Ching Complex project without any negative impact on UHM campus finances and outlook.

ACTION RECOMMENDED:

In accordance with RP 8.201, it is recommended that the Board approve the proposed projects, as described herein, to expand the capacity of the Ching Complex to approximately 17,000 seats and relocate the track in lower campus.



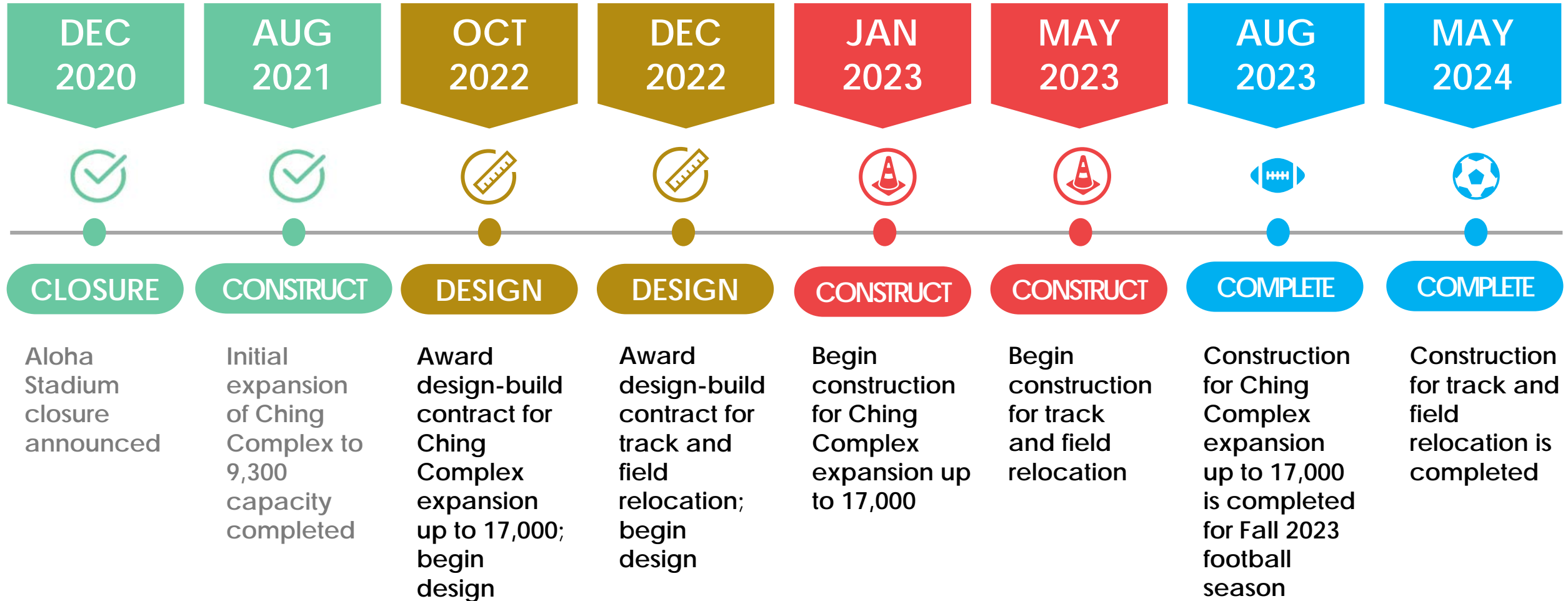
UNIVERSITY *of* HAWAII®

Clarence T.C. Ching Athletic Complex Expansion and Relocation of Track and Field

August 18, 2021



Timeline for Ching Complex Improvements & Track/Field Relocation

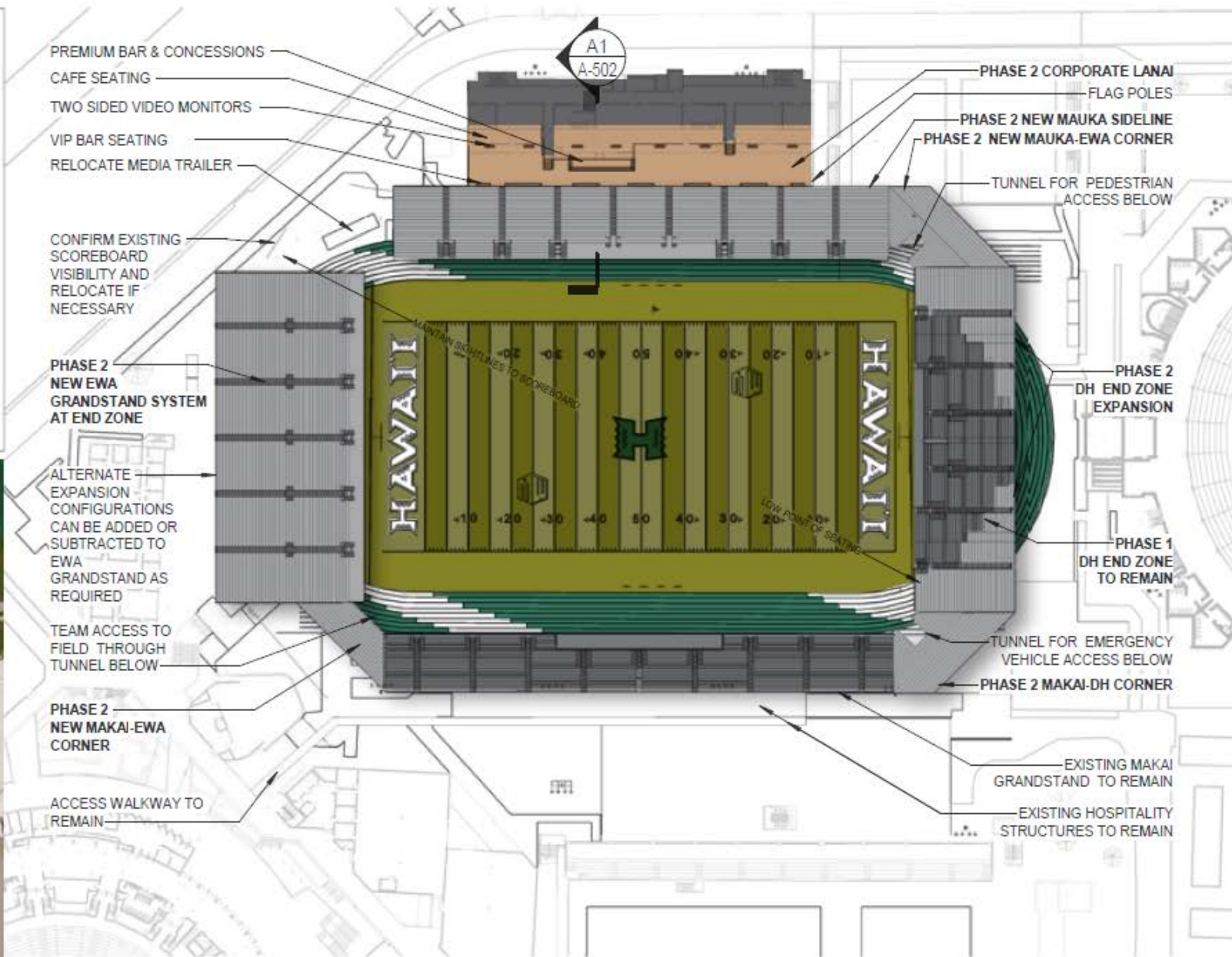
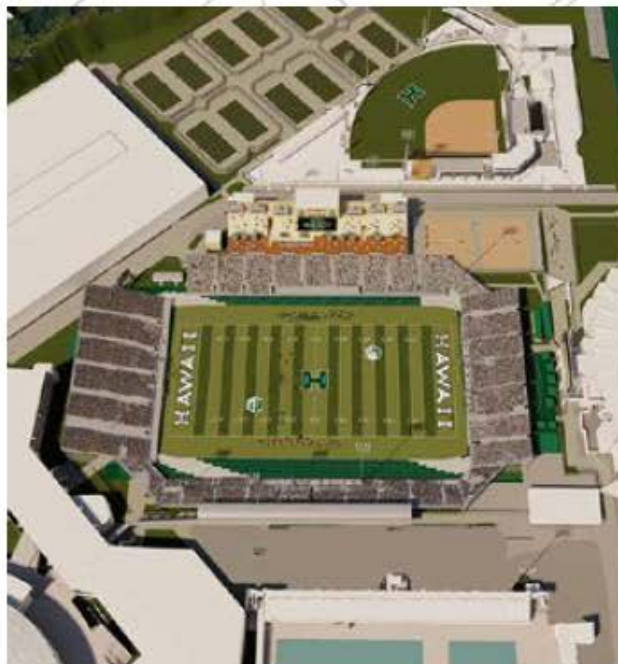


Conceptual Plan for Ching Complex Expansion

PHASE 2 SEATING SCHEDULE CONCEPTUAL PLAN

Seating Area	Quantity	Description / Notes
Phase 1		
Mauka Sideline	2402	Existing Ching Complex Grandstand
Makai Sideline	3399	In-Production Grandstand A - 19'/seat
Diamond Head End Zone	1990	In-Production Grandstand B - 19'/seat
Ewa End Zone	1239	Relocated Bleacher System- 18'/seat
Makai Hospitality Structure	320	VIP
Total Phase 1	9,350	

Phase 2 Additional Seating		
Remove (E) Ewa End Zone	-1239	Demolish existing grandstand
Abandon (E) Mauka Sideline	-2402	Ching building press boxes to remain
New Mauka Sideline	3400	New grandstand system and Lanai
Mauka-DH Corner	700	Extend and connect to Mauka
DH End Zone Expansion	850	Extend and connect to existing
New Ewa End Zone	5200	New grandstand system
Makai-Ewa Corner	350	Provide emergency vehicle access at ground level
Makai-DH Corner	700	Provide pedestrian access at ground level
	11,200	Estimated total capacity of Phase 2 expanded seating
Total Phase 2	16,909	ESTIMATED TICKETED CAPACITY



Relocated Track and Field (Current Location of Cooke Fields)

↗ Dole Street



Stan Sheriff & Ching Complex





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

'22 AUG 12 P1:06

UH DTS #22723

August 8, 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. Symos *Vassilis L. Symos*
Vice President for Research and Innovation

SUBJECT: Request Approval of Indemnification Provisions in a Non-Proprietary User Agreement ("NPUA") with the Operator of SLAC National Accelerator Laboratory ("SLAC"), a U.S. Department of Energy Laboratory

SPECIFIC ACTION REQUESTED:

It is requested that the University Board of Regents ("Board") authorize the University of Hawaii ("University") to agree to several indemnification provisions in a template "Non-Proprietary User Agreement" ("NPUA") required by the federal Department of Energy. This NPUA will allow University researchers to access the facilities, use the experimental instrumentation, and collaborate with other scientists at SLAC National Accelerator Laboratory ("SLAC"). SLAC is a National Laboratory operated by Stanford University under a contract with the U.S. Department of Energy ("DOE"). Prior to 2008, the facility was known as the Stanford Linear Accelerator Center.

Chairperson Randolph G. Moore
August 8, 2022
Page 2

RECOMMENDED EFFECTIVE DATE:

It is recommended that authorization to undertake these indemnities become effective upon Board approval, and expire in accordance with the term established in the NPUA (initially five years) subject to renewal upon mutual agreement.

ADDITIONAL COST:

The U.S. Department of Energy does not typically charge for using national laboratory facilities if the research proposal is accepted through a peer-reviewed process, the research is not commercial or proprietary, and the researchers publish their results in open literature. Under a non-proprietary user agreement, each party bears its own costs and expenses; no funds are transferred between the parties as consideration for the NPUA.

PURPOSE:

Board approval is requested so that the University researchers may access facilities, instrumentation and collaborative support at the SLAC to further conduct research in the complex between leptin and the leptin receptor, important in controlling chronic human diseases arising from obesity.

BACKGROUND:

Access to U.S. Department of Energy User Facilities: Non-Proprietary User Agreement

The DOE, Office of Science maintains and operates 28 "User Facilities" located at various DOE national laboratories. There are 17 designated national laboratories, including Argonne National Laboratory, Lawrence Berkeley National Laboratory, Brookhaven National Laboratory, Princeton Plasma Physics Laboratory, and Fermi National Accelerator Laboratory.

Access to the shared resources at the user facilities is determined by a competitive peer-review process that evaluates the scientific merit and quality of the research proposal, and the best use of shared, national resources.

At a Board meeting conducted on February 25, 2016, the Board authorized the University to enter into similar Non Proprietary Use Agreements with UC Berkeley's Joint Genome Institute at the Lawrence Berkeley National Laboratory and with the Fermi National Accelerator Laboratory.

Chairperson Randolph G. Moore
August 8, 2022
Page 3

This memorandum requests similar authorization to indemnify SLAC when University researchers use SLAC facilities.

Research Project

This research is funded by NSF award 2145906 in the approximate amount of \$670,600 and is expected to be conducted over the next five (5) years. This exploratory research project examines the structure of the human leptin receptor (LEP-R) complex and the leptin analogous protein Unpaired 1 (Upd1) found in *Drosophila melanogaster* (*D. melanogaster*).

Over the last 30 years, obesity has become a major health crisis in the United States. The rapid onset of this public health problem demonstrates that genetics is not a major determinant in the onset and progression of the disease. Environmental, psychological, and nutritional studies have been consistently unsuccessful and contradictory in revealing the chemical signaling causing obesity.

However, it has been firmly established that signaling occurs through interactions between the hormone leptin, produced by fat cells in the body, and its cognate LEP-R, which are key elements in driving the balance between leanness and obesity. Thus, leptin and its receptor are now viewed as potential drug targets, but the molecular basis of their interaction remains obscure.

The project to experimentally determine the Cryo-EM structure of the leptin receptor complex will be supported by molecular dynamic (MD) simulations utilizing complex docking algorithms to predict the structural complexes. Additionally, Nuclear Magnetic Resonance experiments will be conducted to support and further characterize the ligand-receptor interaction.

Indemnities Required by the NPUA

Pursuant to Hawai'i Revised Statutes, § 304A-110 (indemnities in sponsored research) appended as "Attachment 1" to this memorandum, we request Board approval of the following indemnification provisions in the NPUA (bold face and underscored for emphasis):

ARTICLE VII: INDEMNITY AND LIABILITY***

A. Personnel Relationships – USER shall be responsible for the acts or omissions of Participants.

B. Product Liability – To the extent permitted by U.S. Federal law and U.S. State law of USER, if USER utilizes the work derived from this Agreement in the making, using, or selling of a product, process or service, then USER hereby agrees to hold harmless and indemnify CONTRACTOR and the United States Government, their officers, agents and employees from any and all liability, claims, damages, costs and expenses, including attorney fees, for injury to or death of persons, or damage to or destruction of property, as a result of or arising out of such utilization of the work by or on behalf of USER, its assignees or licensees.

C. General Indemnity – To the extent permitted by U.S. Federal law and U.S. State law of USER, USER hereby agrees to indemnify and hold harmless CONTRACTOR and the United States Government, their officers, agents and employees from any and all liability, claims, damages, costs and expenses, including attorney fees, for injury to or death of persons, or damage to or destruction of property, to the extent such liability, claims, or damages is caused by or contributed to the negligence or intentional misconduct of USER or its employees or representatives during the performance of the work under this Agreement.

D. Patent and Copyright Indemnity – Limited – To the extent permitted by U.S. Federal law and U.S. State law of USER, USER shall fully indemnify the Government and CONTRACTOR and their officers, agents, and employees for infringement of any United States patent or copyright arising out of any acts required or directed or performed by USER under this Agreement to the extent such acts are not normally performed at the User Facility.

E. The liability and indemnity provisions in paragraphs B, C and D above shall not apply unless USER shall have been informed as soon as practicable by CONTRACTOR or the Government of the suit or action alleging such infringement, and such indemnity shall not apply to a claimed infringement that is settled without the consent of USER unless required by a court of competent jurisdiction.

The DOE uses these NPUA templates for all its user facilities nationwide. Negotiations to revise these provisions will most likely not be successful and will result in delayed access to the facility.

Chairperson Randolph G. Moore
August 8, 2022
Page 5

RISK ANALYSIS:

The University's on-site activity and conduct while using SLAC facilities will be strictly regulated. The principal investigators for this project acknowledge and will abide by all on-site health and safety requirements of NPUA -SLAC.

ARTICLE X. LABORATORY SITE ACCESS, SAFETY AND HEALTH***

As a precondition to using CONTRACTOR User Facility, Participants must complete all CONTRACTOR Site Access documents and requirements. USER and Participant shall take all reasonable precautions in activities carried out under this Agreement to protect the safety and health of others and to protect the environment. Participants must comply with all applicable safety, health, access to information, security and environmental regulations and the requirements of the DOE and CONTRACTOR, including the specific requirements of the User Facility covered by this Agreement. In the event that USER or Participant fails to comply with said regulations and requirements, CONTRACTOR may, without prejudice to any other legal or contractual rights, issue and order stopping all or any part of USER's activities at the User Facility.

Since no live cells or viruses will be shipped between the institutions, the risks generated by the actual research operations at SLAC are minimal. The samples will be purified in the Haglund Lab and shipped in water or freeze-dried. Biohazard training and biohazard management training has been conducted and is updated yearly.

By way of reference, the University has a current NPUA with Fermi National Accelerator Laboratory and with Lawrence Berkeley National Laboratory. The University has responsibly conducted its research at those sites in a manner such that neither laboratory has invoked the indemnity protections.

For the foregoing reasons, the risks of indemnifying the US Government and SLAC are acceptable, and the risk exposure can be mitigated and managed. On balance, the benefits for University researchers to have access to SLAC outweigh the risks of indemnification.

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.

Chairperson Randolph G. Moore
August 8, 2022
Page 6

ACTION RECOMMENDED:

It is recommended that the Board approve and authorize the University to accept an indemnification provision in the NPUA for SLAC for the initial five (5) year term and authorize the University to renew or extend the NPUA as may be necessary for this research project.

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.**



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

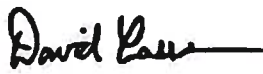
'22 AUG 12 P1:09


UH DTS #22722


August 8, 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. Oknaga 
Vice President for Legal Affairs and University General Counsel

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

SUBJECT: Request Approval of Indemnification Provision in a Sponsored Research Agreement from the U.S. Agency for International Development ("USAID") for the University of Hawai'i ("University"), Pacific Disaster Center ("PDC") to enhance the early warning and decision support capacity in the Philippines

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the Board of Regents ("Board") authorize the University of Hawai'i ("University") to accept an indemnity provision in a sponsored research agreement between the U.S. Agency for International Development ("USAID") and the University of Hawai'i, on behalf of its Pacific Disaster Center ("PDC"). Under this Agreement (Award No. 720BHA22GR00185), PDC will receive approximately \$750,000 to enhance and improve the capacity in the Philippines to monitor natural disasters, provide early warnings, and support disaster management decision making capabilities.

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

Chairperson Randolph G. Moore
August 8, 2022
Page 2

RECOMMENDED EFFECTIVE DATE:

It is recommended that the University be authorized to indemnify USAID 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 the University may accept sponsored research funding from USAID.

BACKGROUND:

Project Overview

This research project is entitled "Early Warning and Decision Support Capacity Enhancement in the Philippines" and the research is conducted by the Pacific Disaster Center ("PDC") under Principal Investigator, David Lassner. Similar research supported by USAID has been conducted since 2013. The period of performance for this project is July 15, 2022 through July 14, 2023 in the Philippines.

The project is summarized as follows (3.1 Program Goal):

3.1 Program Goal Improved hazard monitoring, early-warning, and disaster management (DM) decision making outcomes through enhanced capacity within the Philippines to: 1) access automated international, national, regional, and local hazard information and supporting infrastructure data; 2) share information between agencies; and 3) disseminate alerts and warnings to at-risk communities and their populations. This enhanced capacity aims to improve disaster outcomes, resulting in reduced fatalities and disaster impacts. Additionally, improved understanding of the impact of PDC's DisasterAWARE activities in the ASEAN region aim to support more effective use of DisasterAWARE applications across the region, as well as enhanced future program delivery.

Indemnity When Using Diplomatic Pouch

USAID requires an indemnification if the University utilizes the State Department's diplomatic pouch to ship correspondence and documents needed in the administration of the program (bold faced and underscore added for emphasis):

16. USE OF POUCH FACILITIES (AUGUST 1992) a. Use of diplomatic pouch is controlled by the Department of State. The Department of State has authorized the use of pouch facilities for USAID recipients and their employees as a general policy, as detailed in items (1) through (6) below. However, the final decision regarding use of pouch facilities rest with the Embassy or USAID Mission. **In consideration of the use of pouch facilities, the recipient and its employees agree to indemnify and hold harmless, the Department of State and USAID for loss or damage occurring in pouch transmission:** (1) Recipients and their employees are authorized use of the pouch for transmission and receipt of up to a maximum of .9 kgs per shipment of correspondence and documents needed in the administration of assistance programs. (2) U.S. citizen employees are authorized use of the pouch for personal mail up to a maximum of .45 kgs per shipment (but see a.(3) below). (3) Merchandise, parcels, magazines, or newspapers are not considered to be personal mail for purposes of this standard provision and are not authorized to be sent or received by pouch. (4) Official and personal mail pursuant to a.(1) and (2) above sent by pouch should be addressed as follows: Name of individual or organization (followed by letter symbol "G") City Name of post (USAID/_____) Agency for International Development Washington, DC 20523-0001 (5) Mail sent via the diplomatic pouch may not be in violation of U.S. Postal laws and may not contain material ineligible for pouch transmission. (6) Recipient personnel are NOT authorized use of military postal facilities (APO/FPO). This is an Adjutant General's decision based on existing laws and regulations governing military postal facilities and is being enforced worldwide. b. The recipient is responsible for advising its employees of this authorization, these guidelines, and limitations on use of pouch facilities. c. Specific additional guidance on grantee use of pouch facilities in accordance with this standard provision is available from the Post Communication Center at the Embassy or USAID Mission. [END OF PROVISION]

RISK ANALYSIS:

The deputy executive director for PDC indicates that the Center is not intending to use the State Department diplomatic pouch for this research. There is no risk exposure so long as the pouch is not used. However, there may be unanticipated emergencies where the pouch is needed for secure and protected shipment of documents. To create this standby capacity, Board approval of the indemnity provision is requested. Even if the pouch is used, the magnitude of the risk will most likely be limited to the value of the contents being transported in the pouch. Overall, liability exposure due to this indemnity is minimal and acceptable.

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 approve and authorize the University to accept the indemnification provisions in this agreement with USAID (Award No. 720BHA22GR00185), for the duration of the research project in the Philippines, as the award may be extended or augmented.

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.



**UNIVERSITY
of HAWAII**
SYSTEM

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

'22 AUG 12 P1:08

UH DTS #22724

August 8, 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 Multi-Institutional Agreement among University of Sydney, Flinders University and the University of Hawai'i ("UH")

SPECIFIC ACTION REQUESTED:

It is respectfully requested that the University's Board of Regents ("Board") authorize the University of Hawai'i ("UH") to agree to provide a limited indemnity to the University of Sydney to allow the UH to participate in a multi-institutional, international research project focused on premodern Cambodia after the Angkor period.

RECOMMENDED EFFECTIVE DATE:

The recommended effective date is 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 UH may enter into the multi institutional research agreement with University of Sydney and Flinders University, located in Australia. The research site is in and around Siem Reap town, Cambodia.

BACKGROUND:

The Project

The project is entitled "Re-defining Collapse: Angkor's urban diaspora 1300-1800 CE." (Australian Research Council Project ID: DP1701025740). The principal investigators are Professor Miriam Stark with the UHM Department of Anthropology and UHM Anthropology affiliate faculty member Dr. Piphah Heng.

The *Phum Cambodia* project focuses on political and economic change in the post-Angkorian period. Phum Archaeology is the sixth consecutive project that UH Mānoa's Anthropology Department has hosted since the 1990s in collaboration with Cambodia's Ministry of Culture and Fine Arts. The permit-granting unit (APSARA National Authority) is one unit within the Ministry.

This research work is an example of UH Mānoa's goal of Excellence in Research: Advancing the Research and Creative Work Enterprise, one of four goals identified in the 2015-25 Strategic Plan, updated in December 2020.

The UH anticipates receiving funds in the amount of \$133,133.42 AUD, or approximately \$95,000 USD.

The Indemnification Provision

The Multi-Institutional Agreement and its modification includes the following indemnification provision: [UH and Flinders University are "Collaborating Organisations" and the University of Sydney is the "Administering Organisation"]

8. INDEMNITY AND INSURANCE

- 8.1. Each Collaborating Organisation indemnifies the Administering Organisation from and against any liability, loss, damage, costs and reasonable legal expenses incurred by the Administering Organisation

arising from any claim, suit, demand, action or proceeding by the ARC against the Administering Organisation under clause A30 of the ARC Discovery Programme Funding Agreement to the extent that such liability, loss, damage, cost or expense was caused by a wilful, unlawful or negligent act or omission of the Collaborating Organisation, its employees, agents or subcontractors.

- 8.2. The Collaborating Organisations' liability to indemnify the Administering Organisation under this clause 9 shall be reduced proportionately to the extent that any act or omission of the Administering Organisation's personnel contributed to the loss or liability.
- 8.3 The Collaborating Organisations will have the equivalent insurance required of the Administering Organisation to cover any liability arising as a result of their participation in this Project under clause A31 of the ARC Discovery Programme Funding Agreement.

However, the parties subsequently agreed that the maximum exposure for the UH is the amount of funding received by UH.

1. A new clause 8.4 is added to the Principal Agreement as follows: "The total liability of the Collaborating Organisation to the Administering Organisation for loss or damage of any kind, however caused, under this Clause 8 or otherwise, arising from or in any way related to this agreement is limited to the total amount of funding received by the Collaborating Organisation under this agreement."

UH is budgeted to receive \$133,133.42 AUD, or approximately \$95,000 USD.

RISK ANALYSIS:

The research activity undertaken pursuant to the award include field-based archaeological survey and excavations in and around Siem Reap town (the country's tourist hub), and also post-fieldwork scientific analysis.

Investigators Stark and Heng collectively have more than 45 years of Cambodian archaeological field experience and will work with university-trained Cambodian field archaeologists.

Anticipated risks are known and manageable given the team's extensive experience and the project's urban location and activities. Moreover, the maximum liability to the University of

Chairperson Randolph G. Moore
August 8, 2022
Page 4

Sydney, if any, has been capped at the proposed project funds to be allocated to UH. The benefits of further enhancing the university's international reputation as a U.S. leader in Southeast Asia research warrant acceptance of the indemnity risks.

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 approve UH to agree to provide a limited indemnity to the University of Sydney to allow the UH to participate in a multi-institutional, international research project focused on premodern Cambodia after the Angkor period.

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.**



UNIVERSITY
of HAWAII
SYSTEM

Kalbert K. Young
Vice President for Budget and Finance
UNIVERSITY OF HAWAII
BOARD OF REGENTS
Chief Financial Officer

DTS 22538

'22 AUG 11 P1:17

August 11, 2022

MEMORANDUM

TO: Randolph G. Moore, Chair
Board of Regents

VIA: David Lassner *David Lassner*
President

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

FROM: Kalbert K. Young *Kalbert Young*
Vice President for Budget and Finance/CFO

Debora Halbert *Debora Halbert*
Vice President for Academic Strategy

SUBJECT: RECOMMEND ADOPTION AND APPROVAL TO REQUEST THE GOVERNOR'S FINAL APPROVAL FOR THE FOLLOWING:

- A. AMENDMENTS TO HAWAII ADMINISTRATIVE RULES TITLE 20:**
 - 1. CHAPTER 4, "DETERMINATION OF RESIDENCY AS APPLIED TO TUITION PAYMENTS AND ADMISSION";**
 - 2. CHAPTER 10, "DELINQUENT FINANCIAL OBLIGATIONS"; AND**
- B. SIMULTANEOUS REPEAL OF HAWAII ADMINISTRATIVE RULES TITLE 20, CHAPTER 30, "RULES OF PRACTICE AND PROCEDURE", AND THE ADOPTION OF CHAPTER 30.1, "RULES OF PRACTICE AND PROCEDURE"**

The Board of Regents ("BOR") is requested to consider and adopt the amendments to Title 20, Hawai'i Administrative Rules ("HAR"), Chapter 4, ("Chapter 20-4") and Chapter 10 ("Chapter 20-10"), and the simultaneous repeal of Title 20, HAR, Chapter 30 ("Chapter 20-30"), and adoption of Title 20, HAR, Chapter 30.1 ("Chapter 20-30.1"), and to request the Governor's final approval of these changes.

II. RECOMMENDED EFFECTIVE DATE

Upon approval by the BOR.

III. BACKGROUND INFORMATION

1. Public Hearing

At its regular meeting on November 18, 2021, the BOR unanimously approved agenda item VI. B, which sought your approval to request the Governor's approval to hold public hearings regarding proposed amendments to Chapters 20-4 and 20-10, HAR. At its regular meeting on September 21, 2017, the BOR unanimously approved agenda item V. B. 3, which sought your approval to request the Governor's approval to hold public hearings regarding the simultaneous repeal of Chapter 20-30, HAR, and adoption of Chapter 20-30.1, HAR, in its place. On June 8, 2022, the Governor approved the requests for public hearing on these various HAR changes (the "Proposed Amendments"), as well as another HAR chapter.

In accordance with § 91-3, Hawai'i Revised Statutes ("HRS"), the public hearing notice was published in The Maui News on Saturday, June 25, 2022, and the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today and The Garden Island newspapers on Sunday, June 26, 2022. The Proposed Amendments were available for public viewing in person at the University of Hawai'i (the "University") System Government Relations Office and regional public libraries, and on the University's website: <https://www.hawaii.edu/offices/bor/adminrules/proposed.html>.

The University accepted public testimony on the Proposed Amendments from June 25, 2022, to July 28, 2022, and held a public hearing on July 28, 2022. The University received written supportive testimony from seven individuals and no oral testimony on the Proposed Amendments. The Hearing Officer's Report containing the full record of the public hearing is attached hereto as Exhibit 9.

Per the supportive testimony submitted, no further changes were necessary to the Proposed Amendments.

2. Scope of the rules

a. **Chapter 20-4, entitled “Determination of Residency as Applied to Tuition Payments and Admission,”** provides the rules and procedures to determine the residency status of University students for tuition purposes, as required by HRS § 304A-402. The current version of Chapter 20-4 requires prospective students to answer many questions and attest to multiple forms of evidence in the process of determining residency for tuition purposes. This can make the process cumbersome and timeconsuming, and is observed to discourage some prospective students from completing their applications for admission. Additionally, the current rules require that both subjective intent and objective fact be considered in the residency determination which has created confusion for some applicants. The proposed amendments to Chapter 20-4, attached hereto in Ramseyer and standard format as Exhibits 1 and 2, respectively, are intended to simplify the application and review processes while ensuring that the basic criteria to qualify for resident tuition, as set forth in HRS § 304A402, are met. Various non-substantive amendments are also proposed for clarity and consistency with other HAR chapters.

The proposed changes have been vetted by the Council of Senior Student Affairs Officers (“CSSAO”) and the campus residency officers who have primary responsibility for administering Chapter 20-4.

Specifically, the following substantive adjustments are proposed:

Subchapter 1:

- Section 20-4-2 – Definitions: A definition of “chancellor” has been added to make clear that any reference to chancellor refers to the chief executive officer of the respective campus; and the definitions of “employee” and “domicile” have been deleted since they are no longer referenced in the proposed revision.
- Section 20-4-6 – Residence criteria: The section is revised to reference the criteria established in the HRS rather than repeating the statutory language in the HAR.
- Section 20-4-7 – Evidence of residence: Proposed changes simplify and streamline the criteria for residency determination. The revisions no longer require “finding of subjective fact ... as well as of objective fact” or multiple sources of evidence. The determination of residence is based on evidence of being a “bona fide resident of this State for at least twelve consecutive months,” as required by statute, rather than evidence of “intent to establish domicile in Hawaii.” The proposed rules identify various types of evidence that a prospective student may use to demonstrate that they have been a bona fide Hawai’i resident for at least 12 months prior to enrolling.
- Section 20-4-8 – Rules of construction: Changes are consistent in referencing criteria of being a “bona fide resident” rather than “domicile in Hawaii.” Also, revisions clarify the types of evidence that a nonresident student may use to be considered a resident. One criterion is that a student must be self-supporting through employment in Hawai’i rather than simply having financial means.

Subchapter 2:

- Section 20-4-10 – Determination of residence: Evidence necessary for a residency determination is still required and may continue to be provided by responding to a

questionnaire. However, the proposed amendments no longer mandate use of a questionnaire, and allow sources of evidence other than the questionnaire. For example, student enrollment data provided by the State of Hawai'i Department of Education may satisfy evidence of residence as "any other clear and compelling evidence of bona fide residence" described in Section 20-4-7(6).

b. **Chapter 20-10, entitled "Delinquent Financial Obligations,"** provides rules of general applicability (Subchapter 1), rules for appeals from notices of delinquent financial obligations and imposition of sanctions (Subchapter 2), and rules for setoff of a person's delinquent financial obligations against their Hawai'i State income tax refund or other sums due to the person from the State (Subchapter 3). The proposed amendments to Chapter 20-10, attached hereto in Ramseyer and standard format as Exhibits 3 and 4, respectively, are intended to remove the categories of delinquent financial obligations upon which a hierarchical structure, prioritizing certain obligations for purposes of applying sanctions, was established. For example, loans and tuition are in a separate category from fines and fees like library fines and dishonored check fees. Delinquent loan and tuition obligations are prioritized by being given greater flexibility in the application of sanctions, leaving some units within the University able to collect those financial obligations more easily than others. The proposed revisions would instead establish a process to collect any outstanding balance, regardless of financial obligation category, and apply sanctions based on a dollar limit threshold. With the new dollar limit threshold in place, the University's collection of total balances will be streamlined and sanctions applied equally, regardless of the type of financial obligation owed to the University. Some technical corrections and clarifying edits are also proposed.

This streamlined approach has been vetted by the Blue Ribbon Committee formed to evaluate process improvements, the Vice Chancellors for Administration and the CSSAO. Related proposed updates to Regents Policy 6.210 (Payment of Tuition, Fees and Charges), for consideration if and when the amendments to Chapter 20-10 take effect, are attached as Exhibit 5. The University is also intending to update AP 8.731 (Student Accounts Receivable and Delinquent Financial Obligations) to provide detailed procedures as authorized by the proposed updates to Regents Policy when the updates to Chapter 20-10 take effect, to ensure alignment across HAR, RP and AP.

Specifically, the following substantive adjustments are proposed:

Subchapter 1:

- Section 20-10-3 – Definitions: A definition of "chancellor" has been added to make clear that any reference to chancellor refers to the chief executive officer of the respective campus; the definition of "delinquent" has been adjusted to more clearly include any past due financial obligation owed to the University and recognize that payment plans may be established; and a definition of "financial obligation" has been added to make clear that this includes any amount owed to the University.
- Section 20-10-4 – Delinquent financial obligations: This section has been updated to replace a list of financial obligation types with a requirement that sanctions will be

based on dollar limit threshold amounts that will be established by the BOR in a Regents Policy, and be applied to any financial obligation.

- Section 20-10-5 – Collection of delinquent financial obligations: The specific steps of the collection process have been removed from the section, and those steps that do not remain in other sections of Chapter 20-10 will be established via Administrative Procedure.
- Section 20-10-6 – Application of sanctions: The subsection providing that registration will be cancelled during the semester as an imposed sanction has been removed to conform to current practice.

Subchapter 2:

- The units specified to assist with appeals have been expanded to include not only the system financial management office but also the appropriate campus business office since many of these matters are handled at the campus level.

Subchapter 3:

- The unit specified to assist with the setoff hearing process has been amended to be the appropriate business office since these matters are handled at the campus level.
- Section 20-10-15 – Rules of evidence; official notice: A new subsection (e) has been added regarding burden of proof to be consistent with HRS § 91-10(5).
- Section 20-10-16 – Final decisionmaking for the university in a contested case hearing: The provision designating where exceptions to a decision are to be filed has been changed to designate the President or the President's designee, as the oral arguments on such exceptions are to be made to those officials pursuant to the rule.

c. Simultaneous repeal of Chapter 20-30, and adoption of Chapter 2030.1, HAR.

HRS §§ 304A-301 through -303 established the State Board for Career and Technical Education (the "CTE Board") and designated the BOR to serve in such capacity. The CTE Board is required to maintain a set of rules and practice. Specifically, HRS § 91-2 requires each agency, including the CTE Board,¹ to

[a]dopt rules of practice, setting forth the nature and requirements of all formal and informal procedures available, and including a description of all forms and instructions used by the agency.

The CTE Board's rules of practice and procedure can be found in Chapter 20-30.

Chapter 20-30, however, is outdated. Chapter 20-30 was promulgated in 1981 pursuant to the predecessor of the current HRS §§ 304A-301 through -303, *i.e.*, HRS Chapter 305A, in which the CTE Board was known as the State Board for Vocational Education. Chapter 20-30 has not been amended since then. The current version is attached as Exhibit 6. The instant proposal seeks to update the rules of practice and

¹ HRS § 91-1 defines "agency" to include each state or county commission.

procedure for the CTE Board. Given the substantial amendments proposed for Chapter 20-30, it is more efficient to simultaneously repeal the current chapter and adopt a new chapter, as permitted by §00-5-4.1 of the Hawai'i Administrative Rules Drafting Manual.

The proposed adoption of the new rules of practice and procedure for the CTE Board, Chapter 20-30.1, would:

- Eliminate those rules for matters that are provided for in the BOR's rules of practice and procedure, Chapter 20-1, HAR. Because the BOR is designated as the CTE Board, the proposed amendment would adopt the BOR's rules of practice and procedure as the rules for the CTE Board so as not to create redundancy;
- Retain other portions of the existing Chapter 20-30, specifically, the rules applicable to contested cases, which are not covered in the BOR's rules of practice and procedure;
- Update HRS citations contained in Chapter 20-30 to the current HRS and the name of the board to reflect its current name, the State Board for Career and Technical Education, as opposed to the State Board for Vocational Education.

The proposed repeal of the current Chapter 20-30 and adoption of Chapter 20-30.1 is attached hereto in Ramseyer and standard format as Exhibits 7 and 8, respectively.

3. Next Steps

If the BOR adopts the Proposed Amendments, they will be forwarded to the attorney general for review, and then to the Governor for his approval. We anticipate that this extensive review and approval process could be completed, and the rules approved and effective, in late 2022.

IV. **ACTION RECOMMENDED**

Approve the adoption of amendments to Chapter 20-4 and Chapter 20-10 and the simultaneous repeal of Chapter 20-30 and adoption of Chapter 20-30.1, HAR, and transmittal to the Governor for final approval.

APPROVED/DISAPPROVED

RANDOLPH G. MOORE
Chair, Board of Regents
University of Hawai'i

Attachments:

- Exhibit 1 Ramseyer Format of the Proposed Amendments to HAR Chapter 20-4
- Exhibit 2 Standard Format of the Proposed Amendments to HAR Chapter 20-4
- Exhibit 3 Ramseyer Format of the Proposed Amendments to HAR Chapter 20-10
- Exhibit 4 Standard Format of the Proposed Amendments to HAR Chapter 20-10
- Exhibit 5 RP 6.210 (Payment of Tuition, Fees and Charges) (draft amendments)
- Exhibit 6 Current Format of the HAR Chapter 20-30
- Exhibit 7 Ramseyer Format of the Proposed Amendments to HAR Chapter 20-30.1
- Exhibit 8 Standard Format of the Proposed Amendments to HAR Chapter 20-30.1
- Exhibit 9 Hearing Officer's Report

Exhibit 1

UNIVERSITY OF HAWAII

Amendments and Compilation of Chapter 20-4
Hawaii Administrative Rules

(_____)

Summary

1. Chapter 20-4, Hawaii Administrative Rules, entitled "Determination of Residency as Applied to Tuition Payments and Admission" is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 4

DETERMINATION OF RESIDENCY AS APPLIED TO

TUITION PAYMENTS AND ADMISSION

Subchapter 1 General Provisions

§20-4-1	Statement of purpose
§20-4-2	Definitions

§20-4-1

§20-4-3 Delegation of authority
§20-4-4 Repealed
§20-4-5 Board exemptions
§20-4-6 Residence criteria
§20-4-7 Evidence of residence
§20-4-8 Rules of construction
§20-4-9 [~~Particular categories~~] Special
Circumstances

Subchapter 2 Procedure

§20-4-10 Determination of residence
§20-4-11 Notification of change of residence
§20-4-12 Repealed
§20-4-12.1 Residency appeals board
§20-4-13 Repealed
§20-4-14 Appeals
§20-4-15 Repealed
§20-4-16 Repealed
§20-4-17 Providing incorrect information

Historical Note: This chapter is based substantially upon "Rules and Regulations Governing Determination of Residency as Applied to Tuition Payments and Admission at All Institutions under the Jurisdiction of the Board of Regents of the University of Hawaii" promulgated by the University of Hawaii board of regents. [Eff 10/19/74; am 12/16/76; R 6/22/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§20-4-1 **Statement of purpose.** The purpose of these rules is to define the term "residence" to provide a procedure whereby the determination of residence status shall be made for all prospective

students; to provide appeal mechanisms for those students who feel that their residency classification is in error; and to provide sanctions for misrepresentation. [Eff 6/22/81; comp 07/15/06; comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-2 **Definitions.** As used in this chapter:

"Adult" means a person who has reached majority.

"Board" means the board of regents of the University of Hawaii.

"Chancellor" refers to the chief executive officer of the respective campus, and shall include their authorized designee.

"Dependent" means those persons who are defined as dependents by law, e.g., spouse, minor child, those who are defined as dependents under Internal Revenue Service rules, and those who are defined as authorized dependents by the Armed Forces of the United States provided that the dependents other than the spouse are no more than twenty-three years of age.

~~["Employee" means and includes the full-time faculty, staff, and line members, and also graduate teaching and research assistants (though not full-time), employed at the university.]~~

"Guardian" means a person invested by a court of law with the power, and charged with the duty, of taking care of the person and managing the property and other rights of a minor.

"Hanai" means a child taken permanently to be reared, educated and loved by someone other than natural parents - traditionally a grandparent or other relative. The child is given outright; natural parents renounce all claims to the child. Usually the child is given at infancy.

"Majority" means the age specified under section 577-1, HRS. That age is presently eighteen years.

"Minor" means a person who has not reached majority.

"Parents" includes legal guardian and legal adoptive parent, except where the guardianship or adoption was acquired primarily to obtain resident status for the ward or adopted child. It shall also include a person who can legally claim an unmarried minor as a dependent for federal income tax purposes, but only when such person has been in loco parentis to the minor for the twelve-month period immediately preceding the residency determination date.

"President" means the president of the University of Hawaii and shall include authorized subordinates.

~~["Domicile" means the place where an individual has a true, fixed, and permanent home and to where, whenever absent, the individual has the intention of returning. No individual can claim more than one domicile at any given time.]~~

"Residence" as used in this chapter for tuition purposes, shall have the meaning set forth in section ~~[304-4(e),]~~ 304A-402, HRS, as amended from time to time, and as more particularly described in this chapter.

"Residency determination date" means the first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus ~~[involved.]~~ as established by the approved university academic calendar.

"Residency officer" means the registrar, director of admissions or other staff member designated ~~[by]~~ for each campus to determine the residency status of students. Only the residency officer's determination represents the university's official ~~[university's]~~ determination of residency.

"Student" means every full-time and part-time graduate and undergraduate student enrolled at the university.

"University" means ~~[the several institutions and each of them that fall under the jurisdiction of the board.]~~ the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses. [Eff

6/22/81; am 3/12/84; am 4/04/88; am and comp 07/15/06;
am and comp] (Auth: HRS §304A-402)
(Imp: HRS §304A-402)

§20-4-3 **Delegation of authority.** The board hereby delegates its authority to administer and manage the [~~out-of-state~~] tuition program at the university to the president. [Eff 6/22/81; comp 07/15/06; am and comp] (Auth: HRS §304A-402)

§20-4-4 **REPEALED.** [Eff 6/22/81; R 3/12/84]

§20-4-5 **Board exemptions.** The board may exempt certain nonresidents from payment of the nonresident tuition differential. Students may consult [~~campus~~] residency officers for further information on these exemptions. [Eff 6/22/81; am 3/12/84; am 4/04/88; am and comp 07/15/06; am and comp]
(Auth: HRS §304A-402) (Imp. HRS §304A-402)

§20-4-6 **Residence criteria.** The university's definition of "resident" for tuition purposes may be different from the definitions developed by other non-university agencies. The university does not necessarily recognize declarations of resident status made by other agencies. Thus, a person who is a Hawaii resident for tax or voting purposes, for example, is not necessarily a resident for University of Hawaii tuition and admission purposes. To qualify for the resident tuition fee, [~~the following criteria shall be met:~~

- ~~(1) The adult student, or in the case of a minor student, the student's parents or~~

~~guardians, has been a bona fide resident of this state for at least twelve consecutive months next preceding the student's residence determination date; and~~

- ~~(2) The adult or minor student has not been claimed as a dependent for tax purposes for at least twelve months next preceding the residency determination date by his parents or guardians who are not legal residents of the State; provided that this provision shall not apply in cases where the parent claiming the student as a dependent is entitled to do so under a child support order or agreement issued or entered into in conjunction with a divorce proceeding or legal separation agreement, and the other parent and the student meet the criteria set forth in paragraph (1);]~~

the criteria established by §304A-402, HRS, must be met. [Eff 6/22/81; am 3/12/84 am 6/08/89; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-7 **Evidence of residence.** The determination of residence for tuition purposes requires ~~[a finding of subjective fact (intent to establish domicile in Hawaii while relinquishing any prior domicile) as well as of objective fact (physical presence)].~~ The following evidences of a person's intent to establish domicile in Hawaii shall be considered. No single evidence shall be decisive. ~~The residency officer will look primarily at the following evidences:~~

- ~~(1) Voting, or voter registration, or both, in Hawaii.~~
- ~~(2) Filing of Hawaii resident personal income tax return.~~

~~In addition, the residency officer may consider other evidence, such as:~~

- ~~(1) Ownership of residential property or continuous rental of a dwelling on a lease basis in Hawaii.~~
- ~~(2) Carrying on of a business or the holding of an employment position in Hawaii.~~
- ~~(3) Presence of parent(s), spouse, children, and other close relatives in Hawaii.~~
- ~~(4) Any other clear and compelling evidence, as determined by the residency officer.]~~

that the adult student or in the case of a minor student, the student's parent or guardian, has been a bona fide resident of this state for at least twelve consecutive months immediately prior to the residency determination date. The following may be accepted as evidence of bona fide residence:

- (1) Filing of the Hawaii resident personal income tax return by the:
 - (A) Adult student who is not claimed as a dependent for tax purposes; or
 - (B) Minor student who is declared an emancipated minor; or
 - (C) Parent or guardian of the student if the student is declared as a dependent;
- (2) A Hawaii State driver's license or Hawaii State identification card issued at least twelve months preceding the residency determination date;
- (3) Voting, or voter registration, in Hawaii at least twelve months preceding the residency determination date;
- (4) Ownership or continuous rental in Hawaii of the principal residence beginning at least twelve months immediately preceding the residency determination date;
- (5) Carrying on of a business or the holding of an employment position in Hawaii for at least twelve consecutive months immediately preceding the residency determination date;
or
- (6) Any other clear and compelling evidence of bona fide residence for at least twelve consecutive months immediately preceding the

residency determination date, as determined by the residency officer. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402)
(Imp: HRS §304A-402)

§20-4-8 **Rules of construction.** The following rules of construction shall be applied in all cases:

- (1) The twelve months begin on the date upon which the first overt action (see evidences in section 20-4-7) is taken to make Hawaii the permanent residence. While residence shall be lost if it is interrupted during the twelve months immediately preceding the [~~residence~~] residency determination date, resident status derived from two or more successive sources may be tacked together to compute the twelve-month period.
- (2) Residence in Hawaii and residence in another place cannot be held simultaneously.
- (3) Presence in Hawaii primarily to attend an institution of higher learning shall not create resident status. A nonresident student enrolled for six credits or more per term shall be presumed to be in Hawaii primarily for educational purposes. Such period of enrollment shall not be counted toward the establishment of [a] bona fide [~~domicile of one year in Hawaii.~~] residence in Hawaii for twelve consecutive months immediately preceding the residency determination date. A student may rebut this presumption of [~~nonresidence~~] nonresident status if clear and convincing evidence is provided that the student has abandoned the student's previous residence and has established a bona fide residence in Hawaii primarily for purposes other than educational. The following evidences, in addition to the evidences of residence cited

in section 20-4-7, [~~shall~~] may be considered in determining bona fide [~~domicile~~] residence in Hawaii. No single evidence is decisive.

- (A) Location and duration of driver's license for the previous year.
 - (B) Resident status in all postsecondary schools attended outside of Hawaii.
 - (C) [~~Location~~] Evidence of ability to be self-supporting (e.g., proof of full-time employment), and location and duration of any [~~checking accounts, saving~~] locally based financial accounts [~~, and safety deposit boxes~~] for the previous year [~~that documents financial independence~~]. Reliance upon non-Hawaii, non-federal resources for financial support infers [~~domicile~~] residence in a state other than Hawaii. This includes trust funds, college savings funds, or other accounts available to the student.
 - (D) Continuous presence in Hawaii during periods when not enrolled in school.
- (4) Resident status, once acquired, shall be lost by future voluntary actions of the resident inconsistent with that status. However, Hawaii residence shall not be lost solely because of the absence from the State while serving in the United States armed forces, while engaged in navigation, or while a student at any institution of learning, provided Hawaii is claimed and maintained as the student's residence.
- (5) Time spent incarcerated in city, state, or federal jails or prisons shall not be counted [~~toward the physical presence requirement for~~] in determining Hawaii residency for tuition purposes. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp _____] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

Historical Note: Section 20-4 8(1) is based substantially on section 20-4-4. [Eff 6/22/81; R 3/12/84] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-9 [~~Particular categories.~~] Special Circumstances. (a) The resident status of every adult shall be established by the person's own acts and intentions and shall not be derived from any other person, except as specifically provided otherwise in this chapter.

(b) The residence of an unemancipated minor shall be the residence of the parent who claims the minor as a dependent for tax purposes, regardless of the minor's primary abode. If both parents are deceased, the residence of the unemancipated minor remains that of the last parent to die until changed by court order. Upon court appointment of a guardian for the minor, the residence of the minor shall become that of the guardian.

(c) A nonresident unemancipated minor attending an institution of higher learning outside of Hawaii or on active duty with the United States armed forces, whose parents become residents of Hawaii and who reaches majority before the minor would derive residency in Hawaii from the parents' new status, may be classified as a resident for tuition purposes when the parents have completed twelve consecutive months of residence; provided that the classification shall be lost if actions inconsistent with resident status are taken after leaving the institution or discharge from the military (e.g., failure to promptly make a home in Hawaii).

(d) If an unemancipated minor's parents lose their Hawaii residence, the minor shall be classified as a nonresident at the next [~~residence~~] residency determination date; provided if the parents' change of residence is due to obedience to active-duty military orders, the minor student shall continue to pay resident tuition as long as the minor continuously attends the University full time.

(e) An emancipated minor shall be considered an adult for purposes of residence under this section. The following shall constitute evidence of emancipation, no one of which shall be controlling:

- (1) [~~Financially independent or self supporting.~~] Self-supporting.
- (2) Subsistence not provided by parents or legal guardian.
- (3) Prior military service.
- (4) Other evidence of residence enumerated under section 20-4-7.
- (5) Any other conduct inconsistent with parental control and custody.

(f) A student shall be allowed to base residency on that of someone other than the parent or legal guardian, provided the relationship between the student and the person or persons other than the parent or legal guardian is that of hanai.

(g) An alien may establish residence [~~unless prohibited by~~] to the extent permitted by the Immigration & Nationality Act [~~from establishing domicile in the U.S.~~]. The date of approval of such status shall be the earliest date upon which the twelve-month residency requirement may begin to accrue.

(h) Service in the armed forces of the United States shall not of itself negate establishment of residence in Hawaii. For instance, a nonresident [~~serviceman~~] servicemember whose last duty station is in Hawaii and who does all other things necessary to establish bona fide [~~domicile~~] residence in Hawaii, may be classified as a resident. In addition, a person who establishes [~~domicile~~] residence in Hawaii but who enters the military service prior to the expiration of the twelve months from the date of establishment may tack the period of military service onto the former period to satisfy the twelve-month criteria. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

SUBCHAPTER 2

PROCEDURE

§20-4-10 **Determination of residence.** (a) The residency officer ~~[at]~~ for each campus shall determine the resident or nonresident status of every student matriculating at that campus. ~~[A questionnaire shall be prepared to elicit facts upon which to make the residency determination and the questionnaire shall be transmitted to each prospective student. The prospective student shall answer all pertinent questions and shall attest to the truth of all answers by signing the questionnaire.]~~ Evidence shall be collected to elicit facts upon which to make the residency determination. Evidence may be provided by the student responding to a questionnaire used to determine residency and attesting to the truth of the information provided to the university. The residency officer may also require the production by the prospective student of certified copies of documents relevant to the determination of resident status.

(b) A nonresident student, having met the criteria for bona fide legal Hawaii residency, may request a change of status from nonresident to resident by completing ~~[the residency questionnaire]~~ a residency conversion form and attaching certified copies of the student's, parents', or guardians' personal income tax form. The residency officer may also require the production by the student of certified copies of other documents relevant to the determination of resident status consistent with sections 20-4-6, 20-4-7, and 20-4-8. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp

] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-11 **Notification of change of residence.** A resident student who subsequently takes up residence

outside of Hawaii and who continues to attend the university shall promptly advise the residency officer of the change of residence. In such a case, the nonresident tuition differential shall be payable commencing from the [~~residence~~] residency determination date following the change of residence. [Eff 6/22/81; am 3/12/84; comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-12 **REPEALED.** [R 07/15/06]

§20-4-12.1 **Residency appeals board.** (a) The residency appeals board shall be composed of the residency [~~officer from~~] officers for each campus of the university.

(b) A minimum of three residency appeals board members shall decide each appeal.

(c) Residency officers shall recuse themselves from hearing appeals of students enrolled at their campuses.

(d) In general, the residency appeals board will affirm a determination of nonresident status unless the student produces new information or there has been a change in legal standards.

(e) The decision of the residency appeals board shall be the final university determination. [Eff and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

Historical Note: Section 20-4-12.1 is based substantially on section 20-4-12 [Eff 06/22/81; R 07/15/06] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-13 **REPEALED.** [R 07/15/06]

§20-4-14 **Appeals.** (a) Classification as a nonresident by a residency officer may be appealed by the student to the residency appeals board.

(b) Notification of appeal shall be made in writing upon the form available at the admissions office on each campus. Notification of appeal shall be received by the residency appeals board on or before the thirtieth day following the mailing (or personal delivery, as the case may be) of written notification of nonresident determination or on or before ten days after the [~~residence~~] residency determination date, whichever is later. Failure to file an appeal within the time prescribed constitutes a waiver of the right to file such an appeal for that semester or term.

(c) Appeals shall be heard only after payment of the nonresident tuition. Appeal hearings shall be held within three weeks of the request for an appeal unless continued by the residency appeals board. If the student fails to appear at the scheduled hearing, except for good cause shown, the appeal shall be dismissed.

(d) The residency appeals board shall promptly notify the student of the time, date, and place of the hearing upon the appeal. The hearing shall be held between seven and twenty days after notification by the residency appeals board, but the residency appeals board may extend this period a reasonable length of time if its hearing calendar so requires.

(e) The hearing shall be private unless the student requests a public hearing in the notice of appeal.

(f) The student may be represented by legal counsel if so desired.

(g) Formal rules of evidence need not be followed in an appellate hearing. The residency appeals board may require that the student provide it with certified copies of the pertinent documents. The residency appeals board may call the residency officer to explain the basis of the determination of student's nonresidence. A record of the oral testimony adduced at the hearing need not be kept.

(h) The residency appeals board shall issue its findings of fact, conclusions of law, and decision within thirty days after the hearing and a copy shall be transmitted to the student, to the president, and to the chancellor of the campus concerned. The decision of the residency appeals board shall be final.

(i) If the residency appeals board determines that the student is a resident, the campus will refund the nonresident tuition differential to the student. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-15 **REPEALED.** [R 07/15/06]

§20-4-16 **REPEALED.** [R 3/12/84]

§20-4-17 **Providing incorrect information.** A student or prospective student who provides incorrect information upon any form or document intended for use in the determination of residency status for tuition or admission purposes, or relative to any appeal hearing thereof, and who is admitted to the university on the basis of the incorrect information shall be subject to the following:

- (1) The student shall be required to pay the difference between the resident and nonresident tuition retroactive to the student's initial residency determination date. The student shall be notified by registered letter of any discovery of incorrect information and the requirement of any additional payment due the university. Payment of the difference in tuition shall be made within ten days of the mailing of

the notice or before the last day of instruction for the semester or term in which the student is enrolled, whichever is sooner. Should the student not pay the difference in tuition, and upon the expiration of the period for payment, the student shall be removed from the official enrollment list of the university and be refunded the full tuition paid for the current semester or term less a prorata amount due the university to cover the cost of all instruction provided, as shall be prescribed by the president. The denial of further enrollment and the withdrawal of service connected with the evidences of instruction such as transcripts or diplomas shall be imposed in accordance with ~~[section]~~ chapter [20-10-2,] 20-10, Hawaii Administrative Rules.

- (2) Any student or prospective student who intentionally or willfully misrepresents any fact relative to the determination of residency or any appeal thereof, and who is admitted to the university on the basis of the misrepresentation, in addition to the requirements prescribed in this section, may also be charged with a violation of the campus conduct code, penalties under which may include warning, probation, suspension, or expulsion." [Eff 6/22/81; am 3/12/84; comp 07/15/06; am and comp]
(Auth: HRS §304A-402) (Imp: HRS §304A-402)

2. These amendments to and compilation of chapter 20-4 shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised

Statutes, which were adopted on _____
and filed with the Office of the Lieutenant Governor.

RANDOLPH G. MOORE
Chairperson, Board of Regents
University of Hawaii

APPROVED AS TO FORM:

University of Hawaii

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

Department of the Attorney General

Lori Tanigawa, Esq.
Deputy Attorney General

Exhibit 2

UNIVERSITY OF HAWAII

Amendments and Compilation of Chapter 20-4
Hawaii Administrative Rules

(_____)

Summary

1. §§20-4-2 to 20-4-3 are amended.
2. §§20-4-5 to 20-4-11 are amended.
3. §20-4-12.1 is amended.
4. §20-4-14 is amended.
5. §20-4-17 is amended.
6. Chapter 20-4 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 4

DETERMINATION OF RESIDENCY AS APPLIED TO
TUITION PAYMENTS AND ADMISSION

Subchapter 1 General Provisions

§20-4-1	Statement of purpose
§20-4-2	Definitions
§20-4-3	Delegation of authority
§20-4-4	Repealed
§20-4-5	Board exemptions
§20-4-6	Residence criteria
§20-4-7	Evidence of residence
§20-4-8	Rules of construction
§20-4-9	Special Circumstances

Subchapter 2 Procedure

§20-4-10	Determination of residence
§20-4-11	Notification of change of residence
§20-4-12	Repealed
§20-4-12.1	Residency appeals board
§20-4-13	Repealed
§20-4-14	Appeals
§20-4-15	Repealed
§20-4-16	Repealed

§20-4-17 Providing incorrect information

Historical Note: This chapter is based substantially upon "Rules and Regulations Governing Determination of Residency as Applied to Tuition Payments and Admission at All Institutions under the Jurisdiction of the Board of Regents of the University of Hawaii" promulgated by the University of Hawaii board of regents. [Eff 10/19/74; am 12/16/76; R 6/22/81]

SUBCHAPTER 1

GENERAL PROVISIONS

§20-4-1 **Statement of purpose.** The purpose of these rules is to define the term "residence" to provide a procedure whereby the determination of residence status shall be made for all prospective students; to provide appeal mechanisms for those students who feel that their residency classification is in error; and to provide sanctions for misrepresentation. [Eff 6/22/81; comp 07/15/06; comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-2 **Definitions.** As used in this chapter:
"Adult" means a person who has reached majority.
"Board" means the board of regents of the University of Hawaii.
"Chancellor" refers to the chief executive officer of the respective campus, and shall include their authorized designee.
"Dependent" means those persons who are defined as dependents by law, e.g., spouse, minor child, those who are defined as dependents under Internal Revenue Service rules, and those who are defined as authorized

dependents by the Armed Forces of the United States provided that the dependents other than the spouse are no more than twenty-three years of age.

"Guardian" means a person invested by a court of law with the power, and charged with the duty, of taking care of the person and managing the property and other rights of a minor.

"Hanai" means a child taken permanently to be reared, educated and loved by someone other than natural parents - traditionally a grandparent or other relative. The child is given outright; natural parents renounce all claims to the child. Usually the child is given at infancy.

"Majority" means the age specified under section 577-1, HRS. That age is presently eighteen years.

"Minor" means a person who has not reached majority.

"Parents" includes legal guardian and legal adoptive parent, except where the guardianship or adoption was acquired primarily to obtain resident status for the ward or adopted child. It shall also include a person who can legally claim an unmarried minor as a dependent for federal income tax purposes, but only when such person has been in loco parentis to the minor for the twelve-month period immediately preceding the residency determination date.

"President" means the president of the University of Hawaii and shall include authorized subordinates.

"Residence" as used in this chapter for tuition purposes, shall have the meaning set forth in section 304A-402, HRS, as amended from time to time, and as more particularly described in this chapter.

"Residency determination date" means the first day of officially scheduled instruction for any semester or term in which the student is enrolling at the particular college or campus as established by the approved university academic calendar.

"Residency officer" means the registrar, director of admissions or other staff member designated for each campus to determine the residency status of students. Only the residency officer's determination

represents the university's official determination of residency.

"Student" means every full-time and part-time graduate and undergraduate student enrolled at the university.

"University" means the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses. [Eff 6/22/81; am 3/12/84; am 4/04/88; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-3 **Delegation of authority.** The board hereby delegates its authority to administer and manage the tuition program at the university to the president. [Eff 6/22/81; comp 07/15/06; am and comp] (Auth: HRS §304A-402)

§20-4-4 **REPEALED.** [Eff 6/22/81; R 3/12/84]

§20-4-5 **Board exemptions.** The board may exempt certain nonresidents from payment of the nonresident tuition differential. Students may consult residency officers for further information on these exemptions. [Eff 6/22/81; am 3/12/84; am 4/04/88; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp. HRS §304A-402)

§20-4-6 **Residence criteria.** The university's definition of "resident" for tuition purposes may be different from the definitions developed by other non-university agencies. The university does not necessarily recognize declarations of resident

status made by other agencies. Thus, a person who is a Hawaii resident for tax or voting purposes, for example, is not necessarily a resident for University of Hawaii tuition and admission purposes. To qualify for the resident tuition fee, the criteria established by §304A-402, HRS, must be met. [Eff 6/22/81; am 3/12/84 am 6/08/89; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-7 **Evidence of residence.** The determination of residence for tuition purposes requires that the adult student or in the case of a minor student, the student's parent or guardian, has been a bona fide resident of this state for at least twelve consecutive months immediately prior to the residency determination date. The following may be accepted as evidence of bona fide residence:

- (1) Filing of the Hawaii resident personal income tax return by the:
 - (A) Adult student who is not claimed as a dependent for tax purposes; or
 - (B) Minor student who is declared an emancipated minor; or
 - (C) Parent or guardian of the student if the student is declared as a dependent;
- (2) A Hawaii State driver's license or Hawaii State identification card issued at least twelve months preceding the residency determination date;
- (3) Voting, or voter registration, in Hawaii at least twelve months preceding the residency determination date;
- (4) Ownership or continuous rental in Hawaii of the principal residence beginning at least twelve months immediately preceding the residency determination date;
- (5) Carrying on of a business or the holding of an employment position in Hawaii for at least twelve consecutive months immediately

preceding the residency determination date;
or

- (6) Any other clear and compelling evidence of bona fide residence for at least twelve consecutive months immediately preceding the residency determination date, as determined by the residency officer. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402)
(Imp: HRS §304A-402)

§20-4-8 **Rules of construction.** The following rules of construction shall be applied in all cases:

- (1) The twelve months begin on the date upon which the first overt action (see evidences in section 20-4-7) is taken to make Hawaii the permanent residence. While residence shall be lost if it is interrupted during the twelve months immediately preceding the residency determination date, resident status derived from two or more successive sources may be tacked together to compute the twelve-month period.
- (2) Residence in Hawaii and residence in another place cannot be held simultaneously.
- (3) Presence in Hawaii primarily to attend an institution of higher learning shall not create resident status. A nonresident student enrolled for six credits or more per term shall be presumed to be in Hawaii primarily for educational purposes. Such period of enrollment shall not be counted toward the establishment of bona fide residence in Hawaii for twelve consecutive months immediately preceding the residency determination date. A student may rebut this presumption of nonresident status if clear and convincing evidence is provided that the student has abandoned the student's previous residence and has established a

bona fide residence in Hawaii primarily for purposes other than educational. The following evidences, in addition to the evidences of residence cited in section 20-4-7, may be considered in determining bona fide residence in Hawaii. No single evidence is decisive.

- (A) Location and duration of driver's license for the previous year.
 - (B) Resident status in all postsecondary schools attended outside of Hawaii.
 - (C) Evidence of ability to be self-supporting (e.g., proof of full-time employment), and location and duration of any locally based financial accounts for the previous year. Reliance upon non-Hawaii, non-federal resources for financial support infers residence in a state other than Hawaii. This includes trust funds, college savings funds, or other accounts available to the student.
 - (D) Continuous presence in Hawaii during periods when not enrolled in school.
- (4) Resident status, once acquired, shall be lost by future voluntary actions of the resident inconsistent with that status. However, Hawaii residence shall not be lost solely because of the absence from the State while serving in the United States armed forces, while engaged in navigation, or while a student at any institution of learning, provided Hawaii is claimed and maintained as the student's residence.
- (5) Time spent incarcerated in city, state, or federal jails or prisons shall not be counted in determining Hawaii residency for tuition purposes. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402)
(Imp: HRS §304A-402)

Historical Note: Section 20-4 8(1) is based substantially on section 20-4-4. [Eff 6/22/81; R 3/12/84] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-9 **Special Circumstances.** (a) The resident status of every adult shall be established by the person's own acts and intentions and shall not be derived from any other person, except as specifically provided otherwise in this chapter.

(b) The residence of an unemancipated minor shall be the residence of the parent who claims the minor as a dependent for tax purposes, regardless of the minor's primary abode. If both parents are deceased, the residence of the unemancipated minor remains that of the last parent to die until changed by court order. Upon court appointment of a guardian for the minor, the residence of the minor shall become that of the guardian.

(c) A nonresident unemancipated minor attending an institution of higher learning outside of Hawaii or on active duty with the United States armed forces, whose parents become residents of Hawaii and who reaches majority before the minor would derive residency in Hawaii from the parents' new status, may be classified as a resident for tuition purposes when the parents have completed twelve consecutive months of residence; provided that the classification shall be lost if actions inconsistent with resident status are taken after leaving the institution or discharge from the military (e.g., failure to promptly make a home in Hawaii).

(d) If an unemancipated minor's parents lose their Hawaii residence, the minor shall be classified as a nonresident at the next residency determination date; provided if the parents' change of residence is due to obedience to active-duty military orders, the minor student shall continue to pay resident tuition as long as the minor continuously attends the University full time.

(e) An emancipated minor shall be considered an adult for purposes of residence under this section. The following shall constitute evidence of emancipation, no one of which shall be controlling:

- (1) Self-supporting.
- (2) Subsistence not provided by parents or legal guardian.
- (3) Prior military service.
- (4) Other evidence of residence enumerated under section 20-4-7.
- (5) Any other conduct inconsistent with parental control and custody.

(f) A student shall be allowed to base residency on that of someone other than the parent or legal guardian, provided the relationship between the student and the person or persons other than the parent or legal guardian is that of hanai.

(g) An alien may establish residence to the extent permitted by the Immigration & Nationality Act. The date of approval of such status shall be the earliest date upon which the twelve-month residency requirement may begin to accrue.

(h) Service in the armed forces of the United States shall not of itself negate establishment of residence in Hawaii. For instance, a nonresident servicemember whose last duty station is in Hawaii and who does all other things necessary to establish bona fide residence in Hawaii, may be classified as a resident. In addition, a person who establishes residence in Hawaii but who enters the military service prior to the expiration of the twelve months from the date of establishment may tack the period of military service onto the former period to satisfy the twelve-month criteria. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp]
(Auth: HRS §304A-402) (Imp: HRS §304A-402)

SUBCHAPTER 2

PROCEDURE

§20-4-10 **Determination of residence.** (a) The residency officer for each campus shall determine the resident or nonresident status of every student matriculating at that campus. Evidence shall be collected to elicit facts upon which to make the residency determination. Evidence may be provided by the student responding to a questionnaire used to determine residency and attesting to the truth of the information provided to the university. The residency officer may also require the production by the prospective student of certified copies of documents relevant to the determination of resident status.

(b) A nonresident student, having met the criteria for bona fide legal Hawaii residency, may request a change of status from nonresident to resident by completing a residency conversion form and attaching certified copies of the student's, parents', or guardians' personal income tax form. The residency officer may also require the production by the student of certified copies of other documents relevant to the determination of resident status consistent with sections 20-4-6, 20-4-7, and 20-4-8. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp

] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-11 **Notification of change of residence.** A resident student who subsequently takes up residence outside of Hawaii and who continues to attend the university shall promptly advise the residency officer of the change of residence. In such a case, the nonresident tuition differential shall be payable commencing from the residency determination date following the change of residence. [Eff 6/22/81; am

3/12/84; comp 07/15/06; am and comp]
(Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-12 **REPEALED.** [R 07/15/06]

§20-4-12.1 **Residency appeals board.** (a) The residency appeals board shall be composed of the residency officers for each campus of the university.

(b) A minimum of three residency appeals board members shall decide each appeal.

(c) Residency officers shall recuse themselves from hearing appeals of students enrolled at their campuses.

(d) In general, the residency appeals board will affirm a determination of nonresident status unless the student produces new information or there has been a change in legal standards.

(e) The decision of the residency appeals board shall be the final university determination. [Eff and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

Historical Note: Section 20-4-12.1 is based substantially on section 20-4-12 [Eff 06/22/81; R 07/15/06] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-13 **REPEALED.** [R 07/15/06]

§20-4-14 **Appeals.** (a) Classification as a nonresident by a residency officer may be appealed by the student to the residency appeals board.

(b) Notification of appeal shall be made in writing upon the form available at the admissions office on each campus. Notification of appeal shall

be received by the residency appeals board on or before the thirtieth day following the mailing (or personal delivery, as the case may be) of written notification of nonresident determination or on or before ten days after the residency determination date, whichever is later. Failure to file an appeal within the time prescribed constitutes a waiver of the right to file such an appeal for that semester or term.

(c) Appeals shall be heard only after payment of the nonresident tuition. Appeal hearings shall be held within three weeks of the request for an appeal unless continued by the residency appeals board. If the student fails to appear at the scheduled hearing, except for good cause shown, the appeal shall be dismissed.

(d) The residency appeals board shall promptly notify the student of the time, date, and place of the hearing upon the appeal. The hearing shall be held between seven and twenty days after notification by the residency appeals board, but the residency appeals board may extend this period a reasonable length of time if its hearing calendar so requires.

(e) The hearing shall be private unless the student requests a public hearing in the notice of appeal.

(f) The student may be represented by legal counsel if so desired.

(g) Formal rules of evidence need not be followed in an appellate hearing. The residency appeals board may require that the student provide it with certified copies of the pertinent documents. The residency appeals board may call the residency officer to explain the basis of the determination of student's nonresidence. A record of the oral testimony adduced at the hearing need not be kept.

(h) The residency appeals board shall issue its findings of fact, conclusions of law, and decision within thirty days after the hearing and a copy shall be transmitted to the student, to the president, and to the chancellor of the campus concerned. The

decision of the residency appeals board shall be final.

(i) If the residency appeals board determines that the student is a resident, the campus will refund the nonresident tuition differential to the student. [Eff 6/22/81; am 3/12/84; am and comp 07/15/06; am and comp] (Auth: HRS §304A-402) (Imp: HRS §304A-402)

§20-4-15 **REPEALED.** [R 07/15/06]

§20-4-16 **REPEALED.** [R 3/12/84]

§20-4-17 **Providing incorrect information.** A student or prospective student who provides incorrect information upon any form or document intended for use in the determination of residency status for tuition or admission purposes, or relative to any appeal hearing thereof, and who is admitted to the university on the basis of the incorrect information shall be subject to the following:

- (1) The student shall be required to pay the difference between the resident and nonresident tuition retroactive to the student's initial residency determination date. The student shall be notified by registered letter of any discovery of incorrect information and the requirement of any additional payment due the university. Payment of the difference in tuition shall be made within ten days of the mailing of the notice or before the last day of instruction for the semester or term in which the student is enrolled, whichever is sooner. Should the student not pay the difference in tuition, and upon the

expiration of the period for payment, the student shall be removed from the official enrollment list of the university and be refunded the full tuition paid for the current semester or term less a prorata amount due the university to cover the cost of all instruction provided, as shall be prescribed by the president. The denial of further enrollment and the withdrawal of service connected with the evidences of instruction such as transcripts or diplomas shall be imposed in accordance with chapter 20-10, Hawaii Administrative Rules.

- (2) Any student or prospective student who intentionally or willfully misrepresents any fact relative to the determination of residency or any appeal thereof, and who is admitted to the university on the basis of the misrepresentation, in addition to the requirements prescribed in this section, may also be charged with a violation of the campus conduct code, penalties under which may include warning, probation, suspension, or expulsion." [Eff 6/22/81; am 3/12/84; comp 07/15/06; am and comp]
(Auth: HRS §304A-402) (Imp: HRS §304A-402)

UNIVERSITY OF HAWAII

Amendments to and compilation of chapter 20-4,
Hawaii Administrative Rules, on the Summary Page dated
_____, were adopted on _____,
following a public hearing held on _____,
after public notice was given in the Honolulu Star-
Advertiser, Hawaii Tribune Herald, West Hawaii Today,
The Garden Island, and The Maui News on
_____.

These rules shall take effect ten days after
filing with the Office of the Lieutenant Governor.

RANDOLPH G. MOORE
Chairperson, Board of Regents
University of Hawaii

APPROVED:

DAVID Y. IGE
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

University of Hawaii

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

Department of the Attorney General

Lori Tanigawa, Esq.
Deputy Attorney General

Exhibit 3

UNIVERSITY OF HAWAII

Amendments and Compilation of Chapter 20-10
Hawaii Administrative Rules

(_____)

SUMMARY

1. Chapter 20-10, Hawai'i Administrative Rules, entitled "Delinquent Financial Obligations", is amended and compiled to read as follows:

"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 10

DELINQUENT FINANCIAL OBLIGATIONS

Subchapter 1 Rules of General Applicability

§20-10-1	Purpose
§20-10-2	General statement of policy
§20-10-3	Definitions
§20-10-4	[Categories of delinquent] <u>Delinquent</u> financial obligations
§20-10-5	[Notification] <u>Collection</u> of delinquent financial obligations
§20-10-6	Application of sanctions

Subchapter 2 Appeals from Notices of Delinquent
Financial Obligations or
Imposition of Sanctions

§20-10-7	Hearing officers
§20-10-8	Appeals from a notification of delinquent financial obligation or imposition of a sanction under this chapter
§20-10-9	Repealed
§20-10-10	Repealed

Subchapter 3 Setoff of a Person's Delinquent
Financial Obligation Against the
Person's Hawaii State Income Tax
Refund or Any Other Sum Due to the
Person from the State

§20-10-11	Purpose of subchapter
§20-10-12	Procedure for setoff
§20-10-13	Hearings to contest the setoff
§20-10-14	Procedures for the administrative hearing on the setoff
§20-10-15	Rules of evidence; official notice
§20-10-16	Final decisionmaking for the University in a contested case hearing
§20-10-17	Consultation by decisionmaking officials; ex parte communication prohibited

§20-10-18 Appeals from the final decision

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-10-1 **Purpose.** This chapter provides the university with a procedure which provides clear and fair methods in collecting delinquent financial obligations owed to the university. [Eff 6/22/81; am and comp 5/9/98; comp 12/12/02; am and comp 3/18/18; comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-2 **General statement of policy.** (a) If a person has assumed a financial obligation to the university and payment is [~~overdue,~~] past due, the university shall have the right to impose sanctions under this chapter as it may deem appropriate.

(b) To implement this chapter, the president or the president's designee may issue guidelines consistent with this chapter and as may be appropriate. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-3 **Definitions.** (a) As used in this chapter:

"Appeal" means a timely filed petition disputing the university's notification of delinquent financial obligation, including a request for hearing under subchapter 2 filed on the appropriate form.

"Board" means the board of regents of the university.

"Business office" means the primary business office which receives payments for tuition, fees, and other official charges on the campus at which the delinquent financial obligation occurred.

"Campus" refers to each of the following major organizational units of the University:

- (1) University of Hawaii at Manoa, including the East-West Center and the Kakaako Campus;
- (2) University of Hawaii at Hilo;
- (3) University of Hawaii - West Oahu;
- (4) Honolulu Community College;
- (5) Kapiolani Community College;
- (6) Leeward Community College;
- (7) Windward Community College;
- (8) Kauai Community College;
- (9) University of Hawaii - Maui College; ~~[and]~~
- (10) Hawaii Community College; and
- (11) Any other major organizational unit of the university identified as a campus by the board.

"Chancellor" refers to the chief executive officer of the respective campus, and shall include their authorized designee.

"Claimant" means the university program which initiates the utilization of the setoff procedure provided in subchapter 3.

"Contested case" means the administrative case initiated by a person to contest the setoff under subchapter 3.

"Debtor" means any person who owes a debt to the university.

"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.

"Delinquent" means being past due on student loan payments or ~~[other financial obligations, or failing to pay for tuition and fees by a published deadline.]~~ failing to pay or establish a payment plan for other types of financial obligations by the established deadlines.

"Financial obligation" means any amount owed to the university.

"Hearing officer" means a person duly designated by the university to preside over a hearing under this chapter.

"Party" means any person that participates in an appeal hearing or a contested case hearing as a person filing the appeal, a business office, a debtor, or a claimant.

"Person" includes any individual, corporation, partnership, association, or any trustee, assignee, receiver, or legal successor thereof.

"President" means the president of the university.

"Review" means an informal proceeding which affords a person an opportunity to present the person's case to a university staff member duly authorized under this chapter.

"Sanctions" means the range of penalties which the university may invoke in cases of delinquent financial obligations.

"Setoff" means the application of a person's income tax refund or any other sums due to the person from the State, to a valid debt due and owing the university pursuant to the authority granted by sections 231-51 to 231-59, [~~Hawaii Revised Statutes.~~] HRS.

"University" means the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses.

(b) Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp

] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-4 [~~Categories of delinquent~~] Delinquent financial obligations. A delinquent financial obligation shall be deemed to exist, provided that notice of the financial obligation has been sent to the person, with the exception of those contracts in which notice is not required. [~~Delinquent~~] Sanctions on delinquent financial obligations shall [~~include but are not limited to:~~

- ~~(1) Overdue payment of a contractual obligation, such as but not limited to the following:
 - ~~(A) Loan payments;~~
 - ~~(B) Payments on promissory notes, which include payments on short-term loan and long-term loan promissory notes. Long-term promissory note payments include the loan principal and accrued interest as stated on the promissory note. The applicable collection fees, court costs, attorneys' fees, and any other costs incurred to recover the amount owed may be added to the loan obligation;~~
 - ~~(C) Payments for tuition or other mandatory fees, or both;~~
 - ~~(D) Payments for rent, which include dormitory or university student housing rents, board payments, if required or contracted for, and payments for rental of facilities and equipment for which the person acted for oneself or as an agent for a registered campus organization; and~~
 - ~~(E) Payments for any tuition assistance where the person did not or does not fulfill any eligibility criteria, term, condition, or obligation made pursuant to section 304A-701, Hawaii Revised Statutes, or any term and condition of any other agreement;~~~~
- ~~(2) Overdue payment of fines, fees, and charges, or overdue payment for goods and services~~

~~provided, such as but not limited to the following:~~

- ~~(A) Library fines;~~
- ~~(B) Parking and traffic fines;~~
- ~~(C) Dishonored check fees; and~~
- ~~(D) Other non-tuitional charges;~~
- ~~(3) Overdue payment of restitution for unreturned, lost, damaged, or misused university property, such as but not limited to the following:~~
 - ~~(A) Charges for laboratory losses or breakage;~~
 - ~~(B) Charges for locker or dormitory keys;~~
 - ~~(C) Charges for library books;~~
 - ~~(D) Charges for destruction or damage to property; and~~
- ~~(4) Overdue payment for financial aid where the person fails to meet any eligibility criteria, term, or condition of the financial aid.]~~

be based on dollar limit threshold amounts. The dollar limit threshold amounts shall be established by the board at an open meeting subject to the requirements of Chapter 92, HRS. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-5 **[Notification] Collection of delinquent financial obligations.** ~~[(a)]~~ When any payment on an outstanding financial obligation is ~~[overdue,]~~ past due, and the university has made reasonable efforts to collect the delinquent financial obligation, the university shall ~~[forward]~~ commence collection of the outstanding financial obligation [to the appropriate business office.] pursuant to procedures established by the university.

~~[(b) If the amount of the outstanding financial~~

~~obligation is \$25 or more, the university shall send a letter to the last known address of the debtor. Notice shall be presumed to have been received three business days after mailing. The rights of the university to collect outstanding financial obligations and to apply any sanction listed in this chapter are not waived by the failure of the debtor to receive the notification letter.~~

~~(c) The notification letter shall include the following information:~~

- ~~(1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made within fifteen days from the date of the notice;~~
- ~~(2) Notice that any person who deems an alleged financial obligation to have been improperly assessed or who deems a sanction imposed is excessive or unfair may file an appeal with the financial management office at the university;~~
- ~~(3) The place where copies of the applicable appeals procedure and form requesting a hearing may be obtained; and~~
- ~~(4) Statement that in addition to all other sanctions, the university may seek redress under the law to recover moneys owed to it.~~

~~(d) Prior to each registration, the university shall withhold registration materials from any person with a delinquent financial obligation. Any person requesting withheld registration material shall be given the financial obligation statement and shall be directed to the appropriate business office. The business office shall inform the person of the nature and amount of the financial obligation and provide the person with the following information:~~

- ~~(1) The sanctions the university may impose if the obligation is not paid or arrangements acceptable to the university are not made;~~
- ~~(2) If the person requests, the business office shall provide the person with a copy of the applicable appeals procedure and form~~

~~requesting a hearing, or direct the person to the appropriate place where a copy of the applicable appeals procedure and request form can be obtained; and~~

- ~~(3) If the person settles the delinquent financial obligation to the satisfaction of the university, or if the person files the appropriate form requesting a hearing, the university shall release the registration materials to the person.] [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)~~

§20-10-6 **Application of sanctions.** [~~(a)~~

~~Cancellation of registration during the semester or academic session shall be imposed as a sanction; provided that no properly filed appeal is in process and:~~

- ~~(1) Tuition or mandatory fee payments are delinquent and no arrangement acceptable to the university has been made for payment; or~~
~~(2) The hearing officer has determined that the debt is owed and sanctions are proper.~~

~~(b)] (a) Denial of further registration may be imposed as a sanction [in all other cases of] for delinquent financial obligations which occur prior to registration and for which no appeal has been filed.~~

~~[(e)] (b) Revocation of all rights and privileges which were conferred by registration or enrollment may be imposed as a sanction [in all cases of] for delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.~~

~~[(d)] (c) Denial of transcripts, diplomas, and other entitlements may be imposed as a sanction [in all cases of] for delinquent financial obligations.~~

These sanctions shall remain in force during the appeals and contested case processes.

~~[(e)]~~ (d) In all cases of delinquent financial obligations, the university reserves the right to use any procedure to recover moneys which are owed to it, including the following:

- (1) Report delinquent and defaulted amounts, along with other relevant information to credit bureau organizations;
- (2) Setoff against a person's Hawaii state income tax refund or any other sums due to the person from the State, any amount which is due and owing to the university, exceeding the amount of \$25;
- (3) Commence legal action to recover the amount which is owed, including appropriate interest, collection fees, court costs, and attorneys' fees;
- (4) Contract the services of a collection agency to recover moneys owed to it, including applicable court costs and attorneys' fees. The collection agency may collect the applicable collection fees as authorized in a written contract with the university pursuant to federal or state law; and
- (5) Use the services of university personnel to recover moneys owed to it, including applicable collection fees.

~~[(f)]~~ (e) In addition to all other sanctions, the university may seek redress under the law to recover moneys owed to it.

~~[(g)]~~ (f) Costs of implementing the sanctions imposed under this chapter may be assessed to the person owing the delinquent financial obligation.

~~[(h)]~~ (g) Sanctions imposed under this chapter at any campus shall apply to all other campuses.

~~[(i)]~~ (h) No sanction shall be imposed upon a person who has filed a petition for relief under Chapter 7, 11, 12, or 13 of the United States Bankruptcy Code.

~~[(j)]~~ (i) The expiration of the statute of limitations for cases of delinquent financial

obligations shall not serve as a basis for the issuance of transcripts, diplomas, and other entitlements. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604, 11 U.S.C. §362)

SUBCHAPTER 2

APPEALS FROM NOTICES OF DELINQUENT FINANCIAL OBLIGATIONS OR IMPOSITION OF SANCTIONS

§20-10-7 **Hearing officers.** (a) The chancellor of each campus as appropriate shall designate a hearing officer to hear appeals under this chapter except for the hearing officers for the setoff hearings under subchapter 3.

(b) In any case that does or could present a conflict of interest, the chancellor shall designate a substitute hearing officer for that case, except as provided in subsection (c).

(c) For those campuses for which the board has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within those rules remain in effect. [Eff 6/22/81; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-8 **Appeals from a notification of delinquent financial obligation or an imposition of a sanction under this chapter.** (a) Appeals involving

parking and traffic matters shall be resolved under the procedures provided in chapter 20-12.

(b) Informal review of [~~student loan~~] financial obligations. Any person who is deemed by the university to [~~be~~] have a delinquent financial obligation, [~~in~~] including student loan payments, may file a written request for an informal review with the appropriate business office or director of the university office that handles financial or loan collection, no later than fifteen days after the date of the notification letter of the student financial or loan obligation. After the university has issued a decision on the informal review, any person who still believes that a student financial or loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may file an appeal with the appropriate business office or financial management office at the university within fifteen days from the date of the decision on the informal review. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(c) Filing of an appeal. Any person who believes that any alleged financial obligation (other than an obligation involving parking and traffic matters [~~or student loan matters~~]) was improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the matter to the [~~financial management~~] appropriate business office at the university within fifteen days from the date of the official notification of assessment of the obligation or of imposition of a sanction. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(d) Appeals procedure. In all appeals where a person has properly filed an appeal (except appeals involving parking and traffic matters covered by chapter 20-12), a hearing officer shall send a written notification of the hearing to the person who filed the appeal by registered or certified mail with return

receipt requested, not less than fifteen days before the date of the hearing.

- (1) The notification letter shall include:
 - (A) The date, time, place, and nature of the hearing;
 - (B) The legal authority under which the hearing is to be held;
 - (C) The particular sections of the statutes and rules involved;
 - (D) A statement in plain language of the issues involved and the facts surrounding the alleged [~~overdue~~] past due financial obligations; and
 - (E) The fact that any party may appear on their own behalf or be accompanied by counsel at the party's own expense;
- (2) The hearing officer shall hear the appeal and render a written decision within a reasonable time and issue a copy of the decision to each party;
- (3) All appeal hearings under this subchapter shall be informal in nature. Either party may be represented by counsel of the party's choice and at the party's own expense, and may summon witnesses as the party may desire. The findings and conclusions of the hearing officer shall be confined to the facts and equities of the case. The person requesting the hearing need not be present at the hearing. The evidence and arguments may be presented in writing;
- (4) The hearing officer shall make a finding in each appeal as to whether the alleged financial obligation exists and all parties shall be bound by the hearing officer's finding;
- (5) The hearing officer, except as provided in subsection (f), may confirm, modify, or cancel any sanction imposed under subchapters 1 and 2, as may be appropriate under the circumstances, in the sound discretion of the hearing officer

(6) All findings of fact and conclusions of law of the hearing officer shall be in writing and shall be effective upon notification of the parties. The hearing officer's decisions shall be final within the university. The parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order.

(e) The chancellor of each campus may extend the time for both the filing of the appeal and issuance of the decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in section [~~20-10-6(e)~~] 20-10-6(b) and [~~(d)~~] (c).

(f) If the hearing officer finds that a delinquency of a tuition or mandatory fee charge exists, the hearing officer shall authorize the cancellation of the individual's registration. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing officer shall authorize the denial of further registration. In both cases additional sanctions may be imposed. [Eff 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-9 REPEALED. [R 5/9/98]

§20-10-10 REPEALED. [R 5/9/98]

SUBCHAPTER 3

SETOFF OF A PERSON'S DELINQUENT FINANCIAL

OBLIGATION AGAINST THE PERSON'S HAWAII STATE
INCOME TAX REFUND OR ANY OTHER SUM DUE TO THE
PERSON FROM THE STATE

§20-10-11 **Purpose of subchapter.** This subchapter provides guidelines for the university's utilization of the authority granted under sections 231-51 to 231-59, [~~Hawaii Revised Statutes,~~] HRS, to retain the state income tax refund or any other sum due from the State of Hawaii to a person who owes a debt to the university. [Eff 5/9/98; am and comp 12/12/02; comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-12 **Procedure for setoff.** (a) When a university claimant decides to utilize the authority granted under sections 231-51 to 231-59, [~~Hawaii Revised Statutes,~~] HRS, to request a setoff of a person's debt to the university against the person's state income tax refund or any other sum due to the person from the State, the claimant shall submit the request for setoff to the appropriate business office.

(b) The business office shall submit the setoff request to the Comptroller of the State Department of Accounting and General Services.

(c) The Comptroller shall issue a written notice to the debtor of the State's intention to apply the debtor's debt to the university against the debtor's state income tax refund or any other sum due the debtor from the State. The Comptroller's written notice shall state that the debtor, within thirty days of the date of the notice, may request an administrative hearing before the university to contest the setoff.

(d) The request for an administrative hearing shall be submitted to the [~~financial management~~] appropriate business office at the university in

writing not more than thirty days from the date of the Comptroller's notice described in subsection (c). The ~~[director of the financial management]~~ appropriate business office at the university may extend the time for the submission of the request for hearing upon a showing of good cause, as determined at the sole discretion of the director of the ~~[financial management]~~ appropriate business office at the university. [Eff 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-13 **Hearings to contest the setoff.** (a)

The administrative hearings under this subchapter shall be treated as a contested case hearing under the Hawaii Administrative Procedure Act (chapter 91, ~~[Hawaii Revised Statutes]~~ HRS) and shall be conducted in accordance with the statutory requirements for contested case hearings.

(b) The administrative hearings under this subchapter shall be presided by a hearing officer designated by the president or the president's designee.

(c) Upon receipt of a written request for a contested case hearing, the ~~[financial management]~~ appropriate business office at the university shall direct the duly designated hearing officer to issue a written notice to both the debtor and the claimant, which notice shall include a statement of:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is to be held;
- (3) The particular sections of the statutes and rules involved;
- (4) An explicit statement in plain language of the issues involved and the facts alleged by the claimant in support thereof; provided

that if the claimant is unable to state the issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished;

- (5) That the contested case is limited to issues not previously contested by the debtor; and
- (6) The fact that any party may retain counsel if so desired, and the fact that an individual may appear on the individual's own behalf.

The written notice of hearing shall be provided to all parties to the administrative proceeding at least fifteen days before the hearing. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-14 **Procedures for the administrative hearing on the setoff.** (a) Opportunities shall be afforded all parties in a contested case to present evidence and argument on all issues involved.

(b) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(c) For the purpose of decisions, the record of the contested case shall include:

- (1) All pleadings, motions, and intermediate rulings;
- (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed;
- (3) Offers of proof and rulings thereon;
- (4) Proposed findings and exceptions;
- (5) Report of the hearing officer who presided at the hearing; and

(6) Staff memoranda submitted to the hearing officer in connection with the hearing officer's consideration of the case.

(d) For the purpose of preserving a record of the proceedings before the hearing officer, the proceedings shall be recorded. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, review by the president or the president's designee, or court review.

(e) Within a reasonable time following the closure of the hearing on the contested case, the hearing officer shall prepare a proposed decision on the case as a recommendation for the president or the president's designee.

(f) No matters outside the record shall be considered by the hearing officer in making a proposed decision, except as provided in this chapter.

(g) Every decision and order rendered by the hearing officer shall be in writing and shall contain a statement of reasons for the decision and shall include a determination of each issue of fact or law necessary to the proposed decision. If any party to the contested case proceeding has filed proposed findings of fact, the hearing officer shall incorporate in the proposed decision a ruling upon each proposed finding so presented.

(h) A copy of the proposed decision shall be served upon both the debtor and the claimant by delivering or mailing a copy of the proposed decision and accompanying findings and conclusions to each party or to the party's attorney of record.

(i) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and present argument to the president or the president's designee before a final decision on the contested case is rendered by the president or the president's designee. Exceptions shall be filed in the manner set forth in section 20-10-16(b). [Eff 5/9/98; am and comp 12/12/02; am and comp 3/18/18; comp] (Auth: HRS §§26-38, 91-2, 231-

58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-15 **Rules of evidence; official notice.**

(a) Any oral or documentary evidence may be received by the hearing officer. The hearing officer, as a matter of policy, shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. No sanction shall be imposed or order be issued except upon consideration of the whole record or the portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct a cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The hearing officer may take notice of judicially recognizable facts. In addition, the hearing officer may take notice of generally recognized technical or scientific facts within the hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Except as otherwise provided by law, the debtor contesting the setoff shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence.

~~[(e)]~~ (f) Any document filed in a contested case, other than evidence, shall conform to the requirements of ~~[chapter 20-1, as amended.]~~ section 20-1.1-11. In addition, all the documents shall be written in ink, typewritten, or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-16 **Final decisionmaking for the university in a contested case hearing.** (a) Since the administrative hearing is not presided over by the president or the president's designee but rather delegated to a hearing officer, and the president or the president's designee would not have heard and examined all of the evidence, the final decision for the university shall not be made by the president or the president's designee until the hearing officer's proposed decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the debtor and the claimant.

(b) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and to present written and oral arguments to the president or the president's designee. The exceptions shall be in writing and filed with the ~~[financial management office at the university]~~ president or the president's designee not more than fifteen days from the date of the proposed decision. The president or the president's designee shall provide the aggrieved debtor with an opportunity to

present oral arguments at an adjudicatory meeting with the president or the president's designee.

(c) In rendering the final decision for the university, the president or the president's designee shall personally consider the whole record of the contested case or the portions thereof as may be cited by the parties. No matters outside the record shall be considered by the president or the president's designee in making a decision, except as provided in this chapter.

(d) Every decision and order rendered by the president or the president's designee shall be in writing and shall be accompanied by separate findings of fact and conclusions of law.

(e) Both the debtor and the claimant shall be notified of the president's or the president's designee's final decision by delivering or mailing a copy of the president's or the president's designee's final decision and order and accompanying findings and conclusions to each party or to the party's attorney of record. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-6(a)(2), 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-17 Consultation by decisionmaking officials; ex parte communication prohibited. At no time after the filing of the written request for a contested case hearing shall any hearing officer, the president or the president's designee who renders a decision in an administrative contested case, or any other person who is likely to advise these officials in the decision on the contested case, discuss ex parte any issue of fact or the merits of the contested case with any interested person not performing a decisionmaking function, except by giving notice to both the debtor and claimant providing an opportunity for all parties to participate in the discussion. This prohibition shall not apply to consultations

required for the disposition of ex parte matters authorized by law or to consultations with the decisionmakers' legal counsel covered by the attorney-client privilege. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-18 **Appeals from the final decision.**

Appeals from the final decision of the president or the president's designee rendered in a contested case under this subchapter shall be in accordance with chapter 91, [~~Hawaii Revised Statutes.~~] HRS." [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

2. These amendments to and compilation of chapter 20-10 shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

RANDOLPH G. MOORE
Chairperson, Board of Regents
University of Hawaii

APPROVED AS TO FORM:

University of Hawaii

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

Department of the Attorney General

Lori Tanigawa, Esq.
Deputy Attorney General

Exhibit 4

UNIVERSITY OF HAWAII

Amendments and Compilation of Chapter 20-10 Hawaii Administrative Rules

(_____)

SUMMARY

1. §§20-10-2 to 20-10-6 are amended.
2. §20-10-8 is amended.
3. §§20-10-11 to 20-10-13 are amended.
4. §§20-10-15 to 20-10-16 are amended.
5. §20-10-18 is amended.
6. Chapter 20-10 is compiled.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 1

UNIVERSITY OF HAWAII

BOARD OF REGENTS

CHAPTER 10

DELINQUENT FINANCIAL OBLIGATIONS

Subchapter 1 Rules of General Applicability

§20-10-1	Purpose
§20-10-2	General statement of policy
§20-10-3	Definitions
§20-10-4	Delinquent financial obligations
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§20-10-7	Hearing officers
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delinquent financial obligation or
imposition of a sanction under
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§20-10-9 Repealed

§20-10-10 Repealed

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Financial Obligation Against the
Person's Hawaii State Income Tax
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§20-10-13 Hearings to contest the setoff

§20-10-14 Procedures for the administrative
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§20-10-16 Final decisionmaking for the University
in a contested case hearing

§20-10-17 Consultation by decisionmaking
officials; ex parte communication
prohibited

§20-10-18 Appeals from the final decision

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-10-1 **Purpose.** This chapter provides the
university with a procedure which provides clear and
fair methods in collecting delinquent financial
obligations owed to the university. [Eff 6/22/81; am
and comp 5/9/98; comp 12/12/02; am and comp 3/18/18;
comp] (Auth: HRS §§26-38, 91-2, 231-
58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-
13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-2 **General statement of policy.** (a) If a person has assumed a financial obligation to the university and payment is past due, the university shall have the right to impose sanctions under this chapter as it may deem appropriate.

(b) To implement this chapter, the president or the president's designee may issue guidelines consistent with this chapter and as may be appropriate. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-3 **Definitions.** (a) As used in this chapter:

"Appeal" means a timely filed petition disputing the university's notification of delinquent financial obligation, including a request for hearing under subchapter 2 filed on the appropriate form.

"Board" means the board of regents of the university.

"Business office" means the primary business office which receives payments for tuition, fees, and other official charges on the campus at which the delinquent financial obligation occurred.

"Campus" refers to each of the following major organizational units of the University:

- (1) University of Hawaii at Manoa, including the East-West Center and the Kakaako Campus;
- (2) University of Hawaii at Hilo;
- (3) University of Hawaii - West Oahu;
- (4) Honolulu Community College;
- (5) Kapiolani Community College;
- (6) Leeward Community College;
- (7) Windward Community College;
- (8) Kauai Community College;
- (9) University of Hawaii - Maui College;
- (10) Hawaii Community College; and

(11) Any other major organizational unit of the university identified as a campus by the board.

"Chancellor" refers to the chief executive officer of the respective campus, and shall include their authorized designee.

"Claimant" means the university program which initiates the utilization of the setoff procedure provided in subchapter 3.

"Contested case" means the administrative case initiated by a person to contest the setoff under subchapter 3.

"Debtor" means any person who owes a debt to the university.

"Defaulted" means failure to make a scheduled installment payment on a promissory note or failure to comply with other terms of a promissory note.

"Delinquent" means being past due on student loan payments or failing to pay or establish a payment plan for other types of financial obligations by the established deadlines.

"Financial obligation" means any amount owed to the university.

"Hearing officer" means a person duly designated by the university to preside over a hearing under this chapter.

"Party" means any person that participates in an appeal hearing or a contested case hearing as a person filing the appeal, a business office, a debtor, or a claimant.

"Person" includes any individual, corporation, partnership, association, or any trustee, assignee, receiver, or legal successor thereof.

"President" means the president of the university.

"Review" means an informal proceeding which affords a person an opportunity to present the person's case to a university staff member duly authorized under this chapter.

"Sanctions" means the range of penalties which the university may invoke in cases of delinquent financial obligations.

"Setoff" means the application of a person's income tax refund or any other sums due to the person from the State, to a valid debt due and owing the university pursuant to the authority granted by sections 231-51 to 231-59, HRS.

"University" means the University of Hawaii. Any of the provisions in this chapter which affect the standing of a person at any one campus also affect the standing or potential standing at all other campuses.

(b) Words of the masculine gender include the feminine and neuter, and when the sense so indicates, words of the neuter gender may refer to any gender. Words in the singular number include the plural, and words in the plural number include the singular. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-4 **Delinquent financial obligations.** A delinquent financial obligation shall be deemed to exist, provided that notice of the financial obligation has been sent to the person, with the exception of those contracts in which notice is not required. Sanctions on delinquent financial obligations shall be based on dollar limit threshold amounts. The dollar limit threshold amounts shall be established by the board at an open meeting subject to the requirements of Chapter 92, HRS. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-5 **Collection of delinquent financial obligations.** When any payment on an outstanding

financial obligation is past due, and the university has made reasonable efforts to collect the delinquent financial obligation, the university shall commence collection of the outstanding financial obligation pursuant to procedures established by the university. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-6 **Application of sanctions.** (a) Denial of further registration may be imposed as a sanction for delinquent financial obligations which occur prior to registration and for which no appeal has been filed.

(b) Revocation of all rights and privileges which were conferred by registration or enrollment may be imposed as a sanction for delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(c) Denial of transcripts, diplomas, and other entitlements may be imposed as a sanction for delinquent financial obligations. These sanctions shall remain in force during the appeals and contested case processes.

(d) In all cases of delinquent financial obligations, the university reserves the right to use any procedure to recover moneys which are owed to it, including the following:

- (1) Report delinquent and defaulted amounts, along with other relevant information to credit bureau organizations;
- (2) Setoff against a person's Hawaii state income tax refund or any other sums due to the person from the State, any amount which is due and owing to the university, exceeding the amount of \$25;
- (3) Commence legal action to recover the amount which is owed, including appropriate

interest, collection fees, court costs, and attorneys' fees;

- (4) Contract the services of a collection agency to recover moneys owed to it, including applicable court costs and attorneys' fees. The collection agency may collect the applicable collection fees as authorized in a written contract with the university pursuant to federal or state law; and
- (5) Use the services of university personnel to recover moneys owed to it, including applicable collection fees.

(e) In addition to all other sanctions, the university may seek redress under the law to recover moneys owed to it.

(f) Costs of implementing the sanctions imposed under this chapter may be assessed to the person owing the delinquent financial obligation.

(g) Sanctions imposed under this chapter at any campus shall apply to all other campuses.

(h) No sanction shall be imposed upon a person who has filed a petition for relief under Chapter 7, 11, 12, or 13 of the United States Bankruptcy Code.

(i) The expiration of the statute of limitations for cases of delinquent financial obligations shall not serve as a basis for the issuance of transcripts, diplomas, and other entitlements. [Eff 6/22/81; am 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 231-53, 304A-105, 304A-602, 304A-604, 11 U.S.C. §362)

SUBCHAPTER 2

APPEALS FROM NOTICES OF DELINQUENT FINANCIAL OBLIGATIONS OR IMPOSITION OF SANCTIONS

§20-10-7 **Hearing officers.** (a) The chancellor

of each campus as appropriate shall designate a hearing officer to hear appeals under this chapter except for the hearing officers for the setoff hearings under subchapter 3.

(b) In any case that does or could present a conflict of interest, the chancellor shall designate a substitute hearing officer for that case, except as provided in subsection (c).

(c) For those campuses for which the board has adopted rules governing parking and operation of motor vehicles, the appeals procedure and appointment procedure for hearing officers and final board of appeals as contained within those rules remain in effect. [Eff 6/22/81; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; comp]
(Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-8 Appeals from a notification of delinquent financial obligation or an imposition of a sanction under this chapter. (a) Appeals involving parking and traffic matters shall be resolved under the procedures provided in chapter 20-12.

(b) Informal review of financial obligations. Any person who is deemed by the university to have a delinquent financial obligation, including student loan payments, may file a written request for an informal review with the appropriate business office or director of the university office that handles financial or loan collection, no later than fifteen days after the date of the notification letter of the student financial or loan obligation. After the university has issued a decision on the informal review, any person who still believes that a student financial or loan obligation has been improperly assessed or who believes a sanction imposed is excessive or unfair may file an appeal with the appropriate business office or financial management office at the university within fifteen days from the

date of the decision on the informal review. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(c) Filing of an appeal. Any person who believes that any alleged financial obligation (other than an obligation involving parking and traffic matters) was improperly assessed or who deems that a sanction imposed under this chapter is excessive or unfair may appeal the matter to the appropriate business office at the university within fifteen days from the date of the official notification of assessment of the obligation or of imposition of a sanction. A hearing officer appointed under section 20-10-7 shall hear the case and render a written decision within a reasonable time to each party.

(d) Appeals procedure. In all appeals where a person has properly filed an appeal (except appeals involving parking and traffic matters covered by chapter 20-12), a hearing officer shall send a written notification of the hearing to the person who filed the appeal by registered or certified mail with return receipt requested, not less than fifteen days before the date of the hearing.

- (1) The notification letter shall include:
 - (A) The date, time, place, and nature of the hearing;
 - (B) The legal authority under which the hearing is to be held;
 - (C) The particular sections of the statutes and rules involved;
 - (D) A statement in plain language of the issues involved and the facts surrounding the alleged past due financial obligations; and
 - (E) The fact that any party may appear on their own behalf or be accompanied by counsel at the party's own expense;
- (2) The hearing officer shall hear the appeal and render a written decision within a reasonable time and issue a copy of the decision to each party;

- (3) All appeal hearings under this subchapter shall be informal in nature. Either party may be represented by counsel of the party's choice and at the party's own expense, and may summon witnesses as the party may desire. The findings and conclusions of the hearing officer shall be confined to the facts and equities of the case. The person requesting the hearing need not be present at the hearing. The evidence and arguments may be presented in writing;
- (4) The hearing officer shall make a finding in each appeal as to whether the alleged financial obligation exists and all parties shall be bound by the hearing officer's finding;
- (5) The hearing officer, except as provided in subsection (f), may confirm, modify, or cancel any sanction imposed under subchapters 1 and 2, as may be appropriate under the circumstances, in the sound discretion of the hearing officer
- (6) All findings of fact and conclusions of law of the hearing officer shall be in writing and shall be effective upon notification of the parties. The hearing officer's decisions shall be final within the university. The parties to the proceeding shall be notified by delivery or mailing of a certified copy of the decision and order.

(e) The chancellor of each campus may extend the time for both the filing of the appeal and issuance of the decision for good reasons, provided that no sanction in an appealed case shall be effective until after the hearing officer's decision is rendered, except as provided in section 20-10-6(b) and (c).

(f) If the hearing officer finds that a delinquency of a tuition or mandatory fee charge exists, the hearing officer shall authorize the cancellation of the individual's registration. If the delinquency of a tuition or mandatory fee charge exists for any previous registration, the hearing

officer shall authorize the denial of further registration. In both cases additional sanctions may be imposed. [Eff 4/4/88; am and comp 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-9 REPEALED. [R 5/9/98]

§20-10-10 REPEALED. [R 5/9/98]

SUBCHAPTER 3

SETOFF OF A PERSON'S DELINQUENT FINANCIAL OBLIGATION AGAINST THE PERSON'S HAWAII STATE INCOME TAX REFUND OR ANY OTHER SUM DUE TO THE PERSON FROM THE STATE

§20-10-11 **Purpose of subchapter.** This subchapter provides guidelines for the university's utilization of the authority granted under sections 231-51 to 231-59, HRS, to retain the state income tax refund or any other sum due from the State of Hawaii to a person who owes a debt to the university. [Eff 5/9/98; am and comp 12/12/02; comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-12 **Procedure for setoff.** (a) When a university claimant decides to utilize the authority granted under sections 231-51 to 231-59, HRS, to

request a setoff of a person's debt to the university against the person's state income tax refund or any other sum due to the person from the State, the claimant shall submit the request for setoff to the appropriate business office.

(b) The business office shall submit the setoff request to the Comptroller of the State Department of Accounting and General Services.

(c) The Comptroller shall issue a written notice to the debtor of the State's intention to apply the debtor's debt to the university against the debtor's state income tax refund or any other sum due the debtor from the State. The Comptroller's written notice shall state that the debtor, within thirty days of the date of the notice, may request an administrative hearing before the university to contest the setoff.

(d) The request for an administrative hearing shall be submitted to the appropriate business office at the university in writing not more than thirty days from the date of the Comptroller's notice described in subsection (c). The appropriate business office at the university may extend the time for the submission of the request for hearing upon a showing of good cause, as determined at the sole discretion of the director of the appropriate business office at the university. [Eff 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-13 **Hearings to contest the setoff.** (a) The administrative hearings under this subchapter shall be treated as a contested case hearing under the Hawaii Administrative Procedure Act (chapter 91, HRS) and shall be conducted in accordance with the statutory requirements for contested case hearings.

(b) The administrative hearings under this subchapter shall be presided by a hearing officer

designated by the president or the president's designee.

(c) Upon receipt of a written request for a contested case hearing, the appropriate business office at the university shall direct the duly designated hearing officer to issue a written notice to both the debtor and the claimant, which notice shall include a statement of:

- (1) The date, time, place, and nature of the hearing;
- (2) The legal authority under which the hearing is to be held;
- (3) The particular sections of the statutes and rules involved;
- (4) An explicit statement in plain language of the issues involved and the facts alleged by the claimant in support thereof; provided that if the claimant is unable to state the issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished;
- (5) That the contested case is limited to issues not previously contested by the debtor; and
- (6) The fact that any party may retain counsel if so desired, and the fact that an individual may appear on the individual's own behalf.

The written notice of hearing shall be provided to all parties to the administrative proceeding at least fifteen days before the hearing. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-14 Procedures for the administrative hearing on the setoff. (a) Opportunities shall be afforded all parties in a contested case to present

evidence and argument on all issues involved.

(b) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(c) For the purpose of decisions, the record of the contested case shall include:

- (1) All pleadings, motions, and intermediate rulings;
- (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed;
- (3) Offers of proof and rulings thereon;
- (4) Proposed findings and exceptions;
- (5) Report of the hearing officer who presided at the hearing; and
- (6) Staff memoranda submitted to the hearing officer in connection with the hearing officer's consideration of the case.

(d) For the purpose of preserving a record of the proceedings before the hearing officer, the proceedings shall be recorded. It shall not be necessary to transcribe the record unless requested for purposes of rehearing, review by the president or the president's designee, or court review.

(e) Within a reasonable time following the closure of the hearing on the contested case, the hearing officer shall prepare a proposed decision on the case as a recommendation for the president or the president's designee.

(f) No matters outside the record shall be considered by the hearing officer in making a proposed decision, except as provided in this chapter.

(g) Every decision and order rendered by the hearing officer shall be in writing and shall contain a statement of reasons for the decision and shall include a determination of each issue of fact or law necessary to the proposed decision. If any party to the contested case proceeding has filed proposed findings of fact, the hearing officer shall

incorporate in the proposed decision a ruling upon each proposed finding so presented.

(h) A copy of the proposed decision shall be served upon both the debtor and the claimant by delivering or mailing a copy of the proposed decision and accompanying findings and conclusions to each party or to the party's attorney of record.

(i) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and present argument to the president or the president's designee before a final decision on the contested case is rendered by the president or the president's designee. Exceptions shall be filed in the manner set forth in section 20-10-16(b). [Eff 5/9/98; am and comp 12/12/02; am and comp 3/18/18; comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-15 **Rules of evidence; official notice.**

(a) Any oral or documentary evidence may be received by the hearing officer. The hearing officer, as a matter of policy, shall provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence. No sanction shall be imposed or order be issued except upon consideration of the whole record or the portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative, and substantial evidence. The hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct a cross-examination as may be required for a full and

true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The hearing officer may take notice of judicially recognizable facts. In addition, the hearing officer may take notice of generally recognized technical or scientific facts within the hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Except as otherwise provided by law, the debtor contesting the setoff shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence.

(f) Any document filed in a contested case, other than evidence, shall conform to the requirements of section 20-1.1-11. In addition, all the documents shall be written in ink, typewritten, or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff 5/9/98; am and comp 12/12/02; am and comp 3/18/18; am and comp]
(Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604)
(Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-16 **Final decisionmaking for the university in a contested case hearing.** (a) Since the administrative hearing is not presided over by the president or the president's designee but rather delegated to a hearing officer, and the president or the president's designee would not have heard and examined all of the evidence, the final decision for the university shall not be made by the president or the president's designee until the hearing officer's

proposed decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the debtor and the claimant.

(b) If the debtor is adversely affected by the proposed decision, the debtor shall be afforded an opportunity to file exceptions to the proposed decision and to present written and oral arguments to the president or the president's designee. The exceptions shall be in writing and filed with the president or the president's designee not more than fifteen days from the date of the proposed decision. The president or the president's designee shall provide the aggrieved debtor with an opportunity to present oral arguments at an adjudicatory meeting with the president or the president's designee.

(c) In rendering the final decision for the university, the president or the president's designee shall personally consider the whole record of the contested case or the portions thereof as may be cited by the parties. No matters outside the record shall be considered by the president or the president's designee in making a decision, except as provided in this chapter.

(d) Every decision and order rendered by the president or the president's designee shall be in writing and shall be accompanied by separate findings of fact and conclusions of law.

(e) Both the debtor and the claimant shall be notified of the president's or the president's designee's final decision by delivering or mailing a copy of the president's or the president's designee's final decision and order and accompanying findings and conclusions to each party or to the party's attorney of record. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-6(a)(2), 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-17 **Consultation by decisionmaking officials; ex parte communication prohibited.** At no time after the filing of the written request for a contested case hearing shall any hearing officer, the president or the president's designee who renders a decision in an administrative contested case, or any other person who is likely to advise these officials in the decision on the contested case, discuss ex parte any issue of fact or the merits of the contested case with any interested person not performing a decisionmaking function, except by giving notice to both the debtor and claimant providing an opportunity for all parties to participate in the discussion. This prohibition shall not apply to consultations required for the disposition of ex parte matters authorized by law or to consultations with the decisionmakers' legal counsel covered by the attorney-client privilege. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

§20-10-18 **Appeals from the final decision.** Appeals from the final decision of the president or the president's designee rendered in a contested case under this subchapter shall be in accordance with chapter 91, HRS. [Eff 5/9/98; comp 12/12/02; am and comp 3/18/18; am and comp] (Auth: HRS §§26-38, 91-2, 231-58, 304A-105, 304A-604) (Imp: HRS §§91-2, 91-9 to 91-13, 92-16, 231-53, 304A-105, 304A-602, 304A-604)

UNIVERSITY OF HAWAII

Amendments to and compilation of chapter 20-10, Hawaii Administrative Rules, on the Summary Page dated _____, were adopted on _____, following a public hearing held on _____, after public notice was given in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Garden Island, and The Maui News on _____.

These rules shall take effect ten days after filing with the Office of the Lieutenant Governor.

RANDOLPH G. MOORE
Chairperson, Board of Regents
University of Hawaii

APPROVED:

DAVID Y. IGE
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

University of Hawaii

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

Department of the Attorney General

Lori Tanigawa, Esq.
Deputy Attorney General

Board of Regents Policy 6.210

Title

Payment of Tuition, Fees and ~~Charges~~Other Financial Obligations

Header

Regents Policy Chapter 6, Tuition, Financial Assistance, and Fees

Regents Policy [RP 6.210](#), Payment of Tuition, Fees and ~~Charges~~Other Financial Obligations

Effective Date: Nov. 16, 2006

Prior Dates Amended: Oct. 31, 2014 (recodified)

Review Date: August 2018

I. Purpose

To set forth policy regarding payment of tuition and fees ~~and~~ and collection of delinquent financial obligations.

II. Definitions

No policy specific or unique definitions apply.

III. Board of Regents Policy

A. Except as provided hereinafter, tuition, ~~and~~ fees and other financial obligations shall be paid on a semester/session by semester/session basis and are due and payable in full on or before the date stipulated; except under the following circumstances:

1. Financial aid and scholarship awards have not been completely processed;
2. Third-party student support contracts have not been awarded and or received by the campus from the awarding entity; or
3. Payments ~~shall be~~ before the current term are made in accordance with an installment payment plan as provided in written procedures ~~approved~~ established by the ~~appropriate~~ chancellor University.

B. ~~Other authorized fees are due and payable on or before the date stipulated or upon application. The president or president's designee(s) shall establish procedures to collect delinquent obligations.~~

C. The chancellors are authorized to collect advance tuition and deposits ~~as necessary to confirm and predict the enrollment of students.~~

D. The University shall apply sanctions based on a dollar limit threshold. All sanctions as outlined in HAR § 20-10-6 shall apply to delinquent financial obligations at or above \$200. Denial of transcripts and diplomas shall apply to delinquent financial obligations under \$200.

IV. Delegation of Authority

The chancellors are authorized to collect advance tuition and deposits as necessary to confirm and predict the enrollment of students. See RP 6.210(C).

The board delegates to the president or president's designee the authority to establish procedures to collect delinquent financial obligations and apply sanctions to any current or former student for any delinquent financial obligations, based on a dollar limit threshold. See RP 6.210(B) and (D).

V. Contact Information

Office of the Vice President for Academic Affairs Strategy, 956-7075, ovpas@hawaii.edu
Office of the Vice President for Budget and Finance/CFO, 956-8903, kalbert@hawaii.edu

VI. References

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

VII. Exhibits and Appendices

No Exhibits and Appendices found

Approved

approved as to Form: _____ Date —

~~—Cynthia Quinn—Kendra Oishi~~

~~—October 31, 2014—~~

~~—Date—~~

Executive Administrator and Secretary of the Board of Regents

Topics

No Topics found.

Attachments

None

Exhibit 6

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 2

STATE BOARD FOR VOCATIONAL EDUCATION

CHAPTER 30

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 Rules of General Applicability

- §20-30-1 Statement of policy
- §20-30-2 Definitions
- §20-30-3 The board
- §20-30-4 Public records
- §20-30-5 Severability
- §20-30-6 Appearances before the board
- §20-30-7 Filing of documents
- §20-30-8 Computation of time
- §20-30-9 Continuance or extension of time
- §20-30-10 Amendment of documents
- §20-30-11 Retention of documents by the board
- §20-30-12 Counsel for the board

Subchapter 2 Proceedings Before the Board

- §20-30-13 General
- §20-30-14 Appearances in a proceeding
- §20-30-15 Board decision
- §20-30-16 Consolidations

Subchapter 3 Rules Applicable to Rulemaking

- §20-30-17 Notice of proposed rulemaking
- §20-30-18 Conduct of rulemaking hearing
- §20-30-19 Board action
- §20-30-20 Emergency rulemaking
- §20-30-21 Petitions for adoption, amendment or repeal
of rules
- §20-30-22 Filing and publication

Subchapter 4 Declaratory Rulings

- §20-30-23 Petition for declaratory rulings

Subchapter 5 Rules Applicable to Contested Cases

- §20-30-24 Delegation of powers
- §20-30-25 Procedure

§20-30-1

§20-30-26 Rules of evidence; official notice
§20-30-27 Examination of evidence
§20-30-28 Decisions and orders
§20-30-29 Consultation by officials

Historical Note: This chapter is based substantially upon "Rules of Practice and Procedure" promulgated by the State board for vocational education. [Eff. 11/23/79; R JUN 22 1981]

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-30-1 Statement of policy. The following rules shall govern the practice and procedure before the State board for vocational education under chapter 91, HRS. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-2 Definitions. (a) As used in the rules prescribed by the board, unless the context specifically requires otherwise:

"Administrative officer" means the president of the University of Hawaii.

"Board" means the State board for vocational education and for purposes of this rule shall not include committees of the board.

"Chairperson" means the chairperson of the board.

"Committee" shall mean all committees of the board, including the executive committee of the board, and the committee of the whole.

"Contested case" means a proceeding in which the legal rights, duties or privileges of specific parties are required by law to be determined by the board after an opportunity for a hearing.

"Party" wherever used in these rules, shall mean each person or agency named or admitted as a party, or properly seeking and entitled as of right to be admitted as a party in a contested case.

"Persons" include individuals, partnerships, corporations, associations, or public or private organizations of any character other than agencies.

"Petitioner" refers to the party on whose behalf a petition or application is made in proceedings involving petitions or applications for permission or authorization which the board may give under statutory or other authority delegated to it.

"Proceedings" as used in these rules shall mean the board's elucidation of the relevant facts and applicable law, consideration thereof and action with

respect to a particular subject within the board's jurisdiction. It does not apply to rulemaking hearings, contested cases or committee meetings.

"Rule" as used in these rules means each agency statement of general or particular applicability and future effect that implements, interprets, or prescribes law or policy, or describes the organization, procedure, or practice requirements of the board. The term does not include matters concerning only the operation and management of internal affairs of the board not affecting private rights of or procedures available to the public nor does it include declaratory rulings issued pursuant to section 91-8, HRS, nor to intra-agency memoranda.

"Rulemaking hearings" as used in these rules, shall mean all meetings where proposed rules or amendments or repeal thereof are to be presented for public comment as provided by chapter 91, HRS. It shall not apply to board meetings relating to the operation and management of internal affairs of the board nor to hearings for contested cases.

"Secretary" means the secretary of the board.

"University" means the University of Hawaii.

(b) Unless otherwise specifically stated, the terms used in rules promulgated by the board pursuant to powers granted by statute shall have the meaning defined by such statute.

(c) A rule which defines a term without express reference to the statute or to the rules or a portion thereof, defines such terms for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.

(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine gender. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-3 The board. (a) Office. The office of the board is in the office of the secretary of the board, situated in Honolulu, Hawaii. All communications to the board shall be addressed to the "State Board for Vocational Education, University of Hawaii, State of Hawaii, Honolulu, Hawaii 96822," unless otherwise specifically directed.

(b) Hours. The office of the board shall be open from 7:45 a.m. to 4:30 p.m. of each weekday except holidays and unless otherwise provided by statute or executive order.

(c) Sessions. The board shall meet quarterly and

at such other times as required and may from time to time meet in each of the counties of Hawaii, Maui and Kauai. The board may meet in executive session, from which the public may be excluded as provided by chapter 92, HRS.

(d) Quorum and voting. A majority of the members to which the board is entitled shall constitute a quorum at any proceeding or hearing. The concurrence of a majority of all the members to which the board is entitled shall be necessary to make any action of the board valid except for procedural action.

(e) Administrative officer. As stated in chapter 305A, HRS, the president of the University of Hawaii, as administrative officer of the board, shall carry out the policies adopted by the board.

(f) Unless otherwise provided in these rules, Robert's Rules of Order shall apply.

[Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 80-1)

§20-30-4 Public records. (a) The term "public records" as used in this chapter is defined as in chapter 92, HRS.

(b) All public records of the board shall be available for inspection during established office hours, subject to the limitations prescribed in chapter 92, HRS.

(c) All public records of the board except as limited by chapter 92, HRS, shall be available to any person who requests them and pays the fees necessary, if any, as set by law.

(d) Requests for public information, for permission to inspect public records or for copies of public records will be handled with due regard for the dispatch of other public duties. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2, 92-50, 92-51, 92-52) (Imp: HRS §§305A-3, 91-2, 92-50, 92-51, 92-52)

§20-30-5 Severability. If any provision of these rules, or the application of them to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the rules which can be given effect without the invalid provision or application, and to this end the provisions of these rules are severable. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-6 Appearances before the board. (a) An individual may appear in his own behalf, a member of a

partnership may represent the partnership, a bona fide officer of a corporation or association may represent the corporation or association and an officer or employee of an agency of the State or a political subdivision of the State may represent such agency before the board.

(b) A person may be represented by or with counsel or other duly qualified representative before the board.

(c) When an individual acting in a representative capacity appears in person or signs a paper in practice before the board, the personal appearance or signature shall constitute a representation to the board that under the provisions of these rules and the law, the individual is authorized and qualified to represent the particular person on whose behalf the action is taken. The board may at any time require any person appearing before the board in a representative capacity to show his authority and qualification to act in such capacity.

[Eff. JUN 22 198] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-A, 91-2)

Mistake: should read "305A-3"

§20-30-7 Filing of documents. (a) All documents required to be filed with the board shall be filed with the secretary. Such documents may be sent by mail or hand-carried to the board's office in Honolulu, Hawaii, within the time limit, if any, for such filing. The date on which the documents are actually received by the board shall be deemed to be the date of filing.

(b) All documents must be signed by the party or a duly authorized agent or attorney. The signature of the person signing the document constitutes a certification that he has read the document; that to the best of his knowledge, information, and belief every statement contained in the instrument is true and no such statements are misleading; and that it is not interposed for delay.

(c) The initial document filed by any person shall state on the first page thereof the name and mailing address of the person or persons who may be served with any documents filed. [Eff. JUN 22 198] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-8 Computation of time. In computing any period of time prescribed by these rules or by order of the board, provisions of section 1-29, HRS, shall apply. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-9 Continuance or extension of time.

Whenever a person or agency is required to take action within the period prescribed or allowed by these rules, by notice given thereunder or by an order or regulation, the chairperson may

- (1) Before the expiration of the prescribed period, with or without notice, extend such period; or
- (2) Upon motion, permit the act to be done after the expiration of a specified period where the failure to act is clearly shown to the chairperson to be the result of excusable neglect. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-10 Amendment of documents.

If any document filed does not conform with the applicable rules of the board as to the content thereof, or is otherwise insufficient, the board, on its own motion, or on motion of any interested person, may strike or dismiss such document or require its amendment. If amended, the document shall be effective as of the date of the original filing. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-11 Retention of documents by the board.

All documents filed with or presented to the board may be retained in the files of the board. However, the board may permit the withdrawal of original documents upon submission of properly authenticated copies to replace such documents. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-12 Counsel for the board.

The attorney general or a representative, in the capacity as counsel for the board, may be present at all proceedings, hearings, or contested cases governed by these rules. The attorney general or a representative shall be designated as counsel for the board. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 28-4)

SUBCHAPTER 2

PROCEEDINGS BEFORE THE BOARD

§20-30-13 General. (a) The board may on its own motion or on petition of any interested person, group, organization, or agency hold such proceedings as it

may deem necessary from time to time for the purpose of obtaining information necessary or helpful in the carrying out of its duties. For such purposes it may call witnesses and call for the production of documents and other relevant statements. Procedures to be followed by the board shall, unless specifically prescribed in these rules, be such as in the opinion of the board will best serve the purposes of such proceedings.

(b) Notice of any proceeding before the board shall comply with section 92-7, HRS. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-14 Appearances in a proceeding. (a) No person shall be permitted to appear before the board to speak on any matter which has been brought before a committee of the board or which is listed as an exception under section 92-5, HRS, or which is not treated as a public record or not available to inspection under sections 92-50 and 92-51, HRS. This rule may be waived by a two-thirds vote of all board members present at the meeting in question.

(b) Subject to the limitations of subsection (a) above, any person who wants to appear before the board to present testimony must make a request to the secretary at least twenty-four hours prior to the meeting of the board unless waived by a two-thirds vote of all board members present at the meeting in question.

A written copy of such testimony must be submitted prior to the meeting unless waived by a two-thirds vote of all board members present at the meeting in question.

The board, upon two-thirds vote of all members present, shall have the authority to limit or terminate any testimony which it determines to be repetitious or made solely for purposes of delay. This rule shall not limit, however, the powers of the board or its chairperson under §20-30-3(f). [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-15 Board decision. All final decisions of the board in a proceeding shall be available for public inspection in the office of the board or may be obtained upon request and upon payment of charges, if any. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-16 Consolidations. The board, upon its

own initiation or upon motion, may consolidate for consideration, or for other purposes, two or more issues which involve substantially the same persons, or issues which are the same or closely related, if it finds that such consolidation will be conducive to the proper dispatch of its business and will not unduly delay the proceedings. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

SUBCHAPTER 3

RULES APPLICABLE TO RULEMAKING HEARINGS

§20-30-17 Notice of proposed rulemaking. (a) When pursuant to a petition, or upon its own motion, the board proposes to issue, amend or repeal a rule, notice of proposed rulemaking will be published in accord with chapters 91 and 92, HRS.

(b) A notice of the proposed issuance, amendment, or repeal of a rule shall include:

- (1) A statement of the date, time, and place where the public hearing shall be held.
- (2) Reference to the authority under which the issuance, amendment, or repeal of a rule is proposed.
- (3) A statement of the substance of the proposed rulemaking. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-18 Conduct of rulemaking hearing. (a) Public hearing. Unless otherwise specifically directed by the board, all rulemaking hearings shall be held at Honolulu when the entire State or a major portion thereof is affected by the proposed issuance, amendment or repeal of a rule. However, the board may hold such hearings on a neighbor island if a written request for such a hearing is received by the board within the time specified in the public notice. In all cases, however, written testimony may be received by the board in accordance with these rules.

When a matter affects only a county other than Oahu, then the hearing shall be held in that county.

(b) Presiding officer. Each such rulemaking hearing shall be presided over by the chairperson or a member of the board as designated by the chairperson. The hearing shall be conducted in such a way as to afford interested persons a reasonable opportunity to be heard on matters relevant to the issues involved and so as to obtain a clear and orderly record. The presiding officer shall have authority to administer oaths or affirmations and to take all other actions

necessary to the orderly conduct of the proceeding.

(c) Continuance of rulemaking hearing. Each such hearing shall be held at the time and place set in the notice of hearing, but at such time and place to be continued by the presiding officer from day to day or adjourn to a later date or to a different place without notice other than the announcement at the hearing.

(d) Order of hearing. At the commencement of the hearing, the presiding officer shall read the notice of hearing and shall then outline briefly the procedure to be followed. Evidence shall then be received with respect to the matters specified in the notice of hearing in such order as the presiding officer shall prescribe.

(e) Conduct of hearing. All interested persons shall be given reasonable opportunity to submit written or oral testimony or evidence with respect to the matters specified in the notice of hearing. The conduct of the hearing and filing of all documents shall be in accord with sections 20-30-6 through 20-30-12. The presiding officer shall confine the testimony to the questions before the hearing and is empowered to confine the testimony so as to keep order. Every person testifying may be subject to questioning by any member of the board or its counsel, but questioning by private persons shall not be permitted unless the presiding officer expressly permits it.

(f) Transcript of the testimony. Unless otherwise specifically ordered by the board or the presiding officer, testimony given at the hearing need not be reported verbatim. All supporting written statements and data offered in evidence at the hearing, and which are deemed by the presiding officer to be authentic and relevant, shall be received in evidence and made a part of the record. Unless the presiding officer finds that the furnishing of copies is impracticable, an original and fourteen copies of the exhibits shall be submitted. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-3)

§20-30-19 Board action. At the final public hearing, the board may make its decision or announce the date when its decision shall be made. The board will consider all relevant comments and material of record before taking final action in a rulemaking hearing. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-20 Emergency rulemaking. Notwithstanding the foregoing rules, if the board finds that an imminent peril to public health, safety, or morals requires adoption, amendment or repeal of a rule upon less than twenty days notice of hearing, and states in writing its reason for such finding, it may proceed without prior notice of hearing or upon such abbreviated notice and hearing as it finds practicable to adopt an emergency rule to be effective for a period not longer than one hundred twenty days without renewal. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-3)

§20-30-21 Petitions for adoption, amendment or repeal of rules. (a) Scope. Any interested person, organization or agency may petition the board for the issuance, amendment, modification or repeal of any rule as defined in this chapter.

(b) Form and contents. Petitions for rulemaking shall conform to the requirements of section 20-30-7. Such petition for rulemaking shall set forth the text of any proposed rule or amendment desired; or shall specify the rule the repeal of which is desired and shall state concisely the nature of the petitioner's interest in the subject matter and the reasons for seeking the issuance, amendment or repeal of the rule and shall include any facts, views, or arguments and data deemed relevant by petitioner. The board may also require the petitioner to serve other persons, organizations or agencies known to be interested in the proposed rulemaking. No request for the issuance, amendment, modification or repeal of a rule which does not conform to the requirements set forth above will be considered by the board.

(c) Procedure. The board shall within thirty days following the filing of the petition either deny the petition in writing or initiate public rulemaking procedures. No public hearing, oral argument or other form of proceedings will be held directly on any such decision, but if the board determines that the petition discloses sufficient reasons in support of the relief requested to justify the institution of public rulemaking proceedings, the procedures to be followed will be as set forth in sections 20-30-17 through 20-30-19. Where the board determines that the petition does not disclose sufficient reasons to justify the institution of public rulemaking procedures, or where the petition for rulemaking fails in material respect to comply with the requirements of these rules or where the petition does not concern a rule, the board shall deny the petition and the petitioner will be so notified together with the

grounds for such denial. The provisions of this section shall not operate to prevent the board, on its own motion, from acting on any matter disclosed in any petition. [Eff. JUN 22 198] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-6)

§20-30-22 Filing and publication. (a) The board, after obtaining the approval of the governor of any rule, shall file certified copies of the rule with the lieutenant governor.

(b) The board shall also keep a compilation of all such rules adopted by the board which are still in effect. The compilation shall be supplemented, revised and made available to the public as provided by these rules and chapters 91 and 92, HRS. [Eff. JUN 22 198] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-4, 91-5)

SUBCHAPTER 4

DECLARATORY RULINGS

§20-30-23 Petition for declaratory rulings. (a) Form and contents. On petition of an interested person, the board may issue a declaratory order as to the applicability of any statutory provision or of any rule or order of the board. Petitions for the issuance of such rules shall state clearly and concisely the controversy or uncertainty, shall cite the statutory authority involved, shall include a complete statement of the facts and the reasons or grounds prompting the petition, together with full disclosure of petitioner's interest and shall conform to the requirements of section 20-30-7.

(b) Additional data and supporting authorities. The board, upon receipt of the petition, may require the petitioner to file additional data or a memorandum of legal authorities in support of the position taken by the petitioner.

(c) Dismissal. The board may, without notice or hearing, dismiss a petition or declaratory ruling which fails in material respect to comply with the requirements of this part.

(d) Request for hearing. Although in the usual course of disposition of a petition for a declaratory ruling no formal hearing will be granted to the petitioner or to a party in interest, the board may at its discretion order such proceeding set down for hearing. Any petitioner or party in interest, who desires a hearing on a petition for declaratory ruling, shall set forth in detail in a request the

reasons why the matters alleged in the petition, together with supporting affidavits or other written evidence will not permit the fair and expeditious disposition of the petition. In addition, to the extent that such request for hearing is dependent upon factual assertion, the petitioner shall accompany the request with an affidavit establishing such facts. In the event a hearing ordered by the board, sections 20-30-24 and 20-30-25 shall govern the proceedings.

(e) Declaratory ruling on board's own motion. Notwithstanding the other provisions of this part, the board may, on its own motion or upon request but without notice or hearing, issue a written declaratory order to terminate a controversy or to remove uncertainty. [Eff. JUN 22 1991] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-7, 91-8)

SUBCHAPTER 5

RULES APPLICABLE TO CONTESTED CASES

§20-30-24 Delegation of powers. The board shall have the power to delegate the power to hear contested cases. The decision of said delegate shall be deemed to be the decision of the board but may be subject to review by the board on its own motion. [Eff. JUN 22 1991] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2)

§20-30-25 Procedure. (a) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

- (b) The notice shall include a statement of:
- (1) The date, time, place, and nature of hearing.
 - (2) The legal authority under which the hearing is to be held.
 - (3) The particular sections of the statutes and rules involved.
 - (4) An explicit statement in plain language of the issues involved and the facts alleged by the board in support thereof; provided that, if the board is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
 - (5) The fact that any party may retain counsel if so desired.

(c) Opportunities shall be afforded all parties to present evidence and argument on all issues

involved.

(d) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.

(e) For the purpose of decisions, the record shall include:

- (1) All pleadings, motions, intermediate rulings.
- (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.
- (3) Offers of proof and rulings thereon.
- (4) Proposed findings and exceptions.
- (5) Report of the officer who presided at the hearing.
- (6) Staff memoranda submitted to members of the board in connection with their consideration of the case.

(f) It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review.

(g) No matters outside the record shall be considered by the agency in making its decision except as provided in this chapter.

(h) Any contested cases provided for by rules established by the board shall, at a minimum, reflect the rules of procedure and evidence set forth in the rules of this subchapter. Any contested case hearing procedure required by federal or State law or regulation shall take precedence over the procedures established by this subchapter or by any rule established by the board. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-9)

§20-30-26 Rules of evidence; official notice. In contested cases: (a) Any oral or documentary evidence may be received but the hearing board or officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative and substantial evidence. The hearing board or officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The hearing board or officer may take notice of judicially recognizable facts. In addition, they may take notice of generally recognized technical or scientific facts within their specialized knowledge; but parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Any documents filed in a contested case, other than evidence, shall conform to the requirements of section 20-30-7. In addition, all such documents shall be written in ink, typewritten, mimeographed or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x 14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-10)

§20-30-27 Examination of evidence. Whenever in a contested case the official who is to render the final decision has not heard and examined all of the evidence, the decision, if adverse to a party to the proceeding other than the board itself, shall not be made until a proposal for decision containing a statement of reasons and including a determination of each issue of fact or law necessary to the proposed decision has been served upon the parties. An opportunity will be afforded to each party adversely affected to file exceptions and present argument to the official who is to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. [Eff. JUN 22 1981] (Auth: HRS §§305A-3, 912) (Imp: HRS §§305A-3, 91-2)

§20-30-28 Decisions and orders. Every decision and order adverse to a party to the proceeding, rendered by the board in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the agency shall incorporate in its decision a ruling upon each proposed finding so presented. Parties to the proceeding shall be notified by delivering or mailing

a certified copy of the decision and order and accompanying findings and conclusions within a reasonable time to each party or to the party's attorney of record. [Eff. JUN 22 1988] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-12)

§20-30-29 Consultation by officials. No official of the board who renders a decision in a contested case shall consult any person on any issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law. [Eff. JUN 22 1988] (Auth: HRS §§305A-3, 91-2) (Imp: HRS §§305A-3, 91-2, 91-13)

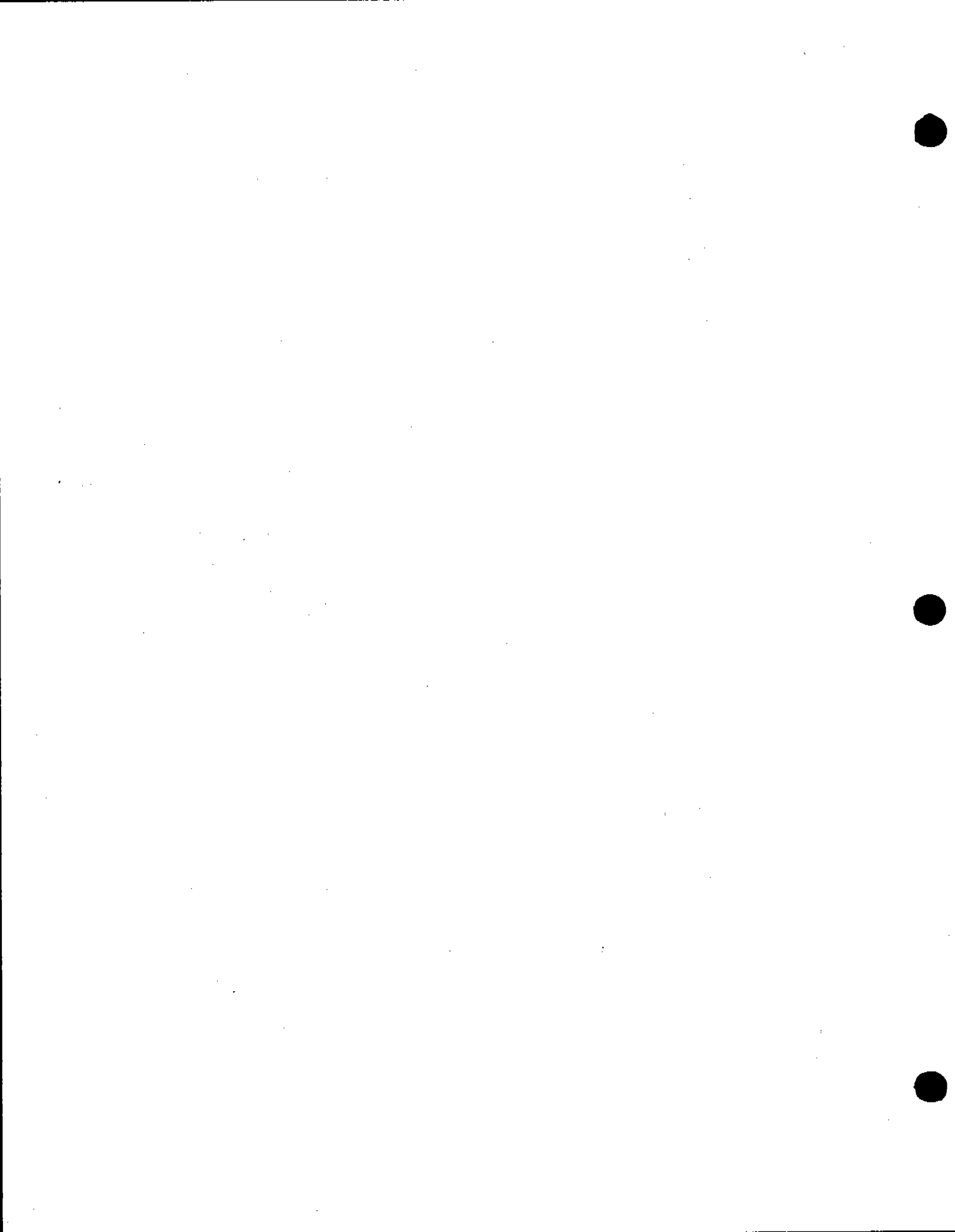


Exhibit 7

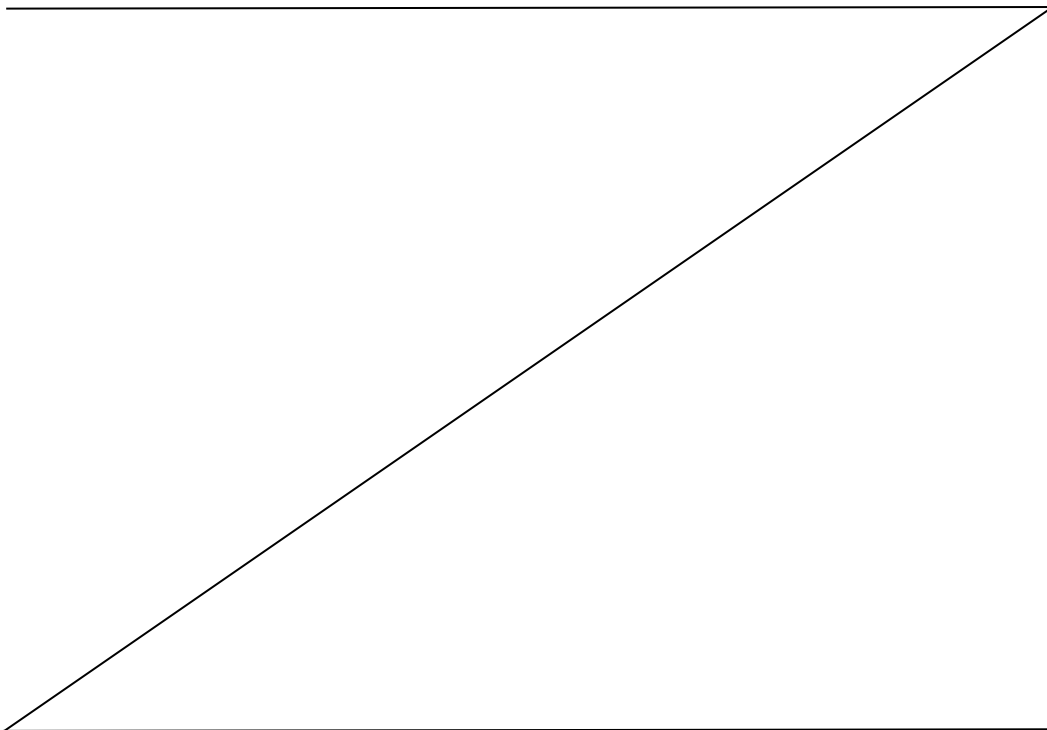
UNIVERSITY OF HAWAII

Repeal of Chapter 20-30 and
Adoption of Chapter 20-30.1
Hawaii Administrative Rules

(_____)

1. Chapter 20-30, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is repealed.

2. Chapter 20-30.1, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is adopted to read as follows:



"HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 2

STATE BOARD FOR CAREER AND TECHNICAL EDUCATION

CHAPTER 30.1

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 Rules of General Applicability

- §20-30.1-1 Administrative practice and procedure
- §20-30.1-2 Definitions

Subchapter 2 Rules Applicable to Contested Cases

- §20-30.1-3 General
- §20-30.1-4 Delegation of powers
- §20-30.1-5 Procedure
- §20-30.1-6 Rules of evidence; official notice
- §20-30.1-7 Examination of evidence
- §20-30.1-8 Decisions and orders
- §20-30.1-9 Consultation by officials

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-30.1-1 **Administrative practice and procedure.** The rules of practice and procedure for the State Board for Career and Technical Education shall be as provided in the rules of practice and procedure of the board of regents for the University of Hawaii within subchapter 2 (§§20-1.1-8 through 20-1.1-13), subchapter 3, and subchapter 4 of chapter 20-1.1, Hawaii Administrative Rules, which are incorporated by reference and made a part of this chapter. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 304A-302)

§20-30.1-2 **Definitions.** (a) As used in this chapter, unless the context specifically requires otherwise:

“Board” means the State board for career and technical education.

(b) Unless otherwise specifically stated, the terms used in rules promulgated by the board pursuant to powers granted by statute shall have the meaning defined by such statute.

(c) A rule which defines a term without express reference to the statute or to the rules or a portion thereof, defines such terms for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.

(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine and neuter gender. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 304A-301, 304A-302)

SUBCHAPTER 2

RULES APPLICABLE TO CONTESTED CASES

§20-30.1-3 **General.** (a) Procedures to be followed by the board shall, unless specifically prescribed in this chapter or by chapter 91, HRS, or other statutory provisions, be such as in the opinion of the board will best serve the purposes of such hearings. Cases shall be conducted fairly and impartially.

(b) Any procedure in a contested case may be agreed to, modified, or waived by stipulation of the parties, and informal disposition may be made of all or part of any contested case by stipulation, settlement, consent order, or default.

(c) The board may voluntarily withdraw or dismiss a case it brings, and any other party may voluntarily withdraw or dismiss a case upon order of the board and upon such terms and conditions that the board deems proper. [Eff] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-9, 304A-301, 304A-302)

§20-30.1-4 **Delegation of powers.** The board shall have the power to delegate the power to hear contested cases. [Eff] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 304A-302)

§20-30.1-5 **Procedure.** (a) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

- (b) The notice shall include a statement of:
- (1) The date, time, place, and nature of hearing.

- (2) The legal authority under which the hearing is to be held.
 - (3) The particular sections of the statutes and rules involved.
 - (4) An explicit statement in plain language of the issues involved and the facts alleged by the board in support thereof; provided that, if the board is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
 - (5) The fact that any party may appear on their own behalf or may retain counsel if so desired.
- (c) Opportunities shall be afforded all parties to present evidence and argument on all issues involved.
- (d) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- (e) For the purpose of decisions, the record shall include:
- (1) All pleadings, motions, intermediate rulings.
 - (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.
 - (3) Offers of proof and rulings thereon.
 - (4) Proposed findings and exceptions.
 - (5) Report of the officer who presided at the hearing.
 - (6) Staff memoranda submitted to members of the board in connection with their consideration of the case.
- (f) It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review.
- (g) No matters outside the record shall be

§20-30.1-5

considered by the board in making its decision except as provided in this chapter.

(h) Any contested cases provided for by rules established by the board shall, at a minimum, comply with the rules of procedure and evidence set forth in the rules of this subchapter. Any contested case hearing procedure required by federal or State law or regulation shall take precedence over the procedures established by this subchapter or by any rule established by the board. [Eff _____]
(Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-9, 304A-302)

§20-30.1-6 **Rules of evidence; official notice.**

(a) Any oral or documentary evidence may be received but the board or hearing officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative and substantial evidence. The board or hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The board or hearing officer may take notice of judicially recognizable facts. In addition, they may take notice of generally recognized technical or scientific facts within the board's or hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by

reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence.

(f) Any documents filed in a contested case, other than evidence, shall conform to the requirements of the board's rules of practice and procedure. In addition, all such documents shall be written in ink, typewritten or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff
] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-10, 304A-302)

§20-30.1-7 **Examination of evidence.** Whenever in a contested case the officials of the Board who are to render the final decision have not heard and examined all of the evidence, the decision, if adverse to a party to the proceeding other than the board itself, shall not be made until a proposal for decision containing a statement of reasons and including determination of each issue of fact or law necessary to the proposed decision has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials of the Board who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. [Eff
] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-11, 304A-302)

§20-30.1-8

§20-30.1-8 **Decisions and orders.** Every decision and order adverse to a party to the proceeding, rendered by the board in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed finding so presented. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompany findings and conclusions within a reasonable time to each party or to the party's attorney of record. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-12, 304A-302)

§20-30.1-9 **Consultation by officials.** No official of the board who renders a decision, or hearing officer who makes a recommended decision, in a contested case shall consult any person on any issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law." [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-13, 304A-302)

3. This simultaneous repeal of chapter 20-30 and adoption of chapter 20-30.1, Hawaii Administrative Rules, shall take effect ten days after filing with the Office of the Lieutenant Governor.

I certify that the foregoing are copies of the rules drafted in Ramseyer format, pursuant to the requirements of section 91-4.1, Hawaii Revised Statutes, which were adopted on _____ and filed with the Office of the Lieutenant Governor.

RANDOLPH G. MOORE
Chairperson, State Board for
Career and Technical
Education

APPROVED AS TO FORM:

University of Hawaii

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

Department of the Attorney General

Lori N. Tanigawa
Deputy Attorney General

Exhibit 8

UNIVERSITY OF HAWAII

Repeal of Chapter 20-30 and
Adoption of Chapter 20-30.1
Hawaii Administrative Rules

(_____)

SUMMARY

1. Chapter 20-30, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is repealed.

2. Chapter 20-30.1, Hawaii Administrative Rules, entitled "Rules of Practice and Procedure", is adopted.

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 2

STATE BOARD FOR VOCATIONAL EDUCATION

CHAPTER 30

RULES OF PRACTICE AND PROCEDURE

§§20-30-1 to 20-30-29 Repealed. []

HAWAII ADMINISTRATIVE RULES

TITLE 20

UNIVERSITY OF HAWAII

SUBTITLE 2

STATE BOARD FOR CAREER AND TECHNICAL EDUCATION

CHAPTER 30.1

RULES OF PRACTICE AND PROCEDURE

Subchapter 1 Rules of General Applicability

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- §20-30.1-6 Rules of evidence; official notice
- §20-30.1-7 Examination of evidence
- §20-30.1-8 Decisions and orders
- §20-30.1-9 Consultation by officials

SUBCHAPTER 1

RULES OF GENERAL APPLICABILITY

§20-30.1-1 **Administrative practice and procedure.** The rules of practice and procedure for the State Board for Career and Technical Education shall be as provided in the rules of practice and procedure of the board of regents for the University of Hawaii within subchapter 2 (§§20-1.1-8 through 20-1.1-13), subchapter 3, and subchapter 4 of chapter 20-1.1, Hawaii Administrative Rules, which are incorporated by reference and made a part of this chapter. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 304A-302)

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(c) A rule which defines a term without express reference to the statute or to the rules or a portion thereof, defines such terms for all purposes as used both in the statute and in the rules, unless the context otherwise specifically requires.

(d) Use of gender and number. Words importing the singular number may extend and be applied to several persons or things and words importing the plural may include the singular. Words importing the masculine gender may be applied to the feminine and neuter gender. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 304A-301, 304A-302)

SUBCHAPTER 2

RULES APPLICABLE TO CONTESTED CASES

§20-30.1-3 **General.** (a) Procedures to be followed by the board shall, unless specifically prescribed in this chapter or by chapter 91, HRS, or other statutory provisions, be such as in the opinion of the board will best serve the purposes of such hearings. Cases shall be conducted fairly and impartially.

(b) Any procedure in a contested case may be agreed to, modified, or waived by stipulation of the parties, and informal disposition may be made of all or part of any contested case by stipulation, settlement, consent order, or default.

(c) The board may voluntarily withdraw or dismiss a case it brings, and any other party may voluntarily withdraw or dismiss a case upon order of the board and upon such terms and conditions that the board deems proper. [Eff] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-9, 304A-301, 304A-302)

§20-30.1-4 **Delegation of powers.** The board shall have the power to delegate the power to hear contested cases. [Eff] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 304A-302)

§20-30.1-5 **Procedure.** (a) In any contested case, all parties shall be afforded an opportunity for hearing after reasonable notice.

- (b) The notice shall include a statement of:
- (1) The date, time, place, and nature of hearing.

- (2) The legal authority under which the hearing is to be held.
 - (3) The particular sections of the statutes and rules involved.
 - (4) An explicit statement in plain language of the issues involved and the facts alleged by the board in support thereof; provided that, if the board is unable to state such issues and facts in detail at the time the notice is served, the initial notice may be limited to a statement of the issues involved, and thereafter upon application a bill of particulars shall be furnished.
 - (5) The fact that any party may appear on their own behalf or may retain counsel if so desired.
- (c) Opportunities shall be afforded all parties to present evidence and argument on all issues involved.
- (d) Any procedure in a contested case may be modified or waived by stipulation of the parties and informal disposition may be made of any contested case by stipulation, agreed settlement, consent order, or default.
- (e) For the purpose of decisions, the record shall include:
- (1) All pleadings, motions, intermediate rulings.
 - (2) Evidence received or considered, including oral testimony, exhibits, and a statement of matters officially noticed.
 - (3) Offers of proof and rulings thereon.
 - (4) Proposed findings and exceptions.
 - (5) Report of the officer who presided at the hearing.
 - (6) Staff memoranda submitted to members of the board in connection with their consideration of the case.
- (f) It shall not be necessary to transcribe the record unless requested for purposes of rehearing or court review.
- (g) No matters outside the record shall be

considered by the board in making its decision except as provided in this chapter.

(h) Any contested cases provided for by rules established by the board shall, at a minimum, comply with the rules of procedure and evidence set forth in the rules of this subchapter. Any contested case hearing procedure required by federal or State law or regulation shall take precedence over the procedures established by this subchapter or by any rule established by the board. [Eff _____]
(Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-9, 304A-302)

§20-30.1-6 **Rules of evidence; official notice.**

(a) Any oral or documentary evidence may be received but the board or hearing officer shall as a matter of policy provide for the exclusion of irrelevant, immaterial, or unduly repetitious evidence and no sanction shall be imposed or order be issued except upon consideration of the whole record or such portions thereof as may be cited by any party and as supported by and in accordance with the reliable, probative and substantial evidence. The board or hearing officer shall give effect to the rules of privilege recognized by law.

(b) Documentary evidence may be received in the form of copies or excerpts if the original is not readily available; provided that upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Every party shall have the right to conduct such cross-examination as may be required for a full and true disclosure of the facts, and shall have the right to submit rebuttal evidence.

(d) The board or hearing officer may take notice of judicially recognizable facts. In addition, they may take notice of generally recognized technical or scientific facts within the board's or hearing officer's specialized knowledge; but parties shall be notified either before or during the hearing, or by

§20-30.1-6

reference in preliminary reports or otherwise, of the material so noticed, and they shall be afforded an opportunity to contest the facts so noticed.

(e) Except as otherwise provided by law, the party initiating the proceeding shall have the burden of proof, including the burden of producing evidence as well as the burden of persuasion. The degree or quantum of proof shall be a preponderance of the evidence.

(f) Any documents filed in a contested case, other than evidence, shall conform to the requirements of the board's rules of practice and procedure. In addition, all such documents shall be written in ink, typewritten or printed, shall be plainly legible, shall be on strong durable paper, not larger than 8-1/2" x14" in size except that tables, charts, and other documents may be larger, folded to the size of the documents to which they are attached. [Eff
] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-10, 304A-302)

§20-30.1-7 **Examination of evidence.** Whenever in a contested case the officials of the Board who are to render the final decision have not heard and examined all of the evidence, the decision, if adverse to a party to the proceeding other than the board itself, shall not be made until a proposal for decision containing a statement of reasons and including determination of each issue of fact or law necessary to the proposed decision has been served upon the parties, and an opportunity has been afforded to each party adversely affected to file exceptions and present argument to the officials of the Board who are to render the decision, who shall personally consider the whole record or such portions thereof as may be cited by the parties. [Eff
] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-11, 304A-302)

§20-30.1-8 **Decisions and orders.** Every decision and order adverse to a party to the proceeding, rendered by the board in a contested case, shall be in writing or stated in the record and shall be accompanied by separate findings of fact and conclusions of law. If any party to the proceeding has filed proposed findings of fact, the board shall incorporate in its decision a ruling upon each proposed finding so presented. Parties to the proceeding shall be notified by delivering or mailing a certified copy of the decision and order and accompany findings and conclusions within a reasonable time to each party or to the party's attorney of record. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-12, 304A-302)

§20-30.1-9 **Consultation by officials.** No official of the board who renders a decision, or hearing officer who makes a recommended decision, in a contested case shall consult any person on any issue of fact except upon notice and opportunity for all parties to participate, save to the extent required for the disposition of ex parte matters authorized by law. [Eff _____] (Auth: HRS §§91-2, 304A-302) (Imp: HRS §§91-2, 91-13, 304A-302)

UNIVERSITY OF HAWAII

The repeal of chapter 20-30 and the adoption of chapter 20-30.1, Hawaii Administrative Rules, on the Summary Page dated _____, were adopted on _____, following a public hearing held on _____, after public notice was given in the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today, The Garden Island, and The Maui News on _____.

The repeal of chapter 20-30 and the adoption of chapter 20-30.1 shall take effect ten days after filing with the Office of the Lieutenant Governor.

RANDOLPH G. MOORE
Chairperson, State Board for
Career and Technical
Education

APPROVED:

DAVID Y. IGE
Governor
State of Hawaii

Dated: _____

Filed

APPROVED AS TO FORM:

University of Hawaii

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

Department of the Attorney General

Lori N. Tanigawa
Deputy Attorney General

Exhibit 9

HEARINGS OFFICER'S CONSOLIDATED REPORT

FOR PROPOSED

- Amendments to Chapter 20-4, Hawaii Administrative Rules (HAR), entitled "Determination of Residency as Applied to Tuition Payments and Admission";
- Amendments to Chapter 20-10, HAR, entitled "Delinquent Financial Obligations";
- Simultaneous repeal of Chapter 20-30, HAR, entitled "Rules of Practice and Procedure" and the adoption of Chapter 20-30.1, HAR, entitled "Rules of Practice and Procedure" for the State Board of Career and Technical Education; and
- Simultaneous repeal of Chapter 20-40, HAR, entitled "Rules of Practice and Procedure" and the adoption of Chapter 20-40.1, HAR, entitled "Rules of Practice and Procedure" for the State Postsecondary Education Commission.

Report Compiled by the

University of Hawai'i

System Government Relations Office

and

The Office of the Vice President for Legal Affairs and University General Counsel

for Hearings Officer

Amy Kunz

Associate Vice President
for Budget & Finance/Controller

July 28, 2022

I. INTRODUCTION

This report is the Hearings Officer's consolidated report of the public hearing on amendments to four (4) HAR chapters:

- Chapter 20-4 "Determination of Residency as Applied to Tuition Payments and Admission";
- Chapter 20-10 "Delinquent Financial Obligations;"
- Chapter 20-30 "Rules of Practice and Procedure;" and
- Chapter 20-40 "Rules of Practice and Procedure."

The public hearing was held on July 28, 2022, at the University of Hawai'i at Mānoa, Informational Technology Center, Room 105A. The hearing was conducted pursuant to section 91-3, Hawai'i Revised Statutes (HRS), and HAR section 20-1.1-19.

The University duly noticed the public hearing by the publication of the *Notice of Public Hearing* ("Notice") in The Maui News on June 25, 2022, and in the Honolulu Star-Advertiser, The Garden Island, Hawai'i Tribune-Herald, and West Hawai'i Today on June 26, 2022. The Notice is attached here as Exhibit "A." The Notice was also posted on the UH News and Board of Regents (BOR) websites.

The purpose of this report is to provide the BOR with all submissions (contained in Exhibit "B") regarding the proposed rules. Under section 91-3(a)(2), HRS, the BOR "shall fully consider all written and oral submissions respecting the proposed rule." A summary of submissions is also contained herein as required by Administrative Directive No. 18-02, which sets forth the process to be followed in obtaining the Governor's approval during rule-making. The summaries provided in the following table are brief and not intended to take the place of written or oral submissions.

II. EXECUTIVE SUMMARY

This section provides information related to the public hearing and written submissions received for the period between the public Notice on June 25 and 26, 2022, and 11:59 p.m. on Thursday, July 28, 2022 (the extended time for submitting written testimony electronically, after the close of the public hearing).

Written Testimony Received

As stated in the Notice, interested persons had an opportunity to submit data, views, or arguments in writing by five methods:

- at the public hearing;
- by mail to the University System Government Relations Office;
- in person to the University System Government Relations Office;
- by email; or

- through an online site set up for this purpose.

A total of seven (7) written submissions were received by all methods.

Oral Testimony Received

In addition to submitting written comments, all interested persons also had an opportunity to submit data, views, or arguments orally at the public hearing either in person or virtually via Zoom Webinar (Webinar). Included in the Notice was a URL to register for the Webinar link. Upon completion of the registration, an automatic reply would be sent to the testifier with information on how to login into the hearing. Registering to testify virtually was disabled at 7:00 a.m. on July 28, 2022, as provided for in the Notice. No oral testimony was received, either in person or via the Webinar link.

Summary of the Hearing

Thursday, July 28, 2022, University of Hawai‘i at Mānoa, Informational Technology Center, Room 105A

- Start Time: 12:01 p.m.
- End Time: 12:31 p.m.
- Oral testifiers on the Record: None
- Approximate Persons in Attendance: 8
- Written Testimony Submitted for Hearing: 7

III. WRITTEN TESTIMONY RECEIVED BEFORE OR AFTER PUBLIC HEARING (VIA POSTAL MAIL) (until 11:59 p.m. July 28, 2022)

No testimony was received via Postal mail.

IV. WRITTEN TESTIMONY RECEIVED BEFORE OR AFTER PUBLIC HEARING (VIA EMAIL/ONLINE) (until 11:59 p.m. July 28, 2022)

No.	Name	Date Received	Position on Rules	Chapter	Summary of Testimony
1	Stephen Schatz – Exec Director, Hawai‘i P-20	July 26, 2022	Support	20-4	Strong support of the amendments to Chapter 20-4. Students are currently challenged in completing the UH application process, including residency questions. The proposed rule changes will allow UH to streamline the residency determination process for tuition and this will assist students.

No.	Name	Date Received	Position on Rules	Chapter	Summary of Testimony
2	Denise DeArment – UH System Bursar	July 26, 2022	Support	20-10	Fully support the changes to Chapter 20-10. The proposed rule changes will allow for a basic understanding so that all outstanding balances will adhere to the rules and will assist students on continuing their academic journeys.
3	Hae Okimoto – individual	July 28, 2022	Support	20-4	Support the changes to Chapter 20-4. They will simplify the criteria for residency determination, reduce the number of contested cases, and provide clearer evidence of residence for the admission officers. This will make the application process clearer.
4	Hae Okimoto – individual	July 28, 2022	Support	20-10	Support the changes to Chapter 20-10. The current rules create undue difficulties for residents to achieve their educational goals. The changes will help students continue their education while being able to clearly understand their financial obligations.
5	Rainbow Ulii – Basic Needs Coordinator, UH System	July 28, 2022	Support	20-4	Strong support of the amendments to Chapter 20-4. The changes will streamline the residency determination process for tuition purposes. The circumstances of certain students can make the current process confusing.
6	Makana H. Tani – individual	July 28, 2022	Support	20-4	Strong support of the amendments to Chapter 20-4. The changes will streamline the residency determination process for tuition purposes. This will help students, including special populations who have difficulty completing the current process.
7	Debora Halbert – VP for Academic Strategy, UH System	July 28, 2022	Support	20-4	Strong support of the amendments to Chapter 20-4. The revisions will streamline the residency determination process for prospective students while aligning more closely with the applicable statute. The current process can be frustrating to some applicants. The rule changes will improve the user experience for prospective students. When approved, the changes will be carefully implemented.

Exhibit A – Copies of the Affidavit of Publication for all the newspapers

Exhibit B – Copies of written testimonies

Exhibit C – Public hearing transcript

Maui News

ADVERTISING INSERTION ORDER

Pickup#: 00000

Pickup Date:

Customer #: D00646

Customer Name: U OF H SYS GOV RELATIONS

Description: NTC OF PUBLIC HEARING

Notes: COST W/ COST: \$834.95. PROOF TO LEGALS AND LLCHUN@HAWAII.EDU LAURA CHUN, 808-956-7387, 2442 CAMPUS ROAD, ADMINISTRATIVE SERVICES BUILDING 1, ROOM 101, HONOLULU, HI, 96822 print to web: 6/25-7/1/22.

Sales Rep Id	Sales Rep Name	Sales Rep Email
150	Kamery Lee	klee@mauinews.com

SCHEDULING INFORMATION

Edition	Ad No.	Start	Stop	Times	Section
N-Classified Maui News-MNH	MNH0011980-0	06-25-2022	06-25-2022	1	Legals

June 2022						
SU	MO	TU	WE	TH	FR	SA
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25 N
26	27	28	29	30		

PRODUCT INFORMATION/INVOICE CODES

Online Legal	Proof	Code: N 604 MNH11980 \$0.00 Code: N 718 ntc of pub hearing July 28 \$802.84
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3.00 Col X 19.75 Inches = 59.25 Total Inches

CLASSIFIED

Total Amount: 802.84 + taxes

#834.95

THE MAUI NEWS
100 MAHAIANI STREET
HAWAII, HI 96793
(808) 244-3381

Phone Order

Merchant ID: 542525662015316
Term ID: 1K00788809
June 22, 2022
Batch#: 848
MASTERCARD
XXXXXXXXXXXX0277
Seq. #: 0001
10:29 AM
Inv #: 060001
Entry Method: M
Appr Code: 639297

Total: \$ 834.95
AWS Code: Z
CW2 Code: H

APPROVED

Customer Copy
THANK YOU!

TRANSACTION
ENCRYPTED BY
MORLDPAY
REFERENCE ID:
22062228480001



AFFIDAVIT OF PUBLICATION

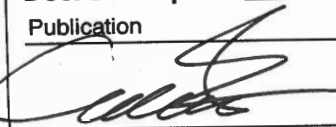
**IN THE MATTER OF
NOTICE OF PUBLIC HEARING**

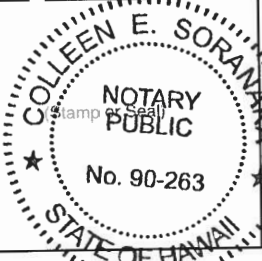
STATE OF HAWAII }
 } SS.
City and County of Honolulu }

Doc. Date: JUN 27 2022 # **Pages:** 1

Notary Name: COLLEEN E. SORANAKA First Judicial **Circuit**

Doc. Description: Affidavit of
Publication


 JUN 27 2022
Notary Signature Date



Lisa Sakakida being duly sworn, deposes and says that she is a clerk, duly authorized to execute this affidavit of Oahu Publications, Inc. publisher of The Honolulu Star-Advertiser, MidWeek, The Garden Island, West Hawaii Today, and Hawaii Tribune-Herald, that said newspapers are newspapers of general circulation in the State of Hawaii, and that the attached notice is true notice as was published in the

Honolulu Star-Advertiser	<u>1</u>	times on:
06/26/2022		
MidWeek	<u>0</u>	times on:
The Garden Island	<u>1</u>	times on:
06/26/2022		
Hawaii Tribune-Herald	<u>1</u>	times on:
06/26/2022		
West Hawaii Today	<u>1</u>	times on:
06/26/2022		
Other Publications:	<u>0</u>	times on:

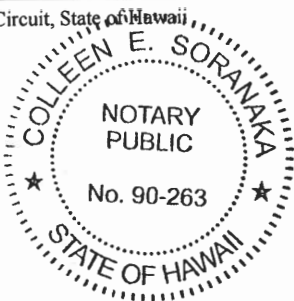
And that affiant is not a party to or in any way interested in the above entitled matter.


Lisa Sakakida

Subscribed to and sworn before me this 27th day of June A.D. 2022

Colleen E. Soranaka, Notary Public of the First Judicial Circuit, State of Hawaii
My commission expires: Jan 06 2024

Ad # 0001375647



NOTICE OF PUBLIC HEARING

Pursuant to Chapter 91, Hawaii Revised Statutes, notice is hereby given that the University of Hawaii (UH) will hold a hybrid public hearing on Thursday, July 28, 2022, from 12:00 p.m. to 2:00 p.m. (or may be concluded earlier if all submitted testimony has been received and heard) at the University of Hawaii at Manoa, Informational Technology Center, Room 105A, 2520 Correa Road, Honolulu, Hawaii 96822, for the proposed adoption of:

- Amendments to Chapter 20-4, Hawaii Administrative Rules (HAR), entitled "Determination of Residency as Applied to Tuition Payments and Admission";
- Amendments to Chapter 20-10, HAR, entitled "Delinquent Financial Obligations";
- Simultaneous repeal of Chapter 20-30, HAR, entitled "Rules of Practice and Procedure" and the adoption of Chapter 20-30.1, HAR, entitled "Rules of Practice and Procedure" for the State Board of Career and Technical Education; and
- Simultaneous repeal of Chapter 20-40, HAR, entitled "Rules of Practice and Procedure" and the adoption of Chapter 20-40.1, HAR, entitled "Rules of Practice and Procedure" for the State Postsecondary Education Commission.

The proposed actions are summarized below:

1. Amendments to Chapter 20-4, entitled "Determination of Residency as Applied to Tuition Payments and Admission"

The proposed amendments are intended to simplify the application and review processes while ensuring that the basic criteria to qualify for resident tuition, as set forth in HRS §304A-402, are met.

2. Amendments to Chapter 20-10, entitled "Delinquent Financial Obligations"

The proposed amendments are intended to remove the categories of delinquent financial obligations upon which a hierarchical structure, prioritizing certain obligations for purposes of applying sanctions, was established.

3. Simultaneous Repeal of Hawaii Administrative Rules Chapter 20-30, "Rules of Practice and Procedure" and the Adoption of Chapter 20-30.1, "Rules of Practice and Procedure" for the State Board of Career and Technical Education

The proposed adoption of the new rules of practice and procedure for the Board of Career and Technical Education (CTE), Chapter 20-30.1, would:

- (1) Eliminate those rules that formally existed in the Board of Regents' (BOR) rules of practice and procedure, HAR Chapter 20-1 (now Chapter 20-1.1). Because the BOR is designated as the CTE Board, the proposed amendment would adopt the BOR's current rules of practice and procedure (HAR Chapter 20-1.1) as the rules for the CTE Board so as not to create redundancy;
- (2) Retain other portions of the existing Chapter 20-30, specifically, the rules applicable to contested cases, which are not covered in the BOR's rules of practice and procedure;
- (3) Update HRS citations contained in Chapter 20-30 to the current HRS and the name of the board to reflect its current name, the State Board for Career and Technical Education, as opposed to the State Board for Vocational Education.

4. Simultaneous Repeal of Hawaii Administrative Rules Chapter 20-40, "Rules of Practice and Procedure" and the Adoption of Chapter 20-40.1, "Rules of Practice and Procedure" for the State Postsecondary Education Commission

The proposed adoption of the new rules of practice and procedure for the State Postsecondary Education Commission, Chapter 20-40.1, would:

- (1) Retain certain portions of the existing Chapter 20-40;
- (2) Update other portions of Chapter 20-40; and
- (3) Streamline the rules to reflect the administrative functions of the Commission. Additionally, any rules relating to the review program (such as rules applicable to contested cases, currently in Subchapter 5 of Chapter 20-40), which is now under the jurisdiction of the Department of Commerce and Consumer Affairs, will not be included in the new Chapter 20-40.1.

PUBLIC TESTIMONY

All are invited to state their views on the proposed amendments to the Hawaii Administrative Rules, either orally or in writing.

Interested persons may present written/oral testimony regarding the proposed rules at the time of the public hearing. Those unable to attend the public hearing may submit written testimony by mail to the UH System Government Relations Office at 2442 Campus Road, Administrative Services Building 1, Room 101, Honolulu, Hawaii 96822; by email at uhhar@hawaii.edu; or through the University website at www.hawaii.edu/offices/bor/adminrules/proposed.html. All submissions must be received prior to the conclusion of the scheduled public hearing.

Persons who intend to present oral testimony may sign up at the public hearing, or if wishing to provide oral testimony via Zoom, you must register at www.hawaii.edu/offices/bor/adminrules/proposed.html. Given constraints with the hybrid format of our meeting, individuals wishing to testify virtually must register no later than 7:00 a.m. on the day of the hearing in order to be accommodated. 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 oral and written testimony is public information. Please do not include information in your testimony that you do not want disclosed to the public.

Persons with special needs (e.g., large print, sign language interpreter, or translator) shall make all requests for assistance by contacting the UH System Government Relations Office at (808) 957-1250 or by email to uhhar@hawaii.edu.

NOTICE OF PUBLIC HEARING

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Education

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- (2) Retain other portions of the existing Chapter 20-30, specifically, the rules applicable to contested cases, which are not covered in the BOR's rules of practice and procedure;
- (3) Update HRS citations contained in Chapter 20-30 to the current HRS and the name of the board to reflect its current name, the State Board for Career and Technical Education, as opposed to the State Board for Vocational Education.

4. Simultaneous Repeal of Hawaii Administrative Rules Chapter 20-40, "Rules of Practice and Procedure" and the Adoption of Chapter 20-40.1, "Rules of Practice and Procedure" for the State Postsecondary Education Commission

The proposed adoption of the new rules of practice and procedure for the State Postsecondary Education Commission, Chapter 20-40.1, would:

- (1) Retain certain portions of the existing Chapter 20-40;
- (2) Update other portions of Chapter 20-40; and
- (3) Streamline the rules to reflect the administrative functions of the Commission. Additionally, any rules relating to the review program (such as rules applicable to contested cases, currently in Subchapter 5 of Chapter 20-40), which is now under the jurisdiction of the Department of Commerce and Consumer Affairs, will not be included in the new Chapter 20-40.1.

PUBLIC TESTIMONY

All are invited to state their views on the proposed amendments to the Hawaii Administrative Rules, either orally or in writing.

Interested persons may present written/oral testimony regarding the proposed rules

at the time of the public hearing. Those unable to attend the public hearing may submit written testimony by mail to the UH System Government Relations Office at 2442 Campus Road, Administrative Services Building 1, Room 101, Honolulu, Hawaii 96822; by email at uhhar@hawaii.edu; or through the University website at www.hawaii.edu/offices/bor/adminrules/proposed.html. All submissions must be received prior to the conclusion of the scheduled public hearing.

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All oral and written testimony is public information. Please do not include information in your testimony that you do not want disclosed to the public.

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VIEWING OF THE PROPOSED RULES

The proposed rules may be viewed:

- On the Internet, free of charge, at the UH BOR's website www.hawaii.edu/offices/bor/adminrules/proposed.html.
- In person, free of charge, at the UH System Government Relations Office located at the University of Hawaii at Manoa, 2442 Campus Road, Administrative Services Building 1, Room 101, Honolulu, Hawaii 96822, Monday through Friday between the hours of 9:00 a.m. to noon and 1:30 p.m. to 4:00 p.m.
- At regional public libraries during library hours.
- Via mailed hard copy if a request is made to the UH System Government

Relations Office. A hard copy will be mailed upon receipt of a check made payable to "University of Hawaii" in the amount of \$2.41 (for Chapter 20-4); \$2.71 (for Chapter 20-10); \$1.81 (for Chapter 20-30.1); and \$1.81 (for Chapter 20-40.1) for copying and postage. Please call (808) 956-4250 for more information.

David Lassner
President, University of Hawaii
(SA/HTH/WHT/TGI1375647 6/26/22)

Public Hearing for Hawai'i Administrative Rules
 Title 20, Chapters -4, -10, -30, -40
 UH Manoa Informaton Technology Center, Rm 105A
 July 28, 2022 at 12:00 pm
 List of Submitted Testimony

Exhibit B

Updated 07/28/2022 at 11:35am							
No.	Name	Organization (if any)	Support/Oppose/ Comment	Chapter	Received	TESTIMONY	
						Written	Oral
1	Stephen Schatz	Hawai'i P-20	Support	20-4	07/26/22; 9:22am	x	
2	Denise DeArment	UH System - Bursar	Support	20-10	07/26/22; 3:42pm	x	
3	Hae Okimoto		Support	20-4	07/28/22; 7:29am	x	
4	Hae Okimoto		Support	20-10	07/28/22; 7:29am	x	
5	Rainbow Ulii		Support	20-4	07/28/22; 7:51am	x	
6	Makana H. Tani		Support	20-4	07/28/22; 9:17am	x	
7	Debora Halbert	VP for Academic Strategy	Support	20-4	07/28/22; 1124am	x	



July 26, 2022

University of Hawaii System Government Relations
2442 Campus Road
Administrative Services Building I, Room 101
Honolulu, HI 96822

Dear Hearings Officer:

I am providing testimony in strong support of the amendments to Chapter 20-4, Hawaii Administrative Rules, entitled “Determination of Residency as Applied to Tuition Payments and Admission.”

Hawaii P-20 conducts significant outreach to high school seniors to support productive post-high plans, including enrollment in postsecondary education and training. For example, Hawaii P-20’s College Exploration and Application Season provides support to high schools for seniors to complete the UH admissions application and FAFSA each fall. As Hawaii P-20 staff work with schools statewide, they observe the challenges that high school seniors have in completing the UH admissions application, including the residency questions. Currently, the regular application process requires students to answer many questions; currently, a high school senior who was born in Hawaii and lived in Hawaii their entire life answers a minimum of eight questions, provided that they are aware that they were claimed as a dependent of a parent or guardian who filed Hawaii resident taxes in the prior year. Many prospective UH students who should qualify as residents are frustrated in the process by the questions or answering incorrectly and being notified that they have been classified a non-resident.

Proposed changes to the HAR Chapter 20-4 would allow the University of Hawaii (UH) to streamline the process for determining whether a prospective student would be considered a resident or non-resident for tuition purposes. A streamlined process would assist high school seniors who are applying for admission. Furthermore, the changes in the HAR also allow use of additional sources of data, such as administrative data (e.g., Hawaii Department of Education enrollment records), rather than solely relying on a questionnaire as evidence of residency.

We look forward to collaborating with the Office of the Vice President for Academic Strategy and UH’s ten campuses to improve the application process for high school seniors, communicate the changes with high schools, and increase the number of high school graduates who apply for and enroll at UH to advance their education and training. Thank you for your consideration.

Sincerely,

Stephen Schatz
Executive Director



UH - Hawaii Administrative Rules <uhhar@hawaii.edu>

Update to HAR Ch 20-10

Denise DeArment <dearment@hawaii.edu>
To: uhhar@hawaii.edu

Tue, Jul 26, 2022 at 3:35 PM

Hello,

I am writing in regards to proposed changes to HAR 20-10 for Delinquent Financial Obligations. I fully support all applicable changes to language. The changes will allow for a basic understanding that all outstanding balances within the UH system will adhere to administration rules.

By allowing for a specific threshold amount to allow for registration, we will assist students on continuing their academic journey. This will also assist with continued enrollment throughout the system.

Thank you for your time and consideration.

Sincerely,

--

Denise DeArment
University of Hawaii-System Bursar
dearment@hawaii.edu
Phone: (808) 956-2934
Fax: (808) 956-2098



July 28, 2022

UH System Government Relations Office
2442 Campus Road
Administrative Services Building 1, Room 101,
Honolulu, Hawaii 96822

To Whom It May Concern,

I am writing in support of the proposed changes to Hawaii Administrative Rules Chapter 20-4. Of particular importance are the proposed changes to Section 20-4-7, which simplifies the criteria for residency determination. The determination will be based on evidence of being a "bona fide resident", as required by statute, rather than evidence of "intent to establish domicile in Hawaii". The proposed rules do identify various types of evidence that a prospective student may use to demonstrate that they have been a Hawai'i resident for at least 12 months prior to starting courses.

As a recently retired Associate Vice President for the University of Hawaii System, which had responsibility for overseeing the residency officers of the 10 campuses of the University of Hawai'i system, these changes will not only reduce the number of contested cases, due to the current finding of subjective fact as well as objective fact, but provide clearer evidence of residence for the Admission's Offices as students to make residency determinations as students are applying. More importantly, these changes will make it clearer for the applicants at the time of their application to the University of Hawai'i.

Therefore, I am in support of these proposed changes.

Aloha,
Hae Okimoto

July 28, 2022

UH System Government Relations Office
2442 Campus Road
Administrative Services Building 1, Room 101,
Honolulu, Hawaii 96822

To Whom It May Concern,

I am writing in support of the proposed changes to Hawaii Administrative Rules Chapter 20-10. The University of Hawai'i is the sole system of public higher education in the state, which provides affordable education for our residents. It is also recognized that higher education provides social and economic mobility for our residents. I believe that the current HAR Chapter 20-10 creates undue difficulties for our residents to achieve their educational goals. In particular:

In subchapter 1:

Section 20-10-4: setting a dollar limit threshold amount versus a list of financial obligation types will allow students to continue their education, especially as financial aid may cover the small amount still outstanding.

Section 20-10-6: application of sanctions being imposed prior to subsequent registrations, so that students will have the opportunity to discharge their financial obligation in order to register.

As a recently retired Associate Vice President for the University of Hawaii System, which had responsibility for overseeing registrations of the 10 campuses of the University of Hawai'i system, these changes will help students to continue their education, while being able to clearly understand their financial obligations to the University. This change will be beneficial for students without financial obligation as past practice allowed students with financial obligations to register, but then were administratively removed from the courses, freeing up seats in classes shortly before the semester begins which resulted in a flurry of registration activities.

Therefore, I am in support of these proposed changes,

Aloha,
Hae Okimoto

July 27, 2022

University of Hawaii System Government Relations
2442 Campus Road
Administrative Services Building 1, Room 101
Honolulu, HI 96822

Transmitted by email to uhhar@hawaii.edu

Dear Hearings Officer:

I am providing testimony in strong support of the amendments to Chapter 20-4, Hawai'i Administrative Rules, entitled "Determination of Residency as Applied to Tuition Payments and Admission." I am the UH System Basic Needs Coordinator and a proud graduate of Windward Community College, UH West Oahu and UH Mānoa.

Proposed changes to the HAR Chapter 20-4 would allow the University of Hawai'i (UH) to streamline the process for determining whether a prospective student would be considered a resident for tuition purposes. I support streamlining the process.

Due to the high cost of living and affordable housing shortage, many parents leave temporarily to work outside of Hawai'i while their high school aged child remains with their extended family. When applying to a UH campus, students in this situation are required to complete a residency declaration attesting that their parent has lived in Hawai'i for the past twelve months. Based on this example, the student is deemed as a non-resident since their parent worked outside of the state. This determination can be confusing to a student who has lived in Hawai'i all of their life and graduated from a Hawai'i high school.

Thank you for your support.

Mahalo nui loa,

A handwritten signature in black ink that reads "Rainbow K. Uli'i". The signature is written in a cursive, flowing style.

Rainbow Uli'i

July 27, 2002

University of Hawaii System Government Relations
2442 Campus Road
Administrative Services Building 1, Room 101
Honolulu, HI 96822

Transmitted by email to uhhar@hawaii.edu

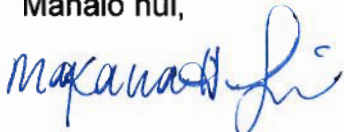
Dear Hearings Officer:

I am providing testimony in strong support of the amendments to Chapter 20-4, Hawaii Administrative Rules, entitled "Determination of Residency as Applied to Tuition Payments and Admission." I am an alumni of Windward Community College and UH West Oahu and a current student at UH Manoa. I have worked in various student affairs positions in outreach and recruitment, including processing UHCC Admissions applications.

Proposed changes to the HAR Chapter 20-4 would allow the University of Hawaii (UH) to streamline the process for determining whether a prospective student would be considered a resident for tuition purposes. I support streamlining the process.

I have first-hand experience of assisting prospective students with completing the application and have witnessed the frustration among special populations of students, especially foster youth, homeless adults and previously incarcerated individuals, who have to answer multiple questions to prove their residency. Many do not have the answers readily available due to their socio-economic status. They tend not to complete the application which further impedes their equitable access to college.

Mahalo nui,



Makana H. Tani

July 26, 2022

University of Hawai'i System Government Relations
2442 Campus Road
Administrative Services Building 1, Room 101
Honolulu, HI 96822

Transmitted by email to uhhar@hawaii.edu

Dear Hearings Officer:

I am providing testimony in strong support of the amendments to Chapter 20-4, Hawaii Administrative Rules, entitled "Determination of Residency as Applied to Tuition Payments and Admission."

Proposed changes to the HAR Chapter 20-4 would allow the University of Hawai'i (UH) to streamline the process for determining whether a prospective student would be considered a resident or non-resident for tuition purposes. The revisions align the HAR more closely with the law governing residency (Chapter 304A-402, Hawaii Revised Statutes). The current rules require that an applicant provide multiple sources of evidence: "finding of subjective fact as well as objective fact..." and that "no single evidence is decisive." Whereas, the proposed changes allow for various types of evidence to provide residency, such as filing of a resident personal income tax return, or ownership or continuous rental of a principal residence, without referring to subjective facts and objective facts.

The proposed changes remedy cases where prospective students have been required to produce multiple pieces of evidence to prove their status as residents. For example I have met with students who are long time residents of the state who were asked to provide such detailed evidence that it became a barrier to their admission, including evidence they owned their home and tax returns and voting registration and pay slips for their job and copies of utility bill they had paid only to be told they still might not be able to "prove" they are a resident. This process frustrates prospective students and sometimes deters them from pursuing education at UH all together.

The UH takes its responsibility to steward the state's resources and to apply the Hawaii Revised Statutes and HAR. These revisions to the HAR would allow UH to improve the "user experience" for prospective students. As Vice President for Academic Strategy, I commit to a thorough review of UH's application of the residency rules to streamline the process of residency determination based on the revised HAR Chapter 20-4, when it is approved. Also, I will work with my Associate Vice President for Student Affairs (in recruitment) to implement changes to the residency determination processes embedded in UH's admissions application and to also work with campus residency officers on changes in practice that are aligned with the revised HAR.

Thank you for your consideration,

Sincerely,

A handwritten signature in black ink that reads "Debora Halbert". The signature is written in a cursive style with a large initial 'D'.

Debora Halbert
Vice President for Academic Strategy

**HAWAII ADMINISTRATIVE RULES
July 28, 2022
PUBLIC HEARING TRANSCRIPT**

Amy Kunz: Hearings Officer
Stephanie Kim: Staff

Hearings Officer:

Good afternoon.

I call this hearing to order.

It is Thursday, July 28, 2022. The time is 12:01 p.m. at the University of Hawai'i at Mānoa, Informational Technology Center, Room 105A in Honolulu, Hawai'i. This hearing is scheduled to conclude at 2:00 p.m., however it may be concluded earlier if all testimony received has been heard.

My name is Amy Kunz and I will be serving as the hearing officer for today's public hearing.

Pursuant to Chapter 91, Hawai'i Revised Statutes, we are here to receive testimony and public comment on the following Hawai'i Administrative Rules:

Chapter 20-4, entitled "Determination of Residency as Applied to Tuition Payments and Admission";

Chapter 20-10, entitled "Delinquent Financial Obligations";

Chapter 20-30, entitled "Rules of Practice and Procedure" for the State Board for Vocational Education; and

Chapter 20-40, entitled "Rules of Practice and Procedure" for the State Postsecondary Education Commission.

The public hearing notice was published in The Maui News on Saturday, June 25, 2022 and the Honolulu Star-Advertiser, Hawaii Tribune Herald, West Hawaii Today and The Garden Island newspapers on Sunday, June 26, 2022. Copies of the public hearing notice are available online as well as on the table with the sign-up

sheets for those who are present in-person.

The drafts of the proposed rule amendments have been made available at public libraries statewide, as well as posted on the University of Hawai'i Board of Regents' website. For locations and web links to these materials, please review the notice.

The purpose of this hearing is to take testimony and public comments on the amendments to the aforementioned administrative rules. We will not be discussing the proposed amendments to these rules today, or answering or asking any questions about the amendments. After the public hearing, the Board of Regents will have a full opportunity to discuss and make further modifications to the rules to accommodate comments or concerns raised during this public hearing. That discussion will take place at a future public meeting of the Board.

Before I open these proceedings to those who wish to provide oral testimony on the proposed rule amendments, will staff please note for the record whether any written testimony was received?

Staff:

Yes, written testimony was received on these proposed amendments:

For Chapter 20-4, we received five testimonies, all in support, from:

- Stephen Schatz
- Hae Okimoto
- Rainbow Ulii
- Makana Tani
- Deborah Halbert

For chapter 20-10, we received two testimonies, all in support, from:

- Denise DeArment
- Hae Okimoto

Hearings Officer:

Thank you.

I will now hear from those who registered to provide oral testimony on the proposed rule amendments. Will staff please note for the record whether

anyone registered to provide oral testimony?

Staff:

No one has registered to provide oral testimony.

Hearings Officer:

Thank you. For the record, no oral testimony was received on these proposed rule amendments. The hearing will remain open until 12:30 p.m. in the case there are some last-minute testifiers.

Note: No testifiers showed up to testify by 12:30 p.m.

CLOSING REMARKS:

Hearings Officer:

No oral testimony was received and the Board of Regents will consider all public testimony and comments received. Thank you for participating in the public hearing. There being no further testifiers, and as provided for in the notice, this public hearing is adjourned. The time is now 12:31 p.m.

Item VI.C.

Request to the Personnel
Affairs and Board
Governance Committee to
Recommend a Process for
the Future Evaluation of the
President

NO MATERIALS

UH System Strategic Plan

2023-2029

First Draft



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Foundations for UH Strategic Plan 2023-2029

[UH Strategic Directions](#) (2015-2021)

[Third Decade](#) study completed in 2020

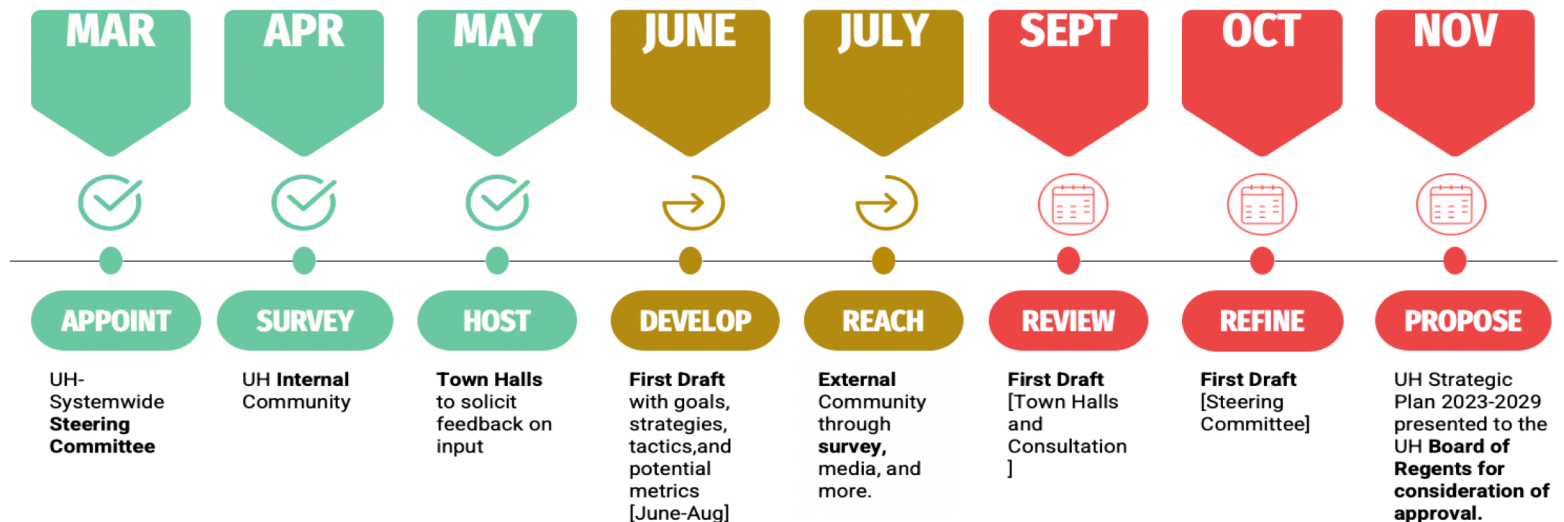
[Integrated Academic and Facilities Plan](#)

[Post-Pandemic Hawai'i and the University of Hawai'i Report](#)



Feedback and action in 2022 inform the development of the Strategic Plan for 2023-2029.

2022 TIMELINE



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Establishing the Steering Committee

- The President established the UH Strategic Plan Steering Committee to play a critical role in initiating the strategic planning process. The Steering Committee's first meeting was held April 1. The Steering Committee has met regularly throughout the summer.
- Recommendations membership solicited from:
 - Chancellors/Provost
 - All Campus Council of Faculty Senate Chairs (ACCFSC)
 - Student Caucus
 - Pūkoa Council
 - (Emerging) Staff Council
 - System Offices



Steering Committee Members

Tammi Chun, Interim Assoc. VP for Academic Affairs, UHCC

Kahelelani Cruz, Asst. Professor, KAP CC; Pūko‘a Council

Christielove Espinosa, Graduate student, UHM; UH Student Caucus

Grace Funai, Counselor, HAW CC

Jan Gouveia, VP for Administration, SYSTEM

Richard Halverson, Instructor, KAP CC; ACCFSC Secretary

Debora Halbert, VP for Academic Strategy, SYSTEM

Pearl Iboshi, Director, IRAPO, SYSTEM

Amy Kunz, Controller, SYSTEM

Jaret Leong,
Director, Mānoa Academy, UHM,
Staff Council

Kalawai‘a Moore, Asst. Professor, WIN CC

Laura Nagle, Dean, Career & Technical Education, UHMC

Thanh Truc Nguyen, Specialist, UHM; ACCFSC Co-chair

Hae Okimoto, Assoc. VP for Student Affairs; Dir, Acad Tech Svcs, SYSTEM

Katrina-Ann Kapa Oliveira, Interim AVC, UHM

Kara Plamann-Wagoner, Institutional Policy Analyst, KAP CC

Kristen Roney, VCAA, HILO

Leslie Rush, Instructor, UHWO

Stephen Schatz, Exec. Director, Hawai‘i P-20, SYSTEM

Kailana Soto, Registrar, KAU CC

Vassilis Syrmos, VP for Research and Innovation, SYSTEM

David Tanaka, Facilities Manager, HON CC, Staff Council

David Uranaka-Yamashiro, Title IX Coordinator, HON CC

Syreeta Washington, Counselor, LEE CC

Alex Williamson, Undergraduate, LEE CC; UH Student Caucus

Garret Yoshimi, VP for Information Tech & CIO, SYSTEM



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Consultation and Outreach

Input from multiple stakeholders will be a hallmark of the new strategic plan.

In consultation with the Steering Committee, the Office for the Vice President for Academic Strategy gathered input for the strategic plan through a number of different processes:

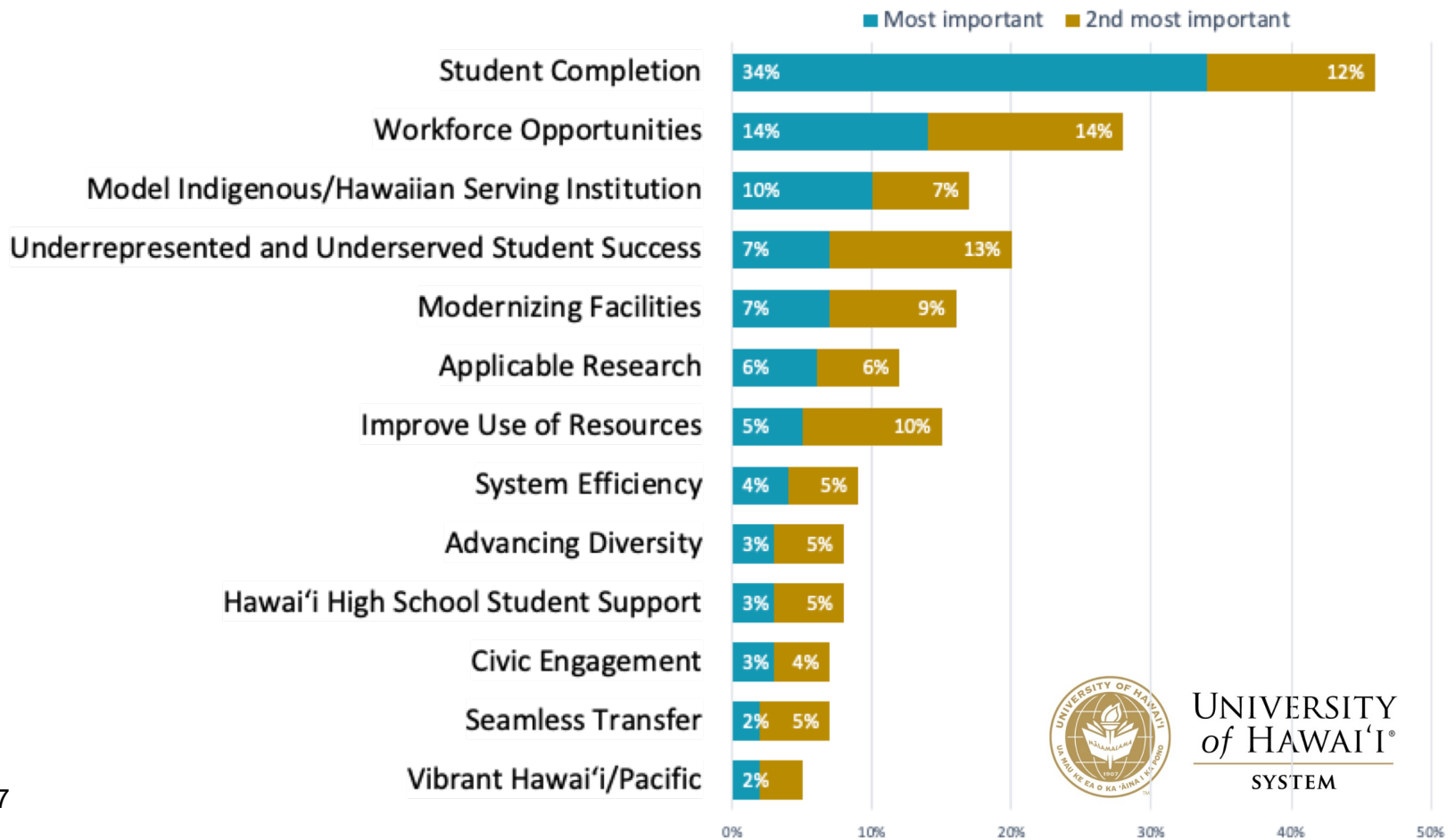
- Internal surveys
- Townhall meetings
- External online survey
- Individual Interviews with key external stakeholders (i.e. legislators, governor, mayors, etc.)

A [website](#) provides current information regarding the status of the plan.



Summary of Results of UH Internal Survey

- A System-wide survey was conducted from April – May 2022, with 2,503 responses with mix of campuses and roles.
- Respondents were asked to rank the top three most important areas to address in the next 6 years.
- **Student Completion, Workforce Opportunities and Model Indigenous/Hawaiian Serving Institutions** were the top 3 choices.



Summary of Results of UH Townhalls

- Four townhall meetings were held on May 3rd, 4th, 10th and 11th with more than 230 participants (of 400 who registered).
- Four to ten breakout groups at each townhall meeting were asked to come up with their top three priorities
- Workforce Opportunities, Model Indigenous/Hawaiian Serving Institution, and Student Completion were the top choices

Top Themes	%
Workforce Opportunities	15%
Model Indigenous/Hawaiian Serving Institution	11%
Student Completion	11%
Advancing Diversity	9%
Supporting student success, the student life cycle, and relevant data	9%
Seamless Transfer	8%
System Efficiency	6%
Underrepresented and Underserved Student Success	5%
Existential threats	5%
Leadership/governance/engagement	5%
Workplace Climate, Support, and Safety	5%
Applicable Research	3%
Civic Engagement	3%
Modernizing Facilities	3%
Overarching functional area: Finance/Advancement	3%
Overarching functional area: Research and Extension	1%
Grand Total	100%



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Summary of Results of External Survey

Priorities	Rank
Provide the scientific and intellectual capacity to address Hawai'i's problems and opportunities, particularly around sustainability, energy, and climate resilience	1
Educate and train Hawai'i residents for Hawai'i's jobs	2
Drive economic diversification and development across the islands through research, innovation, entrepreneurship, and technology	3
Increase the number of Hawai'i residents who have education/training beyond a High School diploma, targeting those who have been under-represented	4
Increase access to more programs for students and communities throughout the state	5
Sustain and support Hawaiian language, culture and people	6

What should UH campuses' top priorities be to best serve Hawai'i?
Please rank the importance of these priorities for the University over the next six years with rank 1 being the most important



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Summary of External Stakeholder Interviews

Results Pending



Guiding Principles

- **Statewide Need** - The UH System's primary responsibility as the only public provider of post-secondary education is to support the needs of the state of Hawaii.
- **Diversity and Equity** - UH System embraces its commitment to provide higher education opportunities for all, especially those historically underrepresented including Native Hawaiian, Pacific Islander, Filipino, economically disadvantaged, first generation, LGBTQ+, rural and students with disabilities - as well as continue to diversify its faculty, staff and leadership.
- **Sustainability** - UH recognizes its responsibility to the 'āina through its own practices, through education, and by developing solutions to the complex global challenges of climate change, sustainability and resilience.
- **Responsible Stewardship of Resources** – UH will responsibly align and utilize its financial and human resources to achieve these goals for Hawai'i by innovating as a statewide integrated public higher education system.
#UHunited



Imperatives

Imperative One:

Successful Students for a Better Future

Imperative Two:

Meet Hawai'i Workforce Needs of Today and Tomorrow

Imperative Three:

Embrace Kuleana to Hawaiians and Hawai'i

Imperative Four:

Diversify Hawai'i's Economy through UH Innovation and Research



Imperative One: Successful Students for a Better Future

Goal: Educate more students and empower them to achieve their goals and contribute to society.

1. UH will increase participation in post-secondary education statewide.
2. UH will provide all students the necessary support for them to succeed.
3. UH will fully embrace multiple modalities of instruction that recognize changing times and widely differing student preference and needs.
4. UH will provide innovative learning experiences that prepare them to achieve their personal and professional goals while fulfilling their kuleana to people and place.
5. UH will actively monitor and report on the post-graduation success of its students.

Sample metrics: Increase the number of degrees and certificates awarded, including employer recognized credentials; Improve student success metrics including retention, graduation rates and time to degree (including recognition of part-time students). Disaggregate all student outcome by demographic groups.



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Imperative Two: Meet Hawai'i Workforce Needs of Today and Tomorrow

Goal: Eliminate workforce shortages in Hawai'i while preparing students for a future different than the present.

1. UH will prepare professionals to fulfill statewide needs in occupations that are essential to community well-being: education, health, technology, skilled trades and sustainability/resilience.
2. UH will increase non-traditional offerings that eliminate barriers of time, place, and pace for those seeking upskilling or career change.
3. UH will partner with employers to ensure the necessary preparation and support for students to succeed in their careers.
4. UH will prepare all its graduates for life-long learning, innovation and entrepreneurship.

Sample Metrics: Eliminate/reduce workforce shortages in key sectors/occupations (e.g., teacher shortage); Increase number of graduates from fully online and adult-focused credential programs; Increase participation in work-based learning (e.g., internships).



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Imperative Three:

Embrace Kuleana to Hawaiians and Hawai'i

Goal: Models what it means to be an Indigenous-serving and indigenous-centered institution - Native Hawaiians thrive, traditional Hawaiian values and knowledge are embraced, and UH scholarship and service advance all Hawaiians and Hawai'i.

1. UH will reduce equity gaps for Hawaiian student access and success at all levels.
2. UH will Increase employment of Hawaiians across UH, especially at faculty and executive levels.
3. UH will create opportunities for all students, faculty, staff, executives and regents to inform their work within the UH System by learning about Hawaiian language, culture, knowledge and Hawai'i's difficult history with colonization.
4. UH will play an active role in advancing Hawaiian language, culture, and improving the lives of Native Hawaiians across the islands.

Sample Metrics: Student success for Hawaiians, employment numbers for Hawaiians, engagement of UH community in this goal; impact of the betterment of Native Hawaiians



Imperative Four: Diversify Hawai'i's Economy through UH Innovation and Research

Goal: Build and sustain a thriving UH research and innovation enterprise that directly creates jobs and advances new economic sectors with living-wage jobs.

1. UH will build out and sustain research and innovation hubs in key areas:
 - Climate Resilience, Energy and Sustainability
 - Conservation and Environmental Protection
 - AI/Machine Learning, Data Science and Cybersecurity
 - Health and Wellness
 - Ocean, earth and atmospheric sciences
 - Space Sciences
 - Hawai'i, the Pacific and Asia
 - Food and Agriculture
2. UH will infuse innovation, discovery and entrepreneurship throughout its educational programs.
3. UH will weave indigenous knowledge throughout its research and scholarship.

Sample Metrics: Growth external funding including in identified sectors; direct jobs created; overall economic impact of UH and its extramural enterprise, UH spinoff companies and their jobs,



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Next Steps

- Continue to gather and integrate feedback to create initial draft plan
- Share initial draft and gather input from governance groups, UH leadership, town halls and other meetings during the fall
- Finalize draft and metrics
- Present plan to BOR in November



Thursday, August 18, 2022 – Board of Regents

VI.E. Discussion on Updating the University of Hawai'i's Mission and Vision

Current Vision

From the Integrated Academic and Facilities Plan:

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.

Current Mission

From Regents Policy 4.201:

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.
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.
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.
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.

Below are summaries of feedback received from Regents regarding the mission, vision, and goal areas for the University of Hawai'i.

Vision:

The University of Hawai'i System is the premier integrated higher education system in the country.

Mission:

The University of Hawai'i improves the lives of Hawai'i's people through education, research and community engagement.

Goal areas:

- Post secondary-going rates of Hawai'i high school students
- Retention and graduation rates, including in non-degree programs
- Employer satisfaction with UH alumni as employees and alumni satisfaction with UH ten years after graduation (both measured by scientific surveys)
- Research volume and relevancy to Hawai'i
- Resolution of long-standing grievances of the islands' indigenous people.

Vision:

The University of Hawaii is the sense of place for the future of Hawaii and the World

Mission:

The mission of the University shall be to provide a safe and enriching educational environment to Faculty, Staff, and Students so they can discover, examine critically, preserve and transmit the knowledge, wisdom, and values that will help ensure the progress of present and future generations. Ensure the opportunity for all people of Hawaii and become the Hawaiian Indigenous Serving place of learning and teachings.

Goals

1. Ensure equal opportunity for all who choose to attend the University and provide the resources to ensure success.
2. Ensure the continued success at all levels of learning and teaching at all campuses from the Manoa R1 Research Campus to the smallest of programs within the system.

- 3. Provide a culture and place that supports a robust Indigenous Serving University
- 4. Provide for inclusion and equal opportunities to all who seek truth and desire to improve themselves, the University, Hawaii and the World.

Vision:

- A source of shared ancestral and future wisdom with the world
- A thriving source of knowledge for Hawaii, the Pacific, and beyond
- Hawai'i, Center of the Pacific, Center of Honua

Mission:

- To educate, cultivate, and generate leaders of the world

Goal Area:

- Become the number one college choice for Hawai'i students

Vision:

Advancing Mankind by setting the standard of excellence in higher education and training and engaging in transformative research and innovation.

Mission:

Access to affordable higher education and training.
 Ceaseless advancement of higher education and training.
 World class discovery through research and innovation.
 World's leading indigenous serving university.

Vision:

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.

Mission:

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.

Vision/Mission:

The University of Hawai'i system is the single most important contributor to the well-being of Hawai'i. We are leaders in the conversations and work required to ensure a bright future. We provide all of the educational opportunities necessary to address our most pressing issues. We take responsibility for ensuring that Hawai'i is a special place where diverse people and communities live, work, learn and play together in a manner that is restorative and regenerative - for ourselves and the environment. There is no challenge we cannot overcome to fulfill that purpose and our example serves as inspiration for the world.

Mission:

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 wellbeing of present and future generations with improvement in the quality of life. The University challenges and inspires all students to reach their highest level of academic achievement by inspiring learning, discovery and creativity. In carrying out that mission, it is the basic purpose of the university to afford all people of Hawai'i an equal opportunity for quality college and university education at both undergraduate and graduate levels.

Vision:

The university embraces its unique responsibilities to the indigenous people of Hawai'i and to Hawai'i's indigenous language and culture. Students, faculty and staff of the university understand the value of indigenous knowledge systems and history. The university is committed to the development of models and designs that integrate global and indigenous knowledge 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. The university serves as a leader in how it stewards the resources of the islands and the world for the benefit of all.

Mission as it relates to Native Hawaiians:

The university is committed to diversity, equity and inclusion within and among all racial and ethnic groups served by public higher education in Hawai'i. The president, working with the chancellors, ensures the unique commitment to Native Hawaiians is fulfilled by:

1. Providing positive system-wide support in the development, implementation, and improvement of programs and services that address disparities, historical and current inequities, and pursue justice for Native Hawaiians;

2. Encouraging the increased representation of Native Hawaiians at the university by addressing underlying issues that hinder full inclusion;
3. Actively soliciting consultation from the Native Hawaiian community and specifically Puko'a, the system-wide council of Native Hawaiian faculty, staff and students that serves as advisory to the president;
4. Providing for and promoting the use of the Hawaiian language within the university;
5. Providing support for the study of Hawaiian language, culture and history within the university that honors, perpetuates and strengthens those disciplines into the future;
6. Encouraging Native Hawaiians to practice their language, culture and other aspects of their traditional customary rights throughout all university campuses and providing Hawaiian environments and facilities for such activities;
7. Addressing the education needs of Native Hawaiians, the State of Hawai'i, and the world at large, in the areas of Hawaiian language, culture, and history through outreach ; and
8. Support research and programs that address disparities in opportunity and achievement for Native Hawaiians and for all racial and ethnic groups in Hawai`i.

Mission:

Comprehensive as the mission is at present, with many areas of cultural improvement proposed, there is an almost exclusive emphasis on Hawaiian language and cultural practices. Preservation and restoration of values and cultural practices unique to Hawai`i deserve restitution; that is not in doubt, but not at the expense of making any single culture the conservator for all of the many values and practices that contribute to this state. This has been a fundamental expectation of the Academy since its inception, that higher education includes an examination of the governing concepts of things and thoughts, the general attributes. This allows organization according to skill sets and expected outcomes.

Asked to provide both mission and vision, I see the lesser amount of adjustment or correction needed for the mission. The existing mission statement comes close to being an explicit curricular declaration, only omitting as I suggested above elements of physical fitness, which is not the same as sports and intercollegiate athletics; and attention to spiritual freedom and growth, which equally is not the same as religion. It identifies the obligation of the Regents and the University to the people of Hawai`i. There is no need for modification of the most recent mission statement; what is needed is implementation

Vision:

The real task then remains writing something that provides *vision*. It needs to be brief, yet both accommodating and elastic. A clue to its desired characteristics may lie in the root of “university”*: a community of teachers and scholars [multiple sources]. Particularly for this university, which as Dr. Lassner has noted is the only such public institution in the state, there needs to be a responsibility to all of the settings in which higher learning is conducted. There must be continuity between all the levels of instruction, research, and preparation. There should be a continuum of learning, that begins from the moment of birth and extends throughout as much of life as people are willing to contribute to the task [e.g., P20]. So, in an attempt to keep this simple, the vision must be one that allows and in fact encourages the enrichment of a person’s life across each generation.

"The vision of the University of Hawai`i is one of satisfaction of the educational yearnings of each of its citizens, affordably and when possible without tuition, with sustainment during the period of instruction."

This will be seen by some as lacking restriction, even opening the barn door to a promiscuous indulgence in all liberal and technical arts. And that is as it should be. Successful examples are many across the nations, and the industry in which investment carries the highest yield has historically been education.

* *universitas magistrorum et scholarium,*

**University of Hawaii System
Vision Statement**

*“To be known as the premier **research and educational** institution for the discovery, creation, and transfer/distribution of knowledge within the Indo-Pacific * area and beyond, and where thought leaders are initiating and leading the strategic discussions to continually identify and seeking the solutions to mitigate the challenges facing humanity.”*

Note: The reference to Indo-Pacific instead of Asia-Pacific is because this description is more inclusive of the geographical sphere of influence for the United States with Hawaii being at the apex. Hawaii and its people are still the primary focus for the UH System. What is done to benefit and solve Hawaii’s challenges will go beyond it shores.

Value Statement

Hawaii is a place where the host culture is the Hawaiian culture, and the University of Hawaii will be known as a “**Hawaiian Place of Learning**”. The following is a value concept and term developed by Dr. George Kanaha

Kina’ole – *“To do the right thing, In the right way, For the right reason, At the right time, For the right person.*

Did not offer specific language for the mission or vision.

Doesn't like that we "afford qualified people" an education – prefers to somehow show our efforts to integrate college into people's academic journeys and support the promotion of higher education from the beginning of a student's or child's academic journey. And also change it to something that supports furthering the education of the people of Hawaii or furthering the education of people in Hawaii with something about using the Hawaiian culture and uniqueness of the diversity of the people of Hawaii or something similar.