

**MINUTES**  
**BOARD OF REGENTS MEETING**  
**MARCH 7, 2024**

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

[Meeting Video](#)

**NOTE:** This meeting is a continuation of the February 16, 2024, regular board meeting which took place at the University of Hawai'i at Hilo. Information for **all items on this agenda, with the exception of Agenda Item VIII.E (in part)**, can be found here [Minutes of the February 16, 2024 Meeting of the Board](#).

**I. CALL TO ORDER**

Acting Chair Gabriel Lee called the meeting to order at 11:49 a.m. on Thursday, March 7, 2024, at the 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 (10): Acting Chair Gabriel Lee; Vice-Chair Ernest Wilson; Regent Neil Abercrombie; Regent Lauren Akitake; Regent William Haning; Regent Wayne Higaki; Regent Laurel Loo; Regent Abigail Mawae; Regent Diane Paloma; and Regent Laurie Tochiki.

Excused (1): Board vacancy due to the resignation of Chair Alapaki Nahale-a.

Others in attendance: President David Lassner; Vice President (VP) for Administration Jan Gouveia; VP for Academic Strategy Debora Halbert; VP for Community Colleges Erika Lacro; 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; UH-Mānoa (UHM) 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.

Acting Chair Lee announced that this meeting was a continuation of the February 16, 2024, regular board meeting which took place at the University of Hawai'i at Hilo. As all of the items on the February board meeting agenda were previously discussed and disposed of, with the exception of Agenda Item VIII.E, this meeting will carry on with discussions and possible board action on pending legislation.

*(For items II, III, IV.A., IV.B., V, VI, VII.A., VII.B., VII.C., VIII.A., VIII.B., VIII.C., and VIII.E., please see the Minutes of the February 16, 2024 Meeting of the Board.)*

**II. APPROVAL OF THE MINUTES OF THE JANUARY 18, 2024 MEETING**

**III. PUBLIC COMMENT PERIOD**

**IV. REPORT OF THE PRESIDENT**

**A. President's Award for Excellence in Building and Ground Maintenance**

**B. UHH and HawCC Regional Presentation**

**V. REPORT OF THE UNIVERSITY OF HAWAI'I ALL CAMPUS COUNCIL OF FACULTY SENATE CHAIRS (ACCFSC)**

**VI. REPORT OF UHF**

**VII. COMMITTEE REPORTS**

**A. Report from the Committee on Student Success**

**B. Report from the Committee on Institutional Success**

**C. Report from the Committee on Governance**

**VIII. AGENDA ITEMS**

**A. Consent Agenda**

- 1. Approval of Provisional Status for the Bachelor of Arts in Education at UHH**
- 2. Approval of Authorizing the University of Hawai'i to Enter into a Sixth Amendment to the Ground Lease with the Adult Student Housing Hawai'i, Inc. for the Hale Kāwili Apartments at UHH**
- 3. Approval of an Indemnification Provision in a Contract Issued by the American Library Association ("ALA")**
- 4. Approval of Legislative Options to Address Legislative Issues and Measures**

**B. Report on Senate Committee on Higher Education Informational Briefing of January 18, 2024, by Regents Abercrombie, Akitake, Lee, Tochiki, and Wilson, as required by Section 92-2.5(e), Hawai'i Revised Statutes.**

**C. Update on Mānoa Student Housing**

**D. Legislative Update**

**E. Discussion and Possible Board Action on Pending Legislation**

Prior to continuing board deliberations on this agenda item which began at the February 16, 2024, regular board meeting, Acting Chair Lee acknowledged the service and dedication of former Chair Alapaki Nahale-a, who resigned after failing to be confirmed for a second term as a regent.

Numerous regents recognized former Chair Alapaki Nahale-a for his service and commitment to the University of Hawai'i and noted he will be missed. Many applauded

his steadfast leadership of the board; willingness to listen to opposing viewpoints; mentorship of new regents; courage in the face of adversity; efforts to effectuate change in the way the board and administration operate so as to provide the most benefit to the university as an institution; and humility and aloha, not only as Chair but as an individual. Several regents also expressed their disappointment in the vote not to confirm former Chair Nahale-a for a second term as a regent stating they were disheartened and discouraged by the Senate's actions, which in their opinion, will be disruptive to the board's work; the criticism levied against former Chair Nahale-a, despite all regents being a party to many of the issues for which he was being criticized; legislators' lack of recognition with respect to the work former Chair Nahale-a accomplished and was trying to achieve while serving as Chair; the pettiness exhibited in the confirmation process; incorrect and inaccurate statements made by individual Senators; and the apparent continued deterioration in the relationship between the board, the university, and the State Senate. Even with these concerns, regents vowed to press on with the work of the board in the same spirit exhibited by former Chair Alapaki Nahale-a.

VP Young provided a status update on the list of measures noted on the meeting agenda stating that the majority of these items failed to meet requisite legislative deadlines and are therefore no longer active. He also brought to regents' attention two measures of vital interest to the university still moving through the legislative process – House Bill No. 2499, House Draft 2 (H.B. 2499, H.D. 2) Relating to Procurement for the University of Hawai'i, and H.B. 2504, H.D. 2, Relating to Cigarette Taxes, both of which were briefly discussed during the immediately preceding Committee on Institutional Success meeting.

Regents engaged in extensive conversations on possible courses of action the board could exercise when addressing legislation or other legislative matters including allowing VP Young and the university's Office of Government Relations (OGR) to take the lead on issues of interest to the university, selecting regents to work with OGR staff, as appropriate, to engage with members of the Legislature on matters of importance to the board, and assigning specific legislative measures to the board committee with jurisdictional oversight of the item's subject matter and authorizing the chair of the respective committee to provide testimony on the issue on behalf of the board. They also discussed the degree to which regents want to become involved in the legislative process; the establishment of a methodology by which the board could determine its position on a legislative measure; the need for the board to clearly express its stance on specific legislation if such a position is taken; and reiterated questions raised in the past about whether a regent was speaking on behalf of the board or as an individual when testifying or discussing an issue with individual legislators.

Board Secretary Lau put forth a proposal for the board to adopt broad, general statements with respect to its stance on an issue and allow board staff or a board designee to draft testimony within the confines of the adopted position.

Deliberations ensued on Board Secretary Lau's proposal with some regents expressing their unease with placing staff, university employees, members of the administration, or an individual regent in a position to speak on behalf of the board

should questions arise from legislators. Additionally, Regent Abercrombie remarked that legislators' expectations for greater in-person participation by regents in the legislative process were made clear at the confirmation hearings recently held by the State Senate.

Regent Akitake asked if regents could be surveyed about their position on legislation and testimony submitted based upon the responses should consensus be reached on an issue. Board Secretary Lau replied that conducting surveys of regents on specific legislation would be operationally problematic given the speed at which action is taken at the Legislature.

Taking into consideration all of the previous conversations, Acting Chair Lee opined that the board should continue to address legislative matters through the method presently in use and consider making changes to this process as suggested by regents prior to the next legislative session. He then asked if there were any particular bills regents wanted to weigh-in on.

Citing the importance of H.B. 2499, H.D. 2 to the university, Regent Abercrombie moved that the board express its support for this measure and further engage with the legislature on this matter as appropriate. The motion was seconded by Regent Akitake, and noting the abstention of Regent Mawae, the motion carried with all other members present voting in the affirmative.

Vice-Chair Wilson asked whether a similar position should be taken on H.B. 2504, H.D. 2, since the two-cent increase in the cigarette tax was a critical component of the University of Hawai'i Cancer Center's fiscal plan to maintain its viability. Acting Chair Lee stated that, due to the numerous facets applicable to this bill, he believed it would not be necessary to take action on this measure.

#### **IX. ANNOUNCEMENTS**

Acting Chair Lee announced that the next board meeting was scheduled for March 21, 2024, at UHM.

#### **X. ADJOURNMENT**

There being no further business, Acting Chair Lee adjourned the meeting at 12:46 p.m.

Respectfully Submitted,

/S/

Yvonne Lau  
Executive Administrator and Secretary  
of the Board of Regents