

MINUTES
BOARD OF REGENTS MEETING
OCTOBER 19, 2023

A video recording of this meeting may be viewed at the Board of Regents website as follows:

[Meeting Video](#)

I. CALL TO ORDER

Chair Alapaki Nahale-a called the meeting to order at 10:03 a.m. on Thursday, October 19, 2023, at Kaua'i Community College, Fine Arts Auditorium, 3-1901 Kaumuali'i Highway, Līhu'e, HI 96766, with regents participating from various locations.

Quorum (11): 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 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 Legal Affairs/University of Hawai'i (UH) General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Information Technology/Chief Information Officer Garret Yoshimi; VP for Budget and Finance/Chief Financial Officer Kalbert Young; VP for Advancement/UH Foundation Chief Executive Officer Tim Dolan; Interim VP for Community Colleges (UHCC) Della Teraoka; UH-Mānoa (UHM) Provost Michael Bruno; UH-Hilo (UHH) Chancellor Bonnie Irwin; UH-West O'ahu Chancellor Maenette Benham; Interim Kaua'i Community College (KauCC) Chancellor Margaret Sanchez; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Yvonne Lau; and others as noted.

Regent Akitake and Regent Haning arrived at 10:05 a.m.

II. APPROVAL OF THE MINUTES OF THE SEPTEMBER 21, 2023 MEETING

Chair Nahale-a inquired if there were any corrections to the minutes of the September 21, 2023, meeting which had been distributed. Hearing none, the minutes were approved.

III. PUBLIC COMMENT PERIOD

Board Secretary Lau announced that the Board Office received late written comments from the Mānoa Faculty Senate pertaining to the passage of a joint resolution regarding proposed amendments to policies related to faculty classification, faculty performance, and faculty workload.

Tara Kia'i provided oral comments about the need to support indigenous peoples as well as greater inclusion of kānaka maoli in various aspects of the university.

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

[Late Written Testimony Received](#)

IV. REPORT OF THE PRESIDENT

A. Maui Fire Update

President Lassner acknowledged the support received by the university from the federal government, especially the United States Department of Education (USDOE), in its efforts to assist students and other individuals impacted by the Maui wildfires. He noted that, among other things, the university was informed about the availability of little-known opportunities for student and campus support, as well as the substantial flexibility afforded to institutions with regard to the provision of student financial aid during extraordinary situations, such as a natural disaster, that allows for more monetary assistance to be furnished to students than would be permitted under normal circumstances. He also announced the expansion of a scholarship offer made to all Lahainaluna High School seniors last month that would cover their tuition costs, fees, and supplies for the 2024-2025 academic year should they choose to attend, and were accepted for admittance by, any of the 10 campuses of the university system. Due to a generous philanthropic donation, the university will now be able to offer these scholarships for two-to-four years based upon the UH campus at which a student chooses to pursue their post-secondary education.

B. Broadband Project

The State of Hawai'i is committed to strengthening Hawai'i's broadband infrastructure and programs by leveraging the substantial federal funding available through multiple Act of Congress. President Lassner presented historical information about this initiative; spoke about the importance of developing a reliable broadband infrastructure network throughout the state, an issue that was brought to the fore when Internet service had been lost for several days on some islands due to fiber cuts; and the need to ensure digital equity for all residents. He stated that discussions on how to develop broadband assets in Hawai'i to maximize the impact of what was expected to be a once-in-a-generation monetary investment by the federal government in broadband infrastructure were initiated more than two years ago; and noted that the State has received a commitment of \$115 million in new federal money from the United States Department of the Treasury (Treasury Department) via the Coronavirus Capital Projects Fund (CPF) to expand broadband access and to increase the capacity and reliability of existing infrastructure.

In August 2021, the university was designated to serve as the lead coordinator for all state broadband infrastructure efforts associated with multiple federal broadband funding opportunities, including the CPF, to ensure that all Hawai'i citizens have access to robust and reliable internet. As such, the university received planning funds from the State and, working together with State leadership and congressional delegation staff,

crafted a plan for the use of CPF funds that was submitted to the federal government for review in 2022. The plan was subsequently vetted by the Treasury Department and received final approval in April 2023 with approximately \$100 million being received by the university for various infrastructure projects.

President Lassner talked about some of the components of the approved plan including the construction of a new subsea interisland fiber system to provide long-term resiliency and support continued internet service to all residents across the state and investments in upgrading and delivering broadband service to all residents in low-income, State-owned, public housing facilities. He explained that the approved plan would be carried out through a public-private partnership, which offers the best opportunity to leverage federal funds and secure private investments; limits public investment to a one-time only cash outlay; ensures that there would be no future additional operations, maintenance, or capital liabilities for the State; and provides capacity to government and education. He also emphasized that the university's role in the execution of this plan will be to monitor the progress of the selected private partner and helping to achieve collaboration with state and county agencies in the process of the private partner's execution of the work and that the university will not be involved in constructing or operating the system. It was noted that the goal of completing work on this project is December 2026.

As is standard with all federal grants received by the university, the CPF funds received were service ordered to the Research Corporation of the University of Hawai'i (RCUH), an entity that is not subject to the State Procurement Code and was created by the Legislature explicitly to help the university execute complex, federally-funded projects that are beyond the scope of what is normally done with State funding. A competitive Request for Proposal was published over the summer with multiple proposals being received by the August 31, 2023, submittal deadline. The proposals have since been analyzed and the university is now working with RCUH to finalize an initial contract with the highest ranked offeror for approximately \$60 million. President Lassner assured regents that the university was not attempting to bypass the board on this matter. Rather, it was treating this project as it would any other extramurally funded project whereby the university executes a competitive procurement process under the auspices and authority of RCUH.

C. Other

UHH has been awarded a \$6.6 million grant from the USDOE to lead a consortium that includes the University of Alaska Southeast, Lac Courte Oreilles Ojibwe University in Wisconsin, and UHH's Ka Haka 'Ula O Ke'elikōlani College of Hawaiian Language to establish a first-of-its-kind National Native American Language Resource Center over the next five years that will be focused on indigenous language revitalization and will position UHH as the national leader in this subject matter area.

A \$10.9 million grant from the National Institutes of Health was awarded to UHM for the establishment of a new Pacific Center for Genome Research that will focus on the state's diverse population and gain a better understanding of diseases that

disproportionately impact Native Hawaiians, Asian Americans, and other racial and ethnic groups.

Vice-Chair Wilson requested that the administration provide regents with updates on the progress being made with respect to the broadband project as appropriate noting the importance of this initiative not only to the university but to the State of Hawai'i. President Lassner replied that the administration can work with board leadership in determining how best to keep regents informed about this issue.

D. Kaua'i Community College Report

Interim Chancellor Sanchez reviewed KauCC's fall-to-fall enrollment statistics highlighting that overall headcount enrollment has remained relatively steady over the past three years; provided an overview of student population demographics stating that large percentages of individuals attending KauCC are degree seeking, between the ages of 17 and 24, female, of Filipino and Native Hawaiian or Part-Hawaiian ethnicity, and attend college part-time; spoke about the number of students taking part in KauCC's early college program, as well as the educational benefits of these programs, noting that high school students who take early college courses are far more likely to further their pursuit of a post-secondary education; and reviewed data trends related to several of UHCC's student outcome performance measures pointing out increases in the number of degrees and certificates awarded to Native Hawaiian and Pell Grant students. She also touched upon some of the unique characteristics of KauCC's campus and educational programming that distinguish it from other community college campuses such as the Wai'ale'ale Program and Kipaipai Program, both of which provide student support systems and avenues for student success and were the first such programs in the community college system; went over some of KauCC's efforts to improve upon the institution's connection with the community it serves through the development of relevant academic programming and innovative career and technical education (CTE) training initiatives that are aligned with workforce needs; elaborated on programs and activities that were designed to establish a sense of place and build a vibrant campus community; and talked about the relationships of the aforementioned activities to the imperatives contained within the university's 2023-2029 Strategic Plan.

Vice-Chair Wilson asked about the impacts, if any, that insufficient resources or lack of demand has on educational programming at KauCC. Interim Chancellor Sanchez replied that, in general, the community colleges are seeking to increase the sharing of resources. As an example, she noted that students interested in becoming Emergency Medical Technicians (EMTs) can enroll in, and take courses, from Kapi'olani Community College, where the EMT program is located, while maintaining KauCC as their home campus. Although KauCC does occasionally experience resource issues, particularly with respect to CTE programs, it is looking into ways of addressing this matter.

Noting the importance of bees to the global ecosystem, Regent Abercrombie requested further information on KauCC's apiary project. Interim Chancellor Sanchez stated that KauCC's apiary project conducts research on bees and offers a series of non-credit courses about this subject matter that the community can enroll in. She also directed regents to a link included within KauCC's presentation materials that led to a

video describing the apiary program and the work it is conducting. Regent Abercrombie asked if he could be provided with a brief, written report on the plans for, and activities of, KauCC's apiary, along with its resource needs. Interim Chancellor Sanchez replied that such a report would be provided.

Citing figures related to KauCC's home-based student population, Regent Tochiki inquired about the number of students that were taking on-campus, in-person courses as opposed to taking online classes and questioned whether any trends on this issue were being experienced. Interim Chancellor Sanchez responded that approximately 63 percent of students enrolled at KauCC are taking at least one in-person or hybrid course, which conducts a certain percentage of the class via an in-person format. While the majority of students prefer online courses, surveys have shown that a significant number of students still want to take in-person classes and maintain a physical connection with the campus and its available resources.

Regent Tochiki asked about the status of repairs to KauCC's Performing Arts Center. Interim Chancellor Sanchez stated that repairs to the Performing Arts Center were scheduled to be completed by the end of October.

Regent Abercrombie queried whether KauCC had fulfilled its goals for the use of solar energy to meet campus electricity needs. He also asked if KauCC had undertaken any efforts to utilize hydroelectric power generation for this purpose. Interim Chancellor Sanchez replied that the power currently generated by KauCC's photovoltaic (PV) facility is sufficient to meet approximately 35 percent of campus electricity needs. She also stated that the Legislature has appropriated funding for a parking facility PV project on campus that will increase energy production so that about 90 percent of the campus's electricity needs will be met through the use of solar energy. With respect to the use of hydroelectric power as a renewable energy resource, KauCC does have a small experimental hydroelectric system on campus that is mainly used for coursework on this subject and only generates a minimal amount of electricity, about enough to power a laptop computer. Regent Abercrombie inquired if KauCC was collaborating with the Kaua'i Island Utility Cooperative (KIUC) on renewable energy efforts and whether funding for the parking facility PV project has been released. Interim Chancellor Sanchez stated that she was not aware of any collaboration occurring with KIUC and that it was her understanding that funds for the parking facility PV project would be released soon. Regent Abercrombie requested that KauCC provide follow-up to him on these matters. Interim Chancellor Sanchez noted Regent Abercrombie's request.

Regent Mawae remarked that the provision of comparative data on the number of students enrolled in CTE courses at KauCC who immediately enter the workforce and those who continue to pursue higher education would be beneficial to regents. Interim Chancellor Sanchez replied that this data is collected and can be supplied to regents. She also stated that, in general, KauCC's CTE students are often immediately employed due to the large workforce need on Kaua'i.

Referencing the resolution submitted by the Mānoa Faculty Senate, Regent Abercrombie questioned whether this would have an impact on the administration's plan to present its final recommendations for policy amendments related to the faculty

classification system to the board in November. He also stated that, for the record, he opposed the position taken by the Mānoa Faculty Senate as noted in the resolution. President Lassner replied that the administration continues to anticipate returning to the board in November with its suggested policy amendments.

V. COMMITTEE AND AFFILIATE REPORTS

A. Report from the Committee on Institutional Success

B. Report from the Committee on Student Success

C. Report from the Committee on Governance

D. Report from the Committee on Independent Audit

E. Affiliate Reports

1. Career and Technical Education Coordinating Advisory Council (CTECAC)

Chair Nahale-a referred regents to the respective standing committee reports from the October 5, 2023, committee meetings, as well as the CTECAC affiliate report, which were contained in the materials packet.

Regent Abercrombie stated that he had received information from the administration about a query raised during the Committee on Institutional Success (IS Committee) meeting regarding extramural funding for the Academy of Creative Media: School of Cinematic Arts (ACM:SCA) at UHM and sought clarification on the data provided including whether or not funds had been distributed to SCA and other programs associated with the ACM. VP Syrmos clarified that funding for ACM consisted of general funds and not extramural funds. He also stated that this funding has been allocated to individual campuses for further distribution to appropriate programs. Robust discussions took place between Regent Abercrombie and VP Syrmos regarding the type and amount of funds received, oversight over the allocation of these funds, and the methodology used to distribute these funds.

Chair Nahale-a opined that the funding issues being discussed were related to a personal request made by Regent Abercrombie and were not germane to the abovementioned committee or affiliate reports. As such, he suggested that Regent Abercrombie confer with the administration about this matter at a later date. In the alternative, if there was a desire to further delve into this topic it would be more appropriate to request that this item be placed on a future committee agenda.

President Lassner offered to organize a meeting with Regent Abercrombie and any other regent interested in examining the SCA and ACM programs in relation to the wide range of questions being posed about these programs. Regent Abercrombie replied that the issues he is raising impact the university on an institutional level and requested that the IS Committee place this topic on the agenda for its next meeting. Vice-Chair Lee, who serves as the Chair of the IS Committee, agreed to this request.

VI. AGENDA ITEMS

A. Consent Agenda

1. Approval of the University of Hawai'i Kapi'olani Community College (KapCC) and Leeward Community College (LeeCC) Mission Statements

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

B. Appointment of a Permitted Interaction Group (PIG) to Investigate and Make Recommendations Regarding the Presidential Selection Process pursuant to Section 92-2.5(b), Hawai'i Revised Statutes (HRS)

Chair Nahale-a explained that, in order to properly establish a PIG under Section 92-2.5(b), HRS, the board must determine the scope of the work to be done by the PIG as well as its membership, and referenced enlightening deliberations related to the establishment of a presidential selection process PIG that took place among regents at the October 5, 2023, meeting of the Committee on Governance (Governance Committee). Taking into consideration the dialogue that occurred at the Governance Committee meeting, he stated that consensus appeared to have been reached on the scope of the PIG which, as laid out in his September 29, 2023, memorandum to Governance Committee Chair Laurel Loo, was to investigate and recommend a well-articulated presidential selection process to the full board. He also spoke about the need to develop an open, clear, and transparent process for the selection of a new university president.

Regent Akitake asked whether consideration was given to charging the PIG with the task of selecting the next university president rather than simply making a recommendation to the board about the presidential selection process. Chair Nahale-a replied that the scope of the PIG delineated in the previously noted memorandum does not encompass the task of selecting the next president of the university and emphasized that the objective of the PIG, as proposed, would be to recommend a process for the selection of a new leader for the university to the full board. The full board would then be tasked with deciding whether or not to approve the PIG's recommendation.

Since there appeared to be questions about the scope of the PIG in addition to concerns with the membership of the PIG that were verbalized at the Governance Committee meeting, Chair Nahale-a put forth a process that he believed was the most democratic means for the board to determine the scope and membership of the PIG.

Vice-Chair Lee questioned whether the PIG would determine, among other things, membership of any established presidential selection committee and the use of a third-party consultant to assist in the search for a president. Chair Nahale-a reiterated that the PIG would be making a recommendation on the process for the selection of the new president stating that the issues mentioned by Vice-Chair Lee were things that the PIG could consider, discuss, and ultimately include in its proposed recommendation to the board.

Conversations took place on the task presently before the board with Chair Nahale-a remarking that the first order of business would be to define the scope of the PIG which

would then be followed by a determination of the PIG's membership. He also spoke about past practices used by the board to establish a PIG.

Regent Higaki remarked that the decisions on PIG membership and the scope of the PIG should be bifurcated and moved that the choosing of PIG members be taken up first. The motion was seconded by Vice-Chair Wilson.

Regent Tochiki stated that she disagreed with the motion and provided her rationale for taking this position. Given the currently proposed intent of the PIG, she expressed her belief that it would be more sensible to determine the entity's scope prior to deciding its membership.

Regent Higaki agreed with Regent Tochiki and withdrew his previous motion. Vice-Chair Wilson withdrew his second of the motion.

Robust deliberations ensued on the proposed and potential scope of the presidential selection process PIG; the purposes for creating this PIG; the roles of the PIG and the board with respect to the actual selection of the next university leader; the limitations placed upon the board and the PIG by Hawai'i's open meetings law, more commonly referred to as the Sunshine Law; the work that would be performed by the PIG; the compressed timeline for completion of the PIG's task; the timeframe for the selection of a new university president; and the possibility of establishing a presidential selection PIG in lieu of a presidential selection process PIG, or at a minimum, including presidential selection process PIG members on a selection committee.

VP Okinaga noted that the title of Agenda Item IV.B., and informed the board that they would need to determine if they could, at this meeting, establish a presidential selection PIG instead of a PIG to investigate and make recommendations regarding the presidential selection process.

In light of the ongoing discourse, Chair Nahale-a recommended that a formal motion about the scope of the PIG be made to serve as a starting point for further discussions.

Regent Tochiki moved to create a PIG for the purpose of investigating and recommending a well-articulated presidential selection process to the full board as noted in the September 29, 2023, memorandum from Chair Nahale-a to Governance Committee Chair Loo with the understanding that a decision on PIG membership would be made via a separate action. Vice-Chair Wilson seconded this motion.

Vigorous debate occurred on Regent Tochiki's motion. While several regents expressed their support for the establishment of a presidential selection process PIG stating that, in their opinion, the creation of a PIG for this purpose would allow for the development of an open, clear, and transparent process for the selection of a new university president in the most efficient, urgent, timely, and thoughtful manner as possible, other regents advocated for the establishment of a presidential selection committee PIG holding forth that this would eliminate redundancy, shorten the timeframe for selecting a new university president, and provide a greater opportunity for regents to be involved in the selection of the next leader of the university. Additionally, regents questioned and discussed the applicability of Hawai'i's Sunshine Law to the

presidential process selection PIG, as well as a presidential selection committee or commission should one be formed.

Chair Nahale-a reminded regents that, regardless of what path is chosen with respect to the PIG, all 11 members of the board will have a say in, and ultimately be responsible for, choosing the next university president.

Regent Loo called for the question which was seconded by Vice-Chair Wilson.

Vice-Chair Lee questioned whether the scope of the selection process PIG could be amended at this point. Chair Nahale-a explained that there was a call for the question on Regent Tochiki's motion. As such, a vote would be taken on that motion. However, he also stated that regents were free to vote against the recommendation. If the motion failed, regents would then be able to suggest changes to the scope of the PIG's work.

There having been a motion that was moved and seconded, and with a call for the question being made and seconded, a roll call vote was conducted, and the motion carried with Regent Mawae voting no and all other members present voting in the affirmative.

Chair Nahale-a announced that, with the PIG and its scope now established, the next order of business would be to discuss and decide upon the group's membership.

Given that the scope of the PIG was established, Vice-Chair Lee asked if now would be the time to request an amendment to this scope. Chair Nahale-a replied that the scope of the PIG had already been determined by the vote that was just taken. Should regents want to amend the scope of the PIG, a motion to reconsider the board's previous action would need to be made by a regent that voted in favor of the original motion.

Regent Abercrombie moved to reconsider the previous motion which was seconded by Regent Akitake.

Discussions ensued on the motion to reconsider the previously approved motion that a PIG be created for the purpose of investigating and recommending a well-articulated presidential selection process to the full board.

There having been a motion for reconsideration made and seconded, a roll call vote was taken, and the motion failed with Chair Nahale-a, Vice-Chair Wilson, Regent Haning, Regent Higaki, Regent Paloma, and Regent Tochiki voting no and Vice-Chair Lee, Regent Abercrombie, Regent Akitake, Regent Loo, and Regent Mawae voting in the affirmative.

Chair Nahale-a stated that, with the motion to reconsider having failed, the scope of the PIG would remain as originally articulated and approved but emphasized that none of the points made in the deliberations on this matter have been lost and can still be addressed by the PIG. He remarked that the matter of deciding upon the group's membership would now be taken up and suggested a membership determination process that entailed first ascertaining who wanted to serve on the PIG. Should more

than five regents desire to serve, a vote would be taken to determine which regents would be recommended for appointment to the PIG. Chair Nahale-a then asked regents whether or not they were interested in being considered for appointment to the PIG. All 11 regents, inclusive of the Chair, responded in the affirmative.

Regent Abercrombie sought clarification as to whether the membership of the PIG, as proposed in Chair Nahale-a's memo to Governance Committee Chair Loo, was being taken up at this time. Chair Nahale-a replied that the process for selecting PIG membership that he was currently proposing was an alternative to the suggestion contained within the aforementioned memorandum.

Regent Higaki suggested that the voting on PIG membership commence. With no objections being raised to Regent Higaki's suggestion, Chair Nahale-a announced that voting would begin stating that no more than five regents could be selected to serve on the PIG pursuant to Section 92-2.5(b), HRS.

Ballots were distributed to regents, collected, and tallied. Chair Nahale-a announced that Regent Higaki, Regent Lee, and Regent Loo had received the most votes to serve on the PIG and that a three-way tie existed among Regent Akitake, Regent Paloma, and Regent Tochiki for the remaining two slots.

Ballots were once again distributed with Chair Nahale-a remarking that regents should only vote for two of the remaining three regents. The ballots were collected and tallied. Chair Nahale-a announced that Regent Paloma had received the most votes to serve on the PIG during this round of balloting and that Regent Akitake and Regent Tochiki received an equal number of votes.

A third round of balloting commenced with Chair Nahale-a reminding regents that they should only be casting a vote for either Regent Akitake or Regent Tochiki. The ballots were collected and tallied. Chair Nahale-a announced that Regent Akitake had received the most votes to fill the final position on the PIG.

Chair Nahale-a asked if there was a motion to formally appoint the five regents selected by ballot to the PIG.

Vice-Chair Wilson moved to appoint Vice-Chair Lee, Regent Akitake, Regent Higaki, Regent Loo, and Regent Paloma to the PIG, seconded by Regent Mawae, and the motion carried with all members present voting in the affirmative.

Chair Nahale-a expressed his appreciation to regents for their willingness to serve on the PIG, stated that he was in support of the diverse group of individuals appointed, and wished them well in their endeavor.

C. University of Hawai'i System Strategic Plan 2023-2029 Student Success Imperative Update

Chair Nahale-a announced that this item would be deferred to the next board meeting due to time constraints.

VII. EXECUTIVE SESSION (closed to the public)

Regent Loo moved to convene into executive session, seconded by Regent Mawae, and with all members present voting in the affirmative, the board approved convening in executive session to consult with the board's attorneys on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, pursuant to Section 92-5(a)(4), 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 12:37 p.m.

Chair Nahale-a called the meeting back to order at 2:30 p.m. and announced that the board met in executive session to discuss only one of the matters as stated on the agenda.

VIII. AGENDA ITEMS (Continued)

A. Evaluation of the President

Chair Nahale-a remarked that the board has completed its evaluation of the President. A statement summarizing the President's evaluation is currently being drafted and will be issued by the board at its next meeting.

IX. ANNOUNCEMENTS

Chair Nahale-a announced that the next board meeting was scheduled for November 16, 2023, at Windward Community College.

X. ADJOURNMENT

There being no further business, Chair Nahale-a adjourned the meeting at 2:34 p.m.

Respectfully Submitted,

/S/

Yvonne Lau
Executive Administrator and Secretary
of the Board of Regents