

## CHAPTER 1

### GENERAL PROVISIONS

#### Section 1-1 Definitions.

The words and phrases in the BORP shall, unless inconsistent with the context, be construed as follows:

- a. "Board" means the Board of Regents of the University. (Note: By statute, references in these policies with respect to the University's authority refers to the Board of Regents.)
- b. "Chancellor for Community Colleges" means the Senior Vice President and Chancellor for Community Colleges.
- c. "Chancellor of UH-Hilo" means the Senior Vice President and Chancellor for the University of Hawai'i, Hilo.
- d. "Executive Officer" means the University President.
- e. "President" means the President of the University of Hawai'i system.
- f. "University" means the University of Hawai'i system except in references to authority (see section 'a' above). (Note: By statute, the University also refers to the Board of Regents)
- g. "Vice President for Academic Affairs" means the Vice President for Academic Affairs. (Note: Title was changed from Senior Vice President for Academic Affairs and may be so referenced herein.)
- h. "Chancellor for Manoa" means the Chancellor for the University of Hawai'i at Manoa.
- i. "In consultation" and/or "consult with the Board" means to obtain input, comment, advice, and direction from the Board or the Board's designee prior to making a recommendation to the Board for decision-making and in certain instances, prior to administrative action by the President or the administration.
- j. "Secretary" means the Executive Administrator and Secretary of the Board of Regents. (Sept. 21, 1990; Sept. 17, 1993; am: Oct. 18, 2002)

#### Section 1-2 The Relationship of the Board to Administration and University.

- a. Principles and Rules of Conduct.
  - (1) With respect to the duties and functions of the Board and the President, the following are the applicable principles:
    - (a) It is recognized that the Board has been granted full legal power and authority to manage and control the affairs of the University, and the responsibility for the successful operation of the University and the achievement of the purposes as prescribed in the statutes

rests exclusively with the Board.

- (b) It is recognized that a distinction must be made between what may, for convenience, be called the "government" of the University, and the "administration" thereof. "Government" may be thought of as the establishment of the principles, the laws and policies, and "administration" as the carrying out and execution of these principles, laws and policies once approved by the Board. Therefore, the interpretation of all Board policies shall rest exclusively with the Board and may be rendered, as necessary, through its designee(s).
- (c) The functions of the Board are concerned with the government of the University; and its duties, in nature, are legislative and at times quasi-judicial. The execution of the policies authorized and established by the Board is confided to the President, Vice Presidents, Chancellors, and other officers of administration of the institution. The Regents must not concern themselves directly with the administration of the University, or individually or collectively take part in administration, provided that it is the responsibility of the Board to satisfy itself, through proper channels, that the principles, laws and policies established by the Board are, in fact, being administered and that the administration is adequate.

The term "through proper channels" refers to the obligation of the Board members to secure detailed information or information requiring careful compilation, either through the Secretary of the Board or through the Executive Officer of the Board. It is not intended to place any restriction upon members of the board conversing freely and frankly with any officers or other employees of the University. Any extended or detailed investigation or inquiry on the basis of which it is proposed to predicate board action should, however, be carried on in a formal, orderly manner with the approval of the Board and the knowledge of the President. Ordinarily where assistance is sought of the faculty in major matters of educational policy, the Board will act through the President; and such assistance will come through the academic senate or some committee thereof.

Likewise, the administration shall communicate with the Board through the Secretary of the Board and only with permission of the Board's Chairperson may the administration deal directly with a member of the Board. This is to insure that all Regents have equal access to information and given equal regard for their time and contributions.

- (d) No member of the Board shall serve on committees of the

University concerned with curriculum and educational problems when a matter is to eventually require the Board's consideration, nor on any selection committees.

- (e) The primary duty of the Board is first to determine and set forth the objectives of the University, and second, to provide the means, in the form of adequate budget, personnel and material, to achieve these objectives. In determining the objectives of the University, the assistance of the faculty will be sought and obtained through proper channels. (Sept. 12, 1942; Oct. 1, 1942; Oct. 20, 1944; am: Oct. 18, 2002)
- (2) Rules of Conduct. The rules of conduct between members of the Board and administrative personnel shall be as follows:
- (a) In carrying out any policy established by the Board, except in so far as the method shall be defined by the Board, the method of execution shall be within the discretion of the President.
  - (b) No member of the Board shall publicly challenge any act of the President as being contrary to established policy except in a meeting of the Board.
  - (c) Except as specifically authorized by formal action, no member of the Board can represent the Board within the University and no member shall interfere, engage in, or interact directly with the campuses without prior authorization from the Board's Chairperson. All meetings between Board members and any member of the administration including the President shall be authorized by the Board's Chairperson and arranged through the Board Secretary and/or with the full knowledge of the Office of the Secretary of the Board. In addition, no unilateral action of a member of the Board has the authorization nor support of the Board; and the authority of the Board reposes in the Board as a whole. Likewise, all communication from the President and any member of the Administration to the members of the Board must flow through the Secretary of Board unless otherwise authorized.
  - (d) The Board members shall make written request through the Secretary of the Board for any detailed information with reference to actions of the President, particularly where it is desired to challenge such actions as inconsistent with the established policy of the Board.
  - (e) The interpretation of all Board policies rests exclusively with the Board. Where no policy has been established by the Board, the President shall consult with the Board prior to taking action, however, the President shall be free to exercise his/her judgment in

taking action on emergency matters of major importance provided that in consultation with the Board or its designee, it is determined that a special meeting of the Board cannot be held in time to address the emergency. Therefore, every attempt shall be made to have the Board will be convened in special session. The President shall inform the Board of such circumstances, advising it prior to taking any action(s) where Board policy is silent.

- (f) The President shall, by appropriate memoranda either to the Secretary of the Board or by information circulated to all Board members, promptly advise Board members as to how specific orders of the Board have been carried out.
  - (g) The determination of what correspondence of the President, if any, shall be sent to the Board for its files shall rest in the sole discretion of the President unless the Board, by appropriate action, shall otherwise direct.
  - (h) These rules may be added to or amended from time to time by action of the Board. (Sept. 17, 1942; Nov. 9, 1961; am: Oct. 18, 2002)
- b. Procedures Relating to Communication to and from the Board and its Members.
- (1) All communications involving advice, recommendations, instructions, etc., written or oral, from any Board member individually or as a representative of a Board committee, shall first receive the approval of the Board and thereafter be transmitted through the Executive Officer. This action does not preclude discussion or exchange of opinion or similar intercourse between Board members and staff members. All formal inquiries shall be made through the Board Secretary and all meetings between Board members and other members and members of the administration shall be arranged through and/or with the full knowledge of the Office of the Secretary of the Board. (Nov. 27, 1941; am: Oct. 18, 2002)
  - (2) Communications and notifications emanating from official Board action and relating to specifically or generally to University affairs, internal or external, instructional and administrative, should be transmitted through the Executive Officer. Whenever legally necessary, or in cases specified by the Board, communications and notifications emanating from Board action shall be handled by the Secretary of the Board. (Nov. 27, 1941)
  - (3) Correspondence addressed to the Board or to the Secretary of the Board or to the University shall go to that officer under whose jurisdiction the correspondence

should be handled. A certain latitude of judgment in matters of correspondence is granted to the Secretary of the Board. The work of the Secretary and of the Executive Officer should be coordinated through mutual agreement. (Nov. 27, 1941)

- (4) Shortly after each meeting of the Board, the Secretary shall furnish the Executive Officer with an abstract of Board action in order that the Executive Officer may handle correspondence as soon as possible and involve the appropriate units for publicity. (Nov. 27, 1941; am: Oct. 18, 2002)
- (5) Copies of all correspondence handled by the Executive Officer shall be filed with the Secretary of the Board in the office of the Regents and, likewise, copies of all correspondence handled by the Secretary shall be sent to the Executive Officer. (Nov. 27, 1941)

Section 1-3 Rules of Practice and Procedure before the Board. (See Administrative Rules, Title 20, University of Hawai'i, Chapter 1)

Section 1-4 Rights and Responsibilities of the University of Hawai'i Community. (See Administrative Rules, Title 20, University of Hawai'i, Chapter 2)

Section 1-5 Policy on Non-Discrimination and Affirmative Action.

It is the policy of the University of Hawai'i to provide equity of opportunity in higher education, both in the educational mission and as an employer. The University is committed to comply with all State and Federal Statutes, rules, and regulations which prohibit discrimination. The University is committed to a policy of nondiscrimination on the basis of race, sex, age, religion, color, national origin, ancestry, handicap, marital status, arrest and court record, sexual orientation, or veteran status. This policy covers admission and access to and participation, treatment, and employment in the University's programs and activities. Sexual harassment is prohibited under this policy. The University shall promote a full realization of equal opportunity through a positive, continuing program of nondiscrimination and affirmative action (41 CFR Chapter 60) on each campus. (Feb. 13, 1976; April 19, 1991)

Section 1-6 University Seal.

The University Seal, located at the end of this chapter, shall be as adopted by the Board on April 7, 1921 and amended on March 29, 1946. The President shall develop and recommend to the Board for approval, appropriate guidelines for the legally authorized use and licensing of the University's seal, trademarks, logos, and related symbols. (Ad: Apr. 7, 1921; am: March 29, 1946; am: Oct. 18, 2002)

Section 1-7 University Logo.

The logo or trademark, approved by the Board, is located at the end

of this chapter and shall be the logo or trademark of the University. Provisions for the use and licensing of the logo shall be as stipulated in section 1-6 above. (February 19, 1970; am: Oct. 18, 2002)

Section 1-8 Coat of Arms.

The coat of arms of the University, approved by the Board, is located at the end of this chapter. The provisions on use and licensing of the coat of arms shall be as stipulated in section 1-6 above. (June 15, 1954; am: Oct. 18, 2002)

Section 1-9 Sponsorship of Meetings, etc., at the Request of National Organizations.

The Board does not approve in general the use of the University's name by national organizations which request that the University of Hawai'i sponsor meetings, round tables, organizations, etc. (Jan. 21, 1949)

Section 1-10 Regents' Policy on Faculty Involvement in Academic Decision Making and Academic Policy Development.

Introduction

With unanimous agreement and understanding that the faculty of an educational institution contributes to its quality, spirit, aspiration, and effectiveness, the Board of Regents issues this policy to provide for organized faculty involvement in the development and maintenance of institutional academic policies and to emphasize the maintenance of a collegial approach to academic decision making and policy development. The role of a university faculty governance organization is to advise the administration (primarily at the campus and unit level) on matters impacting and/or relating to the development and maintenance of academic policy and standards to the end that quality education is provided, preserved, and improved.

The Board of Regents has the ultimate responsibility for the governance of the University and the formulation of policies which guide and determine its affairs. In carrying out these ultimate responsibilities, the Board entrusts and delegates various functions to members of the University community and various organizational levels. Unless specifically delegated or entrusted to others, all governing authority resides with the Board.

The President of the University is the chief executive officer of the Board and the University, and has primary responsibility for recommending and implementing Board policies. The interpretation of Board policies, however, shall rest exclusively with the Board or its designee(s).

The Chancellors have the leadership responsibility for the immediate operational management and governance of their respective organizational units within Board governing and Presidential administrative policy. (April 12, 1979; am: Oct. 18, 2002)

## Policy

It is the policy of the University to maintain and strengthen organized and systematic involvement by faculty in academic decision making and policy development. Consistent with this policy, the faculties of the University of Hawai'i at Manoa, the University of Hawai'i at Hilo, the University of Hawai'i at West O'ahu, and the Community Colleges are authorized to develop faculty 'organizations by which regular and organized faculty involvement may be exercised in carrying out their collective responsibilities with their administrative colleagues in matters of academic policy to make recommendations or provide advice on academic policy for the particular campus, major organizational unit headed by a Chancellor, and the University, and to make such determinations as set forth herein below.

While the primary focus of this responsibility is at the campus level, involvement in University-wide academic policy through normal administrative channels is also important in protecting and strengthening the quality of the University.

The following further describes details of this policy.

1. Together with and subject to the approval of its Chancellor, each campus faculty may:
  - a. determine its own organization consistent with this policy;
  - b. adopt its own bylaws and rules of procedure for exercising the role and performing the duties outlined in this policy.

Once such organization or organizations and charters are approved, the pattern of participation in campus and University matters will be realized in accordance with the charters.

2. The duly authorized organization or organizations specified by each charter shall have the responsibility to speak for the faculty on academic policy matters such as:
  - a. policy determining the initiation, review, and evaluation of proposed or authorized research, instructional, and academic programs;
  - b. budget planning and implementation policy;
  - c. student-faculty relations policy;

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<sup>1</sup>"Faculty" in this document refers to the formal personnel classification of "faculty," but representatives of other groups in the institution, especially students, may be included in the organization as long as faculty constitute dominance in membership and responsibility.

- d. policy for the evaluation of faculty and campus academic administrators;
  - e. the improvement and establishment of a canon of professional ethics and an effective means of professional maintenance of those ethics, including faculty self-discipline; and
  - f. other subjects affecting academic policy subjects referred to it or them by the Provost and/or Chancellor, or by request of the appropriate faculty organization.
3. As stated previously by the Board, the faculty has primary responsibility for such fundamental academic areas as curriculum content, subject matter, and methods of instruction and research. On these matters the power of review and concurrence or final decision lodged in the Board of Regents or delegated to administrative officers should be exercised adversely only in exceptional circumstances and for reasons communicated to the faculty.
  4. In cases of academic policy proposals that may be initiated by the Regents or recommended by the President, the President shall decide the manner by which the advice and full input of duly constituted faculty organizations is obtained, and prior to final Board action such advice, along with Presidential recommendations, will be considered.
  5. The role of the faculty as set forth herein shall not be delegated to any other entity by the faculty organization or organizations established pursuant to this policy.
  6. Each action of the faculty under these provisions shall be consistent with such policy and directives as the Board may prescribe. If there is any conflict, the Chancellor shall notify the faculty of the conflict and initiate consultation to resolve the problem.

The authority for implementing this policy is vested in the President of the University or his/her designee. Each campus is encouraged to develop and submit for approval a system of faculty involvement in academic decision making and policy development in accordance with this policy. (Apr. 12, 1979; am: Oct. 18, 2002)

#### Section 1-11 Severability

Should any section of the Board's policies or portion thereof be in conflict with any other part of these policies, it shall be the exclusive jurisdiction of the Board to determine the application of such section(s). In such instances the section(s) in conflict shall not be invalidated and to this end the provisions of these policies are severable. (Ad: Oct 18, 2002)