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**Transaction ID 59128016**  
**Case No. CE-07-874**

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University of Hawaii Professional Assembly

STATE OF HAWAII

HAWAII LABOR RELATIONS BOARD

In the Matter of

UNIVERSITY OF HAWAII  
PROFESSIONAL ASSEMBLY; KEVIN  
BENNETT, Associate Professor of Biology,  
Department of Biology, University of  
Hawai'i; and KATHLEEN COLE,  
Associate Professor of Biology, Department  
of Biology, University of Hawai'i,

Complainants,

and

KRISTIN KUMASHIRO, Interim Dean of  
Natural Sciences, University of Hawai'i;  
and BOARD OF REGENTS OF THE  
UNIVERSITY OF HAWAI'I,

Respondents.

CASE NO.: CE-07-874

ORDER NO.: 3167

STIPULATION FOR DISMISSAL OF  
CLAIMS OF DR. KATHLEEN COLE;  
AND ORDER OF CLOSURE OF THE  
CASE

**STIPULATION FOR DISMISSAL OF CLAIMS OF  
DR. KATHLEEN COLE; AND ORDER OF CLOSURE OF THE CASE**

Complainants University of Hawaii Professional Assembly (UHPA), Kevin Bennett, and Kathleen Cole, by and through their counsel, Gill Zukeran & Sgan, and Respondents Kristin Kumashiro, and Board of Regents of the University of Hawaii, by and through the University Office of General Counsel, stipulate as follows:

1. By letter dated October 20, 2015, to Chancellor Robert Bley-Vroman, the UHPA requested informal resolution ("informal grievance") of a dispute concerning the removal of Complainant Kathleen Cole (Dr. Cole) as department chair, pursuant to Article XXIV of the Unit 7 collective bargaining agreement (CBA). Due to the statute of limitations for prohibited practice complaints, Complainants filed the instant Prohibited Practice Complaint (Complaint) on December 21, 2015, while the informal grievance was pending. The parties thereafter mutually agreed to hold the informal grievance in abeyance due to the pendency of the Complaint.

2. All claims of Complainant Dr. Cole in this Complaint shall be dismissed forthwith by the Board. The UHPA and/or Dr. Cole may grieve under the collective bargaining agreement; the parties' previously-agreed stay of the informal grievance shall be lifted, effective the date of the Board's dismissal; and the parties may proceed to process the grievance in accordance with the provisions of Article XXIV of the CBA.

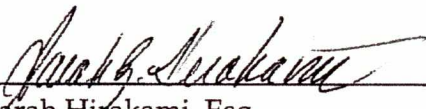
3. No claims or defenses are waived by this dismissal. Any comments on, or interpretations of, the collective bargaining agreement, contained in Order 3163, shall not be binding on the parties or on any arbitrator in the processing of Dr. Cole's grievance.

4. Because the parties anticipate the prompt dismissal of Dr. Cole's matter from CE-07-874, neither party shall submit the briefing previously set for June 14, 2016.

5. Upon approval by the Board, the case shall be deemed closed in its entirety.

DATED: Honolulu, Hawaii, 6/9/16

  
\_\_\_\_\_  
T. Anthony Gill, Esq.  
Gill, Zukeran & Sgan, Attorneys-at-Law  
Attorney for Complainant

  
\_\_\_\_\_  
Sarah Hirakami, Esq.  
Office of General Counsel, University of Hawaii  
Attorney for Respondent

APPROVED AND SO ORDERED:

ORDER NO. 3167

  
\_\_\_\_\_  
KERRY M. KOMATSUBARA, Chair

  
\_\_\_\_\_  
SESNITA A.D. MOEPONO, Member

EXCUSED  
\_\_\_\_\_  
ROCK B. LEY, Member

Dated: Honolulu, Hawaii, June 9, 2016

Case No. CE-07-874 - University Professional Assembly, et al. and Kristin Kumashiro, et al. -  
STIPULATION FOR DISMISSAL OF CLAIMS OF DR. KATHLEEN COLE; AND ORDER  
OF CLOSURE OF THE CASE  
ORDER No.: