

**Notice of 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: Friday, February 16, 2024
Time: 8:30 a.m.
Place: University of Hawai'i at Hilo
Daniel K. Inouye College of Pharmacy
Hale Kiho'iho'i Room 101
722 South Aohoku Place
Hilo, HI 96720

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

AGENDA

- I. Call Meeting to Order**
- II. Approval of the Minutes of the January 18, 2024 Meeting**
- III. Public Comment Period for Agenda Items:**

Individuals who are unable to provide testimony at this time will be allowed an opportunity to testify when specific agenda items are called.

All written testimony on agenda items received after posting of this agenda and up to 48 hours in advance of the meeting will be distributed to the board. Late testimony on agenda items will be distributed to the board at the beginning of the meeting. 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 209, Honolulu, HI 96822, or facsimile at (808) 956-5156.

Those wishing to provide oral testimony virtually may register [here](#). Given the constraints with the format of hybrid meetings, individuals wishing to orally testify virtually must register no later than 7:00 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. Report of the President

- A. President's Award for Excellence in Building and Ground Maintenance
- B. Hawai'i Island Regional Presentation

V. Report of the University of Hawai'i All Campus Council of Faculty Senate Chairs (ACCFSC)

VI. Report of the University of Hawai'i Foundation

VII. Committee Reports

- A. Committee on Student Success
- B. Committee on Institutional Success
- C. Committee on Governance

VIII. Agenda Items

- A. Consent Agenda
 - 1. Approval of Provisional Status for the Bachelor of Arts in Education at the University of Hawai'i at Hilo (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 Option 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 HRS Section 92-2.5(e)
- C. Update on Mānoa Student Housing

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D. Legislative Update

E. Discussion and Possible Board Action on Pending Legislation including:

1. HB1597 RELATING TO OPEN MEETINGS. Provides a specific right of action to challenge decisions of the Office of Information Practices relating to the State's open meetings law. Aligns the enforcement mechanisms for the State's open meetings law with the State's Uniform Information Practices Act.
2. HB1598 RELATING TO THE SUNSHINE LAW. Establishes that board packets shall be made available for public inspection no later than two business days, rather than forty-eight hours, before a board meeting. Clarifies that public testimony may be submitted to the board before the meeting.
3. HB1599 RELATING TO THE SUNSHINE LAW. Requires public meeting notices to inform members of the public how to provide remote oral testimony in a manner that allows the testifier, upon request, to be visible to board members and other meeting participants.
4. HB1600 RELATING TO OPEN MEETINGS. Requires that a board may only schedule a meeting for discussion and decision making on a report by an investigative group six days after the investigative group has made a report of its findings to the board.
5. HB1858 RELATING TO PUBLIC AGENCY MEETINGS. Provides that supplemental information received within 48 hours of a meeting of a board subject to state opening meetings law may be added to the board packet; provided that the public is promptly provided access to the supplemental information.
6. HB1859 RELATING TO PUBLIC AGENCY MEETINGS. Authorizes any board that is subject to state open meetings law to hold a closed meeting for the purpose of providing training to new and current board members.
7. HB1975 RELATING TO THE SUNSHINE LAW. Establishes accessibility standards for the distribution of public documents and media presentations by boards as defined in section 92-2, Hawaii Revised Statutes. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.
8. HB2168 RELATING TO MEETINGS. Amends the definitions of "board", "board business", and "meeting" within state open meetings law to expand the scope of the law to include state and county policymaking groups, including groups created by emergency proclamations.
9. HB2211 RELATING TO PUBLIC EMPLOYEE COMPENSATION. Prohibits a board or commission from authorizing a base salary for a position and prohibits an employee from receiving a base salary, in excess of the amount designated

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in the budget enacted by the Legislature or other legislative enactment, unless approved by the Legislature.

10. HB2482 RELATING TO MEETING NOTICES. Mandates the Office of the Lieutenant Governor or the appropriate county clerk's office to ensure access to paper or electronic copies of all meeting notices and deletes the requirement to post notices in a central location in a public building.
11. SB2116 RELATING TO BOARD MEETINGS. Requires boards to use interactive conference technology to remotely conduct public meetings in conjunction with in-person meetings that allow for public participation. Requires boards to archive minutes of meetings on their websites.
12. SB2172 RELATING TO BOARDS AND COMMISSIONS. Establishes the priority of who may assume the authority and duties of a chairperson of a board or commission in the chairperson's and all co-chairperson's absence at a hearing or meeting of a board or commission. Prohibits staff members from assuming the authority and duties of the chairperson of a board or commission.
13. SB2198 RELATING TO PUBLIC AGENCY MEETINGS. Provides that supplemental information received within 48 hours of a meeting of a board subject to state opening meetings law may be added to the board packet; provided that the public is promptly provided access to the supplemental information.
14. SB2199 RELATING TO PUBLIC AGENCY MEETINGS. Authorizes any board that is subject to state open meetings law to hold a closed meeting for the purpose of providing training to new and current board members.
15. SB2292 RELATING TO BOARDS AND COMMISSIONS. Clarifies that the procedures for selecting members of boards and commissions also apply to ex officio members.
16. SB2517 RELATING TO PUBLIC AGENCY MEETINGS. Required that heads of agencies that require board appointments be made through a publicly established process and timeline. Requires that a vote by a public agency board to hire an officer or employee be conducted in an open meeting.
17. SB2597 RELATING TO BOARDS AND COMMISSIONS. Clarifies that the prohibition against board and commission holdover members from holding office beyond the end of the second regular legislative session following the expiration of the member's term of office takes precedence over any conflicting statutes.
18. SB2599 RELATING TO PUBLIC EMPLOYEE COMPENSATION. Prohibits a board or commission from authorizing a base salary for a position and prohibits an employee from receiving a base salary, in excess of the amount designated

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19. SB2636 RELATING TO REMOTE MEETINGS. Requires a board to offer remote testifiers an option to be seen and heard by the board and the public when offering remote testimony. Authorizes a board to remove or block any persons who intentionally disrupt or compromise the conduct of a meeting.
20. SB2637 RELATING TO PUBLIC AGENCY MEETINGS. Clarifies that the third meeting of public agency meetings must occur not less than six calendar days after the second.
21. SB2638 RELATING TO BOARD PACKETS. Requires boards to make available for public inspection board packets, if created, at the time the board packet is distributed to the board members but no later than two business days before the meeting. Carves out an exception by allowing public testimony to be distributed to board members within two business days before the meeting.
22. SB2639 RELATING TO PUBLIC AGENCY MEETINGS. Updates the enforcement mechanisms for the Uniform Information Practices Act and the Sunshine Law.
23. SB2751 RELATING TO THE SUNSHINE LAW. Establishes accessibility standards for the distribution of public documents and media presentations by boards as defined in section 92-2, Hawaii Revised Statutes. Declares that the general fund expenditure ceiling is exceeded. Makes an appropriation.
24. SB2830 RELATING TO MEETINGS. Amends the definitions of "board", "board business", and "meeting" within state open meetings law to expand the scope of the law to include state and county policymaking groups, including groups created by emergency proclamations.
25. SB3171 RELATING TO MEETING NOTICES. Mandates the Office of the Lieutenant Governor or the appropriate county clerk's office to ensure access to paper or electronic copies of all meeting notices and deletes the requirement to post notices in a central location in a public building.
26. SB3203 RELATING TO PUBLIC AGENCY MEETINGS AND RECORDS. Enables boards to operate more effectively by amending sections of the Sunshine Law pertaining to the declaration of policy and intent, permitted interactions of members, limited meetings, executive meetings, exceptions, board packets, and minutes. Amends the definition of the term "meeting".
27. SB3307 RELATING TO PUBLIC AGENCY MEETINGS. Requires the Director of the Office of Information Practices to adopt rules to establish a process for the selection and appointment of trusted public representatives. Allows the Director of the Office of Information Practices to assign trusted public

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representatives to observe board meetings closed to the public. Requires the Director of the Office of Information Practices to include in the Director's annual report the activities of trusted public representatives. Requires trusted public representatives to submit a confidential report to the Director of the Office of Information Practices that a board meeting was conducted in conformance with chapter 92, Hawaii Revised Statutes. Defines "trusted public representative". Allows boards to hold certain meetings closed to the public if a trusted public representative is assigned to the meeting by the Director of the Office of Information Practices and is present at the meeting.

28. SB3366 RELATING TO OVERSIGHT OF EDUCATION. Adds the Director of Business, Economic Development, and Tourism; Director of Labor and Industrial Relations; and the President of the University of Hawaii to the Board of Education of the Department of Education. Adds the Director of Business, Economic Development, and Tourism; Director of Labor and Industrial Relations; and the Superintendent of Education to the University of Hawaii Board of Regents.
29. GM532 Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, LAUREN AKITAKE, for a term to expire 06-30-2028.
30. GM587 Submitting for consideration and confirmation to the Mauna Kea Stewardship and Oversight Authority, Gubernatorial Nominee, BENJAMIN KUDO, for a term to expire 06-30-2027.
31. GM596 Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, NEIL ABERCROMBIE, for a term to expire 06-30-2028.
32. GM597 Submitting for consideration and confirmation to the Board of Regents of the University of Hawai'i, Gubernatorial Nominee, ALAPAKI NAHALE-A, for a term to expire 06-30-2028.

33. Other Bills

IX. Announcements

A. Next Meeting: March 21, 2024, at the University of Hawai'i at Mānoa

X. Adjournment

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