



THE BOARD OF REGENTS GENERAL OVERVIEW

Updated July 2021

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the BOR.

- Chapter 304A: a comprehensive chapter devoted entirely to the University of Hawai'i System, including the BOR Independent Audit Committee (304A-321, HRS), scholarship and assistance programs, community colleges, certain schools and programs, Maunakea lands, special and revolving funds, facilities and parking, Research Corporation of the University of Hawai'i, and Post-Secondary Education Commission.

The university is also subject to various laws that apply to other state agencies including, for example, laws governing the issuance of public rules and the conduct of contested cases, "sunshine" and "open records" requirements and the state ethics code (referenced below).

D. Board bylaws and policies. In carrying out its governance responsibility, the board authorizes, amends, and publishes policies that provide the governance framework for the administration of the university. These policies are codified in the "Bylaws of the Board of Regents of the University of Hawai'i" and BOR Policies. In addition to policies establishing the relationship between the BOR and the university administration, other board policies are grouped as follows:

- General Provisions
- Administration
- Organization
- Planning
- Academic Affairs
- Tuition, Financial Assistance, and Fees
- Student Affairs
- Business and Finance
- Personnel
- Land and Physical Facilities
- Miscellaneous
- Research

The Board Policies (often denoted as "RP"

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responsibilities as specified in board bylaws and policies generally relate to:

- Establishing the general mission and goals of the system and approving any changes to them
- Adopting academic and facilities planning documents for the system and the campuses
- Appointing and evaluating the president
- Establishing the administrative structure and approving major executive appointments
- Approving all major contractual obligations of the university
- Approving new academic and other programs and major organizational changes
- Reviewing all fiscal audits of university operations
- Approving the university budget, long-range financial plans, and budget requests for state funding

F. Board meetings. The BOR must meet at least ten times each year, and generally schedules a meeting each month (except June and December, generally). The meeting location rotates among the various campuses statewide. These meetings are typically scheduled on the third Thursday of the month.

- Planning and Facilities
- Research and Innovation

As needed, the board appoints special task groups and/or ad hoc committees of its membership to handle issues or matters that fall outside the scope of the standing committees as provided by and in accordance with Section 92-2.5, HRS. Meetings are set by the Committee Chair in coordination with the Board Chair and Board Secretary.

H. “Sunshine” and “Open Records” requirements. State law requires that the business of government be conducted openly - in the sunshine - with some narrowly defined exceptions. Formal BOR meetings are subject to the Sunshine Law (Chapter 92, HRS) and the meetings, with certain allowable exceptions, are conducted in public view to allow members of the public to observe the board’s deliberations and discussions and to testify on any agenda item. Television cameras can record events, and statements made by regents may appear in print.

The Sunshine Law also has certain procedural requirements. For example, the law requires that a notice of board meetings must be published six days before the meeting, the board may not discuss matters that were not “noticed,” and minutes of board meetings must be taken. Board meeting agendas and minutes are publicly available at the BOR webpage on the University website.

Under the Sunshine Law, when more than two regents meet and discuss university business, that encounter is considered a “meeting” for purposes of triggering all sunshine procedural requirements, unless that “interaction” between or among the regents falls within a specific exception. The practical advice is that regents should not discuss university business or commit to decisions except at a properly noticed meeting.

The Sunshine Law also allows regents to meet and discuss university matters in an “executive session” closed to the public under limited circumstances, such as those involving discussions of personnel matters affecting privacy rights of individuals. Executive sessions are also held when the board needs to TD [(pr)-4.3 d-11.2 8dung oq(al)-0.7 ou[l (pr)-4.3 d-11.[14

is required (such as public bond financing or intellectual property rights) or when additional resources are required (such as extensive litigation).

J. Board of Regents Honors and Awards

. From time to time, the board may confer honorary degrees in accordance with criteria established in board policy. Separately, the board may also confer the Regents' Medal of Distinction and/or the Regents' Medal. It is customary for the administration to assist the board with the selection processes associated with these awards.

. Annual awards may be made to faculty for excellence in teaching and research. Campuses handle the selection processes for these awards. Board policy authorizes six awards for excellence in teaching at UH Mānoa and one at each of the other campuses. Three awards for excellence in research are made on a systemwide basis. These awards consist of a cash sum and an engraved Board of Regents' Medal. The president is authorized to present these awards at a convocation, which usually takes place at the beginning of the fall semester. Various other campus-based teaching and service awards and board service awards are often presented at this same convocation.

II. Role and Responsibilities of Individual Regents

A. AGB Guidelines on the role of the individual regent. The following guidelines directing the responsibility of individual regents are prescribed by the Assocw 0.83n6 pr15 TD [(Td ()T()10 (f)-8 2G)12 oliesng r Ge arff ngvies Td 4 (di)a0 (di)6 C Td ((I)

Individual trustees must protect the integrity of the board and institution at all times through disclosure and by deciding whether their trusteeship may be of lesser or greater value than an opportunity to gain financially.

applies to members of the board. The state's

summarizes the provisions of the State Ethics Code (Chapter 84, HRS). It includes sections relating to gifts, confidential information, fair treatment, conflicts of interest, prohibited acquisition, assistance before state and county agencies, and public contracts. It provides guidance on how to file a disclosure, how to request an advisory opinion, and other useful information.

1 Gift Disclosure Statements must be filed with the Hawai'i State Ethics Commission by June 30 of each year by regents who receive gifts from the university in excess of \$200. It is noted that complimentary athletic tickets are gifts for the purpose of this requirement. Gifts from other sources and gifts to family members may also require disclosure. Failure to file this form constitutes a violation of state law. Forms and instructions are available on the Ethics Commission website.

2 Financial Interests Disclosure Forms with the Hawai'i State Ethics Commission. Initial forms must be filed within 30 days of being appointed to the board, and annually thereafter between January 1 and May 31. Failure to file this form constitutes a violation of the State Ethics Code. Forms and instructions are available on the Ethics Commission website.

3. Conflicts of Interest. In addition to statutory requirements, the board has its own policies and practices regarding conflicts of interest. See Artic10.1 (c)4 (t)2 (s)al I

(ACE), and the Association of Governing Boards (AGB). This statement calls for governance based on a community of interdependent parties - the governing board, administration, faculty, students, and others. The statement recognizes that the governing board has final institutional authority, and recommends sharing authority with the understanding that some areas of decision-making require joint endeavor and that others are essentially separate jurisdictions in which one constituency has primary, but not exclusive, responsibility.

A. Faculty. Faculty senates provide for organized faculty involvement in the development and maintenance of institutional academic policy. Executive policy establishes procedures for the implementation of that policy. Through these policies, the BOR has authorized the development of formal faculty organizations on each campus and charged these organizations with the responsibility of making recommendations or providing advice on academic policy for the particular campus.

Senate executive committee (SEC) refers to the executive committee of UH campus/school faculty senates. As permitted in senate bylaws, an SEC can act on behalf of its senate. Typically, an SEC handles overall coordination of senate business.

Other forums for faculty involvement in the governance of systemwide academic policy determination is also encouraged through normal administrative channels and through the All-Campus Council of Faculty Senate Chairs (ACCFSC). As a system council of faculty leaders, the ACCFSC has organized itself as an advisory and communication body. Faculty representatives, usually selected by their college or campus faculty senates, serve on numerous committees, task forces, and other system and campus consultative and/or decision-making bodies.

B. Staff. The M noa Staff Senate (MSS) was recognized as an official governance body in 2019 and serves as a forum for staff on the UH M noa campus to voice their ideas regarding campus governance. MSS is responsible for collaborating with the administration in the development, review, and implementation of university policies and operations that impact and concern UH M noa staff. MSS also advocates for staff members and works to increase opportunities for staff leadership, development, and support at UH M noa.

C. Students. The purpose of UH student governments is to ensure and regularize the advice and participation by student organizations in matters relating to student life. By policy, campus heads are encouraged to be open to student recommendations and advice. Board policy establishes that student governments exist on each UH campus; they represent student concerns and manage student fees for the benefit of students. Some campuses separate and assign to a different organization, oversight of student activities. At other campuses this function is part of the student government organization. At UH M noa, graduate students have their own student government organization (GSO).

The Board of Regents also charters a University of Hawai'i Student Caucus

The board of directors is responsible for policy decisions and consists of active members who are elected representatives of all bargaining units and all islands, plus a representative of the retirees unit. Each bargaining unit is organized as a representational form of government. Unit issues, programs, and activities are acted on by unit boards of directors, island divisions representing bargaining units on each island, and agency councils made up of bargaining unit stewards within a state or county department. Bargaining units 2, 3, 4, and 8 are subject to arbitration.

United Public Workers (UPW). The United Public Workers is Hawai'i's second largest employee union and represents more than 13,000 state, county, and private sector employees. Approximately 500 university employees are covered by UPW's two bargaining units. Unit 1 includes nonsupervisory employees in blue collar positions, while unit 10 consists of institutional, health, and correctional workers. UPW is also a member of AFSCME.

UPW has offices in Honolulu, Hilo, Wailuku, and L hu'e and is headed by a State Director. The highest policy-making body is the UPW Convention, which meets every three years and consists of UPW members elected as delegates from all islands. The board of directors is responsible for policy decisions and consists of active members who are elected representatives of all bargaining units and all islands, plus representatives of their pA Tc 2 olrector bargaining units. Each bargaining unit is organized as a representational form of government. Unit issues, program

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