

JAN 26 2022

A BILL FOR AN ACT

RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

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

1 SECTION 1. The legislature finds that the University of
2 Hawaii is the only system of public education in Hawaii that is
3 supported by State funds, uses public land set aside for
4 university purposes, and is continually supported by other
5 public resources. The university plays a pivotal role in
6 preparing its students for productive employment in the State's
7 workforce and to become engaged citizens of our community. Some
8 of the university's workforce that are supported by public
9 resources are faculty who teach and provide other instruction in
10 various academic disciplines and professional fields such as law
11 and medicine. The university also appoints other faculty who
12 primarily engage in research or who provide specialized services
13 but who are not typically employed in a teaching capacity.

14 The legislature further finds that at the university, the
15 term "academic tenure" is generally understood to mean the right
16 of a faculty member to permanent or continuous service. The
17 decision to grant or deny tenure is usually made following a



1 probationary service period during which the appointee is
2 assessed and evaluated on various criteria. The position
3 occupied by the appointee is classified as either "tenure track"
4 or "non-tenure track" faculty. The decision to classify a
5 position as eligible for a possible grant of tenure to the
6 incumbent results in the long-term commitment of public
7 resources for that position.

8 The legislature additionally finds that an educated
9 workforce is a critical determinant of the economic and social
10 health of the State. The ability to instruct, educate, and
11 prepare students to enter the workforce are paramount skills
12 that should be supported by public funds. For these reasons,
13 the commitment of public resources to support the grant of
14 tenure is a matter of statewide concern.

15 In 2021, the board of regents of the University of Hawaii
16 created a permitted interaction group to review the issue of
17 tenure with a focus on the history and evolution of tenure and
18 current criteria used for decision-making on tenure. The
19 permitted interaction group found that, while tenure is still a
20 critical component to academic freedom and retention of faculty,
21 in recent years, the University of Hawaii has been reducing the



1 number of tenured faculty. In response to the findings, the
2 University of Hawaii board of regents adopted Resolution 21-06,
3 which supports the recommendations from a permitted interaction
4 group that revised regent policies to "establish policy
5 direction in conducting promotion and tenure to ensure that
6 university priorities and mission are met"; revise
7 classification plans; and incorporate revisions regarding
8 periodic review of university employees.

9 Accordingly, the purpose of this Act is to:

- 10 (1) Add a new section in chapter 304A, Hawaii Revised
11 Statutes, addressing tenure, criteria for tenure, and
12 periodic reviews for tenured or tenure-track faculty,
13 and non-tenured employees; and
- 14 (2) Amend section 304A-1002, Hawaii Revised Statutes, to
15 outline the faculty classification system and
16 authorize the president of the University of Hawaii to
17 create, administer, and amend the categorization plan
18 to comply with board of regents policies.

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



1 "§304A- Tenure. (a) The president shall have the
2 authority to grant promotion and tenure to members of the
3 faculty.

4 (b) Prior to the recruitment for tenure-track positions,
5 and before the award of tenure, the administration shall ensure
6 that:

7 (1) The position fulfills current enrollment requirements
8 and strategic objectives, priorities for a long-term
9 vision of the university, and the State;

10 (2) There are no qualified faculty in other units that are
11 available that could meet the needs of the hiring
12 unit;

13 (3) The balance of tenure-track and other faculty is
14 appropriate given enrollment, mission, and
15 accreditation standards; and

16 (4) The unit contributes to the institutional mission and
17 goals.

18 (c) The administration shall ensure that tenure criteria
19 are clear and that they prioritize the necessity for faculty to
20 be adaptable in meeting the changing needs of students and the



1 university, including changes in the delivery of higher
2 education that may occur over time.

3 (d) Tenured faculty shall participate in a periodic review
4 at least once every five years; provided that:

5 (1) It shall be the responsibility of deans, chancellors,
6 provost, vice chancellors, vice provosts, and other
7 appropriate academic administrators to additionally
8 ensure that all periodic reviews are conducted in a
9 manner that will minimize conflicts of interest within
10 units, and ensure balanced, diverse, and relevant
11 input including that of faculty peers and management
12 roles; and

13 (2) Guidelines and procedures for periodic review,
14 including the use of performance improvement plans as
15 necessary, shall be developed by each major academic
16 unit and submitted for approval by the president, and
17 an annual report on the outcomes of the reviews shall
18 be provided to the board.

19 (e) Administrative, professional, and technical (APT)
20 employees and non-tenurable academic personnel shall be



1 evaluated at least once every three years according to
2 procedures approved by the president."

3 SECTION 3. Section 304A-1002, Hawaii Revised Statutes, is
4 amended to read as follows:

5 " ~~[§]~~304A-1002 ~~[§]~~ Faculty; classification schedule. (a)
6 The board of regents shall classify all members of the faculty
7 of the university including research workers, extension agents,
8 and all personnel engaged in instructional work as referenced in
9 section 76-16, and adopt a classification schedule and
10 compensation plan for these employees.

11 (b) The faculty classification system for all campuses at
12 the university shall be as follows:

13 (1) Tenured and tenure-track faculty: Tenured and tenure-
14 track faculty shall be engaged in direct instruction
15 consisting of active engagement with students in the
16 classroom or applied venues, and/or oversight and
17 supervision of internships, clinical work, applied
18 learning, theses, and dissertations. Tenured and
19 tenure-track faculty shall be classified as "F." This
20 classification shall include those previously
21 classified as "R", "I", "M", and "J"; provided that:



1 (A) "F" faculty shall engage in research and
2 scholarship that advances innovation, creates new
3 knowledge and knowledge practices, and benefits
4 students and the broader community; and

5 (B) "F" faculty shall also engage in service inside
6 the university and the community.

7 (2) Librarians: Librarians shall provide students and
8 faculty with modern, timely access to information by
9 selecting relevant resources for acquisition,
10 digitizing collections, and organizing and storing
11 information. Librarians shall assist faculty and
12 students in their scholarly pursuits and conduct
13 research in areas that contribute to the advancement
14 of knowledge in relevant fields. Librarians shall not
15 be eligible for tenure and shall be classified as "L"
16 faculty, which shall include those previously
17 classified as "B";

18 (3) Support faculty and extension agents: Support faculty
19 and extension agents shall be faculty that are not
20 primarily engaged in direct instruction, but are
21 engaged in academic support, including student



1 research and academic program support, or are engaged
2 in agricultural extension activities. Support faculty
3 and extension agents shall be classified as "FSE".
4 FSE faculty shall not be eligible for tenure but may
5 be eligible for employment security characteristic of
6 other public employees. This classification shall
7 include those previously classified as "S" and "A";

8 (4) Renewable term faculty: Renewable term faculty shall
9 be faculty that are retained through non-permanent,
10 non-tenure track appointments and shall be classified
11 as "FR"; and

12 (5) Non-compensated faculty: Non-compensated faculty
13 shall be non-compensated, non-tenure track faculty
14 that may teach and perform research and shall be
15 classified as "FNC".

16 (c) The president shall have the authority to establish,
17 administer, and make amendments to a detailed faculty
18 classification plan; provided that the plan complies with
19 relevant board policies. Any changes to classification
20 categories shall apply prospectively; provided that existing



1 faculty shall have the option of applying to be classified in
2 the new categories.

3 The plan shall include, at minimum, the following faculty
4 categories: tenured and tenure-track faculty (F), librarians
5 (L), support faculty and extension agents (FSE), renewable term
6 faculty (FR), and non-compensated faculty (FNC).

7 Annual increases of compensation shall be allowable for
8 efficient service, and the board of regents shall adopt a fair
9 and reasonable plan for rating the efficiency of individual
10 employees affected by this section."

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.

14

INTRODUCED BY:





S.B. NO. 3269

Report Title:

University of Hawaii; Tenure; Faculty Classification System

Description:

Outlines tenure requirements and criteria for tenure-track faculty. Requires a minimum of at least one performance review every five years for tenured and tenure-track faculty. Requires a minimum of at least one performance review every three years for administrative, professional, and technical and non-tenurable employees. Establishes minimum faculty categories for all campuses. Prohibits librarians from eligibility for tenure.

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