

MINUTES

BOARD OF REGENTS MEETING

AUGUST 17, 2023

I. CALL TO ORDER

Chair Alapaki Nahale-a called the meeting to order at 9:30 a.m. on Thursday, August 17, 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, with regents participating from various locations.

Quorum (10): Chair Alapaki Nahale-a; Vice-Chair Gabriel Lee; Vice-Chair Ernest Wilson; Regent Neil Abercrombie; Regent Lauren Akitake; Regent William Haning; Regent Wayne Higaki; Regent Laurel Loo; Regent Diane Paloma; and Regent Laurie Tochiki.

Excused (1): Regent Abigail Mawae

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Academic Strategy Debora Halbert; VP for Legal Affairs/University General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Budget and Finance/Chief Financial Officer (CFO) Kalbert Young; Interim VP for Community Colleges Della Teraoka; UH at Mānoa (UHM) Provost Michael Bruno; UH Hilo Chancellor Bonnie Irwin; UH West O'ahu (UHWO) Chancellor Maenette Benham; UH-Maui College (UHMC) Chancellor Lui Hokoana; Interim Hawai'i Community College (HawCC) Chancellor Susan Kazama; Executive Administrator and Secretary of the Board of Regents Yvonne Lau; and others as noted.

Prior to commencing with the meeting, Chair Nahale-a requested that a moment of silence be observed for the people of Maui who are facing unprecedented challenges as a result of the devastation caused by the recent wildfires. He also asked the board's Maui contingent if they wished to say a few words.

Vice-Chair Wilson and Regent Akitake expressed their deep appreciation for the aloha that Maui has received from across the state, the nation, and the world. They emphasized that while the path forward will be long and difficult, Maui is a close-knit, strong, resilient community and will endure.

II. APPROVAL OF THE MINUTES OF THE JULY 6, 2023, AND JULY 20, 2023, MEETINGS

Chair Nahale-a inquired if there were any corrections to the minutes of the July 6, 2023, and July 20, 2023, meetings which had been distributed. Hearing none, the minutes for both meetings were approved.

Regent Abercrombie questioned whether making follow-up inquiries about discussions that took place at a prior meeting, as noted in the minutes, and actions taken by the administration on any issues raised would be appropriate at this time.

Chair Nahale-a responded that regents were free to seek supplemental information from the administration on individual questions raised or suggestions that were made during a prior meeting. Given this response, Regent Abercrombie stated that he would work with individual members of the administration to obtain responses to propositions he had made in previous board meetings at a later, more appropriate time.

III. PUBLIC COMMENT PERIOD

Board Secretary Lau announced that the Board Office received late written comments regarding Board Resolution 23-01 from Wesley Machida on behalf of John Komeiji, Chairperson of the Maunakea Stewardship Oversight Authority (MKSOA). She also noted that several individuals signed up to provide oral testimony on other agenda items.

Makai Freitas, Makoa Freitas, and Dwight Takamine provided oral comments in support of naming the entry road to the HawCC Pāalamanui campus, along with its campus circle, as Rockne Freitas Way. Dwight Takamine also provided late written comments on this subject.

Jan Javinar provided oral, as well as late written, comments on matters related to personnel actions taken by the chancellor of UHWO.

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

[Late Written Testimony Received](#)

Chair Nahale-a announced that Agenda Item VI.D. which relates to honorific naming rights for Rockne Freitas Way at HawCC would be taken up at this time.

VI. AGENDA ITEMS

D. Approval of a Request for Honorific Naming Rights for Rockne Freitas Way at Hawai'i Community College

Interim Chancellor Kazama presented information on HawCC's request to name the entry road to the HawCC Pāalamanui campus, along with its campus circle, as Rockne Freitas Way. She cited the accolades contained within the public comments, in addition to those provided via oral testimony, stating that Dr. Rockne C. Freitas truly exemplified what it means to be a person of significance to the University of Hawai'i. She also touched upon Dr. Freitas' many life achievements including his service as chancellor at both HawCC and UHWO and noted that naming the entry road to HawCC and its campus circle in his honor would be a fitting tribute to his life and career and was highly befitting of this remarkable individual.

Regents shared some of their personal experiences and interactions with Dr. Freitas emphasizing the impact he had on not only their own lives but the lives of countless individuals throughout the state, particularly keiki from underserved populations.

Vice-Chair Wilson moved to approve the request to name the entry road the HawCC Pāalamanui campus, along with its campus circle, as Rockne Freitas Way, seconded by

Regent Higaki, and noting the excused absence of Regent Mawae, the motion carried with all members present voting in the affirmative.

IV. REPORT OF THE PRESIDENT

President Lassner provided a comprehensive update on the impacts of the Maui wildfires on UH students, faculty, and staff, along with activities and responses being carried out by the university to assist these individuals, stating that to date, the administration is not aware of any loss of life or casualties among UH employees or students. He spoke about ongoing efforts to gather information on, and provide outreach to, students, faculty, and staff directly and indirectly affected by the wildfires remarking that individuals across the 10-campus university system have been touched by this tragedy; went over some of the actions being taken by the university to support students both personally and academically, including, among other things, the provision of laptops and mobile hotspots, the waiving of withdrawal deadlines, the refunding of enrollment and housing fees, the adjustment of curricula offerings, the accommodation of requests to defer acceptance or switch to a completely online modality of course instruction, and the delivery of increased counseling, mental health, and disability services; discussed a one week delay to the start of UHMC's fall semester to allow the Maui campus 'ohana more time to prepare, which required consultation with the campus's accreditor to assure that academic outcomes are still supported by the shortened semester; talked about the activation of campus basic needs coordinators and care teams to assist with providing goods and services directly to students along with appropriate referrals to campus and community resources; announced the receipt of a one-million dollar gift from the Stupski Foundation to provide immediate cash assistance to university students from Lāhainā impacted by the fires noting that funds will be deposited directly to the student's university account without an application process, as requested by the donor; stated that the University of Hawai'i Foundation established an account to accept donations to support both university students and employees impacted by the fires; and commented on other forms of financial relief that students, faculty, and staff could take advantage of such as direct monetary assistance from the Federal Emergency Management Agency (FEMA) and the relaxation of federal financial aid regulations by the United States Department of Education to support students in disaster areas.

With regard to the university's facilities on Maui, they remained unscathed other than minor wind impacts to some College of Tropical Agriculture and Human Resources and Institute for Astronomy sites and the loss of power to Haleakalā observatories.

The university continues to actively support the needs of the Maui community during this difficult time. President Lassner described some of these efforts including UHMC's collaboration with Chef Hui and World Central Kitchen to produce over 9,000 meals a day for displaced residents and first responders; the provision of a location for a FEMA Joint Disaster Recovery Center which offers direct support to survivors of the wildfires and has representatives from the United States Small Business Administration (SBA) on hand to afford businesses with information on the availability of disaster relief resources and the application process for SBA's low-interest disaster loans; and work by the Pacific Disaster Center, an applied research center managed by the university, to assist county,

state, and federal officials with the development of early damage assessments and exposed capital estimates, as well as response and recovery activities.

As disaster recovery efforts begin to shift from immediate to longer-term priorities, the university is exploring options for using its expertise to best support community needs and is poised to assist the Maui community in addressing issues such as water quality, given possible contamination of groundwater from the release of toxins due to the wildfires; the potential for ecological threats including flooding via slopes where vegetation was completely lost; workforce development education and training to meet labor demands for the intense recovery and rebuilding efforts that are expected to occur in the near future; and the rebuilding of Lāhainā in a wise, sensible, resilient, and sustainable manner.

Regents offered their thanks and aloha to Chancellor Hokoana, who was present at the meeting, and the entire UHMC 'ohana for exhibiting tremendous compassion and fortitude and stepping up to support the Maui community and each other during this challenging period. They also lauded the administration for its efforts on this matter.

A. SCR 201 Task Force Next Steps Progress Report

Although the majority of policy changes put forth and reported on at previous board meetings remain relatively unchanged, amendments have been made to the proposed faculty classification scheme. VP Halbert will be meeting with various administration officials next week to discuss a final set of recommended policy revisions and is currently targeting September 1, 2023, as the date on which they will be submitted to the faculty senates for additional consultation and comment. The administration continues to anticipate returning to the board with suggested policy amendments by the end of the calendar year.

Regent Abercrombie expressed his displeasure at the delays being experienced in approving and implementing what he considered to be well-thought-out and appropriate policy changes. He lauded the administration for its efforts to accommodate the faculty's concerns; stated that individuals have had multiple opportunities over the past two years to provide every conceivable manner of feedback on this issue; and beseeched the administration to bring its final recommendations to the board by October. President Lassner noted Regent Abercrombie's sentiments but also referenced some of the challenges that delayed progress on this issue other than faculty consultation. In light of President Lassner's response, Regent Abercrombie urged the administration to present its final recommendations to the board no later than the November board meeting.

B. Update On Athletic Conference Realignment As It Relates To The University

President Lassner provided an update on athletic conference realignments that are occurring across the country stating that much of what has happened has already been reported on extensively by the media. In particular, he spoke about the recent implosion of the PAC-12 Conference (PAC-12), with the departure of eight teams, and the ramifications this could have on the college football landscape, including the Mountain West Conference (MWC), of which UHM is a football only member. Although the MWC

has remained unified, there have been unsubstantiated reports that at least one member school was looking at the possibility of conference dissolution to avoid exit fees so that it, along with several other conference members, could join the remnants of the PAC-12. However, the 12 MWC presidents have unanimously voted to work together to identify a path forward with full conference membership and continue to meet regularly to explore all possible scenarios. President Lassner emphasized that the situation is extraordinarily complex and dynamic, stressed that conference realignments that have already been announced are scheduled to occur in the 2024-2025 academic year, and assured regents that he would provide additional information to them on this matter as it becomes available. In the meantime, the UHM football team is looking forward to its first game of the season at Vanderbilt a week from Saturday and its first home game at the expanded Clarence T.C. Ching Field on September 1 against Stanford, a current PAC-12 member.

Regent Abercrombie inquired as to how the President will be keeping regents informed about future conference realignment activities. President Lassner replied that he would email regents with updates on this issue as events unfold.

Vice-Chair Lee expressed his belief that board members should be designated to engage more frequently with President Lassner on this matter and suggested that himself and Regent Abercrombie serve as the points-of-contact for the board.

Discussions ensued on Vice-Chair Lee's suggestion with regents generally supporting the idea of assigning two board members well versed in this subject to serve as points-of-contact to receive more frequent updates on conference realignment issues from President Lassner so long as it was understood that the designees would not be making decisions on behalf of the board. Conversations also took place on whether a permitted interaction group needed to be established to further delve into this topic.

Regent Akitake asked if her understanding that Vice-Chair Lee and Regent Abercrombie would be designated to engage with the President on the subject of conference realignment was correct. Chair Nahale-a replied that the intent of the proposal put forth by Vice-Chair Lee was to allow Vice-Chair Lee and Regent Abercrombie to informally engage more frequently with President Lassner on this matter. Should anything arise that requires board action, Vice-Chair Lee or Regent Abercrombie could then inform board leadership and the item can be placed on a board or committee agenda as appropriate.

C. Other

Four days prior to the first day of instruction, overall duplicated registration headcount enrollment for the fall semester is flat as compared to the same time last year. UHM and four of the community colleges have witnessed enrollment increases while the other five campuses of the university system have experienced enrollment declines. President Lassner highlighted that Windward Community College (WinCC) and Leeward Community College have the highest percentage increases in credit headcount enrollment for the fall semester and that UHMC is expecting to see a significant decline in fall enrollment statistics due to the impacts of the Maui wildfires. There has been an overall growth in fall student semester hours (SSH) of just about one

percent to date, which indicates that students who are registering for the fall semester are signing up for more courses. UHM is the performance leader in this statistic with students signing up for approximately 6,600 more credit SSH as compared to last fall, which is equivalent to 2,200 enrollments in 3-credit courses. Honolulu Community College and WinCC have also experienced upticks in this data point. However, the rest of the campuses of the university system have seen various levels of decline in credit SSH for the fall semester. A more detailed update on fall enrollment will be provided to the board in November after the official census date.

Students have begun to move into on-campus housing with minimal issues being experienced this year, particularly with traffic congestion. The administration also continues to work on improving on-campus student housing facilities as well as the associated student experience.

V. COMMITTEE AND AFFILIATE REPORTS

- A. Report from the Committee on Governance**
- B. Report from the Committee on Kuleana**
- C. Report from the Committee on Institutional Success**
- D. Report from the Committee on Independent Audit**
- E. Report from the Committee on Student Success**
- F. Affiliate Reports**
 - 1. UCERA dba University Health Partners of Hawai'i (UHP)**

Chair Nahale-a referred regents to the respective standing committee reports from the August 3, 2023, committee meetings, as well as the UHP affiliate report, which were contained in the materials packet.

VI. AGENDA ITEMS

- A. Consent Agenda**
 - 2. Approval of Bylaw Amendments to the Bylaws approved at the July 20, 2023 Board of Regent's meeting**
 - 3. Approval of a \$500.00 Professional Fee in the Academy for Creative Media Program at the University of Hawai'i at Mānoa**

In light of the testimony submitted by MKSOA, Regent Loo requested that agenda item VI.A.1 be removed from the consent agenda and placed on the regular agenda for further discussion.

Regent Abercrombie moved to approve the consent agenda with the exception of agenda item VI.A.1, as noted, seconded by Regent Higaki, and noting the excused

absence of Regent Mawae, the motion carried with all members present voting in the affirmative.

1. Approval of Board Resolution 23-01 (Resolution 23-01) To Further Act on Items Relating to Maunakea Management and Repeal Regent Resolutions 19-03 and 21-02 (Resolutions 19-03 and 21-02)

Discussions took place on MKSOA's request for the board to defer action on Resolution 23-01 that was made via its testimony. Regents voiced their support for the adoption of Resolution 23-01, with many stating that its passage does not preclude the MKSOA board from having further conversations about Resolution 23-01 and relaying any concerns about the document or its contents to the Board of Regents or the university administration for further consideration.

Regent Abercrombie remarked that the university has numerous, time-sensitive obligations and responsibilities related to Maunakea. As such, he believed that there would be consequences to delaying action on this matter.

Regent Loo stated that robust discussions on Resolution 23-01 took place during the August 3, 2023, meeting of the Committee on Governance. At that time, there appeared to be a sense of urgency from the administration to quickly act on the Resolution. She asked President Lassner if the administration still held the belief that this was a pressing matter. President Lassner replied that while addressing the issues referenced in Resolution 23-01 is important, the more immediate concern for the administration is that until or unless some action is taken, Resolutions 19-03 and 21-02 remain in full effect and include board expectations which the university may be unable to fulfill due to changes in Maunakea management and stewardship responsibilities brought about by the enactment of Act 255, Session Laws of Hawai'i 2022. In view of this response, Regent Loo suggested that the board proceed with adopting Resolution 23-01.

Chair Nahale-a conveyed his concerns about honoring MKSOA's request knowing that the university has legal and moral obligations regarding Maunakea that must be met. He opined that stewardship of Maunakea would be better supported through collaboration with all of the parties currently involved in managing the mountain, including the university, MKSOA, and the Board of Land and Natural Resources, but that deferral of Resolution 23-01 will not accomplish this goal.

Vice-Chair Wilson moved to approve Resolution 23-01, seconded by Regent Abercrombie, and noting the excused absence of Regent Mawae, the motion carried with all members present voting in the affirmative.

President Lassner suggested that the openness of the board to consider changes and its ability to readily amend Resolution 23-01 to address actual MKSOA concerns be communicated to the MKSOA when informing them of its passage.

B. Approval of an Indemnification Provision in a Confidentiality Agreement Between the Cancer Surveillance and Research Branch of the California Cancer Registry ("CCR") and UH

Chair Nahale-a provided the rationale for including indemnification agreements on the regular agenda which is a deviation from past practice of placing these items on the consent agenda.

VP Syrmos presented background information on the request to approve the aforementioned indemnification provision stating that it will allow the UH Cancer Center to receive data from CCR as part of its collaborative work on the Asian American Resiliency and Cancer Disparities (ARC) study which is being funded through a grant awarded to the University of California San Francisco by the National Cancer Institute (NCI). He proffered details about the ARC study project stating that the UH, on behalf of the UH Cancer Center, is one of five institutions receiving subawards from the NCI grant related to this study and expounded upon some of the legal conditions that required the administration to seek board approval for the indemnification of the State of California and the CCR.

VP Okinaga explained that indemnification agreements in research have become commonly required, and that board approval is required in this instance because under State law, the university is only authorized to indemnify third parties in contracts with requisite levels of approval. The Legislature specifically authorized the board to approve indemnification agreements in these situations, which the board can do upon recommendation of the president and review by the VP of Legal Affairs and CFO that the risk is appropriate or covered by insurance. Given the transactional nature of these agreements and the fact that they are thoroughly vetted by the administration, the board decided some time ago to include these items as part of the consent agenda with the understanding that, should additional questions arise from review of the board action memo, the opportunity existed for the item to be removed from the consent agenda and placed on the regular agenda for further discussion.

Regent Akitake thanked the administration for including information about any additional costs associated with this request in its board action request memorandum.

Regent Abercrombie voiced his support for the ARC study project.

Regent Paloma moved to approve the indemnification provision in a confidentiality agreement between the Cancer Surveillance and Research Branch of the CCR and UH, seconded by Regent Akitake, and noting the excused absence of Regent Mawae, the motion carried with all members present voting in the affirmative.

C. Approval of a Request to Grant the Title of Emeritus Dean to Jerris R. Hedges, MD, University of Hawai'i, John A. Burns School of Medicine (JABSOM)

Provost Bruno briefly spoke about the long, illustrious career of Jerris R. Hedges, MD, highlighting his numerous years of service and contributions to JABSOM, as well as the university, which merits approval of the awarding him the title of emeritus dean.

Vice-Chair Lee moved to approve the request to grant the title of emeritus dean to Jerris R. Hedges, MD, seconded by Regent Haning, and noting the excused absence of Regent Mawae, the motion carried with all members present voting in the affirmative.

VII. ANNOUNCEMENTS

Chair Nahale-a announced that the next board meeting was scheduled for September 21, 2023, at Leeward Community College.

VIII. ADJOURNMENT

There being no further business, Chair Nahale-a adjourned the meeting at 11:18 a.m.

Respectfully Submitted,

/S/

Yvonne Lau
Executive Administrator and Secretary
of the Board of Regents