

**Notice of Special Meeting
UNIVERSITY OF HAWAI'I
BOARD OF REGENTS**

Board business not completed on this day will be taken up on another day and time announced at the conclusion of the meeting.

Date: Thursday, July 18, 2024
Time: 1:30 p.m.
Place: University of Hawai'i at Mānoa
Bachman Hall
1st Floor Conference Room 106 A/B
2444 Dole Street
Honolulu, Hawai'i 96822

See the Board of Regents website to access the live broadcast of the meeting and related updates: www.hawaii.edu/bor

ORDER OF THE DAY

- I. Call Meeting to Order**
- II. Approval of the Minutes of the May 16, 2024 Special Meeting**
- III. Public Comment Period for Agenda Items:**

All communications from the Public to the Board of Regents is welcomed and distributed to all regents. To enable the Board to conduct its business, public comment at meetings may only be provided on agenda items noted below. Individuals who are unable to provide testimony at this time will be allowed an opportunity to testify when specific agenda items are called.

All comments on agenda items received after posting of this agenda and up to the end of the meeting will be distributed to board as testimony. Written testimony may be submitted via the board's website through the testimony link provided on the Meeting Agendas, Minutes and Materials page. Testimony may also be submitted via email at bor.testimony@hawaii.edu, U.S. mail at 2444 Dole Street, Bachman 103, Honolulu, HI 96822, or facsimile at (808) 956-5156.

Those wishing to provide oral testimony virtually may register [here](#). Individuals wishing to orally testify virtually are requested to register no later than 7:30 a.m. on the day of the meeting in order to be accommodated. Registration for in-person oral testimony on agenda items will also be provided at the meeting location 15 minutes prior to the meeting and closed at the posted meeting time. It is highly recommended that written testimony be submitted in addition to registering to provide oral testimony. Oral testimony will be limited to three (3) minutes per testifier.

If you need an auxiliary aid/service or other accommodation due to a disability, contact the Board Office at (808) 956-8213 or bor@hawaii.edu as soon as possible. Requests made as early as possible have a greater likelihood of being fulfilled. Upon request, this notice is available in alternate/accessible formats.

Although remote oral testimony is being permitted, this is a regular meeting and not a remote meeting by interactive conference technology under Section 92-3.7, Hawai'i Revised Statutes (HRS). Therefore, the meeting will continue notwithstanding loss of audiovisual communication with remote testifiers or loss of the public broadcast of the meeting.

All written testimony submitted are public documents. Therefore, any testimony that is submitted orally or in writing, electronically or in person, for use in the public meeting process is public information and will be posted on the board's website.

IV. Agenda Items

- A. Recommend Board Approval of President's Salary Range
- B. Confidentiality and Equal Employment and Opportunity (EEO) Briefing for All Regents

V. Executive Session (closed to the public):

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

- A. Confidentiality and Equal Employment and Opportunity

VI. Adjournment

DISCLAIMER – THE FOLLOWING ARE DRAFT MINUTES AND ARE SUBJECT TO FURTHER REVIEW AND CHANGE UPON APPROVAL BY THE BOARD

MINUTES

BOARD OF REGENTS SPECIAL MEETING

MAY 16, 2024

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

[Meeting Video](#)

I. CALL TO ORDER

Interim Chair Lee called the meeting to order at 1:32 p.m. on Thursday, May 16, 2024, at 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 (11): Interim Chair Gabriel Lee; Interim Vice-Chair Ernest Wilson; Regent Neil Abercrombie; Regent Lauren Akitake; Regent William Haning; Regent Wayne Higaki; Regent Laurel Loo; Regent Abigail Mawae, Regent Michael Miyahira; Regent Diane Paloma; and Regent Laurie Tochiki.

Others in attendance: President David Lassner; Vice President (VP) for Legal Affairs/UH General Counsel Carrie Okinaga; VP for Information Technology/Chief Information Officer Garret Yoshimi; UH Mānoa Provost Michael Bruno; UH-West O'ahu Chancellor Maenette Benham; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Yvonne Lau; and others as noted.

II. APPROVAL OF THE MINUTES OF THE MARCH 21, 2024, AND APRIL 18, 2024, SPECIAL MEETINGS

Interim Chair Lee inquired if there were any corrections to the minutes of the March 21, 2024, and April 18, 2024, special meetings which had been distributed. Hearing none, the minutes for both meetings were approved.

III. PUBLIC COMMENT PERIOD

Board Secretary Lau announced the Board Office's receipt of written comments from the Senate Executive Committee of the Mānoa Faculty Senate and Ashley Maynard regarding the proposed presidential profile and selection criteria for the presidential search.

Late written comments on the proposed presidential profile and selection criteria for the presidential search were received from Carolyn Stephenson, Marguerite Butler, Kahea Faria, Kēhaulani Custino, Julie Kaomea, Alethea Ku'ulei Serna, Candido Barbieto Keokapukoa Kaohelauii, Erin Kahunawaika'ala Wright, Sean Nagamatsu,

Nicole Reyes, Kirsten Mawyer, Kenika Lorenzo-Elarco, Brian Faria, Pililuaikekaiohilo Keala, and Jill Nunokawa.

Pearl Bachilller, Kawaiola Kapuni, Marguerite Butler, Sarita Rai, Erin Centeio, Ashley Maynard, Montserrat Montanes i Arbo, Carolyn Stephenson, and Jill Nunokawa provided oral comments on the proposed presidential profile and selection criteria for the presidential search.

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

[Written Testimony Received](#)

[Late Written Testimony Received](#)

IV. AGENDA ITEMS

A. Approval of the Proposed Presidential Profile and Selection Criteria for the President Search

Jaret Leong and Dr. Erin Centeio, Co-Chairs of the Presidential Search Advisory Group (PSAG), provided a report on the collective work of the PSAG to develop the presidential profile and selection criteria currently before the board for approval. They reviewed the PSAG's role in the process to formulate the profile and search criteria; went over the course of action used to create the document noting the numerous hours of work involved in this effort, the due consideration of feedback received from various outlets including public forums and the presidential search survey, and the length of deliberations on multiple drafts of the profile prior to arriving at the final version for which approval is being sought; and emphasized the document presently before the regents was a collective voice of both the PSAG and all of the feedback submitted through the various outlets. Although 100 percent consensus was not reached on every item, Mr. Leong and Ms. Centeio stated the PSAG feels this document represents many collective voices, including its own, and should be approved so as to begin recruitment for the position by the end of the month.

Regent Abercrombie expressed his concerns about what he believed were linguistic discrepancies in the profile, particularly with respect to the inconsistent use of the phrase "Hawai'i as a multicultural community" throughout the document, most especially in the section related to the university's Kuleana Imperative. He also voiced his disappointment with the continued use of the word "colonization" in the profile and search criteria.

As one of the regent liaisons to the PSAG, Regent Tochiki spoke about the group's ability to engage in civil discourse and its outstanding effort to include as much of the input received from numerous and diverse constituencies in the final draft of the presidential profile and search criteria. She also disagreed with Regent Abercrombie about the need for consistency with respect to use of the phrase "Hawai'i as a multicultural community" throughout the document as, in her opinion, the term "Hawai'i" is intended to mean a sense of place which, by inference, takes into consideration the multicultural nature of its people.

Dr. Centeio clarified the rationale for use of the phrase “Hawai‘i as a multicultural community” within the executive summary of the profile as this section was intended to be as broad as possible. With respect to the phrase being used in the section pertaining to the Kuleana Imperative, Dr. Centeio stated the wording was taken verbatim from language used in the University of Hawai‘i System Strategic Plan 2023-2029 to describe the goal and objectives of its Kuleana Imperative.

Regents engaged in discussions about Regent Abercrombie’s concerns regarding the document’s consistency, as well as its use of the word “colonization”. Several regents also lauded the work of the PSAG.

Given her belief that amending possession of a terminal degree from a desired qualification to a minimum qualification as requested in some of the testimony received, Regent Paloma inquired if there would be any drawbacks to doing so. Zachary Smith, Executive Partner of WittKieffer, replied that requiring qualifications such as possessing a terminal degree, being a tenured professor, or having specific R1 university experience does limit the candidate pool. He stressed the importance of inclusivity at the outset of the search process; spoke about a number of recent searches for university presidents and chancellors undertaken by WittKieffer in which these types of criteria were considered preferred qualifications; emphasized the PSAG’s awareness of the various constituencies’ desires regarding the next UH president’s qualities and is something it can take under advisement when culling through applications and conducting interviews; and noted the impacts extensive and rigid minimum qualifications can have on decisions by women and minorities to apply for a position such as this one. He also underscored the amount of collaboration throughout the process thus far, stating that there has been more engagement with university constituencies and the public in this search than in any other presidential or chancellor search he has been involved with.

Interim Vice-Chair Wilson shared his thoughts on the presidential profile and search criteria relative to Hawai‘i and the understanding of its sense of place, as well as the university’s future role in an everchanging world.

Regent Miyahira moved to approve the proposed presidential profile and selection criteria, seconded by Interim Vice-Chair Wilson, and noting the no vote of Regent Abercrombie, the motion carried with all other regents present voting in the affirmative.

V. EXECUTIVE SESSION (closed to the public)

Interim Chair Lee announced it would not be necessary to have an executive session at this time.

VI. ADJOURNMENT

There being no further business, Interim Chair Lee adjourned the meeting at 2:39 p.m.

Respectfully Submitted,

Yvonne Lau
Executive Administrator and Secretary
of the Board of Regents




UNIVERSITY
of HAWAII®
SYSTEM

July 12, 2024

DTS-2371

MEMORANDUM

TO: Board of Regents
University of Hawai'i

FROM: Gabriel Lee 
Chair, Board of Regents

SUBJECT: Recommend Board Approval of Salary Range for Next System President

BACKGROUND:

The Board of Regents (Board) is currently in the process of searching for a new President to lead the university due to President David Lassner's announcement on September 19, 2023, of his intentions to retire at the end of the 2024 calendar year.

One of the considerations that should be undertaken by the Board is the salary range for the next President of the University of Hawai'i. The position is presently classified as an SM-5, which pays between \$283,500 to \$393,750. Per Regent Policy [9.212](#), salaries exceeding the maximum established range are subject to approval by the Board. President Lassner currently receives an annual compensation of \$430,200.

DISCUSSION

The Board should consider a new compensation range for the next University of Hawai'i System President that is based on current compensation rates for leaders of similar sized institutions. The attached memorandum from our Search Consultant, WittKieffer, provides their recommended salary range and is attached for your consideration.

Should a new range be adopted by the Board, the new salary range will be added to the current recruitment. Ultimately, the Board of Regents will approve both the appointment of and salary (in-range and exceeding range) for the University President.

Attachment A – July 12, 2024 Memo from WittKieffer

MEMORANDUM

TO: Board of Regents
University of Hawai'i

FROM: Zach Smith, Ph.D.
Executive Partner and Market Leader, Education

DATE: July 12, 2024

SUBJECT: Compensation Range Recommendation for University of Hawai'i
President

Market Feedback

President David Lassner currently receives an annual compensation of \$430,200. For context, the compensation of comparable positions for major R1 research and/or land grant institutions (with some structured similarly as the Univeristy of Hawai'i System) are as follows:

- New Mexico State University (Land Grant): \$534,369
- University of Nevada, Reno (Land Grant and R1): \$565,000
- University of Nevada, Las Vegas (R1): \$565,000
- UC, Riverside (Land Grant and R1): \$577,507
- Utah State University (Land Grant and R1): \$581,585
- Colorado State University (Land Grant and R1): \$630,000
- University of New Mexico (R1): \$662,000
- Oregon State University (Land Grant and R1): \$747,300
- Washington State University (Land Grant and R1): \$796,000
- University of Minnesota (Land Grant and R1): \$975,000

Recommended Compensation Range

Although we are not compensation consultants, based on our review of the market – including cost of living considerations – as well as a review of previous and current searches being conducted by WittKieffer, we recommend a cash compensation range of \$550,000 - \$800,000 (commensurate with experience) for the University of Hawai'i President position.

UH Search Briefing: Confidentiality & Equal Opportunity

Prepared for Board of Regents & Presidential Search Advisory Group

July 2024

Agenda

- ▶ Based on system and campus briefings
 - ▶ Resource (link): UH Mānoa [Search Process, Guidelines for Selection/Advisory Committees](#)
- ▶ Committee member role and confidentiality
- ▶ Conflict of Interest
- ▶ Bias and assumption management
- ▶ Protected classes and lawful pre-employment Inquiries
- ▶ Assessment, accessibility and due diligence

*Goal: Fair, open search process with integrity and credibility,
with equal treatment free from discrimination*

Committee Member Role

Confidentiality

- ▶ Committee members maintain the integrity and confidentiality of a fair search process.
 - ▶ Good candidates and credibility are lost when confidentiality is absent or breached. Search may need to be closed and restarted.
 - ▶ Ongoing evaluation by UH and candidate.
- ▶ **State law:** Chapter 92F-14, HRS, Uniform Information Practices Act (significant privacy interest)
 - ▶ *“(4) Information in an agency’s personnel file, or applications, nominations, recommendations, or proposals for public employment or appointment to a governmental position...”*
 - ▶ Be cautious and protect the individual’s right (nominees/applicants) to privacy
 - ▶ Safeguard number of applications, names, comments, etc.
 - ▶ Disclose finalist names, photos and pertinent information (resume/cv) only with written permission.
 - ▶ Use secure methods to share information such as file drop or WittKieffer’s system. Do not use email to discuss candidates.
 - ▶ Treat committee comments and deliberations as confidential in perpetuity.

Confidentiality

- ▶ Acknowledge open search for internal and external candidates.
Do not acknowledge, confirm or deny anyone's nomination or candidacy.
 - ▶ E.g., "I cannot acknowledge ... as all are due the same confidentiality. I can acknowledge that this is an open search for internal and external candidates."
- ▶ Safeguard number of applicants and documents (names, files, evaluation sheets, notes, etc.) and applicant data.
 - ▶ May impact negotiations on salary and other terms.
 - ▶ Upon search conclusion, provide to BOR secretary or shred
- ▶ Review applications and materials in private, not in a public space or around others. Safeguard laptops and materials. Keep discussions and deliberations private, off-line.
- ▶ Issues/inquiries/information requests: refer to Chair, BOR Secretary or WittKieffer.

Conflict of Interest Bias and Assumptions

- ▶ **Disclose conflict of interests**, potential or actual, to chair, BOR secretary or WittKieffer to determine if you need to recuse yourself ASAP. Sometimes, you may not know until you see the application or later in process.
 - ▶ Chair or WittKieffer will discuss with committee as needed.
 - ▶ Conflicts (relation by blood or marriage, business partner, close personal friendship outside office, fiduciary relationship)
 - ▶ Potential conflicts (joint projects, close working relationships, listed as reference)
- ▶ **Manage your unconscious bias and assumptions**
 - ▶ Agree to support each other and call out unconscious bias
 - ▶ Ask to justify position/decision
 - ▶ Foster collective decision-making (majority vote)
- ▶ **Perception is almost everything**

Protected classes

Pre-employment lawful/unlawful inquiries

- ▶ Federal and state laws prohibit employment discrimination based on protected classes and shall not be the basis for decision making.
 - ▶ Federal:
 - ▶ [Title VII of Civil Rights Act of 1964 \(Title VII\)](#)
 - ▶ [Pregnancy Discrimination Act \(1978\)](#)
 - ▶ [Equal Pay Act of 1963 \(EPA\)](#)
 - ▶ [Age Discrimination in Employment Act of 1967 \(ADEA\)](#)
 - ▶ [American with Disabilities Act of 1990 \(ADA\)](#)
 - ▶ [Civil Rights Act of 1991](#)
 - ▶ [Rehabilitation Act of 1973](#)
 - ▶ [Genetic Information Nondiscrimination Act of 2008 \(GINA\)](#)
 - ▶ [Pregnant Workers Fairness Act of 2022 \(PWFA\)](#)
 - ▶ State: [Chapter 378-2, HRS](#)

Protected classes

Protected class	Federal	State
Race	x	x
Color	x	x
Religion	x	x
Sex	x	x
- Gender identity/expression	x	x
- Sexual orientation	x	x
- Pregnancy/pregnancy-related medical conditions	x	x
National origin / ancestry	x	x (ancestry)
Age	X (40+)	x
Disability	x	x
Genetic information	x	x
Domestic violence or sexual violence victim status		x
Marital status		x
Arrest and court record		x
Reproductive health decision		x
Breastfeeding		x
Credit history		x
National Guard participation		x
Salary history		x

Illegal to screen, have questions or discuss these protected classes during entire process.

Resource (link):
[Pre-employment lawful/unlawful inquiries \(Hawai'i Civil Rights Commission, Nov 2020\)](#)

Develop relevant, structured, job-related interview questions - work with WittKieffer/Human Resources.

References should be conducted by chair, WittKieffer or as assigned.

Assessment, Accessibility and Due Diligence

- ▶ **Assessment.** Determine process in advance. Each step provides opportunity to assess a candidate. Use sound practices and maintain consistency - culling criteria, job related questions and presentation topic. Know what information you seek - criteria, question, etc.
- ▶ **Accessibility and accommodation requests.** Use proactive approach, be consistent in communication, and address in fair manner. Coordinate with chair, BOR secretary or WittKieffer who may seek assistance from Equity Assurance Office/Human Resources.
- ▶ **Due diligence.** With consent, conduct on- and off-list reference checks with structured and consistent questions. WittKieffer will conduct reference checks prior to campus visits.
 - ▶ If consent is not given for a particular reference (e.g. supervisor), then you will need to base decision on available information.
 - ▶ Avoid spontaneous reference calls or “I know so and so” calls. Follow the process.
- ▶ **Social media.** Caution - accuracy, protected classes, influence. Increase risk for bias and disparate impact or treatment. Do for one, do for all.

Be responsible for information you see and hear.

Once you say, email and/or disclose something, you cannot take it back.

Best not to discuss with anyone outside committee meetings.

Summary

*Goal: Fair, open search process with integrity and credibility,
with equal treatment free from discrimination*

- ▶ Confidentiality and Compliance
 - ▶ State law: protects the privacy interest of nominees and applicants
 - ▶ Federal and state laws: prohibits employment discrimination, outlines protected classes
 - ▶ Your role
- ▶ Disclose conflict of interest; manage bias and assumptions
- ▶ Use sound recruitment and selection practices
 - ▶ Assess throughout process
 - ▶ Develop relevant questions/presentation topic; conduct due diligence
- ▶ Address accessibility and accommodation requests in fair, consistent manner
- ▶ Maintain consistent approach and messaging

Inquiries/Questions/Information: Contact Chair, BOR Secretary or WittKieffer

UH Resources

- ▶ Office of Human Resources (OHR), UH System
Director Jeffery Long, Jeffery.long@Hawaii.edu
- ▶ Equity Assurance Office (EAO), UH System
Director Jennifer Rose, jennifer.rose@Hawaii.edu
- ▶ [Pre-employment lawful/unlawful inquiries \(Hawai'i Civil Rights Commission, Nov 2020\)](#)
- ▶ [Search Process, Guidelines for Selection/Advisory Committees](#)

Item V.

Executive Session

**ITEM TO BE
DISCUSSED IN
EXECUTIVE
SESSION**