

MINUTES
BOARD OF REGENTS MEETING
MARCH 23, 2023

I. CALL TO ORDER

Chair Moore called the meeting to order at 9:02 a.m. on Thursday, March 23, 2023, at the University of Hawai'i (UH) at Mānoa, Information Technology Building, 1st Floor Conference Room 105A/B, 2520 Correa Road, Honolulu, Hawai'i 96822.

Quorum (11): Chair Randy Moore; Vice-Chair Alapaki Nahale-a; Vice-Chair Ernest Wilson; Regent Eugene Bal; Regent William Haning; Regent Wayne Higaki; Regent Gabriel Lee; Regent Laurel Loo; Regent Abigail Mawae; Regent Diane Paloma; and Regent Laurie Tochiki.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Academic Strategy Debora Halbert; 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 Chancellor Bonnie Irwin; UH West O'ahu (UHWO) Chancellor Maenette Benham; Associate VP for Legal Affairs Gary Takeuchi; Interim Associate Vice President for Academic Affairs for the UH Community College System Della Teraoka; Interim Executive Administrator and Secretary of the Board of Regents (Interim Board Secretary) Jamie Go; and others as noted.

II. APPROVAL OF THE MINUTES

Chair Moore inquired if there were any corrections to the minutes of the February 16, 2023, and March 2, 2023, meetings which had been distributed. Hearing none, the minutes for both meetings were approved.

III. PUBLIC COMMENT PERIOD

Interim Board Secretary Go announced that the Board Office received late written comments from Abraham Elimimian regarding the Independent Assessment of UHM Athletics Department Operations Relating to Student-Athlete Welfare and Communications.

Late written comments were also received from Malie Moe, President of the Associated Students of the UHWO, in support of a resolution aiming to implement free period products on all campuses of the UH System.

Regent Bal arrived at 9:09 a.m.

Jill Nunokawa provided oral comments on the Independent Assessment of UHM Athletics Department Operations Relating to Student-Athlete Welfare and Communications as well as the position of Faculty Athletics Representative at UHM.

She also provided late written comments on the Faculty Athletics Representative position at UHM.

[Late Written Testimony Comment Received](#)

Maile Meyer provided oral comments seeking support for various issues related to art exhibition, art instruction, art history, visual art culture, and studio art practices involving Kānaka 'Ōiwi and kānaka perspectives.

Kaleo Quiroga and Thomas Flores provided oral comments in support of addressing various needs facing Kapi'olani Community College students.

Regent Nahale-a arrived at 9:18 a.m.

IV. REPORT OF THE PRESIDENT

A. SCR 201 Consultation Update

The administration continues to work with stakeholders on proposed amendments to Executive and Regents Policies crafted by the SCR 201 Steering Committee to address the recommendations of the SCR 201 Task Force. President Lassner stated that drafts of the suggested policy changes, as well as faculty classification recommendations for the four-year campuses, have been distributed to the University of Hawai'i Professional Assembly and all of the faculty senates for formal consultation; updates have been made to the policy review website, which contains links to all of the consultation documents; and meetings have been held with the faculty senates at UHM and UHWO to answer questions related to the policy and faculty classification proposals. Due to concerns raised about the established consultation deadlines given the breadth of materials provided to stakeholders for review and comment, the SCR 201 Steering Committee is considering the use of a phased consultation approach that will afford greater opportunity for apprehensions regarding the proposed changes to be addressed in such a way that progress on implementation of these changes can be made with minimal delay. The administration remains hopeful that adoption of these changes will take place within a year.

B. Extramural Funding Update

The university has received just over \$371 million in extramural funding to date, which represents about a seven percent decrease in the amount received as compared to the same day last year. It was noted that much of this decline can be attributed to a backlog in the processing of proposals and grants caused by staffing challenges within the Office of Research Services (ORS). However, the administration expects ORS to be fully staffed by mid-April, which should allow for the aforementioned backlog to be addressed, and believes that extramural funding will once again exceed the \$500 million threshold for the second fiscal year in a row. The administration is also reviewing extramural funding data to better understand where growth and regression is occurring so that it can be determined as to whether any systemic changes need to be made to improve performance in securing external monies.

Although the amount of extramural funds received by the university is important, President Lassner emphasized that the far-reaching economic impacts receipt of this money has on the state, particularly through the creation of thousands of employment opportunities, is of even greater significance. He also stated that the sums of external funds being obtained, as well as the array of sources providing this funding, serve as a testament to the community's trust in the university as a premier research institution.

C. Athletic Director (AD) Hiring Process Update

The search advisory committee charged with generating a list of individuals to replace UHM AD David Matlin, who will be retiring on June 2, 2023, has begun the process of reviewing and vetting submitted applications for the position in order to decide which applicants it will interview. Upon completion of its work, the search advisory committee will present an unranked list of qualified candidates to President Lassner for final consideration. It was noted that applications received by the search advisory committee encompassed a diverse array of individuals from Hawai'i and beyond, and that all individuals who were nominated for the position by a third party were informed about the application process. It was also noted that input on the desired qualities of the next UHM AD was sought from every student-athlete and every athletic department staff member via a survey and that this information, along with background materials about the UHM Athletics Department (UHM Athletics), has been provided to the search advisory committee for consideration during its decision-making process. Although the application deadline for the position was March 10, 2023, President Lassner stated that the search for a new UHM AD will remain active until an official appointment is made by the board but stressed that he expects to seek board approval of this appointment in May 2023.

D. Stadium Update

President Lassner discussed the demise of Aloha Stadium, as well as the multiple facility oversight responsibility configurations and funding models that have been proposed for what is being termed the New Aloha Stadium Entertainment District, or NASED. He went over some of the key details contained within the most recent public-private partnership request for proposals (P3 RFP) that was developed by the Stadium Authority and the Department of Accounting and General Services (DAGS) over the course of three years; noted significant actions taken by the Legislature during the Regular Session of 2022 that will impact the project, such as placing the Stadium Authority under the administrative auspices of the Department of Business, Economic Development and Tourism rather than DAGS, as well as the appropriation of nearly \$400 million in combined capital improvement project and general fund revenues for NASED; and spoke about proposals made by the former and current gubernatorial administrations to pivot the P3 RFP to address the legislative actions taken in 2022, as well as concerns with the financial implications of the NASED project as presently put forth. He also remarked that the development of a new stadium and its adjoining areas remains a high priority of the current governor's administration; stated that multiple parties and stakeholders are currently engrossed in detailed conversations about a modified P3 RFP approach to completing the NASED project; and emphasized that, while the university remains cognizant of ongoing activities and discussions related to

the NASED project, its role in this matter is limited to the president of the university's service as a statutorily designated ex officio non-voting member on the Stadium Authority. It is hoped that agreement on a path forward will be reached soon so that implementation can begin as soon as possible.

The university continues to move forward with board approved upgrades to the Clarence T.C. Ching Field (Ching Field) that are necessary to comply with National Collegiate Athletic Association (NCAA) requirements. The project to increase seating capacity at Ching Field remains on track and is expected to be completed in time for the first home football game of the season which is scheduled for September 1, 2023. Plans are also in place to mount the scoreboard from Aloha Stadium on the Les Murakami Stadium to provide a better fan experience at Ching Field.

E. Other

The university continues to receive numerous inquiries from the Legislature with over 5,800 pages of responses being provided to date.

Although it would be premature to report on fall enrollment numbers, tracking of applications for the fall semester of 2023 that have been received thus far indicates that the university, as a system, is experiencing positive enrollment with a mix of increases and decreases across the various campuses. However, President Lassner cautioned that these figures are extremely preliminary and will continue to fluctuate throughout the fall enrollment period.

F. UHM Campus Presentation

Provost Bruno began by speaking about four high-level strategic goals that were developed to achieve UHM's mission and vision for the future while enhancing alignment with the strategic direction plans of the university stating that UHM is a world-class, Carnegie R1 doctoral institution that must never lose sight of its primary goal to foster student centered success and address the needs of the communities it serves. He then proceeded to present information on UHM's fall 2022 enrollment statistics and student population demographics highlighting the ethnic diversity of the campus; the increase in overall headcount enrollment; the sizable number of Native Hawaiian, freshman, and first-generation college students enrolled at UHM; and a slight decrease in the number of transfer students from other universities, as well as the university's community college system, which UHM hopes to address through improved outreach efforts and transition pathways. He also reviewed trend data related to various performance metrics used to define student success including one-year retention rates, four-year and six-year graduation rates, and average time-to-degree (TTD) noting that, despite witnessing a slight dip, UHM's overall retention rate remains high; graduation rates experienced in 2022 were the highest in UHM history; and average TTD continues to improve.

It was noted that UHM was recently ranked among the top two percent of public universities in the world and that several academic programs of study available at UHM have achieved distinctions for academic excellence. As a Carnegie R1 designated

doctoral university, UHM also continues to perform well in achieving research excellence, ranking near the top with respect to extramural funding and expenditures in several scientific fields, and experiencing numerous successes in research and development projects. While attainment of academic and research excellence is beneficial to the status of UHM as a premier public institution of higher education, as well as the educational outcomes of students, Provost Bruno explained that it also has a positive effect on the community and reviewed stories of some of these impacts.

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. 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 undergraduate students.

Regent Tochiki arrived at 9:42 a.m.

A comparison of overall revenues and expenditures for UHM since fiscal year 2018 was provided with Provost Bruno stating that revenues have exceeded expenses in each of the last five 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.

Although challenges will undoubtedly be faced in the future, Provost Bruno remarked that UHM remains committed to pursuing even greater academic achievements and research excellence through actions such as strategic hiring, expanding support for student wellness and student academic success, connecting world-class research with student learning, and investing in major cross-campus initiatives, and that doing so will lead to the development of a more viable university that is well-equipped and repositioned to further contribute to the social and economic wellbeing of the people of Hawai'i.

Student Report

Due to scheduling conflicts, representatives from the Associated Students of the University of Hawai'i at Mānoa were not available to provide a presentation at this meeting.

Mark Willingham, 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. He highlighted the accomplishments of GSO over the past year, including the implementation of an Executive Policy related to graduate assistant (GA) sick and bereavement leave and the attainment of salary step

increases for GAs; noted that GSO will continue to advocate for graduate students through active engagement with the administration on various issues; and spoke about several GSO sponsored social events. GSO also continues to forge ahead with its grants and awards program and its merit-based awards program, both of which offer opportunities for graduate students to enhance their education by providing funding for attendance at conferences and research projects, increasing the number of awards and grants allocated as well as their monetary amounts over the last year.

Kūali'i Council

Keali'i Gora, Administrator of the Kūali'i Council, spoke about the mission of the Kūali'i Council stating that its primary focus is to honor, empower, and advance Native Hawaiian people, culture, and language through excellence in higher education. He provided historical context to the establishment of the Kūali'i Council in 2001 and emphasized that it is a self-determining organization in all matters relating to Native Hawaiian teaching, research, publication, and service.

Kūali'i Council members Alyssa Purcell, Ku'uilei Salzer, Kekūpa'a Knutson, and Kaiwipunikauikawēkiu "Punihei" Lipe, went over some of the impediments faced by Native Hawaiian students in achieving their post-secondary educational goals that have been identified by the Kūali'i Council and spoke about strategies to address these challenges. They also discussed collaborative approaches that can be used to execute the university's strategic plan with respect to fulfilling its kuleana to Native Hawaiians and Hawai'i by modeling what it means to be an indigenous-serving and indigenous-centered institution.

Regent Higaki left at 10:03 a.m.

Faculty Report

Kim Binsted, UHM Faculty Senate Chair, reviewed the membership, committee structure, and operational processes of the Mānoa 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 1,700 faculty members, and often serves as the representative for the Faculty Congress. She also discussed the Faculty Senate's shared governance role at UHM and went over ways this shared governance is achieved; talked about the Faculty Senates involvement in efforts to redesign the university's general education curriculum and implement proposed policy changes related to tenure and faculty classifications; and reviewed several wide-ranging faculty achievements that have occurred over the past year.

Staff Report

Carl Dionne, Chair of the Mānoa Staff Senate (MSS), explained that MSS is an officially-recognized shared governance body that serves as the voice for approximately 1,900 staff at UHM and is responsible for collaborating with the UHM administration on university policies and operations that impact staff. He reviewed the work of MSS over the past year including the holding of several forums to discuss a number of issues of importance to staff and reported on some of its top priorities for 2023, such as clarifying

the shared governance role of MSS with the administration. In addition, he stated that MSS continues to provide representation at campus-wide committee meetings, as well as on search advisory hiring committees, and remains actively involved in providing consultative feedback on administrative and academic reorganization plans.

Regent Lee questioned whether the minimum qualification of three years of collegiate athletics administration experience was heavily weighted in the selection process for a new UHM AD. President Lassner replied that, as is the case with the majority of personnel recruitment efforts, any equivalent combination of education and experience can be used to meet the minimum qualification requirements.

Regents commended the work of Provost Bruno, the Kūali'i Council, and the faculty, staff, and students of UHM, expressing their appreciation for the incorporation of the new university strategic plan's tenets into the various presentations and remarking that the collaboration on, involvement in, and genuine concern for improving the campus and its educational efforts was impressive.

V. REPORT OF THE PŪKO'A COUNCIL

Keali'i Gora, Administrator for the Pūko'a Council, explained that Native Hawaiian councils have been established on each of the ten campuses of the university system. The Pūko'a Council serves as the systemwide Native Hawaiian council for the university and is comprised of representatives from every campus council. He presented an overview of the mission and purpose of the Pūko'a Council, stating that the Council envisions a university that is committed to the empowerment, advancement, and self-determination of Kānaka Maoli, through distinctly Hawaiian instruction, research, and service, and discussed key ways in which the Council hopes to fulfill its kuleana.

Alapaki Luke and Kahelalaniokahakai Cruz, representatives serving on the Pūko'a Council, expounded upon the goals of the Pūko'a Council stating that the Council strives to position the university as one of the world's foremost indigenous-serving institutions where Native Hawaiians thrive, traditional Hawaiian values and knowledge are embraced, and university scholarship and service advance all Native Hawaiians and Hawai'i. They also went over some of the metrics that will be used to determine successful achievement of these goals, such as increasing the number of Native Hawaiian students, faculty, staff, and administration in the university system to 23 percent, which mirrors the percentage of Hawaiians in Hawai'i's general population, and spoke about the need for greater administrative and financial support for each of the Native Hawaiian campus councils, as well as the Pūko'a Council. A suggestion was made that a member of the board meet regularly with representatives of the Pūko'a Council in order to enhance communications on issues at the university that impact Native Hawaiians.

Chair Moore stated that due consideration would be given to the suggestion made regarding a member of the board meeting regularly with Pūko'a Council representatives.

Vice-Chairs Nahale-a and Wilson praised the work of the university's Native Hawaiian councils in addressing the many issues affecting Native Hawaiian members of

the university community, as well as their efforts at creating a model indigenous-serving institution, and expressed their belief that the university can do a better job in supporting Native Hawaiian programs and the various Native Hawaiian councils.

VI. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Budget and Finance

B. Report from the Committee on Planning and Facilities

C. Affiliate Reports

1. Research Corporation of the University of Hawai'i (RCUH)

2. Maunakea Stewardship and Oversight Authority (MKSOA)

Chair Moore referred regents to the respective standing committee reports from the February 2, 2023, committee meetings, as well as the affiliate reports for RCUH and MKSOA, which were contained in the materials packet.

VII. AGENDA ITEMS

A. Consent Agenda

- 1. Approval to Authorize the Issuance of a Merchant (Credit Card) Services Contract Pursuant to a Request for Proposals (RFP) to Provide Merchant Services for the University of Hawai'i System, RFP No. 23-5944**
- 2. Approval of an Indemnification Provision in an Agreement between the Ernest Orlando Lawrence Berkeley National Laboratory ("LBNL") and the University of Hawai'i ("UH")**
- 3. Approval of an Indemnification Provision in a Contract Issued by the International Organization for Migration ("IOM") to the University of Hawai'i ("UH")**

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

The meeting recessed at 10:42 a.m.

Regent Higaki returned at 10:43 a.m. and left at 10:48 a.m.

The meeting reconvened at 10:49 a.m.

B. Discussion of the Independent Assessment of UH Mānoa Athletics Department Operations Relating to Student-Athlete Welfare and Communications (Independent Assessment) (Redacted)

Chair Moore provided historical context to the commissioning of the Independent Assessment highlighting major milestones that have occurred since complaints made by some UH football student-athletes first surfaced in December 2021. He stated that more detailed information on this matter could be found in the memorandum contained within the materials packet provided to regents. Some of the events mentioned included a joint informational briefing held by the Higher Education and Ways and Means Committees of the Hawai'i State Senate on January 7, 2022; meetings held in January, February, and March 2022 by the board and its Committee on Intercollegiate Athletics to discuss concerns raised at the January 7, 2022, briefing; the processes that led to the selection of College Sports Solutions (CSS) as the entity that would be performing the Independent Assessment; and the timeline of events leading up to the submittal of a final report by CSS. Chair Moore also explained the necessity of having an executive session on this issue stating that CSS's report was redacted before being publicly released to comply with the requirements of the Family Educational Rights and Privacy Act, a federal law that prohibits the disclosure of educational records without obtaining written consent from the student. As such, he cautioned regents to limit the public discussion to matters that do not relate to individual students.

Jeff Schemmel, Founder and President of CSS, briefly spoke about his intercollegiate athletics, as well as legal, background, and underscored the wealth of experience with respect to intercollegiate athletics matters embodied in the former administrators, coaches, attorneys, and media experts employed by CSS. He reviewed the scope of the assessment emphasizing its specificity, particularly regarding adherence to the requirements of Regents Policy 7.208; went over the materials that were reviewed, including the recording of the January 7, 2022, briefing in its entirety; noted that approximately 43 interviews were conducted, 21 of which were with student-athletes; discussed the interview process, underscoring that interviewees were given the option of speaking to the CSS representative without additional individuals being present in the room; talked about the confidentiality requirements that were adhered to; explained the reasons for delays in submitting the final report, stating that difficulties were experienced in scheduling the necessary interviews to present a complete and accurate document; summarized the findings of the report, emphasizing that the university and UHM Athletics were compliant with existing policies and procedures and handled matters appropriately; and reviewed each of the recommendations made by CSS, the majority of which relate to student-athlete welfare.

Chair Moore remarked that the purpose of the Independent Assessment was not to attribute blame but rather, was to determine if UHM Athletics and the university responded appropriately to the issues raised by student-athletes and whether any improvements could be made to the manner in which these concerns are attended to and acted upon.

Regent Lee asked whether the Faculty Athletics Representative (FAR) served as a de-facto ombudsman for student-athletes. Mr. Schemmel remarked that the duties and responsibilities of a FAR vary greatly from institution to institution. While the FAR at UHM takes an active role addressing the concerns of student-athletes, this is not always the case elsewhere. In addition, the FAR is also a faculty member of the university and

CSS believes having a dedicated ombudsman position at UHM would work to better serve the student-athletes.

Regent Mawae expressed her concerns regarding the breadth, fairness, and accuracy of the report submitted by CSS given her understanding that having an individual from the UHM Athletics present in the interviews was not optional. Additionally, there did not appear to be a representative sampling of the entire population of student-athletes at UHM since the student-athletes that were interviewed were mainly from a single sport, football. As a former student-athlete, she also questioned the correctness of statements in the report regarding meetings being held with individual student-athletes to discuss the content of the Student-Athlete Handbook since she was never a party to such a meeting during her career. Mr. Schemmel agreed that it would be best if meetings on the contents of the Student-Athlete Handbook occurred with every student-athlete. He also stated that time constraints placed on conducting the assessment and producing a thorough report required selective interviews with student-athletes associated with the sports for which concerns were raised and stressed that the student-athletes that were interviewed were very forthright despite the presence of an individual from UHM Athletics being in the room.

Chair Moore asked for clarification as to why a UHM Athletics' representative was permitted to be present during interviews. Mr. Schemmel replied that, after interview requests were made, CSS was informed about several individuals expressing their unease with taking part in one-on-one interviews. As such, UHM Athletics inquired as to whether CSS would object to a UHM Athletics' representative being present in the room while the interview was being conducted if the interviewee so chose. Since it was CSS's understanding that the UHM Athletics' representative present in the room during an interview would not have a direct affiliation with, or oversight responsibility for, the interviewee, their presence in the room was not viewed as being detrimental to the process. Mr. Schemmel also reiterated that interviewees were given the option of requesting that the UHM representative be excluded from the interview prior to the beginning of each meeting.

Vice-Chair Wilson inquired about the number of student-athletes interviewed by CSS. Mr. Schemmel replied that individual interviews were conducted with 21 student-athletes. Additionally, group interviews were held with the Student-Athlete Advisory Committee (SAAC) and Football Championship Council which collectively involved about 25 to 30 student-athletes.

Regent Tochiki voiced her concerns about an intercollegiate athletics culture that encourages student-athletes to "tough it out" when challenges arise and asked for CSS's assessment of this issue. Mr. Schemmel responded that this is a challenge facing intercollegiate athletics programs across the nation and that the NCAA has made addressing the mental health and well-being of student-athletes one of its top priorities. He also stated that, in his opinion, athletic departments and institutions should take every opportunity to speak to student-athletes about this matter and continually encourage student-athletes to seek assistance when issues surface.

Regent Mawae questioned why the scope of the Independent Assessment appeared to be limited to issues revolving around the football program, as well as men's and women's basketball programs, and not UHM Athletics in its entirety given that the existence of 18 other athletic programs. She also stated her belief that representation from these other sports programs was lacking among the interviewees. Mr. Schemmel replied that the board approved terms for the Independent Assessment, which were highly specific, governed its scope. He also noted that student-athletes from other sports programs were interviewed by virtue of meetings held with the SAAC and that input from those student-athletes was valuable in developing the recommendations made by CSS.

Regent Loo sought the names of the UHM Athletics' representatives present in the room during the interviews. She also asked CSS for assurances that interviewees were offered the opportunity to request one-on-one interviews without a UHM Athletics representative in attendance when discussions took place. Mr. Schemmel stated that either Joel Matsunaga, a UHM Athletics human resources representative, or Dr. Scott Sinnet, the UHM FAR, was present in the room during the interviews, and assured regents that a discussion about an interviewee's options with respect to having an UHM Athletics' representative in the room took place prior to the beginning of each interview.

Regent Mawae requested clarification on Mr. Matsunaga's role in UHM Athletics as well as the rationale for his selection as one of the individuals for inclusion in the interview process. Mr. Schemmel replied that he was unaware as to the reason Mr. Matsunaga was chosen to be a UHM Athletics' representative in the interview process. AD Matlin stated that, while he was made aware of individuals requesting the presence of a UHM Athletics' representative in their interviews, he was not involved in the selection of the representatives so as to maintain the integrity of the interview process as well as the Independent Assessment. However, he noted that the individuals selected to serve as UHM Athletics' representatives did not have any direct ties to, or lines of oversight responsibility for, the interviewees, the coaches, or the matters being discussed. Mr. Matsunaga added that he was selected to serve as one of UHM Athletics' representatives due to his current status as a part-time employee of the department charged with addressing special projects, his detachment from the athletic programs being talked about, and the knowledge he possessed with respect to athletic department operations given his previous experience as the Associate AD for External Affairs. He briefly spoke about the interview process, emphasizing that the presence of the UHM Athletics' representative in the interview was to add a level of comfort for the interviewee, but stressing that each was given the option of meeting one-on-one with CSS prior to the initiation of discussions. It was also mentioned that Mr. Schemmel provided additional avenues for interviewees to contact him directly via phone or email to discuss issues privately. Regent Mawae continued by asking Mr. Matsunaga if he had prior experience engaging with student-athletes. Mr. Matsunaga replied in the affirmative stating the he regularly interacted with student-athletes when serving as Associate AD for External Affairs.

Vice-Chair Wilson asked if all interviewees were presented with the same set of questions. Mr. Schemmel stated that the inquiries made by CSS were based upon the

individual being interviewed given that some interviewees faced unique situations while other interviewees were privy to information regarding specific issues brought up during the January 7, 2022, informational briefing. However, he noted that there were a number of standardized questions asked of each interviewee.

Vice-Chair Nahale-a questioned whether there were any issues identified by CSS during its assessment in which UHM Athletics was not on par with its peers. Mr. Schemmel responded that one issue that UHM Athletics fell slightly behind its peers in was the speed at which a student-athlete could obtain mental health assistance. However, he stressed that this problem was not unique to UHM Athletics.

Referencing previous questions asked about the interview process, Vice-Chair Nahale-a asked Mr. Schemmel to share his thoughts on whether or not he felt that student-athletes and athletic department personnel were transparent about the issues they were facing. Mr. Schemmel stated that, without exception, he believes that he received honest opinions and feedback from the student-athletes and athletic department personnel that were interviewed despite having a UHM Athletics representative present in the room during the interview. Vice-Chair Nahale-a then proceeded to ask Mr. Schemmel whether he received additional information or commentary from individuals after their initial interviews. Mr. Schemmel responded in the affirmative but highlighted that he only received additional comments from athletic department staff. Although he provided student-athletes with his personal email and phone number with a request to be contacted should any issues arise or if they had any additional information to share, no calls or emails were received.

VIII. EXECUTIVE SESSION (closed to the public)

Prior to seeking a motion to convene in executive session, Chair Moore stated that public discussion on the Independent Assessment would continue after the conclusion of the executive session.

Vice-Chair Wilson moved to convene in executive session, seconded by Regent Loo, and noting the excused absence of Regent Higaki, and with all other members present voting in the affirmative, the board approved convening in executive session to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order, pursuant to Section 92-5(a)(8), Hawai'i Revised Statutes (HRS); to consult with the board's attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)4, HRS; and 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.

The meeting recessed at 11:44 a.m.

Chair Moore called the meeting back to order at 12:49 p.m. and announced that the board met in executive session to discuss matters as stated on the agenda.

IX. AGENDA ITEMS (CONTINUED)

A. Personnel Actions (A1 for approval)

Chair Moore stated that personnel actions for approval included the appointment of Yvonne Lau as the Executive Administrator and Secretary of the Board of Regents at an annual total compensation of \$135,000.

Regent Loo moved to approve the appointment of Yvonne Lau as Executive Administrator and Secretary of the Board of Regents, seconded by Vice-Chair Wilson, and noting the excused absence of Regent Higaki, the motion carried with all members present voting in the affirmative.

Regents congratulated Ms. Lau on her appointment. Ms. Lau thanked the board and stated that she was looking forward to working with regents.

The board proceeded with discussion on the Independent Assessment as noted by Chair Moore prior to convening in executive session.

VII.A Discussion of the Independent Assessment of UH Mānoa Athletics Department Operations Relating to Student-Athlete Welfare and Communications (Independent Assessment) (Redacted)

In light of the information received by the board with respect to the Independent Assessment and given the recommendations made by CSS in its report, Vice-Chair Wilson moved to refer the matter to the Committee on Intercollegiate Athletics for further discussion and possible action. The motion was seconded by Regent Mawae.

Chair Moore suggested that the motion be amended to also include discussion and possible action on the UHM Athletic Department's responses to the recommendations made by CSS. Vice-Chair Wilson and Regent Mawae concurred with this suggestion.

Regents expressed their support for this motion stating that following-up on this matter was imperative to ensuring continuous improvement with UHM Athletics and university operations related to student-athlete welfare and communications.

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

B. 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. He briefly went over legislation regarding, among other things, the university's operating and capital improvement budgets, highlighting several budget provisos that stipulate conditions on the use of certain appropriations; the Hawai'i Promise Program; resident tuition fees; oversight and administration of community colleges; the appointment process for regent representation on legislatively established boards, commissions, working groups, and task forces; permitting exemptions for certain university construction projects; medical

education and training; healthcare; property acquisition; collective bargaining; personnel issues; Maunakea; and the Research Corporation of the University of Hawaii. VP Young also noted that governor's messages pertaining to the confirmations of Regents Loo and Mawae have been sent to the State Senate for action; spoke about several resolutions related to the university that have been referred to committee; and reviewed the legislative calendar for the remainder of the session.

Chair Moore asked about the \$50 million appropriation for a capital improvement project related to an artificial reef that was contained within the House Draft 1 version of the state budget. VP Young responded that, although this is a bona fide project, the administration is attempting to determine the origins of the appropriation for this item.

Noting the governor's messages for Regents Loo and Mawae, Chair Moore inquired if confirmation hearings have been scheduled. VP Young replied that, to date, confirmation hearings have not yet been scheduled for Regents Loo and Mawae although he noted that they could occur anytime in the month of April given the current legislative calendar.

Discussion took place on the timeline for appointing replacements for regents that will be terming-off the board this year.

X. ANNOUNCEMENTS

Chair Moore announced that the next board meeting was scheduled for April 20, 2023, at Kapi'olani Community College.

XI. ADJOURNMENT

There being no further business, Chair Moore adjourned the meeting at 1:33 p.m.

Respectfully Submitted,

/S/

Jamie Go
Interim Executive Administrator and
Secretary of the Board of Regents