MINUTES
BOARD OF REGENTS MEETING
FEBRUARY 17, 2022

Note: On January 26, 2022, Governor David Y. Ige issued a proclamation related to the COVID-19 emergency that temporarily suspended Section 92-3.7, Hawai‘i Revised Statutes (HRS), “only to the extent necessary to suspend the requirement to have at least one meeting location that is open to the public”.

I. CALL TO ORDER

Chair Moore called the meeting to order at 8:32 a.m. on Thursday, February 17, 2022. The meeting was conducted virtually with regents participating from various locations.

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

Others in attendance: President David Lassner; Vice President (VP) for Community Colleges (VPCC) Erika Lacro; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Budget and Finance/Chief Financial Officer Kalbert Young; VP for Advancement/University of Hawai‘i (UH) Foundation (UHF) Chief Executive Officer Tim Dolan; UH Mānoa (UHM) Provost Michael Bruno; UH Hilo (UHH) Chancellor Bonnie Irwin; UH West O‘ahu (UHWO) Chancellor Maenette Benham; UH Maui College (UHMC) Chancellor Lui Hokoana; 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 comments or amendments to the minutes of the January 20, 2022, meeting which had been circulated to board members for review. Hearing none, the minutes were approved.

III. PUBLIC COMMENT PERIOD

Board Secretary Oishi announced that written comments regarding faculty workload at the Daniel K. Inouye College of Pharmacy at UHH was received from Rex Fujichaku.

Professor Ashley Maynard submitted written comments opposing the adoption of the tenure permitted action group report and urging that consideration be given to the SCR 201 Task Force report as a starting point for discussions.

The Mānoa Faculty Senate submitted late written comments in the form of a resolution calling for the revision of policies pertaining to the appointment of interim executive managerial positions.
Brent Sipes, provided late written comments and orally testified on behalf of the Mānoa Faculty Senate Executive Committee on several agenda items.

Keali‘i Gora provided late written comments and orally testified on behalf of the Kūaliʻi Council in opposition to Senate Bill No. 3269 which relates to tenure.

Debi Hartman provided late written comments and orally testified on behalf of the University of Hawai‘i Professional Assembly (UHPA) on several legislative measures scheduled to be discussed by the board.

Jonathan Pasion provided oral testimony supporting the awarding of an honorary doctorate of humane letters to Chef Tylun Pang. Teresa Shurilla submitted late written testimony in support of this award.

Late written comments were received by an anonymous individual regarding administrative practices at UHH and travel policies.

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

Written Testimony Comment Received
Late Written Testimony Comment Received

IV. REPORT OF THE PRESIDENT

A. COVID-19

President Lassner provided an update on the university’s current state of affairs with regard to the COVID-19 pandemic stating that test positivity rates and case counts continue to decline statewide, which is reflected by a decrease in case numbers within the university community. While current vaccination policies will remain in place for students, faculty, and staff through summer and fall 2022 and the university encourages all individuals to get vaccinated, a mandate for booster shots, which is part of being deemed “up-to-date with your vaccination,” will not be implemented at this time. It was noted that, driven by a rapid decline in case counts and hospitalizations, the administration arrived at this decision after discussions with the university’s Health and Well-Being Working Group, policy group, and other experts. Consideration was also given to the practicality of implementing a firm booster shot requirement policy given constantly changing guidance from the Centers for Disease Control and Prevention.

Despite the fact that the COVID-19 pandemic has caused stress among students, faculty, and staff, President Lassner remarked that the university has done well in achieving its core mission of education as indicated by data on graduation and retention rates for the 2020-2021 academic year, the first full academic year impacted by the pandemic. He reviewed record setting graduation and retention rates among some of the demographics for each of the major units of the university stating that, while these figures indicate that the university is moving in the right direction, work to improve retention and graduation outcomes carries on.

B. Other
Overall headcount enrollment for the spring 2022 semester has decreased systemwide by 2.4 percent as compared to spring 2021, although UHM and Windward Community College have experienced enrollment increases of 4.3 and 2.4 percent respectively. The university remains concerned about the large declines in enrollment being experienced by the neighbor island community colleges and continues working towards understanding and ameliorating this trend. President Lassner emphasized that these figures are just one indicator of the university’s overall success and stated that the administration will continue to refine its understanding and reporting of multiple aspects of the education and training provided by the university throughout the islands, with a continuing plan to present an annual, in-depth report on enrollment to the board each fall.

The university continues to do well in securing extramural research funding with just over $357 million being received to date, which is an increase of approximately ten percent as compared to the same period last year. Although UHM leads the way in research funding, UHH, UHWO, and the community college system have all increased their receipt of extramural funding for this academic year.

C. UHMC Campus Presentation

Chancellor Hokoana provided an overview of UHMC’s demographics and enrollment statistics highlighting that large percentages of students attending UHMC are female; between the ages of 17 and 24; seeking a degree in liberal arts, particularly in business; graduates of Maui County public high schools; Pell Grant recipients with extraordinary financial needs; and of Asian and Native Hawaiian ethnicity. He also spoke about decreasing enrollment at UHMC, which has been on a downward trend over the past five years and has declined more than 17 percent during that time; reviewed several of the factors responsible for this decline, as well as actions being undertaken to address them; and noted the negative impact of declining enrollment on other performance measures such as graduation rates and number of degrees awarded.

Although UHMC experienced slight increases in fall-to-fall retention rates; the number of degrees awarded to Native Hawaiian and Pell Grant students, as well as in the fields of science, technology, engineering, and mathematics; and transfers to baccalaureate awarding institutions, including those in the university system, it has encountered difficulties in meeting established benchmarks for the various performance metrics used to define student success. However, Chancellor Hokoana stressed that improvement is being witnessed in several of the noted metrics, particularly in the narrowing of performance gaps between the various student demographics.

UHMC continues to do well in obtaining additional fiscal resources, experiencing a 40 percent increase in extramural funding received over the past five years and a 173 percent increase in philanthropic support over that same timeframe.

Chancellor Hokoana drew attention to several initiatives undertaken by UHMC, particularly during the pandemic, noting the hosting of clinics that helped to vaccinate one-third of Maui County’s population as well as the provision of equipment and facilities for contact tracing efforts. He also highlighted endeavors that UHMC has
embarked upon to help diversify Hawai‘i’s economy and reduce the State’s dependency on tourism including the development of the Maui Food Innovation Center (MFIC), a business incubator designed to support local food producers through education, training, research, and development. The MFIC has been a successful venture with over 130 clients completing the program and correlates to the creation of 69 businesses that employ over 200 individuals and has generated approximately $8 million to date. Due to this success, UHMC is working in conjunction with other university campuses to expand the program statewide.

**Student Report**

Ms. Bre Rodrigues, President of the Associated Students of the University of Hawaii Maui College (ASUHMC), gave a presentation on the work and achievements of ASUHMC over the past year highlighting some of the initiatives undertaken. She also spoke about actions carried out by both ASUHMC and UHMC students that were aimed at cultivating a sense of belonging during the pandemic including projects organized by culinary students to provide over 1,200 Thanksgiving meals to the homeless and the successful efforts of ASUHMC to re-establish in-person commencement ceremonies.

In addition to serving as ASUHMC President, Ms. Rodrigues stated that she works in the Student Life Office (SLO) at UHMC. The SLO also advocates for students and has attempted to maintain a sense of normalcy among the members of the UHMC community throughout the pandemic. She noted that some of SLO’s contributions to support student life on campus included keeping the Maui Fit Gym open for students and staff; preserving the hours of operation for the student lounge, which provided a quiet space on campus for students to study; establishing the National Society of Leadership and Success program on-campus which provides various avenues for students to connect and bridges the gap between in-person communication and the virtual campus life; and providing the opportunity for students to convert their IDs to a completely digital format for added convenience.

**Faculty Report**

Rosie Vierra, UHMC Faculty Senate Chair, spoke about the Faculty Senate’s viewpoints with respect to the challenges UHMC has faced, and continues to face, during the COVID-19 pandemic. She stated that the Faculty Senate remains committed to offering the most rigorous educational programs possible at UHMC and maintains its dedication to continually engage in thoughtful discourse regarding best practices in efficiently and effectively serving students and the Maui Nui community. She reviewed some of the initiatives supported by the Faculty Senate during the past year including the resumption or continuation of in-person instruction for career and technical education programs, noting that student surveys have indicated a preference for this instructional modality. Ms. Vierra also espoused some of the benefits of in-person instruction; reviewed activities carried out by UHMC faculty to address a number of obstacles facing UHMC and the community during the pandemic; and noted several ways in which the UHMC administration and faculty have communicated and remained connected over the past two years.
Referencing the increase in students transferring to online universities, Regent Acopan questioned whether UHMC was looking into accommodating these individuals with increased online classes. Chancellor Hokoana explained that the majority of students transferring to online universities were doing so in order to obtain baccalaureate degrees. Despite these students’ apparent desire to transfer to another university system campus, he noted that many are seeking degrees in program areas that are either not offered at the university or not offered in an online format. He offered the increase in availability of online courses within the nursing program at UHM as one example of how the university is responding to this challenge. As more degrees earned through an online format are offered within the university system, it is anticipated that the number of UHMC students transferring to online universities will diminish. President Lassner concurred with this assessment and added that the administration is currently analyzing data to determine interests in various programs to ascertain whether establishing them as an online baccalaureate degree completion program within the university system would be feasible.

Regent Acopan asked whether the desire to seek degrees online was a result of the COVID-19 pandemic or was a trend that reflected a change in the methodology by which students will seek to obtain a post-secondary education. Chancellor Hokoana expressed his belief that, while part of this trend is COVID-19 related, more students will be seeking an online education in the future.

Regent Wilson asked if the university is experiencing issues with other institutions sending recruiters to Hawai‘i that use the provision of online course offerings as a means of enticing students to attend their universities. President Lassner replied that the administration does not believe this is a significant issue as most institutions, including those that specialize in offering a large array of online degree programs, will not send recruiters to Hawai‘i simply to promote the benefits of online program availability at their university. He also stated that one competitive advantage the university has over institutions that award online degrees is the ability to provide in-person student support when necessary.

Stating that it was his understanding that the university had employed a consulting firm to assist with boosting enrollment, Regent Acoba suggested that UHMC investigate utilizing the services of this consultant to address its enrollment challenges. Chancellor Hokoana stated that, while UHMC is inquiring about retaining the services of an enrollment consultant to increase enrollment, this effort will necessitate the hiring of an enrollment manager and outreach coordinator to implement any recommendations made by the consultant.

Citing remarks about the imposition of significant budget cuts in response to declining enrollment, Regent Acoba asked about the impacts of these reductions and their implications for the future of UHMC. Chancellor Hokoana replied that declining enrollment adds to the fiscal challenges facing UHMC and has required UHMC to further assess, analyze, and re-evaluate programs and course offerings to determine their viability relative to their meeting community and workforce needs. Through this evaluation, UHMC has been able to reduce its lecturer budget by nearly $1 million. He also stressed the importance of understanding Maui County’s workforce development
needs in order to improve the effectiveness and efficiency of UHMC’s programs stating that a portion of the federal relief funds received by UHMC has been used to hire a consultant for this purpose. Regent Acoba questioned whether programs at UHMC have experienced any significant impacts due to the budget cuts. Chancellor Hokoana stated that impacts stemming from the budget cuts have not been significant because of UHMC’s efforts to ensure program efficiency.

Regent Acoba inquired as to whether the MFIC was an outcome of university efforts to establish start-up businesses in Hawai‘i. Chancellor Hokoana replied in the affirmative but noted that this was part of a larger, State effort to diversify Hawai‘i’s economy. Given a current endeavor to cultivate over 200,000 acres of agricultural land on Maui, as well as Maui’s rich agricultural history, establishing the MFIC as an incubator for the development of businesses and value-added products was viewed as a perfect opportunity to begin diversifying Hawai‘i’s economy.

Regent Acoba commended Ms. Rodrigues for her active participation in the betterment of UHMC and the community and praised the efforts of the students in their many endeavors.

Referencing comments about the community benefits realized with the continued operation of the UHMC health center and dental clinic during the pandemic, Regent Acoba asked how the provision of these services translated to educational benefits for UHMC students. Ms. Vierra replied that the health center and dental clinic serve as practicum facilities where students enrolled in nursing, dental hygiene, and other health sciences can receive hands-on skills-training with the added benefit of assisting the community in meeting their healthcare needs.

Regent Nahale-a arrived at 9:39 a.m.

Chair Moore requested information about the process used to determine which campus will take the lead in providing a particular program that is offered on multiple campuses when enrollment in a program is declining at some of the campuses. Chancellor Hokoana replied that UHMC is currently reviewing this exact situation with several of its programs. The process begins by ascertaining staffing availability at each of the campuses where the program is offered and the ability of that campus to serve as the hub of the program. Once this determination is made, other campuses offering the same program work in conjunction with the hub campus to establish "spokes" through the offering of distance education programming. Ms. Vierra added that faculty at UHMC are aware of fiscal and other limitations facing the university and understand that there are instances where downsizing might occur but stressed the importance of discourse in allaying concerns among faculty on these issues.

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

VP/UHF CEO Dolan provided a report on UHF’s fundraising efforts stating that much of the success being experienced is the result of the enduring and instrumental work conducted by UHF personnel, as well as the fostering of academic relationships over the course of several years. As of January 31, 2022, UHF has received $140.6 million
which is approximately $73 million more than what was received during the same period last year. He emphasized that, even without the inclusion of a $50 million pledge from Mr. Mark Zuckerberg and Dr. Priscilla Chan in the total funds raised so far, UHF garnered over $90 million in contributions, which is just over $23 million more than it brought in last year at this time. While the increase can mainly be attributed to UHM, it was emphasized that several campuses have experienced successful efforts over the past year and that fundraising totals for the nine other campuses of the university system have collectively increased by over 50 percent to date, which is very encouraging. VP Dolan also commended the tremendous response and extreme generosity of the community, including several regents, and remarked that all signs indicate that UHF will experience another record-breaking year.

Mr. John Han, Chief Operating Officer for UHF, reviewed trend data on UHF funds that were expended by various university programs, highlighting increases in funds disbursed for student aid, which is anticipated to reach approximately $13 million this fiscal year, and capital improvement projects, much of which can be attributed to improvements to the Clarence T.C. Ching Athletic Complex field. He stated that, to date, expenditures are on course to surpass fiscal year 2020 spending levels.

As of December 31, 2021, the market value of UHF’s endowment fund stood at $497.4 million. Mr. Han presented an overview of the portfolio’s performance noting that, despite the volatility of the market since the beginning of this calendar year, the endowment fund’s market pool has generated competitive returns as measured against established benchmarks. He also noted the endowment fund’s receipt of $58 million in cash gifts as of January 31, 2022, which is a $27 million increase from last year. This was notable because approximately 25 percent of cash gifts received, which currently equates to $19 million, are added to the endowment pool each year thus increasing the potential for generating additional revenues for the university. The endowment fund is also projecting a payout of $14 million this fiscal year as compared to $12.5 million paid out last fiscal year.

Regent Acoba asked about UHF’s fundraising goal for the current fiscal year as well as the terms for the $50 million pledge from Mr. Mark Zuckerberg and Dr. Priscilla Chan. VP Dolan replied that, while UHF has already surpassed its fundraising target of $90 million for the current fiscal year, it will continue to maximize efforts to generate revenue for the university. As for the $50 million pledge, he stated that monies from the largest single gift ever received by UHF would be provided over six years.

VI. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Academic and Student Affairs

Committee Chair Wilson summarized the committee report.

B. Report from the Committee on Intercollegiate Athletics

Committee Chair Acoba summarized the committee report and stated that, as mentioned during the committee meeting, proposed amendments to Regents Policy 7.208 with respect to the hiring process for coaches were prepared and submitted to the
Office of General Counsel for vetting. The amendment proposal has also been provided to board leadership for possible inclusion on a future agenda.

Regent Wilson, a member of the committee, added that discussions on the mental health of student-athletes also occurred at the meeting and stressed the importance for the university to continue its efforts to address this issue not only as it relates to student-athletes but also for the entire university ‘ohana.

C. **Report from the Committee on Research and Innovation**

   Committee Vice-Chair Haning summarized the committee report.

D. **Affiliate Reports**

   **University of Hawai‘i Student Caucus:** Regent Acopan stated that there was no information to report at this time.

   **All Campus Council of Faculty Senate Chairs (ACCFSC):** Regent Wilson provided a brief background on the composition and charge of the ACCFSC noting that it is a representative body and reflects the sentiments of faculty from each campus. He stated that, at its next meeting, the ACCFSC will be making a motion to censure a legislator for the introduction of several pieces of legislation which the council believes are detrimental to the autonomy and well-being of the university.

VII. **AGENDA ITEMS**

A. **Consent Agenda**

1. **Approval of the Following University of Hawai‘i at Mānoa Programs:**
   a. Establishment of a Provisional Bachelor of Arts in Marine Biology
   b. Change from Provisional to Established Status: Bachelor of Science in Molecular Cell Biology
   c. Change from Provisional to Established Status: Bachelor of Environmental Design
   d. Establishment of a Provisional Bachelor of Education in Special Education

2. **Approval to Change from Provisional to Established Status:** Advanced Professional Certificate in Special Education PK-12, Leeward Community College

3. **Approval of Revisions to Regents Policy (RP) 6.208, Board Exemptions to Non-Resident Tuition**

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

B. **Approval to Award Honorary Doctorate of Humane Letters to Chef Tylun Pang**
President Lassner provided background information on the awarding of honorary degrees. He explained that the bestowing of an honorary degree is an authority retained by the board and noted that, while the recommendation for awarding an honorary degree is generated by a specific campus, the degree is awarded on behalf of the university. He also stated that all recommendations for honorary degrees are vetted by university leadership prior to being brought before the board for approval.

Chancellor Hokoana spoke about the long and illustrious career of Chef Pang citing several notable accomplishments including his principal involvement in the “Buy Local” and farm-to-table movements in Hawai‘i, which emphasize the support of local farms and farmers; his encouragement to serve fresh, locally-sourced food in homes and restaurants; the promotion of sustainable and environmentally responsible agricultural practices; and his longstanding service as a mentor to young adults in various stages of their culinary arts studies and careers. It was stated that Chef Pang’s noteworthy influences on the Hawaii food industry, which have had national implications, and his significant contributions to the Maui community merits approval of this recommendation.

Regent Wilson moved to approve the awarding of an honorary Doctorate of Humane Letters to Chef Tylun Pang, seconded by Regent Bal, and the motion carried with all members present voting in the affirmative.

C. Approval of Exception to RP 5.219, Emeritus/Emerita Title for Mary Boland, Nancy Atmospera-Walch School of Nursing, UHM

Provost Bruno provided a synopsis of the long, accomplished career of Dr. Mary Boland, recently retired Dean of the Nancy Atmospera-Walch School of Nursing at UHM. He highlighted her service and dedication to the university, as well as her numerous contributions to the broader community particularly during the COVID-19 pandemic, remarking that these achievements warrant the bestowing of the Dean Emerita title upon Dr. Boland and merits approval of exceptions to RP 5.219 which establishes the criteria for the awarding of such titles.

Regent Paloma moved to approve the exception to RP 5.219 to award the title of Dean Emerita to Dr. Boland, seconded by Regent Acoba, and the motion carried with all members present voting in the affirmative.

D. Faculty Workload Annual Report

President Lassner remarked that this presentation will update the board on a project that began under the auspices of former VP for Academic Planning and Policy, Don Straney, to increase academic program efficiency and effectiveness through the gathering, reviewing, and analyzing of legitimate, quantifiable data on faculty workloads throughout the university system. It was emphasized that this is a dynamic project and the administration anticipates that information provided in each annual report going forward will transform as the university progresses into the future. He recognized a number of individuals, as well as UHPA, for their efforts on this venture, and introduced Pearl Iboshi, Director of the Institutional Research, Analysis, and Planning Office (IRAPO), who would be providing the report along with Provost Bruno, Chancellor Irwin, Chancellor Benham, and VP Lacro.
Dr. Iboshi provided a brief overview of the purposes behind embarking on the development of an annual faculty workload report (Workload Report), reviewed its goals, and discussed modifications made to the way faculty workload data was collected and processed since the initial report was provided in January 2021. She also summarized the various categories of non-instructional work performed by faculty that are used in determining teaching equivalencies (TEs) at the four-year institutions and the community colleges, noting that both instructional and non-instructional activities are taken into consideration when evaluating faculty workloads. Some of the key definitions used throughout the Workload Report were also reviewed.

Provost Bruno, Chancellor Irwin, Chancellor Benham, and VP Lacro spoke about workload policies applicable to faculty at UHM, UHH, UHWO, and the community colleges and presented information on workload assignments, including the percentage of tasks considered instructional as opposed to non-instructional for each of their respective units. The data provided was further broken down into the categories of workload encompassed by instructional and non-instructional activities; the proportion of time devoted by faculty to each category; faculty workload amounts by college, division, and/or program; and workload by job type and tenure status. It was noted that, as expected, the percentage of time devoted to instruction at the comprehensive universities, such as UHH and UHWO, was much greater than that experienced at research universities, such as UHM.

Both Provost Bruno and Chancellor Irwin recognized and acknowledged challenges in the classification of workload data for certain segments of faculty at their respective campuses, particularly with those individuals that perform instructional work in addition to scientific research and clinical work, but reiterated that both UHM and UHH continue to seek ways to refine and improve upon this data.

In addition to providing valuable data that can be used to better manage faculty workloads and determine where resources should be invested, Chancellor Benham added that one of the notable benefits of the Workload Report from UHWO’s perspective was that it offered an opportunity for engagement and substantive conversations to take place with respect to issues such as types of programs offered, metrics used to determine successful student and program outcomes, and the development of a balance between instructional and administrative duties.

VP Lacro noted that, unlike the other major units, the activities of community college faculty are primarily instructional in nature with the majority of faculty carrying a standard workload of 27 credit hours or more. She also explained that, since a number of the programs at the community colleges involve large percentages of non-traditional instruction, the community colleges developed a methodology to account for TEs that is applied consistently across all campuses.

Dr. Iboshi concluded by underscoring that the Workload Report is a work-in-progress, stating that several of the data quality issues experienced since the publication of the initial report have been addressed, and reviewing some of the next steps that would be taken to improve both data quality and the data collection process. She also explained that the administration is in the beginning stages of revising
Executive Policy (EP) 9.214 to develop a consistent framework for determining non-instructional TEs across the four-year campuses similar to that which is being used by the community colleges. As such, the four-year units are being requested to specifically define what constitutes TEs assigned for different types of instruction as well as research, service, outreach, and administrative duties at their respective unit and submit this information to the administration.

Vice-Chair Kudo commended the work of Dr. Iboshi and the IRAPO team, as well as the efforts of former Regent Coralie Matayoshi, in bringing the Workload Report project to fruition stressing the importance of possessing measurable data in order to effectively manage a program. He asked about any recommendations the administration had with respect to other information that could be analyzed as part of a follow-up to the Workload Report. Dr. Iboshi reiterated that one of the administration’s concerns is the inability to adequately determine the criteria used to determine specific TEs for the four-year units and expressed her desire to work towards achieving clear EPs on this matter.

Citing Dr. Iboshi’s response, Vice-Chair Kudo asked whether university leadership was considering amending EPs to clarify criteria used to determine TEs at the four-year campuses. President Lassner responded in the affirmative stating that prior to the Workload Report being developed, there were no tools that could be used by the administration to manage this process. Vice-Chair Kudo questioned the timeframe for completing revisions to the EPs. President Lassner replied that it would most likely take the better part of a year to work out the necessary revisions to the EPs, as there are varying degrees of complexity involved with determining TEs at each campus and will require extensive engagement with faculty. Vice-Chair Kudo expressed his belief that this task must be completed within a reasonable time so that the university can judiciously proceed with improving its management of educational effectiveness and efficiency.

Regent Westerman asked whether some of the information and data collection process used for the Workload Report can be automated. Dr. Iboshi replied that while some portions of the process have already been automated, the intricacy of some of the information and data requested still requires manual input.

Regent Haning lauded the work performed on the Workload Report and noted the difficulty of capturing the complexity of human resource issues at the university level in a clear and concise format.

Referencing Vice-Chair Kudo’s remarks about the timely development of EPs with respect to TEs, Vice-Chair Nahale-a asked whether revising the EPs relative to a specific subset of a campus unit could be a feasible way of assessing the efficacy of the amendments. President Lassner replied in the affirmative stating that the development of policy revisions for the less complex units or programs could be prioritized. He noted that one possible way of expediting the development of revisions to the EPs could be through adopting existing formulas used to determine TEs in relation to accreditation requirements at some of the university’s colleges and programs. The administration could also analyze faculty workload reporting systems used by other universities to garner ideas for revising the EPs. Vice-Chair Nahale-a expressed his appreciation for
the work conducted by the administration on this issue and stated that the Workload Report can serve as an essential tool for regents to utilize when assessing the administration’s strategies for achieving goals related to the university’s mission and vision. He also concurred with Vice-Chair Kudo’s sentiment that the importance of this matter requires that it be addressed soon.

Regent Wilson praised the work of Dr. Iboshi, IRAPO staff, and the entire university team in tackling the faculty workload issue stating that this matter must not be viewed in a vacuum. Rather, the Workload Report should be considered as one piece of an overall system designed to effectively and efficiently manage the university.

Vice-Chair Kudo remarked that the administration and regents must demonstrate resolve when addressing issues facing the university, especially when the challenge is difficult and the solution unpopular, and needs to remain steadfast in the commitment to move the university forward. He cautioned that a lack of action in developing proactive solutions that are in the best interests of the university will result in the imposition of decisions made by external entities upon the university that will impact its future.

Referencing the apparent diversity in the classification of TEs at the various campuses, Regent Acoba inquired as to whether there was a standard formula used to determine what constituted TEs and who was responsible for making this determination. President Lassner replied that the community colleges have established clear standards and developed a methodology for determining TEs. However, efforts to develop a consistent framework for determining TEs across the four-year campuses is ongoing. He also noted that workload is assigned by department chairs and the dean of the college is responsible for ensuring that department chairs are effectively complying with all applicable university policies. Dr. Iboshi added that instructional TEs are easily calculated given that each class is assigned an established amount of credit hours. However, the four-year campuses are experiencing difficulties in developing uniform standards for the assigning of non-instructional TEs given the complexity of some of these activities.

Regent Acoba asked if data contained in the Workload Report could be viewed by faculty members in such a way as to allow workload comparisons to be made between department colleagues. Dr. Iboshi replied that only a department chair or dean of a college has broad access to individual workload data for all faculty under their purview. While aggregate data can be viewed by all end-users, data specific to a particular faculty member can only be viewed by that individual. She stated that restrictions on data viewing were established to maintain trust and reassure faculty members that the Workload Report was not being generated to mete out disciplinary actions.

Regent Acoba expressed his belief that feedback was important for faculty members in order for them to gauge their own performance as well as to ensure that all teaching requirements are being attained.

Regent Wilson remarked that while the ability to track the amount of time devoted toward course instruction is important, of greater importance is having the capacity to determine whether stated course objectives are being met. President Lassner agreed
that determining whether stated educational outcomes are being met is important and noted that the university already has a system in place to address this issue through means such as program reviews.

Vice-Chair Nahale-a opined that the Workload Report will provide the administration with the ability to better articulate program costs which will enhance the board’s ability to have in-depth conversations about the fiscal viability of programs given the various sources of revenue available. It also offers an opportunity for the university and the board to adequately convey to the Legislature the amount of general funds required to ensure that the post-secondary educational needs of Hawai‘i are met.

Chair Moore observed that the Workload Report is a work-in-progress and stated that he anticipates future reports will contain even more refined and relevant data.

The meeting recessed at 11:33 a.m.

The meeting reconvened at 11:39 a.m.

E. Legislative Update

VP Young highlighted a number of measures and priority issues that the university is following at the Legislature this year including the university’s legislative package bills, as well as items of interest involving the administration and board, stating that the administration is actively tracking 625 of the approximately 2,500 measures introduced this legislative session. He briefly reviewed measures including legislation regarding revenue bond authorization; university assets; board composition, regent terms, and the regent appointment process; board meetings and retreats; board financial disclosure requirements; oversight and administration of community colleges; athletics; academic tenure; procurement issues; tuition waivers; Maunakea; optional retirement systems; collective bargaining; and the Research Corporation of the University of Hawaii. VP Young also reviewed the legislative calendar and timetable for the remainder of the session.

Regent Paloma left at 12:04 p.m.

Regent Acoba asked about the status of measures related to the oversight and administration of community colleges. VP Young replied that only Senate Bill No. 3355, which would require the VPCC to report directly to a standing committee on community colleges established by the board, appears to be on track to meet all applicable legislative deadlines and move forward in the legislative process.

F. Discussion and Possible Board Action on Bills in the Legislature:

H.B. No. 1849/S.B. No. 2123: Relating to State Boards and Commissions
H.B. No. 2024: Relating to Mauna Kea
S.B. No. 3155: Relating to the University of Hawai‘i Board of Regents
S.B. No. 3186: Proposing an Amendment to Article X, Section 6, of the Hawai‘i Constitution to Repeal the University of Hawai‘i Board of Regents Candidate Advisory Council

S.B. No. 3187: Relating to the University of Hawai‘i Board of Regents Candidate Advisory Council

S.B. No. 3268: Relating to University of Hawai‘i Athletics

S.B. No. 3269: Relating to Academic Tenure at the University of Hawai‘i

S.B. No. 3277: Relating to the President of the University of Hawai‘i System

S.B. No. 3354: Proposing Amendments to the Hawai‘i Constitution to Establish a Hawai‘i Community College System that is Separate from the University of Hawai‘i

S.B. No. 3355: Relating to the University of Hawai‘i Community Colleges

S.B. No. 3365: Proposing an Amendment to Article X, Section 6, of the Constitution of the State of Hawai‘i to Establish a President of Community Colleges of the University of Hawai‘i

S.B. No. 3366: Relating to Higher Education

Chair Moore provided the rationale for including this item on the board agenda noting that statutory open meeting and notification requirements impact the board’s ability to quickly respond to matters before the Legislature involving the board, or university governance, much to the consternation of legislators. He summarized a course of action used by the Board of Education (BOE), which allows the BOE to respond to legislative matters in a timely fashion. It was noted that the process involves the formation of a permitted interaction group and authorizing the group to present testimony on behalf of the BOE to the Legislature so long as the testimony is developed in accordance with positions previously adopted by the BOE. Although the possibility of creating a similar process for the board exists, a decision on adopting such a process is not permitted at this meeting since the matter has not been properly placed on the agenda.

Referencing information provided by the Board Office on certain board related measures currently before the Legislature, Chair Moore suggested a process to determine whether the regents supported taking a position on the abovementioned measures and if so, render a decision on this position by consensus. Once a position on a measure has been established, a two-person committee could be created to submit testimony on behalf of the board in conformance with those positions. He also put forward a proposal that the board only weigh in on issues involving university governance and leave matters related to university operations for the administration to address.

Regent Westerman opined that a determination should first be made as to who would be providing testimony on behalf of the board and how this will be accomplished stating his belief that the formation of a permitted interaction group was unnecessary.
Chair Moore replied that delegating the authority to submit testimony on behalf of the board to two members of board leadership could be a mechanism for consideration.

Regent Westerman made a motion to allow any two of the three members of board leadership to submit testimony on behalf of the board which reflects the position of the board based upon board discussions. The motion was seconded by Regent Haning.

Discussions ensued on the motion as well as the process being contemplated for the submittal of testimony. Regents expressed their beliefs that the process should be flexible and allow for dissenting opinions to be presented; consensus be achieved before testimony on a matter is submitted; the board interjecting on matters it has already taken a strong position on through its public actions may be unnecessary; the diversity of regent opinions on an issue be indicated where unanimous consensus is not achieved; regents with appropriate subject matter knowledge be selected to provide in-person testimony; and the dynamic nature of legislation presents challenges to capturing the true essence of the board’s position on a matter at any given time. It was also noted that issues may arise when a board member who is testifying on behalf of the board has to differentiate between the position of the board and their position as an individual regent when presented with a question.

Regent Haning remarked that the board should relish the opportunity to constructively engage in the legislative process on matters of importance to the university but agreed that strong consensus on a position should be achieved before submitting testimony declaring a position of the board.

Regent Acoba stated his belief that the board has inferentially taken a position on many of the issues being addressed by the noted measures, including Maunakea and tenure, and suggested that perhaps the board only express its sentiments on a measure upon invitation.

Regent Wilson observed that some of the bills under consideration by the Legislature are aimed at undermining the autonomy of the board and the university. VP Okinaga noted that S.B. No. 3186, S.D. 1, included a proposed amendment to the constitution to remove the term “exclusive” from the existing language that provides the board with “exclusive jurisdiction over the internal structure, management, and operation of the university”.

In light of these discussions, Regent Westerman withdrew his previous motion, with Regent Haning withdrawing his second.

Each individual measure was briefly reviewed and discussed with consensus being reached on submitting testimony expressing the board’s position on H.B. No. 2024, which relates to Maunakea, and S.B. No. 3155, which relates to the realignment of regent terms.

Vice-Chair Nahale-a commented that this exercise was important in ascertaining the thoughts and general position of the board on these measures. He also noted that this process does not preclude any regent from submitting testimony in their capacity as an individual regent.
Regent Westerman concurred with Regent Nahale-a that regents are not precluded from submitting individual testimony but cautioned that regents doing so should make it clear that the testimony submitted is not representative of the position of the board. Chair Moore agreed stating that he would refrain from submitting testimony as an individual regent due to his position as Chair.

President Lassner noted that the administration has greater agility than the board to quickly respond to legislative matters and takes a formal position on a number of matters impacting both the university and the board. He affirmed the importance of ensuring as little divergence as possible between the positions taken by the administration and regents’ perspectives when submitting testimony and that there should be no divergence in written testimony. He also stated that the administration generally takes a position on any measure it believes will be detrimental to the university, and given these discussions, will ensure that board actions and positions taken are fundamental to administration testimony.

G. Approval of an Independent Assessment of University of Hawai‘i at Manoa Athletics Department (UHM Athletics) Operations Relating to Student-Athlete Welfare and Communication

President Lassner stated that the administration was submitting a formal request for approval to conduct an independent assessment of UHM Athletics operations as they pertain to student-athlete welfare and communication. He explained that the rationale for this request was provided to the Committee on Intercollegiate Athletics (ICA) at its meeting on February 3, 2022, and presented a proposed framework for the assessment.

Regent Acoba thanked President Lassner for bringing forth the recommendation. He stated that during its January 20, 2022, meeting, the board reviewed and held considerable discussions on a number of issues and concerns with respect to UHM Athletics that were raised through various public forums. At that time, it was relayed to the board that an internal assessment to determine whether UHM Athletics responded appropriately to claims made in submitted testimony was ongoing and that a report would be provided to ICA. The regents requested that the report provided to ICA on this matter be detailed and include recommendations to remedy and improve the processing and handling of complaints. At the subsequent ICA meeting that took place on February 3, 2022, the administration reported further on this matter and recommended that an independent assessment of UHM Athletics operations as they pertain to student-athlete welfare be conducted. Committee members expressed their concurrence with this recommendation and unanimously voted in support of forwarding the matter to the full board for further discussion.

After reviewing the assessment framework presented in the formal request submitted by the administration, Regent Acoba opined that the assessor should be provided with a more focused direction that includes definite parameters as to what the assessment should involve and suggested that it would be beneficial for ICA to review and refine the details contained within the formal request and submit its
recommendations to the full board for approval. As such, he moved that this matter be referred to ICA for further discussion.

Vice-Chair Kudo expressed his concern that the assessment framework presented lacked a well-defined scope and concurred that it would be helpful for ICA to revisit and thoroughly discuss this recommendation.

Regent Wilson seconded the motion made by Regent Acoba.

Regent Higaki echoed the previous comments but noted the urgency of this matter and suggested the possibility of having a special ICA meeting as soon as practical.

Vice-Chair Nahale-a stated his belief that, while the accusations that have been made are serious, the information presented to the board thus far appears to indicate that no illegal activity occurred within UHM Athletics. Nonetheless, he agreed that challenges exist within UHM Athletics and supported carrying out an independent assessment since it will afford an opportunity for these issues to be addressed.

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

Regent Acoba inquired as to status of the administration’s review and follow-up of all allegations made in testimony submitted to the Senate Committee on Higher Education. President Lassner replied that the administration’s review and follow-up has been completed and that a spreadsheet containing this information will be provided to the selected assessor with necessary redactions made in accordance with the Family Educational Rights and Privacy Act. Regent Acoba asked if this signified that the claims were resolved. President Lassner responded that the spreadsheet was not an indication of claim resolution but was more akin to a status report that listed allegations, facts, and follow-up actions taken.

H. Approval of the Comprehensive Plan to Achieve a Reimagined University of Hawai‘i (Reimagining Plan)

Chair Moore noted that the Reimagining Plan was developed in response to a request made by the board. While the latest version of the Reimagining Plan was presented at the board meeting on January 20, 2022 meeting, it has not yet been approved by the board as was required by the initial request to develop the plan. It was also noted that three regents were not present during the initial presentation and discussion and that this would be an opportunity for regents to provide feedback on this matter.

Chair Moore inquired as to whether there was any additional information regarding the Reimagining Plan that needed to be presented to the board. President Lassner responded that he did not believe it was necessary to provide any additional information beyond what has already been presented. He emphasized that the Reimagining Plan was created to demonstrate the administration’s theory on actions that should be taken by the university to address challenges uncovered by the COVID-19 pandemic as well
as some of the specific actions taken to address these challenges. He also stressed that the administration viewed the Reimagining Plan as a living document subject to changing conditions and believed that its essence should be incorporated into the next strategic plan to assist the university in creating a more durable institution.

Vice-Chair Kudo opined that the board's intent in asking for the creation of a Reimagining Plan was for the administration to formulate a long-term vision for the university that would allow it to withstand any future difficulties. The Reimagining Plan should serve as a guide for the development of strategic planning efforts that will allow the university to thrive in its multi-faceted mission and ensure continuing sustainability and viability. As presented, the Reimagining Plan appears to be more about lessons learned and actions taken during the pandemic as opposed to the creation of a long-term vision. Additionally, the Reimagining Plan lacks specifics about how the university will achieve the broad goals contained within the document. He noted his expectations for the Reimagining Plan stating that, at a minimum, it should include specific actions that will be taken to achieve the vision and mission of the university, as well as metrics and milestones to measure the efficacy of these actions. While the Reimagining Plan presented was a good beginning, Vice-Chair Kudo expressed his concerns with the vagueness of the document and suggested that it be referred to the Committee on Academic and Student Affairs (ASA) for further refinement.

Regent Westerman echoed the remarks of Vice-Chair Kudo stating that a well-defined vision is important to the implementation of an effective strategic plan. While the Reimagining Plan contains a number of laudable goals and initiatives, it does not set forth a succinct vision for the university. He expressed his belief that the university needs to develop a vision that concisely lays out what the university wishes to achieve in its future and serves as a guide for successful attainment of these achievements.

Vice-Chair Nahale-a agreed with the previous sentiments adding that, while a tremendous amount of time and effort have been put into creating the Reimagining Plan, it is not quite what the board was expecting and should be further refined.

Vice-Chair Kudo moved to refer the Reimagining Plan to ASA for further focus and refinement and the motion was seconded by Regent Wilson.

Regent Haning asked if this matter had previously been reviewed by a board standing committee. President Lassner responded in the negative.

Chair Moore stated that the vision and mission of the university is an issue that is always at the forefront of the list of topics that regents believe should be discussed at a board retreat. Given that the university's strategic planning process is already underway, he noted the importance of addressing this issue in a timely manner and submitted that the matter could be taken up at the next ASA meeting or at a soon-to-be-held board retreat.

Vice-Chair Nahale-a stated that, although he found the lack of public feedback on this issue puzzling, a dual approach to discussing this matter would allow for greater public input.
Regent Wilson remarked that having ASA review the Reimagining Plan prior to a board retreat will help to facilitate a more relevant and focused discussion of the Reimagining Plan at the retreat.

Regent Haning agreed with the comments already made, applauded the work done on the Reimagining Plan, and stated his support for the matter being referred to ASA. He then called for the question. Chair Moore added that this is one of the most important issues the board will ever address, as it will impact the university for a long term.

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

Regent Acopan left at 1:54 p.m.

I. Discussion and Possible Board Action on the Report of the Senate Concurrent Resolution 201 (SCR 201) (2021) Task Force (SCR 201 Task Force) and Findings and Recommendations of the Dissolved Tenure Permitted Interaction Group (Tenure Group)

Chair Moore requested Regent Wilson to lead the discussions on this item since he was a member of both the SCR201 Task Force and Tenure Group.

Regent Wilson provided background on both the SCR201 Task Force and Tenure Group, expounding upon the rationale for the establishment of each group and detailing the work both conducted over the past several months. He reviewed a comparative summary of recommendations made by both groups stating that, unlike the broad nature of discussions on tenure that were undertaken by the Tenure Group, the focus of the SCR201 Task Force’s charge was confined to the scope of work outlined in SCR 201. He stressed that the recommendations of the Tenure Group were meant to be a starting point for discussions on how to improve the university’s tenure system and was not intended to eliminate tenure altogether. He also stated his belief that the intent of both groups was to determine whether there were issues related to tenure that needed to be addressed and provide possible solutions to address any issues discovered.

Vice-Chair Kudo echoed the comments made by Regent Wilson with respect to the work of the Tenure Group reiterating that its purpose was not to eliminate tenure but rather to improve, streamline, and modernize tenure for survivability. He provided additional perspectives on the rationale and necessity for reviewing and discussing this issue, highlighting that numerous universities across the nation have also been wrestling with addressing the concepts of tenure. It was also noted that the Tenure Group was established prior to the adoption of SCR 201 and the formation of the SCR201 Task Force. While there is some overlap between the scope of work conducted by, as well as the recommendations of, both groups, they are not completely concurrent and trying to reconcile the recommendations will prove to be problematic. He suggested that the board consider the adoption of a resolution instructing the administration to collaboratively review the various issues of tenure with faculty, UHPA,
and other interested parties, in light of the recommendations made by both the Tenure Group and SCR201 Task Force, and offered his services for drafting the resolution.

Regent Haning noted his personal experiences with obtaining tenure at the university. He expressed his belief that the purpose of the Tenure Group was not to destroy tenure as some have suggested. Rather, he viewed it as an opportunity to obtain a better understanding of the basis for and value of tenure at the university that would allow for its improvement.

Regent Acoba requested clarification as to the objectives of this discussion and asked if the Tenure Group’s findings and recommendations were considered by the SCR201 Task Force. Chair Moore described the work of both groups stating that this work has been completed and that findings and recommendations of each have been issued in separate reports. While the SCR201 Task Force did consider the findings and recommendations of the Tenure Group, he noted that the scope of the SCR201 Task Force was limited to the specific questions set forth in SCR 201. He also stated that the administration and UHPA are moving forward with the recommendations made in the SCR201 Task Force’s report and the board needs to decide whether it will support this action or proceed in another direction.

Regent Acoba stated his recollection that a plethora of testimony was received in opposition to the Tenure Group’s report, particularly with respect to the composition of the Tenure Group. He expressed his concerns with the reports of both the Tenure Group and SCR201 Task Force but stated his preference for adopting the recommendations of the SCR201 Task Force report particularly given the fact that the SCR201 Task Force considered the findings and recommendations of the Tenure Group.

Vice-Chair Kudo clarified the composition of the Tenure Group explaining that one of the difficulties in allowing faculty members to participate in the group was in determining which faculty members should be included. He also noted differences in the charges of both the Tenure Group and SCR201 Task Force, as well as the approach by each to address this issue, stating that this accounted for the variances between their reports and recommendations.

Chair Moore expressed his views on the charges, approaches, and recommendations of the Tenure Group and SCR201 Task Force stating his belief that the divergence between the two was much less than it might have initially appeared. He suggested that one possible action for tackling this matter would be to adopt the recommendations and next steps contained within the SCR201 Task Force report with the understanding that they would be considered jointly amongst the administration, UHPA, and university faculty, and that the President would provide progress reports on this work to the board. He also stated that the need to make changes with respect to tenure is clear and that no purpose would be served by delaying the start of this work. Chair Moore added that there were lessons learned in this process that can be used in addressing the formation of future permitted interaction groups so that the concerns raised with respect to the Tenure Group are minimized in the future.
Regent Acoba moved that the board adopt the recommendations and next steps contained within the SCR201 Task Force report; that they be taken up jointly by the administration, UHPA, and faculty members; and that the President be requested to provide regular progress reports on this work. The motion was seconded by Regent Westerman.

Vice-Chair Kudo stated that he would be voting against the motion opining that adopting the recommendations of the SCR201 Task Force will only serve to delay necessary progress on improving tenure at the university.

Regent Wilson expressed his sentiments that consideration be given to the recommendations of both the Tenure Group and SCR201 Task Force concurrently and that failing to do so will not allow for adequately addressing the university’s tenure system issues. He stated that he would also be voting against the recommendation.

Regent Haning requested clarification of the motion. Board Secretary Oishi restated the motion.

There having been a motion that was moved and seconded, a roll call vote was conducted, and noting the no votes of Vice-Chair Kudo and Regent Wilson, and the excused absences of Regents Acopan and Paloma, the motion carried with all other members present voting in the affirmative.

VIII. EXECUTIVE SESSION (closed to the public)

Regent Bal made a motion to convene in executive session, seconded by Regent Haning, and noting the excused absences of Regents Acopan and Paloma, and with all other 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 Sections 92-5(a)(4), HRS.

The meeting recessed at 2:43 p.m.

Regent Acopan returned at 2:51 p.m.

Chair Moore called the meeting back to order at 3:24 p.m. and announced that the board met in executive session to discuss matters as stated on the agenda.

IX. AGENDA ITEMS (CONTINUED)

A. Update on Board of Regents Retreat

Chair Moore reported that a board retreat has been tentatively scheduled to take place at Windward Community College. He explained that the retreat would be a public meeting and expressed his hope that it could be conducted in-person. It was noted that the retreat may possibly occur on a Saturday, that Mr. Peter Adler has been tentatively selected to serve as the retreat facilitator, and that Board Secretary Oishi will be polling regents for their availability. While a retreat agenda is still being developed, it will definitely include the issue of the mission and vision of the university.
X. **ANNOUNCEMENTS**

Chair Moore announced that the next board meeting was scheduled for March 17, 2022, at a location to be determined.

XI. **ADJOURNMENT**

There being no further business, Chair Moore adjourned the meeting at 3:27 p.m.

Respectfully Submitted,

/S/

Kendra Oishi
Executive Administrator and Secretary
of the Board of Regents