
A BILL FOR AN ACT

RELATING TO THE UNIVERSITY OF HAWAII.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The legislature finds that the establishment of
3 a graduation pathway system, with its potential to strengthen
4 educational outcomes for higher education students across the
5 State, is a matter of statewide concern.

6 The purpose of this part is to require the University of
7 Hawaii to develop the graduation pathway system, including
8 structured, default pathways to graduation, meta-majors,
9 academic maps, cornerstone classes, and highly-structured
10 options.

11 SECTION 2. Chapter 304A, Hawaii Revised Statutes, is
12 amended by adding a new section to subpart A of part I to be
13 appropriately designated and to read as follows:

14 "**§304A- Graduation pathway system.** (a) The university
15 shall develop the graduation pathway system to ensure that
16 students within the University of Hawaii system receive
17 appropriate guidance and options to complete a major course of



1 study, graduate within a reasonable period of time, and
2 understand the dynamics of the local employment market.

3 (b) In developing the graduation pathway system, the
4 university shall include the following elements:

5 (1) Structured, default pathways wherein upon choosing a
6 major course of study, students are defaulted into the
7 required classes they need to complete to graduate
8 with a baccalaureate degree in that course of study;

9 (2) Meta-majors, which shall include broad clusters of
10 majors and which shall include breadth requirements
11 appropriate to the types of majors in each category;

12 (3) Academic maps, including a sequential, prescriptive
13 schedule of classes for each meta-major and major
14 course of study;

15 (4) Cornerstone classes that are prerequisites designated
16 for each semester and which shall be taken in a
17 recommended sequence and are guaranteed to be
18 available in the sequence and terms designed in the
19 academic maps;



1 (5) An intrusive advising model that includes the use of
2 high school performance and other measures to
3 recommend broad academic pathways and present default
4 pathways;

5 (6) A highly-structured option including block schedules
6 of classes and cohorts of students and where students
7 choose programs or major courses of study with
8 mandated class schedules, rather than individual
9 classes; and

10 (7) Data on the dynamics of the local employment market,
11 including employment availability.

12 (c) The university shall be responsible for the
13 establishment of policies and procedures designed to implement
14 and support the graduation pathway system."

15 SECTION 3. The graduation pathway system shall be
16 implemented on all campuses of the University of Hawaii system
17 no later than the fall semester of 2016. The University of
18 Hawaii shall submit a report to the legislature, including
19 updates on progress toward the development and implementation of



1 the graduation pathway system, no later than twenty days prior
2 to the convening of the regular session of 2016.

3 SECTION 4. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so much
5 thereof as may be necessary for fiscal year 2015-2016 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2016-2017 for the development and implementation of the
8 graduation pathway system.

9 The sums appropriated shall be expended by the University
10 of Hawaii for the purposes of this part.

11 SECTION 5. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so much
13 thereof as may be necessary for fiscal year 2015-2016 and the
14 same sum or so much thereof as may be necessary for fiscal year
15 2016-2017 for the establishment of full-time equivalent
16 (FTE) permanent positions in the University of Hawaii
17 systems office to develop, implement, and oversee the graduation
18 pathway system.

19 The sums appropriated shall be expended by the University
20 of Hawaii for the purposes of this part.



1 PART II

2 SECTION 6. The legislature finds that the University of
3 Hawaii center on aging is committed to improving the quality of
4 life of all older adults in Hawaii and has the ability to be
5 recognized locally and nationally for research and education
6 endeavors. A permanent director and faculty specialist position
7 with funding will better equip the center on aging in fulfilling
8 its mission.

9 The purpose of this part is to fund a permanent director
10 and a faculty specialist position within the University of
11 Hawaii center on aging.

12 SECTION 7. There is appropriated out of the general
13 revenues of the State of Hawaii the sum of \$ or so much
14 thereof as may be necessary for fiscal year 2015-2016 and the
15 same sum or so much thereof as may be necessary for fiscal year
16 2016-2017 to fund full-time equivalent director (FTE)
17 of the University of Hawaii center on aging.

18 The sums appropriated shall be expended by the University
19 of Hawaii for the purposes of this part.



1 SECTION 8. There is appropriated out of the general
 2 revenues of the State of Hawaii the sum of \$ or so much
 3 thereof as may be necessary for fiscal year 2015-2016 and the
 4 same sum or so much thereof as may be necessary for fiscal year
 5 2016-2017 to fund full-time equivalent faculty specialist
 6 position (FTE) within the University of Hawaii center on
 7 aging.

8 The sums appropriated shall be expended by the University
 9 of Hawaii for the purposes of this part.

10 PART III

11 SECTION 9. Section 304A-2153, Hawaii Revised Statutes, is
 12 amended to read as follows:

13 "~~§304A-2153~~ **University of Hawaii tuition and fees**
 14 **special fund.** (a) There is established the University of
 15 Hawaii tuition and fees special fund into which shall be
 16 deposited all revenue collected by the university for regular,
 17 summer, and continuing education credit tuition, tuition-related
 18 course and fee charges, and any other charges to students,
 19 except as provided by law. Moneys deposited into the fund shall



1 be expended to maintain or improve the university's programs and
2 operations and shall not be:

- 3 (1) Used as a justification for reducing any budget
4 request or allotment to the university unless the
5 university requests such a reduction;
- 6 (2) Transferred unless otherwise authorized by the
7 legislature; and
- 8 (3) Restricted by the governor or the director of finance
9 without the prior approval of the legislature.

10 Any rule, policy, or action of any agency or individual in
11 contravention of this subsection shall be void as against public
12 policy.

13 (b) Any law to the contrary notwithstanding, the board of
14 regents may authorize expenditures of up to \$3,000,000 annually,
15 excluding in-kind services, from this fund for the purposes of
16 promoting alumni relations and generating private donations for
17 deposit into the University of Hawaii Foundation for the
18 purposes of the university. Any expenditure authorized pursuant
19 to this subsection shall be for a public purpose and shall not
20 be subject to chapters 42F, 103, 103D, and 103F. The university



1 shall submit a comprehensive report to the legislature detailing
2 the use of any funds authorized by the board under this
3 subsection no later than twenty days prior to the convening of
4 each regular session.

5 The report shall:

- 6 (1) Identify each department of the University of Hawaii
7 Foundation supported by moneys from the fund;
- 8 (2) Describe the purposes and activities of each
9 department identified in paragraph (1) and how it
10 participates in fundraising activities and benefits
11 the university;
- 12 (3) Provide the total expenditures of each department
13 identified in paragraph (1) by primary expense
14 categories;
- 15 (4) Identify all moneys from the fund transferred to any
16 fund of the university and provide a justification of
17 how these moneys are used to benefit the university;
- 18 (5) Provide a financial summary of the operating
19 activities of the University of Hawaii Foundation,



1 including revenues and expenditures by major reporting
2 categories; and

3 (6) Identify amounts and purposes of all expenditures from
4 the University of Hawaii support fund.

5 (c) Any law to the contrary notwithstanding, the
6 university may transfer funds from the University of Hawaii
7 tuition and fees special fund into the scholarship and
8 assistance special fund established pursuant to section [‡]304A-
9 2159[‡].

10 (d) In estimating its quarterly budget requirements, each
11 campus of the University of Hawaii shall prepare a plan for the
12 fiscal year for the operation of each of the programs that it is
13 responsible for administering. The operations plan shall be:

14 (1) In such form and content as the vice president for
15 budget and finance and chief financial officer of the
16 University of Hawaii may prescribe; and

17 (2) Submitted, together with the estimated quarterly
18 budget requirements, to the vice president for budget
19 and finance and chief financial officer on such date



1 as the vice president for budget and finance and chief
2 financial officer may prescribe.

3 (e) At the end of each fiscal year, the moneys in the
4 University of Hawaii tuition and fees special fund for each
5 campus shall lapse to the credit of program identification
6 number UH900 (University of Hawaii, system wide support). The
7 president and vice president for budget and finance and chief
8 financial officer of the University of Hawaii shall:

9 (1) Review the operations plan for each campus to
10 determine if:

11 (A) It is consistent with the policy decisions of the
12 board of regents and appropriations by the
13 legislature;

14 (B) It reflects proper planning and efficient
15 management methods; and

16 (C) Appropriations have been made for the planned
17 purpose and will not be exhausted before the end
18 of the fiscal year;



- 1 (2) Approve the operations plan for each campus if they
- 2 determine that the operations plan meets the
- 3 requirements of paragraph (1); or
- 4 (3) Modify or withhold the planned expenditures at any
- 5 time during the appropriations period."

PART IV

7 SECTION 10. Chapter 304A, Hawaii Revised Statutes, is
 8 amended by adding a new section to be appropriately designated
 9 and to read as follows:

10 **"§304A- University of Hawaii; office of the ombuds. (a)**

11 There is established at the University of Hawaii the office of
 12 the ombuds, which shall be attached administratively to the
 13 University of Hawaii system office.

14 (b) The office of the ombuds shall provide assistance to,
 15 and enhance the communication of, the views and voices of
 16 faculty, students, staff, and the surrounding community through
 17 investigation, analysis, mediation, and public reporting.

18 Assistance provided by the office of the ombuds shall include:

- 19 (1) Providing an office to register confidential
- 20 complaints, problems, or issues; provided that:



1 (A) Confidentiality shall be granted upon request,
2 unless disclosure is otherwise required by law or
3 there exists an imminent risk of serious harm;

4 and

5 (B) Ombuds staff shall not disclose the identity of
6 persons who seek assistance, and the contents of
7 communications with those persons, or third
8 parties the person requesting assistance
9 authorizes ombuds staff to contact, shall be
10 privileged. The privilege may be waived only by
11 the office of the ombuds;

12 (2) Providing impartial and neutral advocacy for fair
13 processes, considering the rights of all parties, and
14 taking no personal stake in the outcome of any matter
15 brought to the attention of the office of the ombuds;

16 and

17 (3) Operating as an independent office not directed or
18 limited by the chancellor of the University of Hawaii
19 at Manoa in the course of providing assistance in any
20 particular matter and observing the confidentiality



1 required by paragraph (1) in any communications with
2 the chancellor regarding its handling of matters,
3 generally.

4 (c) Issues that may be brought to the attention of the
5 office of the ombuds shall include the following:

- 6 (1) Communicating the views and voices of students,
7 faculty, and staff to decision makers;
8 (2) Harassment or discrimination;
9 (3) Violations of University of Hawaii policy;
10 (4) Professional and organizational disputes;
11 (5) Ethical dilemmas;
12 (6) Cultural misunderstandings;
13 (7) Conflicts of interest;
14 (8) Student employment issues and disputes;
15 (9) Assistance to administrators and regents in analyzing
16 and framing difficult issues;
17 (10) Disputes between the university and the community at
18 large;
19 (11) Health and safety concerns;



1 (12) Availability and transparency of public information
2 regarding university policies, finances, decisions,
3 and programs;

4 (13) Academic freedom; and

5 (14) Threats or retaliation.

6 (d) When responding to requests for assistance under this
7 section, the office of the ombuds:

8 (1) May:

9 (A) Offer information about University of Hawaii
10 policies and procedures;

11 (B) Identify a range of options for resolving a
12 particular matter;

13 (C) Access information and offer referrals to other
14 resources;

15 (D) Facilitate communication, whether directly or
16 indirectly; and

17 (E) Provide other services, including mediation,
18 reasonably necessary to fulfill the purposes of
19 this section; and

20 (2) May not:



1 (A) Make policy or administrative decisions on behalf
2 of administrators or staff;

3 (B) Establish, change, or set aside policies of the
4 University of Hawaii;

5 (C) Offer legal advice or psychological counseling;

6 (D) Participate in grievances or other formal dispute
7 resolution processes; or

8 (E) Serve as an agent of notice for the University of
9 Hawaii or as an advocate for any person seeking
10 assistance.

11 (e) Subject to subsection (b)(3), the office of the ombuds
12 shall have access to and have authority to track statistics
13 regarding requests for assistance received by the office and may
14 communicate perceived issues and trends, and make
15 recommendations for institutional improvements, to the
16 chancellors of the University of Hawaii and other appropriate
17 officials.

18 (f) All offices and employees of the University of Hawaii
19 shall timely respond to and provide assistance as reasonably
20 requested by the office of the ombuds."



1 SECTION 11. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$ or so much
3 thereof as may be necessary for fiscal year 2015-2016 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2016-2017 to establish and operate the office of the ombuds at
6 the University of Hawaii.

7 The sums appropriated shall be expended by the University
8 of Hawaii for the purposes of this part.

9 PART V

10 SECTION 12. Although data on sexual violence on college
11 campuses is not widely available and incidents are under
12 reported, it is evident that Hawaii's college students are not
13 unaffected by this problem. For example, in 2011, the
14 University of Hawaii at Manoa alone reported twelve forcible sex
15 offense occurrences on campus. In 2012 the campus reported
16 eleven occurrences, and in 2013 the campus reported eight
17 occurrences. In addition, in the Hawaii commission on the
18 status of women's survey on sexual and relationship violence,
19 conducted during the 2010 academic year, thirty-nine female
20 respondents reported being sexually assaulted since starting



1 school at the University of Hawaii at Manoa. Three of these
2 respondents did not tell anyone about the sexual assault
3 immediately after it happened. Fifteen respondents reported
4 being raped since starting school at the University of Hawaii at
5 Manoa.

6 The legislature finds that compliance with federal mandates
7 to effectively address campus sexual violence is a matter of
8 statewide concern and requires additional resources as follows:

- 9 (1) Staff, including investigators, coordinators,
10 educational specialists, and trainers; and
- 11 (2) Materials, including online training materials for
12 staff and students and professional development and
13 operating supplies.

14 The purpose of this part is to:

- 15 (1) Provide sufficient resources to the University of
16 Hawaii to ensure compliance with federal mandates to
17 address campus sexual violence;
- 18 (2) Transfer the office of gender equity from the
19 University of Hawaii at Manoa to the University of
20 Hawaii system office; and



1 (3) Create Title IX coordinator positions at the
2 University of Hawaii at Manoa, University of Hawaii at
3 Hilo, and community colleges.

4 SECTION 13. There is appropriated out of the general
5 revenues of the State of Hawaii the sum of \$ or so much
6 thereof as may be necessary for fiscal year 2015-2016 and the
7 same sum or so much thereof as may be necessary for fiscal year
8 2016-2017 for staff and materials to comply with Title IX of the
9 Education Amendments of 1972 and the Violence Against Women
10 Reauthorization Act of 2013 at each of the University of Hawaii
11 system campuses.

12 The sums appropriated shall be expended by the University
13 of Hawaii for the purposes of this part.

14 SECTION 14. (a) The office of gender equity shall be
15 transferred from the University of Hawaii at Manoa to the
16 University of Hawaii system office.

17 (b) There are transferred from the University of Hawaii at
18 Manoa to the University of Hawaii system office:



1 (1) full-time equivalent (FTE) permanent
2 position (position no. 85485) for the director of the
3 office of gender equity; and

4 (2) full-time equivalent (FTE) permanent
5 positions (position nos. 78412 and 78606) for Title IX
6 senior investigators for the office of gender equity.

7 (c) There are transferred from the University of Hawaii at
8 Hilo to the University of Hawaii system office half-time
9 equivalent (FTE) permanent positions (position nos. 86409
10 and 45123) for Title IX junior investigators for the office of
11 gender equity.

12 (d) There is transferred from the University of Hawaii
13 community colleges to the University of Hawaii system office
14 full-time equivalent (FTE) permanent position
15 (position no. 96662F) for a Title IX junior investigator for the
16 office of gender equity.

17 (e) There is established full-time equivalent (
18 FTE) permanent position for a Title IX coordinator at each of
19 the following:



- 1 (1) The University of Hawaii at Manoa (position no.
2 81321);
- 3 (2) The University of Hawaii at Hilo (position no. 84499);
4 and
- 5 (3) The University of Hawaii community colleges (position
6 no. 96661F).

7 PART VI

8 SECTION 15. The legislature finds that a 1973 audit by the
9 auditor of the University of Hawaii's management of faculty
10 workload found the absence of clear and specific policies
11 governing the utilization of faculty resources and the
12 inefficient use of faculty resources. Accordingly, the
13 auditor's report recommended that the University of Hawaii
14 develop policies to govern faculty workload.

15 The legislature further finds that a 1997 audit of the
16 University of Hawaii's management of faculty workload found
17 inadequate utilization of instructional faculty contributing to
18 the improper compensation of faculty. The auditor's report
19 recommended that the board of regents of the University of
20 Hawaii clarify its requirements for the instructional, research,



1 and service components of instructional faculty workload;
 2 establish minimum teaching assignments for all instructional
 3 faculty; and ensure that equivalencies across campuses are
 4 equitable and that faculty overload requests are processed in
 5 compliance with the contractual agreement between the board of
 6 regents and the University of Hawaii Professional Assembly.
 7 Considering the unfavorable findings and the recommendations of
 8 the previous audits, the legislature believes that an updated
 9 audit of the university's management of faculty workload is
 10 needed.

11 The purpose of this part is to direct the auditor to
 12 conduct audits of the University of Hawaii's management of
 13 faculty workload.

14 SECTION 16. Chapter 23, Hawaii Revised Statutes, is
 15 amended by adding a new section to part I to be appropriately
 16 designated and to read as follows:

17 "§23- University of Hawaii; faculty workload audit. (a)
 18 The auditor shall conduct an audit of the University of Hawaii's
 19 management of faculty workload no less than one year prior to



1 the expiration of each faculty union collective bargaining
2 agreement.

3 (b) The auditor shall submit a report of its findings and
4 recommendations, including any proposed legislation, to the
5 legislature no later than twenty days prior to the convening of
6 the regular session in the year in which each faculty union
7 collective bargaining agreement expires."

8 SECTION 17. (a) The auditor shall conduct an updated
9 audit of the University of Hawaii's management of faculty
10 workload.

11 (b) The auditor shall submit a report of its findings and
12 recommendations, including any proposed legislation, to the
13 legislature not later than twenty days prior to the convening of
14 the regular session of 2016.

15 PART VII

16 SECTION 18. There is appropriated out of the general
17 revenues of the State of Hawaii the sum of \$ or so much
18 thereof as may be necessary for fiscal year 2015-2016 and the
19 same sum or so much thereof as may be necessary for fiscal year
20 2016-2017 for the establishment of full-time equivalent



1 (FTE) graduate assistant positions at the Hawaii
2 educational policy center at the University of Hawaii.

3 The sums appropriated shall be expended by the University
4 of Hawaii for the purposes of this part.

5 PART VIII

6 SECTION 19. The legislature finds that the equitable
7 provision of employee benefits by the University of Hawaii is a
8 matter of statewide concern. Currently, the University of
9 Hawaii provides its faculty with educational benefits, but those
10 same benefits are not afforded to nonsupervisory employees in
11 blue-collar positions and some similarly situated officers and
12 employees.

13 The purpose of this part is to require the University of
14 Hawaii to provide nonsupervisory employees in blue-collar
15 positions and similarly situated officers and employees who are
16 excluded from collective bargaining with the same educational
17 benefits provided to faculty of the University of Hawaii and the
18 community college system.



1 SECTION 20. Chapter 304A, Hawaii Revised Statutes, is
2 amended by adding a new section to subpart A of part III to be
3 appropriately designated and to read as follows:

4 **"§304A- Educational benefits for nonsupervisory**
5 **employees in blue collar positions.** The board of regents shall
6 adopt rules to provide:

7 (1) The officers and employees of the University of Hawaii
8 assigned to the collective bargaining unit established
9 pursuant to section 89-6(a)(1) (nonsupervisory
10 employees in blue collar positions); and

11 (2) The officers and employees of the University of Hawaii
12 who are excluded from collective bargaining and belong
13 to the same compensation plans as the officers and
14 employees within the collective bargaining unit
15 established pursuant to section 89-6(a)(1),

16 with the same educational benefits provided to the officers and
17 employees of the University of Hawaii assigned to the collective
18 bargaining unit established pursuant to section 89-6(a)(7)
19 (faculty of the University of Hawaii and the community college
20 system).



1 For purposes of this section, "educational benefits" shall
2 include tuition waivers, reduced tuition, and tuition benefits
3 for the employee or officer and the spouse, domestic partner,
4 and children of the employee or officer."

5 PART IX

6 SECTION 21. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 22. This Act shall take effect on July 1, 2525.



Report Title:

University of Hawaii; Omnibus

Description:

Makes comprehensive changes affecting the University of Hawaii System. Appropriates funds. (SB325 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

