

MINUTES
BOARD OF REGENTS MEETING
SEPTEMBER 19, 2024

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

[Meeting Video](#)

I. CALL TO ORDER

Chair Lee called the meeting to order at 9:00 a.m. on Thursday, September 19, 2024, at Leeward Community College, Education Building, ED-201, 96-045 Ala 'Ike, Pearl City, Hawai'i 96782, with regents participating from various locations.

Quorum (11): Chair Gabriel Lee; Vice-Chairs Laurie Tochiki and Laurel Loo; and Regents Neil Abercrombie, Lauren Akitake, Joshua Faumuina, William Haning, Wayne Higaki, Michael Miyahira, Diane Paloma, and Ernest Wilson.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Academic Strategy Debora Halbert; VP for Legal Affairs/UH General Counsel Carrie Okinaga; VP for Research and Innovation Vassilis Syrmos; VP for Budget and Finance/Chief Financial Officer Kalbert Young; VP for Advancement/UH Foundation (UHF) Chief Executive Officer (CEO) Tim Dolan; Interim VP for Community Colleges Della Teraoka; UH-Mānoa (UHM) Provost Michael Bruno; UH-West O'ahu Chancellor Maenette Benham; Leeward Community College (LeeCC) Chancellor Carlos Peñaloza; Executive Administrator and Secretary of the Board of Regents (Board Secretary) Yvonne Lau; and others as noted.

II. APPROVAL OF THE MINUTES OF THE AUGUST 15, 2024, MEETING

Chair Lee inquired if there were any corrections to the minutes of the August 15, 2024, meeting which had been distributed. Hearing none, the minutes were approved.

III. PUBLIC COMMENT PERIOD

Board Secretary Lau announced the Board Office's receipt of numerous pieces of written testimony on Agenda Item VII.C regarding the indemnification of the federal government as it relates to the Applied Research Laboratory (ARL) at UH. Some written testimony was also received on the university's Fiscal Year (FY) 2024-2025 Operating Budget and the Israel/Gaza situation. Additionally, several individuals signed up to provide verbal comments on the indemnification matter, as well as the university's operating budget and the state of affairs in relation to Israel/Gaza.

Regent Loo arrived at 9:11 a.m.

Regent Abercrombie arrived at 9:12 a.m.

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

[Written Testimony Received](#)

IV. REPORT OF THE PRESIDENT

A. Update on the Numbers

Three weeks into the fall semester, enrollment numbers have stabilized and remain up at eight of the university's ten campuses. UHM and the community colleges continue to lead the way with UHM witnessing a headcount enrollment of just over 20,000 students, the first time this has occurred in the last decade, as well as a record-setting, entering class of slightly more than 3,100 freshmen. All seven community colleges have also experienced increases in overall, unduplicated headcount enrollment, the first year this has happened since prior to the pandemic. In addition, community colleges are seeing elevated levels of shared course and early college enrollments. A more detailed update on fall enrollment will be provided to the board in November after the official census date.

While the University of Hawai'i at Hilo (UHH) and UHWO saw slight dips in headcount enrollment, mirroring a national trend for regional universities, there are several bright spots to the statistics for each campus. At UHH the decrease in numbers is less than what has been experienced over the past two years, which is encouraging. UHH is also seeing increased enrollments of veteran students, transfer students, students returning to college, Native Hawaiian students from out-of-state, and graduate school students. Furthermore, students at UHH are taking more semester hours this fall. UHWO's decline in headcount enrollment can mostly be attributed to a decrease in early college students. However, UHWO has seen increases in degree-seeking students, non-resident students, continuing and returning students, and total student semester hours (SSH).

Notwithstanding last fiscal year's remarkable record of securing \$615.7 million in extramural research funding the university continues to excel at securing external investments to support research and training activities conducted by university faculty and staff. To date, just over \$159 million in extramural research funding has been received, a near doubling of the \$82 million obtained at the same time last year. Although these figures in-and-of themselves are outstanding, President Lassner pointed out the numerous benefits receipt of these funds and the research it supports has on Hawai'i, including the creation of thousands of high-quality, high-paying jobs across the islands, and the trust others are placing in university faculty and staff to do this work.

B. Comments on Israel/Gaza Situation and Campus Climate

At the behest of regents, President Lassner's comments on the Israel/Gaza situation and campus climate have been incorporated into the board's minutes and are as follows:

"Now, I'd like to take this opportunity to say something about the Middle East conflict and the impacts on our campuses. This has been alluded to in some of the testimony as well this morning.

We are approaching the first anniversary of the horrific attack by Hamas on Israel and the absolutely devastating war launched in Gaza following that. Regardless of anyone's views on the complex policy and history in the Middle East, we should all bemoan the tragic loss of civilian lives and hope for a ceasefire, the return of hostages, the beginning of rebuilding, and a lasting peace for the region.

Calls for action from UH relating to this have come from all quarters. We have supporters of both Palestine and Israel urging actions, often in opposite directions.

We received a specific set of demands to the Board of Regents (BOR) and the president from the Students and Faculty for Justice in Palestine at UH (SFJP).

We've received requests and recommendations from some of our Jewish students and faculty.

We have heard from national groups including the Anti-Defamation League, the Council on American Islamic Relations, and Hillel.

And like numerous universities across the country—and this was publicly disclosed—we have received notice of a Title VI investigation initiated by the Office of Civil Rights (OCR) at the U.S. Department of Education. Title VI is the federal code that prohibits discrimination based on race, color, national origin or actual or perceived, shared ancestry or ethnic characteristics. These investigations have arisen from complaints primarily about anti-Semitism on U.S. campuses around the country.

I do appreciate all of those who call on university leadership to issue statements and take actions in support of their positions on the conflict, who want their university to stand up for what they believe. I have shared consistently for the past year, and I know frustratingly to many, my priority is our collective safety, health, well-being and creating opportunities for learning within our university.

To that end, I want to share some plans for the path forward and I also want to respond to some of the calls for action which have been made publicly to the president and BOR. I also need to note that OCR has made its expectations as to what universities do very clear. They have published the formal resolution agreements that they have entered into with other universities, most of which have faced challenges around this area greater than ours so far.

I have convened the offices and leaders with roles and responsibilities related to our work with Title VI and we have met several times already. We do understand that we will need to update our policies and our practices to ensure appropriate and complete response to all complaints and allegations we receive. This will also need to include a substantial training initiative to make sure people around the university understand our policies and procedures.

And I need to say that while the current focus and use of Title VI is relating to anti-Semitic, Islamophobic, and anti-Palestinian behaviors and allegations, we cannot forget that in Hawai'i, and therefore at UH, we face many concerns from other groups relating

to race, color, national origin, and actual or perceived, shared ancestry or ethnic characteristics. So, as we address Title VI, we need to consider all of our populations.

Individual complaints do not characterize full campus climate. So, we also need to develop and administer a climate survey to better understand where we stand with all of our populations and the results to improve as we create a more positive climate for all of our students and employees.

UH Mānoa is one of the nation's leading Truth, Racial Healing, and Transformation, or TRHT, campuses so we are actively using the TRHT framework to address healing across the campus.

Multiple UH offices have already come together to create a series of seminars and workshops open to all across the university system. Just to give you a feel for them, the topics this semester include: Political Conflict In and Out of the Classroom, Understanding Religious and Worldview Differences, Healing in Divided Times, Navigating Difficult Conversations, Honoring Our Shared Humanity, Anti-Semitism, and Islamophobia. This builds on initial work last academic year including sessions on: Teaching in Troubled Times, Maluhia, Mālama & Safety, and the use of Pilina Circles to Heal disconnections.

Our campus programming absolutely must continue to strengthen the ability of our entire community to do our parts, to foster climates for learning, living, and working that are welcoming, respectful, and free of discrimination. We need to develop a deep appreciation of the need for our instructors to foster classroom environments that encourage the free exchange of ideas even and perhaps, especially regarding challenging topics, to ensure fair and open and respectful consideration by all.

Consistent with our focus on our community, we respectfully respond to specific demands and requests from the SFJP group and others as follows:

First divestment. Regents' policies guide our UH endowment investments. After discussion with BOR leadership, the demand to "divest from all companies and institutions that are complicit in the Zionist occupation, apartheid and genocide of the Palestinian people, including weapons, tech and surveillance and construction companies," will not be taken up by the BOR at this time, given other priorities.

Next, transparency. UH is committed to and does provide full transparency with our investments and our grants. Our investments are reported on regularly and publicly to the BOR with detailed information available in the public BOR meeting materials. Information about grants to UH, including University Affiliated Research Center (UARC) task orders, is available with a UH login through online report options at the Office of Research Service web page. In addition, we do have an internal team that's diligently working to a more involved Uniform Information Practices Act request relating to the UARC. However, I do need to say that donations and gifts to the UH Foundation are private. Donors are entitled to privacy and that is the case at nearly all universities across the country.

We have also had calls for an academic boycott of Israel. UH stands committed to academic freedom. UH leadership does not support an institutional academic boycott of Israel or anyone else as a strategy for political action. Fundamentally, we believe that willing exchanges among students and faculty from different places, increases learning and understanding among peoples and can contribute to a more peaceful planet. But UH also does not prohibit engagement in such boycotts by those who choose to do so. Engaging or not engaging with Israel or any other country is a matter of individual choice.

SFJP also called on UH to withdraw from the agreement between the state of Hawai'i and Israel that was entered into a few years ago. UH is not a party to that agreement. I did receive a separate request to the BOR and I for information this week and I will respond to that directly.

There have been several requests to make statements about the Middle East that take positions on the conflict. As a general practice, UH does not issue statements on global affairs. We do stand for peace and the dignity of all human beings but taking more specific positions on political matters across the world, particularly where there is not agreement within our campus communities, just would not contribute to the overall safety, health, and well-being of our entire university community, which is our priority.

Some have asked for affirmation of their freedom to protest and to speak without retaliation. As we have said, many times, UH stands firmly committed to the First Amendment and to academic freedom. We have not and will not suppress constitutionally protected free speech. We are actually proud of our decades-long history of peaceful and non-disruptive protest at UH that allows instruction and scholarship to continue. The conundrum, of course, is the conflict between the complete right to free expression and the harm caused to others by free speech that can be hateful. Not everything that can be legally said should be said. We are working to cultivate a campus community that cares for one another and this place, a campus with shared aloha. So while we cannot legally prohibit hateful speech, we can encourage restraint and try to mitigate the damage that hateful but legal speech can cause to safety, health, and well-being.

SFJP also opposes the UARC and asked the BOR to reject it. That was obviously the subject of much testimony this morning. I will note that the renewal was not taken up this summer but purposely delayed until this fall specifically to ensure that students and faculty could provide their input to the BOR as we have heard this morning and at the Committee meeting several weeks ago. This item was purposely not put on the consent agenda like other indemnification requests, including another one today, in order to provide for separate consideration by the BOR. The UARC contract is simply another contract vehicle that individual investigators can choose to utilize or not as they exercise their academic freedom to engage with the Department of Defense or not, as noted. UARC projects do serve Hawai'i and beyond. The public testimony that you have heard at these last two meetings, is part of the process for your consideration before the vote later today.

Multiple requests have also been made for specific faculty hires at Mānoa, some to support specific positions and perspectives. The campus has a very well-articulated process for entertaining requests for faculty hires that advance strategic priorities and the shifts in student needs. Proponents of specific hires should advance those requests through their deans for consideration by the campus.

And finally, special scholarships have been requested; in this case for students from Gaza. UH does not create scholarship programs using state general funds or UH student tuition for students from specific regions suffering from warfare, famine, or other hardships, whether Gaza, Ukraine, Afghanistan or anywhere else. We do welcome contributions from individuals or groups who do want to support such students to pursue a great education here at any UH campus.

So, apologies for the length of the statement. Putting this item explicitly on the agenda as part of the President's report was intended to enable public testimony or attention on a matter that we know to be of importance to many and to provide a very public response in a comprehensive manner to the diverse inputs presented to the BOR and president, many of which have also been very public."

C. 2024 Governor's Award for Distinguished State Service (Employee of the Year Award – Dr. Lang Wu)

President Lassner announced the university's selection of the Dr. Lang Wu as its nominee for the Governor's Award for Distinguished State Service (Employee of the Year Award), an award for state executive branch employees and managers given to those who exemplify the highest caliber of public service and dedication to serving the people of Hawai'i. He noted Dr. Wu's securing of \$10.9 million from the National Institutes of Health to establish the Pacific Center for Genome Research (PCGR), an institution which aims to foster innovative genomic research for diverse and underrepresented populations, stating it is one of only two, full-scale Diversity Centers for Genome Research in the United States. He also spoke about several of PCGR's accomplishments under the leadership of Dr. Wu, such as the formation of the Center's Genomic Workforce Development Core which provides a graduate-level "workforce-in-training" program to help expand career pathways for scientists, researchers, and other genomic careers; highlighted some of Dr. Wu's personal research achievements, including the generation of important findings with significant implications for prostate and pancreatic cancer prevention and prediction; and commented on Dr. Wu's numerous contributions beyond the establishment of the PCGR and its important research such as the authoring of numerous publications, being selected to present at numerous conferences, and the mentoring of students at the high school, undergraduate and graduate levels. President Lassner lauded Dr. Wu for his contributions to the university and the people of Hawai'i stating he will represent the university well in this competition.

D. LeeCC Campus Presentation

Chancellor Peñaloza provided an overview of fall semester headcount enrollment and SSH data trends over the last 5 years highlighting the increases witnessed by LeeCC in both of these statistics in 2024; presented information on changes to the

campus's student population demographics including enrollment status, gender, age, and ethnicity; reviewed statistics related to several student outcome performance measures, including retention, graduation, and transfer rates for first-time, full-time and Native Hawaiian students, since 2016, and endeavors undertaken to improve upon these metrics; discussed the areas and secondary educational institutions from which LeeCC derives most of its students; and noted various high schools and instructional sites across Leeward O'ahu where LeeCC has an educational presence. He also spoke about efforts being made by the campus to accomplish the goals for each of the four imperatives set forth in the University of Hawai'i Strategic Plan 2023-2029 such as the opening of the Hō'ikeākea Art Gallery, a gallery designed to showcase works from students, faculty, and artists from Hawai'i and beyond, as well as to bridge the gap between art education, business, marketing, humanities, and other college programs; the implementation of a "register now" campaign to improve educational access for students; the acquisition of resources and creation of modules within LeeCC's Office of Continuing Education and Workforce Development's Commercial Motor Vehicle Series to train individuals in school bus operations to help address the shortages in this field; the engagement of high school seniors in allied healthcare programs to train the next generation of skilled caregivers and meet the workforce demands in these disciplines for today and tomorrow; the launching of value-added innovation centers, like the Wahiawā Value-Added Product Development Center, and the establishment of a Certificate in Professional Develop for Food Entrepreneurs Program to work in concert with these centers to support the diversification of Hawai'i's economy through research and innovation; and the institutionalization of Kawaimanomano, an award winning professional development program designed to share cultural and 'āina-based education with all LeeCC employees so as to infuse Native Hawaiian values on campus, along with the formation of the He Loa Ke Aho Program, the goal of which is to indigenize the college and create a sense of belonging for Native Hawaiian students through the development of culturally-sustaining Open Educational Resources, investment in cultural faculty professional development, and targeted gap student support services and resources.

Faculty Report

Kelsie Aguilera, Chair of the LeeCC Faculty Senate, gave a report on some of the work undertaken over the previous academic year to support students and their academic success and improve collaborative engagement with the college administration. She went over some of the accomplishments of three Faculty Senate committees including, among other things, the improvement of instructional design and delivery through objective assessments of course learning outcomes; the provision of support to faculty in designing and delivering high-quality distance education; and the updating of policies and procedures to boost student success while upholding the rigor of the campus's academic programs and ensuring transparency and consistency in guidance provided to students. She also reviewed several of the Faculty Senate's goals for the 2024-2025 Academic Year.

Pūko'a no nā 'Ewa Native Hawaiian Council (Pūko'a no nā 'Ewa)

Genai U'ilani Keli'ikuli, Chair of Pūko'a no nā 'Ewa, spoke about the mission and vision of Pūko'a no nā 'Ewa, stating it endeavors to establish and maintain a native Hawaiian educational sanctuary that enriches the campus community through Hawaiian cultural values. She also discussed the group's efforts to indigenize the LeeCC campus, as well as its Wai'anae Moku Education Center and Wahiawā Value-Added Product Development Center, thereby supporting the goal of fulfilling kuleana to Native Hawaiians and Hawai'i contained within both the university's and campus's strategic plan; noted the complexity involved in achieving this goal both at a system and campus level; pointed out some of the challenges and questions Pūko'a no nā 'Ewa and other Native Hawaiian councils throughout the system will face and need to address in order to attain the aspirations of the university's strategic plan with respect to kuleana; went over several activities being undertaken to gain a better understanding of what it means to be a Native Hawaiian place of learning and nurture this concept; briefly touched upon the work of, and successes experienced by, Kawaimanomano, the professional development program which Chancellor Peñalosa spoke about earlier, along with actions being taken to improve the program; and highlighted a number of events and programs developed and carried out by Pūko'a no nā 'Ewa and other Native Hawaiian constituencies to bolster a Hawaiian cultural presence not only on the LeeCC campus but throughout the leeward community and the university system.

Student Report

Kainoa Kaeha, President of the Associated Students of University of Hawai'i - LeeCC (ASUH-LeeCC), reviewed the mission of ASUH-LeeCC, discussed its goals of empowering students through increased awareness of available resources to meet both their academic and personal needs, and highlighted several of the organization's accomplishments since 2023. He noted that ASUH-LeeCC has been highly active on social media hosting a number of interactive virtual events including podcasts on financial aid, voter registration, and the ma'i movement. ASUH-LeeCC also remains engaged with the campus and university administrations through its involvement in updating campus policies, as well as contributing to discussions on systemwide and campus strategic plans.

Regent Paloma asked if the services provided by Keone'Ula, a subcommittee of Pūko'a no nā 'Ewa, to assist faculty, staff, and others associated with LeeCC in obtaining a meaningful Hawaiian name for their grants, programs, and so on, was available for use by members of Hawai'i's business community. Ms. Keli'ikuli replied that the services provided by Keone'Ula are in its early stages and face capacity constraints. As such, the assistance provided by the group, as noted above, is currently limited to members of the LeeCC community.

Regent Haning questioned whether the faculty's ability to take advantage of Hawaiian language training and courses provided through Pūko'a no nā 'Ewa and others would also be afforded to staff, which he believed would be beneficial to creating a greater Hawaiian sense of place at LeeCC. Ms. Keli'ikuli replied that the program referenced by Regent Haning was established during the middle of the pandemic and offered Hawaiian language training to educational instructors from the State Department

of Education. However, she stated she was not personally involved in this matter and thus could not offer any other information on the program.

Regent Miyahira inquired as to whether there was an explanation for the significant dip in students from Campbell High School who chose to enroll at LeeCC in 2023. Chancellor Peñaloza stated that while LeeCC regularly analyzes enrollment trends to discern possible causes for fluctuations in student population demographics, a specific reason for the abovementioned decrease has not been identified. However, initiatives at other university campuses through early college programs or direct admissions may be one reason for this change. Nevertheless, LeeCC was happy to see the number of students from Campbell High School choosing to attend their institution rebound in Fall 2024.

Regent Tochiki sought clarification about enrollees in programs such as the ones offered at the

Chancellor Peñaloza replied that, although LeeCC does keep track of data regarding the nearly 2,000 individuals taking non-credit workforce development courses from the institution each year, these figures are not reflected in campus enrollment statistics which are associated with students taking traditional credit classes. President Lassner added that detailed information related to non-credit coursework at campuses throughout the university system will be included within the comprehensive enrollment report currently scheduled to be provided to the board in November.

Regents commended the students, faculty, staff, and administrators at LeeCC on the quality of the work they have been carrying out over the past year.

On a point of personal privilege, Regent Abercrombie shared his thoughts on the editorial column entitled [UH President Search Thorough, Inclusive](#) which appeared in the September 18, 2024, edition of the *Honolulu Star-Advertiser* and was co-authored by Chair Lee and Vice-Chair Tochiki. He stated it was a precise, insightful, and well-written summary of the presidential selection process used by the board and asked for the column to be placed in the record via reference in the minutes. He also praised the work of Vice-Chair Tochiki and Regent Wilson with respect to the Presidential Search Advisory Group (PSAG). Chair Lee agreed to Regent Abercrombie's request and directed board staff to cite the article in the minutes.

V. UHF REPORT

VP/UHF CEO Dolan reported on the fundraising efforts of UHF for fiscal year 2024 stating philanthropic donations surpassed \$100 million for the fourth year in a row with contributions for this fiscal year totaling approximately \$115.2 million, a roughly 10 percent increase from the \$103.57 million received last fiscal year. He noted the positive fundraising momentum experienced by UHF in 2023 carried over to 2024 highlighting meaningful increases in a number of metrics related to this topic; spoke about an increase in principal gifts, which are donations of \$1 million or more, taken in by UHF with 24 such contributions being made this fiscal year as opposed to 13 last fiscal year; discussed UHF's \$1 billion comprehensive capital campaign, which has garnered slightly

more than \$670 million in contributions as of this morning; and stated UHF fully expects to once again see a double-digit increase in philanthropic donations to the university for the current fiscal year. He also emphasized UHF's ability to regularly obtain over \$100 million in annual philanthropic donations, is a feat made possible, in large part, by improved engagement between the university's academic programs and donors, as well as prospective donors, about the advantages of making contributions to the university, as well as the community's belief in and trust of the institution.

Regent Akitake asked whether the visits mentioned by VP Dolan with respect to UHF's fundraising efforts included events such as the one held on Maui to celebrate the receipt of a \$2 million gift to provide full scholarships for nursing students at UH Maui College starting this fall. VP Dolan replied that, although the holding of events like the one on Maui is important, the term visits, as used by UHF, refers to individual, private meetings, dinners, one-on-one conversations, and the like with donors, stressing it is these types of interactions which often net the largest return on investment.

VI. QUARTERLY GOVERNANCE GROUP REPORT – UH STAFF COUNCIL (UHSC)

Jaret K.C. Leong, UHSC Co-Chair, began by presenting information on the purpose and intent of UHSC stating that it serves as the officially recognized advisory body representing the interests of university staff and is the entity responsible for collaborating with the administration in the development, review, and implementation of university policies and operations affecting staff. He then provided background on the formation of UHSC, highlighting the efforts of a voluntary working group created for the purpose of establishing this entity; contrasted the initial, as opposed to current, make-up of UHSC, and briefly went over its membership; noted some key aspects of UHSC's charter and bylaws; and discussed some of the organization's top priorities for 2024. He also recognized and thanked several individuals, including President Lassner, Truc Nguyen and Professor Rosie Vierra, 2021-2022 Co-Chairs of the All-Campus Council of Faculty Senate Chairs (ACCFSC), and a number of administration officials, for the support each provided in establishing the UHSC.

Regent Faumuina sought clarification on UHSC's goal of establishing awards for staff and a statement made by Mr. Leong regarding the compensation of faculty senate chairs. Mr. Leong replied that UHSC was seeking to establish staff awards similar to those available to faculty, such as the Presidential Citation for Meritorious Teaching. With respect to the compensation of faculty senate chairs, Mr. Leong stated it was his understanding that faculty senate chairs at the various university campuses receive some form of compensation for their service. Erin Centeio, immediate past-Co-Chair of the ACCFSC, explained that individual campuses determine compensation for their respective faculty senate chairs. At UHM money is distributed to the officers on the Faculty Senate Executive Committee based upon the individual's role on the Committee. After obtaining approval from the UHM Provost, the officer can then use this compensation to fund things like research, the hiring of student assistants, and course equivalencies.

Regent Abercrombie and Regent Wilson acknowledged and thanked Mr. Leong and Ms. Centeio for their work as Co-Chairs of the PSAG.

VII. AGENDA ITEMS

A. Consent Agenda

- 1. Approval of the University of Hawai'i/MW Group Development Agreement Ground Lease for 550 Makapu'u Avenue**
- 3. Approval of the Operating Budget for the Office of the Board of Regents and Office of Internal Audit for FY 2024-2025**
- 4. Approval of the FY 2025 Supplemental Capital Improvement Project (CIP) Expenditure Plan**
- 5. Approval of an Indemnification Provision in a Contract Issued by STARR II**

Regent Abercrombie asked if testimony was received on the FY 2024-2025 Operating Budget with respect of the use of Tuition and Fees Special Fund (TFSF) monies to compensate employees for temporary hazard pay. Board Secretary Lau stated she did not believe testimony received and processed by the Board Office as of this morning included comments on the FY 2024-2025 Operating Budget specific to the use of TFSF monies for temporary hazard pay compensation. Regent Abercrombie then began to share his thoughts on this aspect of the operating budget.

Regent Higaki raised a point of order stating any item on the consent agenda upon which further discussion was desired should be placed on the regular agenda. He then requested that Item VII.A.2., the FY 2024-2025 Operating Budget, be removed from the consent agenda and placed on the regular agenda for further discussion. No objections were raised by regents.

Regent Wilson moved to approve the consent agenda, with the exception of Agenda Item VII.A.2., seconded by Regent Abercrombie, and the motion carried with all members present voting in the affirmative.

2. Approval of Fiscal Year (FY) 2024-2025 Operating Budget

Regent Faumuina announced he would be recusing himself from discussions on this matter due to a potential conflict of interest, and left the meeting at 11:43 a.m.

A brief discussion ensued on the necessity of Regent Faumuina's recusal.

Referencing comments he made during the September 5, 2024, meeting of the Committee on Institutional Success, Regent Abercrombie continued to question, and articulate his concerns about, the use of TFSF monies for temporary hazard pay compensation as was reflected in the FY 2024-2025 Operating Budget, and once again, offered his thoughts on the fairness of using these funds to pay for a settlement negotiated between the State and public sector unions when student voices were not represented in those discussions. Although he believed the board should delay its

decision on this matter until such questions and issues can be resolved, Regent Abercrombie expressed his belief in the need to, at minimum, seek reimbursement from the Legislature for these payments should the board choose to approve the university's FY 2024-2025 Operating Budget. He also supported the idea of drafting legislation to address this kind of scenario in the future.

Chair Lee noted the necessity and importance of approving the university's FY 2024-2025 Operating Budget but assured Regent Abercrombie the administration was working on draft legislation to address this situation going forward.

Regent Miyahira moved to approve Agenda Item VII.A.2., seconded by Regent Wilson, and noting the excused absence of Regent Faumuina, the motion carried with all other members present voting in the affirmative.

Regent Faumuina returned at 12:00 p.m.

B. Appointment of Interim Director of Internal Audit

Chair Lee called upon Regent Miyahira, Chair of the Committee on Independent Audit (IA Committee), to present this item.

Regent Miyahira spoke about the need to appoint an Interim Director of Internal Audit to provide continued leadership, direction, planning, and coordination of the Office of Internal Audit (OIA) in the wake of the retirement of the current Director of Internal Audit on October 1, 2024. He then proceeded to request board approval for the appointment of Mr. Peter Lee as Interim Director of Internal Audit until such time a new Director of Internal Audit is hired but not to exceed April 30, 2025, as noted in the memo contained within the board materials packet. Regent Miyahira also invited VP Gouveia to provide a brief update on the search for a new Director of Internal Audit.

VP Gouveia stated the university's Office of Human Resources began seeking applicants for a new Director of Internal Audit on September 10, 2024, via an online posting utilizing the position description approved by the IA Committee at its September 5, 2024, meeting. Thus far, four individuals have applied for the position. The administration anticipates providing all of the applications it receives to the IA Committee for vetting at a future committee meeting.

Regent Miyahira moved to approve the appointment of Mr. Peter Lee as Interim Director of Internal Audit, seconded by Regent Akitake, and the motion carried with all members present voting in the affirmative.

C. Request Approval to Indemnify the Federal Government, U.S. Navy, Naval Sea Systems Command (NAVSEA) for Proposed Contract, N00024-24-D-6402 with the ARL, UH

VP Symos presented background information on the request to approve the indemnification of the federal government as set forth in a proposed contract designated N00024-24-D-6402 to be issued by NAVSEA. He stated the multi-year contract has an initial performance period of five years, with a potential option to extend for an additional

five years; pointed out indemnification agreements have become commonplace with respect to university research projects; spoke about the board's approval of similar indemnification provisions in previous contracts between the federal government and the ARL at UH; and noted the university's excellent track-record when it comes to research contracts, research compliance, and research integrity.

Regent Faumuina shared his thoughts on, and offered a rebuttal to, some of the comments and concerns raised by opponents of the ARL indemnification, as well as the university serving as a University Affiliated Research Center, as noted in both written and oral testimony.

A brief conversation ensued on the public availability of, and the potential for confidentiality requirements being placed on, university contracts with the Department of Defense (DOD), as well as specific task orders associated with the ARL at UH.

Regent Abercrombie requested the record to reflect the mischaracterization of his position on DOD contracts in relation to the ARL by oral testimony provided on this matter.

Regent Miyahira moved to approve the indemnification of the federal government as requested by the administration, seconded by Regent Abercrombie, and the motion carried with all members present voting in the affirmative.

VIII. ANNOUNCEMENTS

Chair Lee announced that the next board meeting was scheduled for October 29, 2024, at UHM.

IX. ADJOURNMENT

There being no further business, Chair Lee adjourned the meeting at 12:31 p.m.

Respectfully Submitted,

/S/

Yvonne Lau
Executive Administrator and Secretary
of the Board of Regents