

MINUTES
BOARD OF REGENTS MEETING
FEBRUARY 18, 2021

Note: On January 30, 2020, the World Health Organization declared the outbreak of COVID-19 a public health emergency of international concern, subsequently declaring it a pandemic on March 11, 2020. On March 16, 2020, Governor David Y. Ige issued a supplementary proclamation that temporarily suspended Chapter 92, Hawai'i Revised Statutes, relating to public meetings and records, "to the extent necessary to enable boards to conduct business in person or through remote technology without holding meetings open to the public."

I. CALL TO ORDER

Chair Benjamin Kudo called the meeting to order at 8:37 a.m. on Thursday, February 18, 2021. The meeting was conducted with regents participating from various locations.

Quorum (11): Chair Benjamin Kudo; Vice-Chair Randy Moore; Vice-Chair Alapaki Nahale-a; Regent Simeon Acoba; Regent Kelli Acopan; Regent Eugene Bal; Regent Wayne Higaki; Regent Jan Sullivan; Regent Michelle Tagorda; Regent Robert Westerman; and Regent Ernest Wilson.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Community Colleges Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo (UHH) 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

Regent Higaki moved to approve the minutes of the January 7, 2021, meeting, seconded by Regent Wilson, and the motion carried, with all members present voting in the affirmative.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that the Board Office received written comments as follows:

Written comments relating to the restoration of executive and managerial (EM) salaries was received from the Associated Students of the University of Hawai'i (ASUH) Hawai'i Community College Student Government and Maura Stephens-Chu.

Written comments in support of the UHH agriculture and aquaponics program was received from ASUH Hawai'i Community College Student Government.

Resolutions calling for all permanent EM positions to be subject to an open recruitment, search, and hiring process and expressing the Mānoa faculty's understanding of shared governance, were received from the UHM Faculty Senate.

Late written comments relating to the UHM phase II reorganization were submitted by numerous individuals.

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

[Written Testimony Comment Received](#)

[Late Written Testimony Comment Received](#)

Oral testimony in opposition to the restoration of EM salaries and in support of the agriculture and aquaponics program at UHH was received from Larry Kawaaauhau.

IV. REPORT OF THE PRESIDENT AND COVID-19 UPDATE

President Lassner began by providing an update on the university's current state of affairs with regard to the COVID-19 pandemic stating that the university remains vigilant to ensure the health and safety of students, faculty, and staff. To date, the university has experienced a total of 85 confirmed COVID-19 positive cases across all ten of its campuses. In light of the emergence of several COVID-19 vaccines, the university has begun shifting its focus to vaccination efforts and planning for the fall semester.

Statewide administration of COVID-19 vaccines has begun and is taking place through a systematic, tiered approach. As vaccination of individuals within the highest priority tier is almost complete, efforts are now shifting to vaccinating individuals encompassed by the next tier, which includes university personnel. President Lassner stated that the university is currently focusing its vaccination efforts on employees who are required to spend time on campus and are at the highest risk, including custodians and faculty who are providing in-person course instruction, noting that these efforts have resulted in the vaccination of 1,500 university employees on O'ahu. Although recent delays in shipping the vaccine to Hawai'i resulted in the cancellation of appointments and curtailing the amount of personnel being inoculated, the university anticipates vaccination efforts will resume normal operations in the next few weeks. He also stated that the university continues to engage with the Department of Health to ensure that its vaccination priorities are aligned with State guidelines and Hawai'i's overall vaccination plan.

Given current information regarding vaccine availability, the capacity to delivery vaccinations statewide, and the prioritization of higher education personnel as essential, the university continues to plan for a fall semester that will include a substantial increase in on-campus activity and in-person instruction. However, while it is anticipated that all willing university faculty and staff will be vaccinated by the fall of 2021, similar

assumptions cannot be made about students. As such, currently implemented COVID-19 health and safety precautions will remain in place for the near future which will dramatically affect the capacity of university facilities, especially classrooms, and will result in an increased number of courses being offered in a hybrid format that mixes both online and in-person instruction. Courses requiring classroom-based instruction, such as laboratory courses, will continue to be conducted in an in-person format.

President Lassner noted that discussions on additional federal stimulus funding are currently taking place and Hawai'i's elected officials are cautiously optimistic that some form of economic assistance will be forthcoming. Preliminary conversations indicate that any legislation enacted will include substantial fiscal support for state and local governments, as well as economic assistance for institutions of higher education (IHE) and K-12 educational institutions in amounts greater than that provided by the Coronavirus Aid, Relief, and Economic Security Act of 2020, or the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. However, he cautioned that this one-time infusion of federal money will not be sufficient to relieve the projected, long-term budget pressures that will be faced by both the university and State, as full economic recovery is not expected to occur for another three to four years. As such, the university must continue to proceed with full urgency on the post-pandemic planning work that is currently underway and become more self-reliant to support the high-priority programs that are essential to Hawai'i's future. Achieving long-term fiscal stability and sustainability will require that the university make structural, organizational, and programmatic changes that will allow it to operate as efficiently and effectively as possible so that it can quickly pivot and adapt to ever-changing situations while retaining the ability to meet the most critical higher education needs of the State. While the university will still require a reasonable and predictable level of State support for public higher education, particularly regarding campus facilities and fringe benefit costs, it will also need to become less reliant on legislative appropriations and increase and diversify its revenue streams by making strategic investments in, and leveraging, its strengths.

Census data for spring 2021 indicates that overall enrollment headcount for the entire university system is down 0.9 percent relative to spring 2020. President Lassner highlighted spring-to-spring enrollment data relating to several segments of the student population, including first-time, returning, transfer, and classified students, as well as overall headcount, for various university campuses. While some campuses experienced a slight increase in overall headcount enrollment, or their numbers remain unchanged, most campuses experienced moderate decreases in overall headcount enrollment. Campuses also witnessed various degrees of growth and decline among the different enrollment segments. Although enrollment of early admission students declined by 14.2 percent, it is believed that this is mainly attributable to the impact of COVID-19 felt by lower educational systems statewide. President Lassner also reviewed fall-to-spring retention rates for degree-seeking students, first-time freshmen, full-time and part-time students, and transfer cohorts, noting that, while all ten campuses of the university system experienced increases or decreases in the various aforementioned retention rates, in general, decreases in retention rates were modest.

Extramural funding for research continues to grow with over \$325 million in extramural funds awarded to date, an increase of nearly 18 percent over the same period last year. Increases in philanthropic funding have also surpassed expectations with the University of Hawai'i Foundation realizing over \$67 million in donations to date, a greater than 80 percent increase over the same period last year.

President Lassner spoke on two notable personnel changes that have recently occurred at the university. Michael Shibata, who brings a wealth of knowledge and experience in real estate and planning matters to the university, has been hired to lead the university's Office of Strategic Development and Partnerships which serves as the lead agency for the university's real estate monetization efforts. Kimberly Hashiro, Interim Director of Human Resources, who was a stalwart in meeting the numerous human resources challenges faced by the university due to the COVID-19 pandemic, will be continuing her career as a deputy director with the City and County of Honolulu. President Lassner stated that Ms. Hashiro has been a tremendous asset to the university and the university wishes her well in her new endeavor.

Campus Report

Provost Bruno began by stating that, similar to other campuses within the University of Hawai'i System, UHM has faced numerous challenges during the past year due to the COVID-19 pandemic. However, 2020 also provided an opportunity for UHM to make lasting changes that will improve its long-term stability and let it continue carrying-out its core mission in a more effective and efficient manner that will allow it to thrive in service to Hawai'i for years to come. He reviewed four high-level strategic goals which were developed to achieve UHM's mission and vision for the future while enhancing alignment with the strategic direction plans of the university, the Integrated Academic and Facilities Plan, and UHM's Framework for the Future Initiative.

An overview of enrollment statistics and student population demographics was provided by Provost Bruno who remarked that UHM takes pride in knowing that it is an ethnically-diverse campus, that it has achieved notable success in recruiting and retaining Native Hawaiian students, and that it has been able to increase overall headcount enrollment, as well as enrollment in a number of other student classifications. It was noted that, of the over 18,000 students enrolled at UHM in 2020, 64 percent were from Hawai'i, 30 percent hailed from other states, and 6 percent were of international origin. He pointed out a number of achievements regarding enrollment metrics, including increases in first-generation college students, incoming transfer students, and incoming freshman. UHM also experienced a slight uptick in the enrollment numbers of older students beyond the traditional 18 to 21-year old age range and is anticipating an increase in this figure as a larger number of older individuals are expected to begin returning to universities to advance their careers or seek a change in career paths due to the economic impacts of the pandemic.

Provost Bruno also highlighted the success of UHM's academic programs, noting several academic distinctions and stating that UHM is consistently ranked among the top one-to-two percent of public universities in the world, a ranking that is based upon a number of different metrics and international surveys. Additionally, he stated that UHM

continues to strive to create a campus that is more efficient, effective, collaborative, and interdisciplinary regarding academic programs and called attention to two recent mergers that reduced the number of colleges and schools at UHM from 18 to 15 that helps to achieve this goal.

Data on retention rates, four-year and six-year graduation rates, and average time-to-degree (TTD) was also reviewed with Provost Bruno noting that UHM's overall retention rate remains high despite experiencing a slight dip in 2020, and that graduation rates and average TTD continue to improve. He stated that one area of concern that could impact these statistics, particularly graduation rates and average TTD, continues to be the ratio of full-time equivalent (FTE) faculty to student semester hours (SSH). Over the past several years, the number of FTE faculty has continued to decline, due in part to attrition and the imposition of a hiring freeze in 2020, despite overall SSH experiencing a gradual increase over the same time period. However, of greater concern is that the increase in the ratio of SSH to FTE faculty is not uniform across campus with some programs experiencing dramatic growth in SSH while FTE faculty numbers have remained fairly static. UHM will need to be mindful of these statistics to ensure the availability of classes for its students, as well as make strategic investments in the hiring of faculty in the future.

A comparison of overall revenues and expenditures for UHM since fiscal year 2016 was provided with Provost Bruno stating that revenues have exceeded expenses in each of the last four fiscal years and that the trend is expected to continue for the current fiscal year. He also stated that UHM continues to build reserves which will be crucial for the campus over the next several years.

Provost Bruno noted that of more than 3,000 colleges and universities nationwide, UHM is one of only 130 research universities to receive the Carnegie R1 (R1) doctoral university designation and that it continues to perform well in obtaining and expending extramural research funding and noted that, since 2017, there has been a 15 percent increase in extramural funds awarded which equates to \$44 million. A number of UHM's research and development successes were also cited including the anticipated landing of a sophisticated rover sent to Mars containing scientific instruments developed, refined, and tested by professors and students at the School of Ocean and Earth Science and Technology and Hawai'i Institute of Geophysics and Planetology with research expected to begin in a few days.

The Undergraduate Research Opportunities Program (UROP) was also touted as another successful endeavor undertaken by UHM. UROP, which coordinates and promotes opportunities for undergraduate students to engage in faculty-mentored research and creative work as a complement to the classroom learning experience, has been extremely popular among students. As a testament to the program's popularity, a recent survey of UROP students indicated that 93 percent were satisfied with their experience and would highly recommend the program to other undergraduate students. Provost Bruno stated that the enrichment of the overall academic experience and development of lifelong academic, professional, and personal skills provided by UROP not only benefits and prepares students to be engaged community members and

leaders in their professions, but also helps UHM with recruiting and retaining a wide-range of exceptional undergraduate students.

Provost Bruno spoke on some of the future challenges that UHM will face stating that it is imperative to continue supporting students, faculty, and staff through actions such as the continued provision of access to computers, the internet, safe study spaces, and mental health counseling. However, he also believes that exciting opportunities in the way members of the UHM 'ohana work and learn that can expand and enhance employment and educational opportunities lie ahead.

Student Report

Donovan Kamakani Albano, President of ASUH-UHM gave a presentation on the work and achievements of ASUH, the undergraduate student government organization at UHM that represents over 10,000 students, stating that all meetings, events, and workshops continue to be conducted virtually. He shared some of the initiatives undertaken by ASUH over the past year, including the provision of free Hawaiian language classes; the introduction of resolutions supporting the Black Lives Matter movement and protections for international, immigrant, and undocumented students; and the continued offering of a variety of scholarships and financial awards to eligible undergraduate students.

ASUH has also established a number of ad hoc committees to address a variety of issues, concerns, and priorities that have been raised by students, including anti-racism; student support and access to resources, especially student mental health services; educational affordability; campus sustainability; and administrative and academic reorganization efforts. Mr. Albano noted that the committee addressing UHM's administrative and academic reorganization efforts recently provided feedback on the phase II administrative reorganization proposal and continues to have conversations with the administration regarding the post-pandemic planning for the university.

Mr. Albano stated that ASUH looks forward to continuing its work on achieving the goals it established for 2021 and engaging with students to ensure that their voices are heard, as well as maintaining a collaborative relationship with the administration.

Maura Stephens-Chu, President of the UHM Graduate Student Organization (GSO), stated that GSO is the official representative body that advocates for and supports over 4,000 graduate students at UHM, and serves as a conduit between graduate students and the university administration which provides opportunities for graduate students to seek resolution to their expressed concerns.

Ms. Stephens-Chu stated that, similar to other governance organizations, GSO has been required to adapt to the impacts of the COVID-19 pandemic and conduct the majority of its activities, including meetings, professional development activities, and social events, in an online format. She highlighted the work and accomplishments of GSO over the past year, including active participation in summer working groups for COVID-19 response planning for the fall 2020 semester and the introduction of a resolution in support of declaring the university system a sanctuary system to protect

international, immigrant, and undocumented students. GSO has also been active in advocating for graduate students through engagement with the administration on issues such as the implementation of a sick-leave policy for graduate student employees; post-pandemic planning; and proposed administrative reorganization efforts.

GSO continues to forge ahead with its grants and awards program, as well as its merit-based awards program, both of which offer funding opportunities for graduate students to enhance their education through attendance at conferences as well as research projects. Ms. Stephens-Chu noted that GSO has been able to increase the number of awards and grants allocated as well as their monetary amounts.

Faculty Report

Paul McKimmy, UHM Faculty Senate Chair, reviewed the membership and committee structure of the Mānoa Faculty Senate (Faculty Senate) explaining that it is a governance body contained within the UHM Faculty Congress, the larger faculty-governance body of UHM that represents over 2,300 faculty members, and often serves as the representative for the Faculty Congress.

Dr. McKimmy spoke on efforts undertaken by faculty members to adapt to changing instructional methodologies, quickly pivoting from mainly in-person course instruction to a mostly online or hybrid form of instruction while maintaining excellence in teaching, research, and service. Although rapidly adjusting to the dynamic situation caused by the pandemic was not without its challenges, particularly regarding adequate resources and support, the faculty met these challenges with great aplomb and the Faculty Senate continues to work with campus administration on these issues.

Faculty also continue to perform research, productivity, and service activities impacting both the campus community and the state. Dr. McKimmy stated that a number of these efforts were directly related to pandemic response efforts and highlighted some of the initiatives undertaken including the development of online mask-making tutorials in response to mask shortages; active engagement in the provision of vaccination services and distribution of vaccines; and production of media presentations and public service announcements that provided information on the science, safety, and societal impacts of vaccinations to the community-at-large.

Dr. McKimmy reviewed some of the major issues discussed by the Faculty Senate in fall 2020, including consultation on planning for a post-pandemic Hawai'i, as well as the development of policy changes concerning new graduate certification and the continued use of the credit/no-credit grading option. Work also continues on several ongoing issues including the development of a response to the UHM phase II administrative reorganization proposal and the standardization of general education curriculum and core requirements across all university campuses. Additionally, he mentioned resolutions passed by the Faculty Senate calling for all permanent EM positions to be subject to an open recruitment, search, and hiring process and expressing the Mānoa faculty's understanding of shared governance and noted faculty concerns about tenure and possible program reductions.

Staff Report

Jaret K.C. Leong, Chair of the Mānoa Staff Senate (MSS), began by providing background information on the establishment, membership, and work of the MSS which is a recently-formed campus governance organization. He noted that MSS is an officially-recognized shared governance body that serves as the voice for all staff at UHM and is responsible for collaborating with the UHM administration on university policies and operations that impact staff.

Mr. Leong reported on some of the top priorities of the MSS for 2021 including the quest for continued inclusion and consultation in UHM's post-pandemic planning, as well as administrative and academic reorganization plans; the development of an All Campus Council of Staff Chairs; and the establishment of awards and recognitions for staff members. He also reviewed some of its accomplishments such as gaining inclusion on the majority of significant campus committees and developing a greater awareness of the importance of staff to UHM administration, deans, directors, faculty, and students.

Provost Bruno concluded the campus report by stating that UHM's oft-mentioned post-pandemic efforts have been quantified by a single document that has been posted on the administration's website which lists the various suggestions and recommendations made, as well as the proposals and changes that have already been accomplished, or are currently underway, on the UHM campus.

Vice-Chair Moore stated that he was impressed with the UHM campus presentation and acknowledged the students, faculty, staff, and administration for all of the work and effort undertaken to adjust and adapt to the past year's dynamic academic environment.

Regent Acoba echoed the remarks of Vice-Chair Moore stating that he was appreciative of all the work done by UHM to adapt to and manage all the intricacies involved in addressing the COVID-19 pandemic and recognized the various segments of the UHM community for their outstanding efforts, particularly the MSS.

V. COMMITTEE REPORTS

A. Report from the Committee on Budget and Finance

Committee Chair Sullivan summarized the committee report.

B. Report from the Joint Meeting of the Committee on Intercollegiate Athletics and Committee on Budget and Finance

Regent Acoba, Chair of the Committee on Intercollegiate Athletics, summarized the committee report. Regent Sullivan, Chair of the Committee on Budget and Finance, concurred with Committee Chair Acoba's report.

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

Committee Chair Westerman summarized the committee report.

D. Report from the Committee on Planning and Facilities

Committee Chair Tagorda summarized the committee report.

E. Affiliate Reports

Maunakea Management Board (MKMB): Vice-Chair Nahale-a reported that the Office of Maunakea Management continues to work on and navigate through issues related to the reorganization plan for the management structure of Maunakea. In addition, work continues on endeavors involving stewardship for the mauna, the future of astronomy on Maunakea, telescope decommissioning, and the construction of the Hoku Kea teaching telescope at Hale Pōhaku. Efforts have also been accelerated to develop, review, and finalize the Maunakea master plan since time is of the essence.

Chair Kudo remarked that reports on Maunakea management, as well as an independent audit of the university's functioning under the Maunakea comprehensive management plan (CMP), were provided to the Board of Land and Natural Resources (BLNR) at a meeting on February 12, 2021, by Dr. Greg Chun and Dawn Chang, respectively. He noted that both reports were well-done and stated that it was his understanding that they were both well-received by BLNR.

Career and Technical Education Advisory Committee (CTEAC): Regent Westerman reported that a presentation regarding the annual report to the Governor on the allocation and distribution of Perkins V funds was made at a recent CTEAC meeting. He noted that the only issue encountered was a change made by the newly-appointed United States Secretary of Education to the methodology used to report certain data in relation to the way this data is collected and reported in Hawai'i.

UH Student Caucus: Regent Acopan reported that the UH Student Caucus will be providing a presentation at the meeting of the Committee on Academic and Student Affairs in March and that its various standing committees continue to monitor several legislative measures that could have impacts on the university's students.

VI. AGENDA ITEMS

A. Consent Agenda

- 1. Approval to Retitle the Vice President for Academic Planning and Policy to Vice President for Academic Strategy**
- 2. Approval of Amendments to Regents Policy (RP) 2.201, Officers of the University of Hawai'i**

Regent Wilson moved to approve the consent agenda, seconded by Regent Westerman, and the motion carried with all members present voting in the affirmative.

B. Approval of the Establishment and Naming of the Joanna Lau Sullivan Professorship at the University of Hawai'i at Mānoa William S. Richardson School of Law

Provost Bruno provided information on a financial commitment for the establishment and naming of the Joanna Lau Sullivan Professorship at the UHM William S.

Richardson School of Law (Law School) in recognition of the generous philanthropic support of the late Maurice and Joanna Lau Sullivan. He stated that the gift of \$500,000 would be used to establish an endowed professorship to provide support for the Ulu Lehua Scholars Program at the Law School.

Regent Westerman moved to approve the establishment and naming of the Joanna Lau Sullivan Professorship at the Law School, seconded by Regent Acoba, and the motion carried with all members present voting in the affirmative.

C. EM Salary Restoration Update

President Lassner provided the background on the 9.23 percent salary reduction for all EM personnel that was effectuated in fall 2020. He stated that this action was necessary to reduce personnel expenses in anticipation of a significant reduction in general fund revenues that would be received by the university due to the severe economic impact of COVID-19 and commended EM personnel for demonstrating leadership and accepting proactive and substantial salary reductions ahead of all other employees who are subject to collective bargaining while continuing to forge ahead in service to the university during this challenging period. While this action mirrored proposals by the Governor to achieve a similar percentage in personnel cost-savings through the initiation of furloughs, it differed in that EM salaries were reduced on a tiered basis with all salaries being reduced by 9.23 percent for the initial \$200,000 and any amount in excess of this sum being subject to an 11 percent reduction, and the President's salary being reduced by 20 percent. Additionally, pay reductions for EM personnel did not involve any associated reduction in work hours which would have been imposed for executive branch employees under the Governor's proposed furlough plan. It was anticipated that the salary reductions would achieve cost-savings of \$2.3 million for the period from November to June of the current fiscal year with an annualized cost-savings of \$3.4 million.

Although salary reductions for all EM personnel were initiated on November 1, 2020, similar reductions did not materialize for executive branch employees as expected with the proposed furloughs initially being delayed and subsequently eliminated altogether as an option for reducing the State's personnel expenses for 2021. As it did not appear reasonable to only implement salary reductions for a subset of employees, the administration began discussions on the restoration of EM salaries with a decision being made to restore salaries to the amounts at which they existed on October 31, 2020, retroactive to January 1, 2021. Other factors considered in this decision were also noted including the determination by the Governor that furloughs were no longer necessary to address budget shortfalls for this fiscal year; the salary reductions for EM personnel salary were intended to be temporary with an expectation that they would be restored when the salaries of all other university personnel were restored; and the fiscal situation of the university for the current fiscal year, while still challenging, is not as grim as initially projected due to decreased reductions in general fund appropriations and better-than-projected tuition revenues for this fiscal year. It was also highlighted that both the University of Hawai'i Professional Assembly (UHPA) and Hawai'i Government Employees Association requested that EM salaries be restored, and that a resolution was passed by one of the faculty senates requesting the same.

While furloughs and pay reductions to help address budget shortfalls expected by the State over the next several fiscal years have been discussed during recent contract negotiations with labor representatives, President Lassner stated that these negotiations are at an impasse and the parties will head to arbitration. As the outcome of these negotiations are not yet known and the long-term fiscal conditions of both the State and university remain uncertain, he emphasized that the issue of temporary salary reductions for EM personnel may need to be revisited as the administration continues to prepare for the possibility of significant budget reductions in the near future.

D. Board Approval to Restore Salary Adjustments for EM Positions that Report to the Board of Regents

VP Gouveia explained that RP 9.212 requires the board to approve any salary adjustments for EM personnel reporting directly to the board which include the President, Board Secretary, and Director of the Office of Internal Audit. As such, the restoration of salaries for the direct reports in a manner consistent with those being made for all other EM personnel requires board action. Although the salaries of all of the direct reports were reduced, it was noted that the requested action is only applicable to the Board Secretary and Director of the Office of Internal Audit as the President has directed that his self-imposed salary reduction of 20 percent not be restored at this time.

Vice-Chair Moore moved to recommend board approval to restore salary adjustments for EM positions that report to the board, seconded by Vice-Chair Nahale-a.

A number of Regents commended President Lassner for continuing to show leadership during these difficult economic times and voluntarily offering to maintain his temporary salary reduction. Regents also recognized the hard work, dedication, sacrifice, and leadership demonstrated by all EM personnel in taking proactive and substantial salary reductions. It was noted that, unlike all other university employees who are subject to collective bargaining agreements and who received recent salary increases, EMs did not receive any salary increases prior to their salary reductions and were expected to work their full complement of work hours.

Regent Acoba recognized President Lassner for showing true leadership and placing the interests of the university before his own by offering to continue his self-imposed 20 percent salary reduction.

Regents also stated that, in fairness, the President's salary should be restored in a manner that is on par with the other direct reports and EM personnel. Discussions ensued on possible scenarios by which this could be accomplished while still respecting the wishes of the President to forego his salary restoration at this time.

Chair Kudo underscored that restoration of these salaries should not be interpreted as an indication of an end to the fiscal crisis facing the university or the State, stating that it may become necessary to impose salary reductions or furloughs in the future as the financial picture for both the university and the State becomes clearer.

In view of these comments and discussions Vice-Chair Moore amended his original motion by recommending board approval of the restoration of salary adjustments for all

EM positions that report to the board including the President, seconded by Vice-Chair Nahale-a, and the motion carried with Regent Sullivan voting no and all other members present voting in the affirmative.

E. Appointment of a Permitted Interaction Group to Investigate Issues and Make Findings and Recommendations to the Board Related to Tenure

Chair Kudo requested that the board approve the appointment of a permitted interaction group to be known as the Tenure Task Group (Task Group) whose purpose and scope is to review and investigate the issue of tenure in areas including the history and purpose of tenure at IHEs, particularly regarding the University of Hawai'i (UH); the evolution of, and current views and developments on, tenure at institutions outside of UH; and the current process, criteria, and decision making on tenure at UH. Although tenure is a sensitive issue and a topic of great interest among many faculty members at UH, he noted that the landscape of higher education across the nation continues to evolve and change, particularly with regard to this concept. As such, it would be prudent for the board to gain a complete understanding of the concept of tenure as it relates to both UH, as well as other universities, before making future decisions, if any, on this issue. The Task Group, which will include Regent Jan Sullivan, who will serve as the Task Group chair, Board Chair Kudo, Regent Westerman, Chair of the Committee on Personnel Affairs and Board Governance, and Regent Wilson, Chair of the Committee on Academic and Student Affairs, is intended to assist the board in this regard.

Regent Wilson moved to approve the appointment of the Task Group, seconded by Regent Westerman, and the motion carried with all members present voting in the affirmative.

Regent Sullivan remarked that, while the issue of tenure can be very emotional and polarizing, she agreed to serve as chair of the Task Group because she believed that opposing parties could have thoughtful evaluation of, and discussion about, a difficult topic and work together to find common ground to achieve worthwhile goals while addressing individual concerns and ideas.

Chair Kudo noted that, unlike some of the other permitted interaction groups established by the board, the Task Group was not only comprised of Regents but would also include representatives of the major stakeholders concerned with tenure including faculty and administrators involved in research and tenure, a college dean, and UHPA. He opined that if something is not addressed it can never improve and that it was his hope that individuals on the Task Group will have valuable conversations on this issue.

Vice-Chair Moore stated that he had the utmost confidence in Regent Sullivan and was encouraged that the Task Group will contain a wide spectrum of members with diverse backgrounds that will allow various perspectives to be brought forward. He remarked that having rational discussions through the Task Group will allow the board to gain a better understanding of tenure.

F. Update and Progress on Maunakea Management

Dr. Greg Chun, Executive Director of Maunakea Stewardship, presented an update on management activities on Maunakea stating that the university is required to submit an annual report to BLNR specifically on the progress of implementation of the CMP. He noted that the CMP is a documented plan that is approved by BLNR, and in essence, is a representation of the State's management plan for Maunakea. In July, 2020, the completed written report was submitted and subsequently scheduled by BLNR for presentation, with the actual presentation of the report taking place on February 12, 2021.

Historically, the university's presentations to BLNR tended to focus on providing updates regarding management activities on Maunakea relative to the 103 management actions contained within the CMP. However, after consultation with the BLNR chair and staff at the Office of Conservation and Coastal Lands, a decision was made that this year's presentation would focus on issues of a more strategic and broad nature. Dr. Chun reviewed some of the issues that were reported on including Maunakea governance; administrative rules related to Maunakea; telescope decommissioning efforts; planning activities involving the CMP, as well as the overall master plan for Maunakea; pursuit of new land authorizations; and a number of other ongoing management actions and initiatives. Updates on specific projects were also provided including those involving ingress/egress at the Visitor Information Station; the Hoku Kea teaching telescope at Hale Pōhaku; development of a managed access program; native plant propagation activities; cesspool closures; discussions with the Maunakea observatories regarding new occupancy and use agreements; and curriculum development and updated culture-based education, interpretation, and orientation being undertaken by the 'Imiloa Astronomy Center. He remarked that, overall, the report and presentation were well-received by BLNR and allowed its members to garner a more strategic understanding of the university's stewardship of Maunakea.

Dr. Chun stated that, in addition to the report and presentation to BLNR, the administration has begun conducting targeted outreach meetings with Hawai'i's congressional delegation, legislative leaders and elected officials, other government agencies, specific stakeholder groups, and Maunakea observatory directors to impart a better understanding of the scope and scale of management actions that are both necessary and required for the proper stewardship of Maunakea. Throughout these meetings, the two issues which have generated the most interest and a majority of questions have been the future governance of Maunakea and the pursuit of a new master lease. Information on both the administration's in-depth analysis and development of the five alternative governance models for Maunakea that occurred in 2020 at the behest of the board and actions undertaken with regard to the new master lease is being provided at the outreach meetings.

He also briefly reviewed the process for the pursuit of a new master lease noting that an Environmental Impact Statement Preparatory Notice was published in 2018. Subsequent to publication of this notice, three open houses were held to discuss and solicit feedback on three specific alternatives regarding the master lease which included taking no action and allowing the current master lease to expire; seeking a new master lease that reduced the size of the more than 11,000 acres encompassed by the current

master lease; and renewal of the existing master lease. At the conclusion of this process, the BLNR chair suggested that the administration update both the master plan and CMP for Maunakea and incorporate these updated plans in the new master lease application. As a result, the planned schedule for seeking a new master lease has been delayed. However, the administration continues to work diligently to complete this effort in a timely manner.

An update on the issue of the Thirty Meter Telescope (TMT) was also provided to BLNR with Dr. Chun noting that TMT has applied to the National Science Foundation for additional funding to complete the project. Should the NSF approve this application, additional steps for completion of the project would be required including the implementation of the Historic Preservation Section 106 process triggered by the use of federal funds. NSF has begun to have informal outreach meetings with a number of stakeholders, including Native Hawaiian groups, to establish relationships that will allow for productive conversations to occur, as well as to gather information and solicit ideas. A decision from the NSF on funding is not expected until the summer of 2021 at the earliest. It was also noted that there have been recent TMT project management transitions due to the retirement of personnel and that the relocation of certain TMT management functions from Pasadena, California, to Hilo has been placed on hold.

Dr. Chun addressed the recently completed independent review of the university's implementation of the CMP commissioned by BLNR. The administration is currently examining and assessing this review to determine how the university can integrate its findings and recommendations into updating and implementing the CMP. He stated that the review, and its associated report, proved helpful and will serve as a useful tool in determining the progress made by the university in a variety of areas regarding management of Maunakea, as well as areas in which it needs to improve. He also stated that the review found that substantial progress has been made on the management, preservation, and conservation of cultural and natural resources on Maunakea and that much of the public opinion about the university's stewardship of the mountain often depended upon whether an individual supported or opposed telescope development. The administration is committed to improving communication and engagement with the community, particularly the Native Hawaiian community, in the two areas noted as concerns in the independent review. Dr. Chun opined that for productive conversations on the future of Maunakea to occur, effort must be made to strike a balance between the recognition of Maunakea as a significant cultural resource and a place where a commitment has been made by the State to the study of astronomy.

Chair Kudo requested Dr. Chun to summarize the types of questions he received on the presentation made to BLNR. Dr. Chun replied that the majority of questions that were raised regarded the recognition of Maunakea as a special place and the various governance models for, and future management of, the mauna. He stated that several members of BLNR also expressed their support for the actions being taken by the university and improvements it has made in management of the mauna.

Vice-Chair Nahale-a stated that he believed recognition of the cultural significance of Maunakea is an asset that can serve to enhance the rigors and pursuit of science on

the mauna. He also believed that this recognition could strengthen the university's status as the site's most appropriate manager and asked Dr. Chun if he was optimistic that discussions and conversations would move in this direction. Dr. Chun responded that he was optimistic that conversations would move in this direction but reiterated that the key to fruitful discussions among stakeholders is the striking of a balance between all of the multiple values individuals associate with the mauna, including astronomy.

Regent Acoba requested clarification about the recommendation made by the BLNR chair that efforts on obtaining a new land authorization be paused, asking if this referred to the university seeking a new master lease and if so, was any indication given as to when she believed these efforts should continue. Dr. Chun responded in the affirmative and noted that no timeframe for the administration to proceed with its efforts was given. However, he stated that time is of the essence since the implication of not securing a new land authorization is that observatories have investment and decommissioning that need to be made sooner rather than later.

Regent Acoba questioned whether the TMT project could advance without funding from the NSF. Dr. Chun replied that it appears NSF financing is critical for the TMT project to move forward.

Chair Kudo remarked that while substantial progress has been made in managing Maunakea, the public and many Maunakea stakeholders are clamoring for tangible improvement in addressing the weaknesses noted in the independent review commissioned by BLNR, especially regarding community engagement, and it is imperative that the administration continue to work quickly to resolve these issues.

G. Legislative Update

VP Young highlighted several measures and priority issues that the university is following at the Legislature this year including bills relating to the State budget, university budget and legislative package, and items of interest involving the administration and board stating that the administration is actively tracking 579 of the approximately 2,300 measures introduced this legislative session. He briefly reviewed a number of these measures including legislation regarding technology, innovation, and commercialization at the university; optional retirement systems; the repeal of, or transfer of excess balances from, various special and revolving funds; board meetings; academic tenure; tuition waivers; Maunakea; the board's Independent Audit Committee and selection of its chair; and the new Aloha Stadium entertainment district. VP Young also reviewed the legislative calendar and timetable for the remainder of the session.

Regent Acoba asked if bills repealing certain special funds or transferring excess balances from these funds would impact the university. VP Young responded in the affirmative noting that this is particularly true of H.B. No. 1296 and H.B. No. 1297 which seeks to repeal the Hawai'i Tobacco Settlement Special Fund and transfer tobacco tax and cigarette tax funds from the Department of Health to the general fund. These funds provide a source of revenue for the university and have been pledged on existing revenue bonds used to fund construction of the John A. Burns School of Medicine at UHM (JABSOM) and the Cancer Center. He noted that these actions will not only have

dire consequences for the operations of JABSOM and the Cancer Center but could also have serious credit implications for the State and university.

Regent Acoba inquired about the reasoning for repealing the requirement that the moneys in the Tuition and Fees Special Fund (TFSF) for each university campus lapse to the credit of the university system (H.B. No. 1072). VP Young replied that the intent of the bill establishing the lapsing provision was to centralize control of the distribution of balances from the TFSF under the Chief Financial Officer. However, the methodology used for the distribution of TFSF funds makes this impractical and cumbersome. The bill is also unnecessary as the authority to determine TFSF fund distribution is already retained by the president.

Regent Acoba requested clarification on the administration's support for H.B. No. 1348 regarding the new stadium development district noting that a statement was made referencing a voting seat on the stadium authority. VP Young responded that, while the university supports the new stadium development district, the administration believes there is an opportunity for the university to gain a larger voice in the future of the new stadium by amending the bill to change the university president's current position on the Stadium Authority Board from an ex officio non-voting member to a voting member.

VII. EXECUTIVE SESSION (closed to the public)

Regent Sullivan made a motion to convene in executive session, seconded by Regent Higaki, and with all members present voting in the affirmative, the board approved convening in executive session to carry out deliberations concerning the solicitation and acceptance of private donations pursuant to Section 92.5(a)(7), Hawai'i Revised Statutes (HRS); the authority of persons designated by the board to conduct labor negotiations or to negotiate the acquisition of public property, or during the conduct of such negotiations pursuant to Section 92-5(a)(3), HRS; to consider 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), HRS; and to consult with the board's attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, pursuant to Sections 92-5(a)(4), HRS.

The meeting recessed at 11:59 a.m.

Chair Kudo called the meeting back to order at 12:57 p.m. and announced that the board met in executive session to discuss several issues as stated on the agenda.

VIII. ANNOUNCEMENTS

Chair Kudo announced that the next board meeting was scheduled for March 18, 2021, at a location to be determined.

IX. ADJOURNMENT

There being no further business, Regent Sullivan moved to adjourn, seconded by Vice-Chair Moore and, with all members present voting in the affirmative, the motion carried and the meeting was adjourned at 12:58 p.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents