

DAVID Y. IGE
GOVERNOR



RYKER WADA
CHIEF NEGOTIATOR

STATE OF HAWAII
OFFICE OF COLLECTIVE BARGAINING
EXECUTIVE OFFICE OF THE GOVERNOR
235 S. BERETANIA STREET, SUITE 1201
HONOLULU, HAWAII 96813-2437

TESTIMONY TO THE
SENATE COMMITTEE ON WAYS AND MEANS

For Hearing on Friday, March 4, 2022
10:10 A.M., Conference Room 211 (Via Videoconference)

By

RYKER WADA
CHIEF NEGOTIATOR

Senate Bill No. 3269 SD1
Relating to Academic Tenure at the University of Hawaii

CHAIR DELA CRUZ, VICE-CHAIR KEITH-AGARAN AND MEMBERS OF THE COMMITTEE:

The purpose of Senate Bill No. 3269 SD1 is to outline tenure requirements and criteria for tenure-track faculty; require a minimum of at least one performance review every five years for tenured and tenure-track faculty; require a minimum of at least one performance review every three years for administrative, professional, and technical and non-tenurable employees; establish minimum faculty categories for all campuses; and establish a "C" classification for instructors at the community colleges.

The Office of Collective Bargaining (OCB) **opposes** SB 3269 SD1 because tenure for bargaining unit (BU) 7 faculty of the University of Hawaii and the community college system is a matter contained in the BU 7 collective bargaining agreement and is subject to bargaining under Chapter 89, HRS. As such, OCB respectfully requests that this measure be **held**.

Thank you for the opportunity to testify in opposition to this measure.



UNIVERSITY OF HAWAII SYSTEM

Legislative Testimony

Testimony Presented Before the
Senate Committee on Ways and Means
Friday, March 4, 2022, at 10:10 a.m.

By
David Lassner
President
University of Hawai'i

SB 3269 SD1 – RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the committee:

Thank you for the opportunity to provide testimony in opposition to SB 3269 SD1, which among other things, 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, alters who may receive tenure, and reconfigures the classification system throughout the University of Hawai'i System (UH System).

The University of Hawai'i (University) welcomes efforts to improve higher education efficiency and enhance the UH System's ability to provide a quality and affordable education to Hawai'i's citizens through its ten campuses. The University's role in educating the workforce of Hawai'i and providing leaders, innovators, public servants, and civically engaged individuals is well-known. In addition, the University's research enterprise brings into Hawai'i hundreds of millions of dollars annually to address many of Hawai'i's most pressing challenges and opportunities, including but not limited to: climate change, sea-level rise, coastal resilience, health disparities, renewable energy, invasive species, threats to agriculture, disaster resilience and more.

To achieve these critical outcomes for Hawai'i, the University extends employment security to its faculty and staff through the tenure system for faculty or civil service. As a general principle, the University supports such job security because it provides stability in the workforce and continuity for the institution, a characteristic of higher education essential to student success. The University also has the duty and contractual obligation to define its classification and performance standards within the scope of collective bargaining with the respective unions.

The University must be able to establish its own internal policy on faculty classifications, develop its classification systems to best suit its needs, and engage in good faith negotiations with the University of Hawai'i Professional Assembly (UHPA) over tenure and post-tenure review issues. As a result, the University does not support the

proposed changes to Chapter 304A as stated in this measure, and we seek deferral of this measure for the following reasons.

First, the bill's timing preempts a critical conversation on faculty classifications that should be held at the institutional level and not enshrined in statute. The introductory language of SB 3269 relies upon factually inaccurate information when it states that one outcome of SCR 201 S.D.1, H.D.1 was the formation of a Board of Regents (BOR) permitted interaction group (PIG). The PIG was established before SCR 201's passage and issued independent policy recommendations to the BOR, which the BOR never adopted. The SCR 201 task force and its report included different, though overlapping, members and had a distinctly separate mandate.

Without any clear justification, SB 3269 SD1 adopts the proposed policy language presented to the Board of Regents by the PIG with only some revisions. However, at this time the BOR has not endorsed the PIG's policy changes and any proposed policy change affecting Regents Policy is required to go through an extensive consultation process. To use this draft language to so extensively revise Chapter 304A without thoroughly deliberating on the meaning of the changes the language considers will inevitably have negative implications, some of which are described below.

Second, the bill undermines both the spirit and the letter of HRS Chapter 89. This bill bypasses the collective bargaining process by imposing statute-specific classifications and unilaterally removing specific faculty protection of tenure without appropriate bargaining with UHPA. Both tenure and faculty classifications should be subject to collective bargaining under the "other conditions of employment" clause as defined in Chapter 89-3. The governing contract between the University and UHPA with negotiated language under Article XII doesn't restrict the granting of tenure to certain Faculty classifications in SB 3269 SD1, and any modifications will need to be collectively bargained. To eliminate some faculty classifications from tenure entirely fundamentally alters a condition of employment and may have repercussions for existing faculty and future hires.

The new language may have a direct negative impact on existing faculty. The negotiated language under Article XII, Tenure and Service, provides that the President may grant tenure upon initial appointment to Faculty Members that have previously held tenure at a comparable institution. As such, this will limit the President's authority to only providing tenure upon initial appointment for those Faculty classifications that can be granted tenure under SB 3269 SD1. There are instances when a Tenured Faculty Member could transfer their locus of tenure within the UH System with the possibility of changing their classification and being harmed by the language in this bill.

Third, the requirements included in SB 3269 SD1 regarding review after tenure are unnecessary as all faculty already undergo periodic review after tenure every five years.

Additionally, the University already has procedures in place for addressing underperformance independent of the periodic review process and appropriate guidelines established to accomplish these goals.

Fourth, while the University agrees classifications should be revised, that process must be completed internally under the UH System and only after considerable consultation and debate. Enshrining explicit language regarding a new classification scheme into law undermines the autonomy of the UH System and the collective bargaining agreement upon which employment by faculty is based. It also may introduce unintended and unfavorable consequences into legislation that will be difficult to alter in future years.

Ultimately, the University requests that the Board of Regents and the President, in consultation with the UHPA, be allowed to develop the appropriate policy framework for both tenure and faculty classifications.

We oppose this measure and request that it be deferred.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON WAYS AND MEANS
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

SB3269 SD1

RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Friday, March 4, 2022, 10:10 AM
VIA VIDEOCONFERENCE

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee,

The Hawai'i Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the five county level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

The Hawaii Cattlemen's Council **opposes SB3269 SD1** to outline tenure requirements and criteria for tenure-track faculty at the University of Hawai'i. This structure would negatively impact the University of Hawai'i's land-grant mission, which includes agricultural extension and research.

This bill states that support faculty and extension agents (FSE) hired after June 30, 2022 shall not be eligible for tenure. While this allows current "FSE" faculty to be eligible for tenure, this does not solve the issue of diminished incentives to attract future, qualified FSE faculty. Extension Agents are critical resources to food producers statewide and will continue to play an important role in the state's food security and sustainability efforts. This bill will make extension faculty, including livestock and agricultural extension agents, hired after June 30, 2022 ineligible for tenure. It is already difficult to recruit and retain qualified extension agents and writing into law that these positions are not eligible for tenure makes them unappealing to qualified candidates for the positions. This bill states that extension agents are not primarily engaged in direct instruction, but extension agents do indeed engage in instruction and teaching on the ground during workshops, field day events, and materials that are developed with direct support for producers in mind.

We are concerned that this cost saving effort will unintentionally have significantly detrimental impacts on one of the more valuable state resources made available to Hawai'i agriculturalists.

We appreciate the opportunity to testify on this measure.

Nicole Galase
Hawai'i Cattlemen's Council





HAWAII
Library Association

P.O. Box 4441, Honolulu, Hawaii 96812-4441 U.S.A.
hawaiilibraryassociation@gmail.com | <https://www.hawaiilibraryassociation.org>

**Testimony of the Hawai'i Library Association Board in Opposition to Senate Bill 3269:
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII**

March 2, 2022

We, the board, of the Hawai'i Library Association, representing some 280 school, academic, and public librarians as well as archivists in the state would like to go public in opposition to Senate Bill 3269: RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII.

We understand that your time is limited, so we will ignore the important issues of how this issue appears to infringe on the authority of the University of Hawai'i System and the UH Board of Regents, or how this could endanger continued accreditation by Western Association of Schools and Colleges (WASC) Senior College and University Commission (WSCUC) and the Accrediting Commission for Community and Junior Colleges (ACCJC). We also are not dealing with the valued work of our colleagues in Extension since we are sure they will be making their own case.

We would like to be very clear in disagreeing with the premise of the first draft of the Act that librarians do not teach. Nothing could be farther from the truth. Academic librarians are key parts of the instructional faculty at all of our campuses, focusing on the important area of information literacy. Each year faculty librarians throughout the system are embedded in undergraduate courses dealing with such critical issues as helping students to differentiate between fake news which is prevalent online and on using the ACRL [Framework for Information Literacy for Higher Education](#) and other standards.

We hope the legislature will see this as important. The role of libraries was identified as part of the [Hawai'i Democratic Party's platform](#) (pp 2-3):

We believe that the future of our State as well as our Country depends upon an educated and knowledgeable citizenry. We support the prioritization of our resources toward providing quality public education and library services to every student, regardless of learning capacity or ability to pay, in an environment conducive to the learning process. These resources shall be made available at every level, from pre-school through higher education, including life-long learning.

Academic librarians and archivists also help graduate students and state citizens to do research using primary and secondary materials. Tenure is an important protection for librarians who may be advising library users on complex issues. Librarians sometimes have to work hard to convince users to question materials, and this can only be done effectively if academic librarians know they will have the same protection that other instructional faculty have. It would be nice to think that our Spirit of Aloha would not require tenure protection, but only needs to recall that University Library Faculty Senates have played an important role in our state's history or that Hamilton Library was named after a former UH President who resigned after a controversy over academic freedom and tenure.

With that in mind, we strongly oppose SB 3269, p. 7, lines 14-17 which argue that Academic Librarians in the UH System shall not be eligible for tenure.

We see that SD1 now maintains the eligibility of tenure for librarians. We sincerely hope that this language will remain if you approve the act, although we would much prefer if the Senate Higher Education Committee would table this act as it does nothing to save costs or promote better education for the people of our state. It simply seems to be a power-grab targeting our state university system. We believe that legislators of the past along with citizens today would be deeply disappointed by the letter and intent of this act, which would endanger the quality of library instruction for our keiki.

Even though SD1 suggests that librarians can receive tenure as L faculty, we're concerned that it doesn't apply to 2-year librarians because their guidelines for tenure and promotion align more closely with other community college faculty. Here again our recommendation remains that the Legislature should not interfere with these complex guidelines, but rather should trust the UH Board of Regents you approved in their work with UH administration, Unions, and Faculty Senate to work together to find the best guidelines that meet learning needs.

Signed as the Board of the Hawai'i Library Association*

Jenny Silbiger

Carina Chernisky

Stephanie Robertson

Joy Oehlers

Joyce Tokuda

Laura Baird

Jean Thoulag

Chezlani Casar

Jennifer Fuchikami

Sharrese Castillo

Jade Sunouchi

*This represents our personal opinions as citizens and professionals, but does not necessarily represent the opinions of our employers.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 4, 2022

HEARING BEFORE THE
SENATE COMMITTEE ON WAYS AND MEANS

TESTIMONY ON SB 3269, SD1
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Conference Room 211 & Videoconference
10:10 AM

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau opposes SB 3269, SD1, which outlines tenure requirements and criteria for tenure-track faculty.

The excellent work performed by UH CTAHR's cooperative extension cannot be overstated. The ongoing outreach and education are unparalleled in the State. Farmers and ranchers rely on this program and Extension Agents for their very success. CTAHR's cooperative extension has helped develop and improve agricultural technologies pertinent to Hawai'i's farmers. This includes intensive cover crop research, promoting the importance of locally grown produce, developing biological and cultural methods for controlling pests without chemicals, and the use of biological nitrogen fixation to significantly increase production of high protein foods while at the same time reducing the need for commercially produced fertilizers.

HFB believes that extension agents fulfill the instructional role that is expected of tenure faculty. This includes several certification programs like the master gardener training program, the landscape industry council training program, worker protection standards training, pesticide applicators training, and food safety training just to name a few. They also conduct research and education through seminars, workshops, and field days that result in the direct education of Hawai'i's farming community.

A Utah State University survey of land-grant universities resulted in extension agents being considered faculty at 58% of the universities and are eligible for tenure at 50% of

land-grant universities. Recruiting and retaining qualified extension agents in Hawai'i is already difficult. Making extension faculty, including livestock and agricultural extension agents, ineligible for tenure could result in a loss of current extension agents and limit qualified candidates for these positions. This would be devastating to Hawai'i's agriculture industry.

Thank you for the opportunity to provide our comments and thank you for your continued support of Hawai'i's agricultural community.



The Committee on Ways and Means
Friday, March 4, 2022
3:00 pm
Video Conference, Room 229

SB 3269 SD 1 Relating to Academic Tenure at the University of Hawai'i

Attention: Chair Donovan Dela Cruz, Vice Chair Gilbert Keith-Agaran and
Members of the Committee

The University of Hawaii Professional Assembly (UHPA) **strongly opposes the intent and purpose of SB 3269, SD 1**, and recommends the committee **defer the measure indefinitely**. This bill no longer has any basis in fact nor serves any statutory purpose.

The UHPA is the certified exclusive bargaining representative as defined in HRS, §89-2, of Collective Bargaining Unit 7 (Faculty of the University of Hawai'i and the community college system), as codified in HRS, §89-6(7), and represents over 3,185 faculty members statewide.

First and foremost, the preamble of this bill not only fails in its proposed statutory justification, but also incorrectly provides a false narrative “and reasoning for its purpose, aims it attempts to justify.”

The bill puts forth an incorrect timeline narrative and then belies the actions of the Board of Regents. The bill states that following the adoption of S.C.R. 201, HD1, SD1, the University of Hawai'i Board of Regents (BOR) created a permitted interaction group (PIG) to review the issue of tenure with a focus on the history and evolution of tenure. This statement is factually incorrect. The creation of the PIG by the BOR took place at the February 18, 2021 regularly scheduled BOR meeting as recorded and approved at the March 18, 2021 BOR regularly scheduled meeting. The S.C.R. 201, HD1, SD1, resolution was adopted in final form on April 23, 2021 as noted in the Capitol Records. These two groups were separate and distinct. They had different charges and neither were inclusive of and/or involved faculty input.

The bill further provides an inaccurate narrative of the work of the BOR regarding faculty matters. The work of the PIG WAS TABLED! NO ACTION WAS TAKEN! This was the first round of action by the BOR. Faculty provided input to the BOR that had not been provided or available during the PIG's review and investigation. Upon receiving extensive and vital information, the BOR determined they needed more time to review the PIG's work in relation to the S.C.R. 201 outcomes. Then the second review of the PIG took place. In the second round of action only TWO Regents were willing to support any inclusion of the PIG report. The Regents, by a majority vote REJECTED THE PIG.

University of Hawaii
Professional Assembly

1017 Palm Drive ♦ Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 ♦ Facsimile: (808) 593-2160
Website: www.uhpa.org



The bill also falsely states that the BOR adopted a Resolution to support the recommendations of the PIG. The BOR did **not** adopt the recommendations to revise policies relating to promotion and tenure of faculty, revise faculty classifications, and did **not** adopt revisions regarding periodic review of university faculty. In fact, because of strong opposition from both UH faculty and administrators, in October 2021, the BOR voted to put the PIG's recommendations on hold and withheld decision-making pending the results and recommendations of the Task Force in charge of S.C.R. 201 S.D. 1 H.D. 1 (2021). Clearly, there has been a misunderstanding or misinterpretation of that decision.

S.C.R. 201, S.D. 1, H.D. 1 (2021), introduced by the Senate Committee on Higher Education in the 2021 legislative session, requested the University of Hawai'i President and the (UHPA) Executive Director convene a Task Force to look specifically at the UH's tenure system for researchers and non-instructional faculty. The Task Force was also asked to review the compensation structure for faculty engaged in activities supported by extramural funding, including researchers, specialists, and extension agents, in comparison to peer higher education institutions across the United States; and to propose the best practices to be implemented by UH.

The Task Force met weekly beginning in October 2021, after the dissolution of the Tenure PIG, to dutifully complete this assignment and submit its 30-page report that included extensive analyses and information compiled from numerous sources to meet the requirements outlined in the resolution.

S.C.R. 201, S.D.1, H.D.1 (2021) outlined our charge and the Task Force approached each of the requirements seriously. Both UHPA and UH administration worked diligently and thoughtfully together. We reviewed scholarly works and data across the country. We also reviewed and juxtaposed available statistical data against UH data. There were times when we did not agree with one another, but we used facts, critical thinking, and analytical skills to reach a consensus.

Based on the hard data, the Task Force recommended not to make any changes in the way tenure is earned and granted or the way tenured faculty are reviewed; to not make any changes to the tenure eligibility for extension agents or librarians; to have more robust training for University personnel charged with the responsibility for implementing tenure and promotion policies; and to periodically review policies for both faculty and administrators.

Despite the tremendous amount of effort the Task Force invested in its report, SB 3269, SD1 is based on false and incorrect presumptions of the Senate Committee on Higher Education and

University of Hawaii
Professional Assembly

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continues to promote and advertise erroneous information about tenure.

Secondly, we believe that the proposed legislation runs contrary to Article X, §6, of the Hawai'i State Constitution, since it subverts the BOR's exclusive jurisdiction and power to formulate policy; to exercise control over the University through its executive officer; and governing the internal structure, management, and operations of the UH. In UHPA's view, the Legislature is attempting to become the Supra BOR in which the Legislature has no constitutional and statutory right to do so.

Third, and most importantly, we believe that the proposed legislation violates Article XIII, §2, of the Hawai'i State Constitution, Chapter 89, HRS, and the current and active Unit 7 Agreement. The proposed legislation impacts wages and terms and conditions of employment which are mandatory subjects of bargaining under HRS, §89-9(a), and would run contrary to many provisions contained in numerous Articles of the current 2021-2021 Unit 7 Agreement. As noted in the Hawai'i State Supreme Court's decision over Section 2 of Act 100, L 1999, which was determined to be in violation of Article XIII, §2, of the Hawai'i State Constitution because it withdrew from the collective bargaining process core subjects such as wages, hours, and other conditions of employment that the voters contemplated would be part of the bargaining process when they ratified Article XIII, §2.

These matters governed under HRS, Chapter 89, are between the Employer of Unit 7 as defined in HRS, §89-6(d)(4), as the Governor, the BOR, and the UH President, and the UHPA. The Legislature is not defined as an Employer under HRS, §89-6(d)(4), nor is there any statutory or constitutional language providing the Legislature the authority to act in the absence or on behalf of the public employer. The collective bargaining law has been in effect since 1970 that established the jurisdiction and legal lines between the Legislature and the Employer on the legal actions authorized under Article XIII, §2.

In addition, these matters as proposed in SB 3269, SD 1, are matters that historically are subjects of academic governance and shared governance in prominent and respected higher institutions of learning. They are the cornerstone of higher education institutions. These issues are covered as matters of academic governance and shared governance under the 2021-2023 Unit 7 Agreement, R-20, Roles and Consultation Protocols involving UH Administration, UH Professional Assembly, and UH Faculty Senates.

From a faculty perspective, the bill's definition of "academic tenure" as "the right of a faculty member to permanent or continuous employment" is not a well recognized definition of academic tenure among higher education institutions. Reputable and respected institutions of higher learning describe academic tenure as defined by the 1915 Committee on Academic

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Freedom and Academic Tenure of the American Association of University Professors who formulated a statement of principles on academic freedom and academic tenure known as the 1915 Declaration of Principles. The American Association of University Professors (AAUP) definition of academic tenure, which has been previously provided to this committee, is defined as an indefinite appointment that can be terminated for cause or under extraordinary circumstances such as financial exigency and program discontinuation.

The principal purpose of tenure is to safeguard academic freedom, which is necessary for all who teach and conduct research in higher education. Tenure provides the conditions for faculty to pursue research and innovation and draw evidence-based conclusions free from corporate or political pressure. This is no different than how the State's civil service system is governed under the merit principle to protect it from the spoils system. This includes legislative overreach and pressure to defund targeted tenured faculty positions.

The bill states tenure requires a "long-term commitment of public resources." This is true for all publicly-funded positions. However, there are safeguards in place to ensure stewardship of public funds. As noted in the findings of the Task Force convened in response to the Senate resolution, the tenure process at the UH is rigorous and exacting, and does not assume that faculty are provided lifetime appointments without rigorous evaluation and periodic review throughout their careers.

The bill acknowledges that "the Legislature finds that an educated workforce is a critical determinant of the economic and social health of the State. The ability to instruct, educate, and prepare students to enter the workforce are paramount skills that should be supported by public funds." However, the bill does not allow for the tenure of faculty who are essential to the success of students.

The bill states that support faculty, and extension agents should **not** be granted tenure because they are not in a classroom setting or involved with research as a principal investigator, even though they play a vital role in helping to instruct, educate, and prepare students to enter into the workforce. This devalues and diminishes the role and responsibilities of not only the existing tenured faculty, but the profession and services that they provide. This bill clearly oversteps legislative boundaries and meddles into collective bargaining agreements.

UHPA also wants to point out that the bill incorrectly attempts to define the work performed by faculty members. The correct definition of work performed by faculty is clearly articulated in Article IV, Faculty Professional Responsibilities and Workload of the 2021-2023 UHPA-BOR Agreement as follows:

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Professional Assembly

1017 Palm Drive ♦ Honolulu, Hawaii 96814-1928
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The primary professional responsibilities of Faculty Members are teaching, research, specialized educational services, and community service. Faculty Members also have professional responsibilities such as advising students; registration of students; participation in campus and University-System committees; keeping regularly posted office hours which are scheduled at times convenient for students; and participation in traditional functions which have unique academic significance. The performance of teaching duties, research, and service extends beyond classroom responsibilities and other direct student contact duties.

Instructional activities encompass more than just classroom teaching. Other aspects of instruction include, but are not limited to: academic and thesis advising, supervision of instructional activities such as cooperative work experiences, practica, internships, and practice; instructional management, tutoring; curriculum and course development; and creation of teaching and instructional materials, and supervision of laboratory activities. Also, included in the work associated with instruction are the implementation of instructional systems and strategies, distance learning technologies, and student evaluation and assessment.

Faculty workload is not limited to instruction. It may include disciplinary research, scholarly activities, or creative endeavors; service to the academic community, the government, the private sector, and other public interest groups; outreach programs; student advising and counseling; equipment and facilities development and maintenance; and information systems development and implementation, including professional librarian services, or serving as a program coordinator.

If the Legislature is not committed to employees who are productive performers and extends them the benefits of a higher education system, we can expect nothing less than a revolving door of faculty as they are lured away by other competing higher education institutions that can provide a more promising academic career path. This will create a decline in the reputation of the UH as a world-class institution of higher education.

Based on the many and substantial reasons and justifications outlined above, this measure should be **deferred indefinitely**.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "C. L. Fern".

Christian L. Fern, Executive Director, University of Hawaii Professional Assembly

University of Hawaii
Professional Assembly

1017 Palm Drive ♦ Honolulu, Hawaii 96814-1928
Telephone: (808) 593-2157 ♦ Facsimile: (808) 593-2160
Website: www.uhpa.org

**LEGISLATIVE TESTIMONY IN OPPOSITION OF SB 3269 SD1
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII**

Senate Ways and Means Committee

Hearing Date:

10:10 AM, Friday, March 4, 2022

Conference Room 211 & Videoconference

Submitted by the Hawaii Community College Academic Support Division Faculty

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Committee:

We, the undersigned Faculty of the Hawai'i Community College Academic Support Division, **respectfully but strongly oppose SB 3269 SD1** which inappropriately attempts to legislate professional tenure for faculty at the University of Hawai'i.

We here provide you with our recent testimony to the UH Board of Regents STRONGLY OPPOSING their Permitted Interaction Group (PIG) Report and Recommendations on proposed changes to the University of Hawai'i's Tenure system.

It should be noted that the statement in section 1 of the bill that the BOR adopted Resolution 21-06 is FALSE. The UH Board of Regents (BOR) did NOT approve Resolution 21-06. The final approved motion at the November 2021 BOR meeting was: "(1) that the Tenure Task Group be dissolved; (2) that the matter be referred to the committee of the whole; (3) that all of the Tenure Task Group materials be made available to the committee of the whole; (4) that the Tenure Task Group report and recommendations be referred to the committee of the whole; and (5) that the recommendations of the SCR 201 task force be referred to the committee of the whole." Then, at their February 17 meeting, the BOR voted to adopt the Report of the Senate Concurrent Resolution 201 (2021) Task Force and to disregard the findings and recommendations of the dissolved Tenure PIG (Permitted Interaction Group).

However, since the PIG report is erroneously but prominently mentioned in SB 3269 SD1, we have confidence that our views on the Tenure PIG remain relevant to your consideration of the Bill.

Thank you for the opportunity to provide this testimony in strong opposition to this measure.

Sincerely,

Hawai'i Community College Academic Support Faculty

Reshela DuPuis, Ph.D., Associate Professor, Institutional Assessment Coordinator

Lisa Fukumitsu, M.S., Instructor, Student Success Coordinator

Laurel Gregory, M.L.S., Professor, Librarian

Michelle Kanoe Lambert, M.Ed., Ph.D. Candidate, Instructor, Pathway Coordinator

Leanne Urasaki, PDE, CFD, M.Ed., Associate Professor, Instructional Technology Developer

BOR Testimony submitted for the October 21, 2021 meeting

To: Chairman Randolph Moore
University of Hawai'i Board of Regents

From: The Hawai'i CC Academic Support Faculty Division

Subject: Tenure Permitted Interaction Group (PIG) Report and Recommendations

Position: **Strongly Oppose**

The members of the Academic Support Faculty Division at Hawai'i Community College respectfully submit the following testimony strongly opposing the Permitted Interaction Group's (PIG) report and proposed resolution regarding Tenure.

We appreciate the intent of the Board of Regents' PIG to review (1) the history and purpose of tenure; (2) the evolution of and current views and developments on tenure; and (3) the current criteria and decision-making process for tenure. However, we are writing to **strongly oppose** the report that was submitted to the BOR for the September 16, 2021 meeting and request that you take no action on the report and its resolution and give them no further consideration.

First, it is clear from the report that the PIG did not attend to the three tasks it was formed to address and, instead, chose to use this opportunity to propose the reduction in tenure track positions by specifically targeting non-instructional support and research faculty.

Second, the PIG was formed without adequate representation of stakeholders. The entire faculty body was represented by the UHPA Director (note his dissenting opinion). Not a single faculty member was appointed to the PIG, let alone representatives from all current classifications of faculty. The one college dean chosen for the task force is from a four-year institution whose tenured and tenure-track faculty consists of 98% 9-month instructional faculty, and who thus was not an appropriate sole representative for all non-instructional academic support faculty across the entire UH System, especially given the issues under consideration.

Third, the "C" classification of community college faculty was not mentioned in the report but is targeted in the proposed revisions to Regent Policies 9.201, 9.202, and 9.213. Yet, community colleges and their support faculty are critical to State initiatives like [55 by '25](#) that emphasize the importance of post-secondary education that often begins at the two-year institutions.

Furthermore and even more unacceptable to us as non-instructional faculty is the view expressed throughout the PIG's report that tenure should be limited only to instructional faculty. Tenure protects academic freedom, which allows faculty in all classifications to focus on our duties and ensures us the right to full and open discussion of controversial issues within our disciplines and colleges, without fear of retribution. The idea that these protections are only needed inside the classroom is a short-sighted fallacy. Academic freedom is an indispensable and fundamentally necessary protection beyond just the classroom and research facility. Academic support faculty

**Hawai'i Community College
Academic Support Division Faculty**

also rely on this protection when we provide leadership to our campuses in dealing with complex issues that can run counter to existing or popular opinion.

Targeting non-instructional faculty to remove their tenure track protections while keeping tenure secure and intact for instructional faculty is offensive and discriminatory. The scope of our professional responsibilities and expertise is without question of equal merit to our instructional faculty colleagues.

Academic support is a critical component of academic affairs. As non-instructional academic support faculty, we play an integral role in our students' success. In recent years, this has been progressively emphasized in System and College initiatives to increase retention, completion, transfer, and student success goals, as well as System-wide articulation goals and the meeting of accreditation standards.

Non-instructional faculty are being disregarded as subject matter experts in their professions. Our professions require advanced degrees to serve the needs of traditional and non-traditional students, student development, student exploration of careers and majors, mental health, learning support, retention and transfer, distance education support, library science, assessment and evaluation, and more. Advanced degrees and expertise in these professions are not typically held by instructional faculty, as they are subject matter experts in their own areas of expertise and rely on non-instructional faculty to meet students' needs in these areas.

Academic support faculty positions at our College are varied and we each were hired for our unique expertise and skills in areas required for student and institutional success. We each have assumed leadership of our areas and related sectors of the College. In addition to staying current with and supporting compliance with Federal, Accrediting Agency, and System guidelines and policies, we provide the following core functions to ensure student success and institutional effectiveness. Individually and collaboratively, we have developed programs and infrastructures that encourage a unified College-wide commitment to continuous improvements in teaching, learning, and services. Removing tenure from non-instructional support faculty will invariably harm the community colleges and our students.

Thank you for your time. Again, we ask that you **VOTE NO on the UH BOR Resolution 21-06 and take NO ACTION on the Tenure PIG report and recommendations.**

Sincerely,
Hawai'i Community College Academic Support Faculty Division

Reshela DuPuis, Ph.D., Associate Professor, Institutional Assessment Coordinator

Lisa Fukumitsu, M.S., Instructor, Student Success Coordinator

Laurel Gregory, M.L.S., Professor, Librarian

Michelle Kanoe Lambert, M.Ed., Ph.D. Candidate, Instructor, Pathway Coordinator

Leanne Urasaki, PDE, CFD, M.Ed., Associate Professor, Instructional Technology Developer



HAWAII GOVERNMENT EMPLOYEES ASSOCIATION
AFSCME Local 152, AFL-CIO

RANDY PERREIRA, Executive Director • Tel: 808.543.0011 • Fax: 808.528.0922

The Thirty-First Legislature, State of Hawaii
The Senate
Committee on Ways and Means

Testimony by
Hawaii Government Employees Association

March 4, 2022

S.B. 3269, S.D. 1 – RELATING TO
ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

The Hawaii Government Employees Association, AFSCME Local 152, AFL-CIO strongly opposes the purpose and intent of S.B. 3269, S.D. 1 which outlines tenure requirements and criteria for tenure-track faculty and requires performance reviews for tenured and tenure-track faculty and administrative, professional, and technical employees.

S.B. 3269 directly interferes with collective bargaining, and we respectfully assert that all matters concerning the wages, salaries, and terms and conditions of employment must be addressed through the negotiations process between the respective Exclusive Representative and Employer. We echo the concerns of many that it is wrong and a legislative overreach to codify items that have been negotiated or consulted upon via University Policies and Procedures, Board of Regents' Policy, and within collective bargaining agreements.

We strongly support public employees' constitutionally and statutorily protected rights, therefore we respectfully request the Committee defer this measure. Thank you for the opportunity to submit testimony in strong opposition to S.B. 3269, S.D. 1.

Respectfully submitted,

Randy Perreira
Executive Director



THE SENATE
THE THIRTY-FIRST LEGISLATURE
REGULAR SESSION OF 2022

Committee on Ways and Means
Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair

Friday, March 4, 2022, 10:10AM
Conference Room 211 and Videoconference

Re: Testimony in Opposition of SB3269, SD1 - RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

The United Public Workers, AFSCME Local 646, AFL-CIO (“UPW”) is the exclusive bargaining representative for approximately 14,000 public employees, which includes blue collar, non-supervisory employees in Bargaining Unit 1 and institutional, health, and correctional employees in Bargaining Unit 10, in the State of Hawaii and various counties. The UPW also represents 1,500 members in the private sector.

UPW **has concerns** with SB3269, SD1, which outlines tenure requirements and criteria for tenure-track faculty. Among the provisions in the bill, it would also require a minimum of at least one performance review every five years for tenured and tenure-track faculty and requires a minimum of at least one performance review every three years for administrative, professional, and technical and non-tenurable employees.

It is our understanding that tenure requirements and criteria for faculty are already codified in UH’s Board of Regents policy, UH policy, and included in the current Bargaining Unit 7 collective bargaining agreement. UPW is opposed to any legislation that could potentially circumvent HRS Chapter 89 and impact a public employee’s right to collectively bargain over wages, benefits, and terms and conditions of their employment.

Thank you for the opportunity to provide testimony.

Sincerely,

Kalani Werner
State Director

LOCAL #1 HI, IUBAC



LATE

International Union of Bricklayers and Allied Craftworkers Local #1 of Hawaii

2251 North School Street, Honolulu, HI 96819

Phone: (808) 841-8822 • Fax: (808) 777-3456

March 4, 2022

The Honorable Donovan M. Dela Cruz, Chair
The Honorable Gilbert S.C. Keith-Agaran, Vice Chair
Committee on Ways and Means
Hawaii State Senate

Statement of Local 1 in Opposition to SB3269, SD1 Relating to Academic Tenure at the University of Hawaii

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and Members:

The International Union of Bricklayers and Allied Craftworkers Local #1 of Hawaii joins our sisters and brothers in the labor community in **opposing** SB3269, SD1, Relating to Academic Tenure at the University of Hawaii. The bill would, among other things, outline tenure requirements and criteria for tenure-track faculty and require performance reviews for tenured and tenure-track faculty and administrative, professional, and technical employees.

We share the concerns of the University of Hawaii Professional Assembly, the Hawaii Government Employees Association, the Hawaii State AFL-CIO, and many others that the legislation would subvert Article XIII, Section 2, of the Hawaii State Constitution; HRS Chapter 89; and also the existing agreements with employees within the University of Hawaii system. We cannot stand silent when our sisters and brothers in the labor community are at risk of having their contractual rights and benefits taken from them. An injury to one is indeed an injury to all.

Mahalo for the opportunity to provide these comments.

SB-3269-SD-1

Submitted on: 3/2/2022 10:24:27 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sarita Rai	Individual	Oppose	No

Comments:

This bill does more harm to the University of Hawai`i than good. What exactly is it correcting? Faculty classifications, tenure, five year periodic review of tenured faculty are the purview of the Board of Regents and not the legislature.

Please do not vote for this bill. Thank you.

SB-3269-SD-1

Submitted on: 3/2/2022 10:39:54 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian N. Popp	Individual	Oppose	No

Comments:

My name is Brian N. Popp, and I am writing in strong opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. As currently written, the bill applies to the entire UH System. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it is illegal, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

Approval of [SB 3269](#) will devastate the intellectual output and reputation of our University system, and severely diminish the education of our students, including opportunities for them to study with the foremost scholars in their chosen areas of study, receive grants for research, and pursue their dreams especially if their dreams involve education at other Research Level 1 institutions. The effect of legislative measures under consideration in this session that impact the University of Hawai'i in the spirit of improving our educational system will accomplish just the opposite result. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have greatly hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, the tenured and tenure-track faculty are rising to the occasion and taking on additional workloads in order to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support us, you are trying to kill the University system and the opportunities it creates for our citizenry. You refuse to acknowledge our commitment, the necessity of a stable, educational campus for education and scholarship achieved through a normative tenure and promotion process, and the strength of educational experiences offered both within and outside of a traditional classroom setting.

The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University cannot fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by corporations, religious groups, special interest groups, or the government. This is why governance of the University system is delegated to the Board of Regents. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. The path to that goal is, and always will be, a tenure and promotion system for all of its faculty.

Academic freedom and tenure for faculty also promote stability. Faculty members who are committed to the institution develop ties with the local community, pursue ongoing research

projects, and mentor students and beginning scholars over the long term. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. I do not think you understand how hard our tenured and tenure-track faculty work. Many of us work throughout the summer and are putting in weekend hours. We serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education. Unlike the legislature, faculty do not enjoy a multi-month recess each year. A decline in eligible faculty to do this important work for the State will result in a worse University system and not a better educational system for our students. Instead, the Administration will turn to employing contingent faculty.

Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Universities were established and depend on a shared governance model to function. Shared governance requires an adequate number of tenured and tenure-track faculty members to ensure quality control over curriculum and participate in the University's business of higher education. Eliminating tenure-track faculty means that fewer faculty members are available to serve our shared governance model. You are putting our accreditation status in jeopardy by canceling tenure for full classifications of University faculty.

The ill-advised dismantling of UH's existing tenure system would be ruinous to the University's workforce. Disrupting the normative operation of UH's faculty governance structure diminishes its appeal to educators functioning at the top of their profession and will negatively impact our ability to attract top-flight faculty. Additionally, it will drive away those who are already part of the UH community. This ultimately will impact the quality of the UH as a R-1 research institution, and this will affect the ability to secure extramural research funding and maintain and grow student enrollment.

I oppose the elimination of tenure for specialist faculty. The incorrect assumption made is that specialist faculty do not teach. There are several faculty that are educational specialists that serve vital functions that maintain curriculum but those faculty may not necessarily conduct research. Many do however serve as principal investigators on grants supporting curriculum development or that create unique learning opportunities for local students. Many educational specialist faculty are excellent teachers – Dr. Scott Rowland, is an educational specialist faculty in the Department of Earth Sciences at UHM who was awarded the UH Board of Regents medal for Excellence in Teaching in 2021. The Regents' Medal for Excellence in Teaching is awarded by the Board of Regents as tribute to faculty members who exhibit an extraordinary level of subject mastery and scholarship, teaching effectiveness and creativity, and personal values that benefit students. Dr. Rowland is viewed by many as being a faculty member that all students know and love, who leads by far the most field trips, and who is a local born-and-raised bridge to the Native Hawaiian community. Tenure helps UH attract and keep talented faculty like Dr. Rowland and he is not the only educational specialist faculty that is a gifted teacher.

I oppose the elimination of tenure for support faculty and extension agents. Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for

underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

Among its many harmful proposals, the bill would force faculty in the UH Community Colleges (UHCCs) to perform research in addition to their instructional and/or other work with students, faculty, and staff (since all faculty would be reclassified as "F," cf. pp. 6-7). The community colleges' missions are not the same as the University of Hawai'i at Manoa (UHM), and they are not R-1 institutions like UHM. Community college faculty are required to take on heavier teaching loads than their counterparts at UHM, in addition to discharging the duties listed below (which are also carried out by faculty at the 4-year campuses):

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

Requiring UHCC faculty to conduct research in addition to the duties mentioned above will not only divert time and attention away from faculty members' primary duties of instruction and/or support, it will also stress the state's already scarce financial resources as release time will need to be provided to give faculty the opportunity to conduct research. If job descriptions and duties

are to be the same across all system campuses, the salaries of community college faculty will also need to be raised to match those of UHM faculty.

[SB 3269](#) is a bad idea. For the reasons stated above, please do not vote for this bad idea.

Yours Sincerely,

Brian N. Popp

SB-3269-SD-1

Submitted on: 3/2/2022 10:59:50 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Duffy	Individual	Oppose	No

Comments:

I oppose this bill. It supposedly started off as a response to a report by the UH Board of Regents, but the Regents rejected that report and have continued to work on the related issues. It would be appropriate to let the Regents do their job and not to interfere further.

The present bill will make UH less attractive for future faculty, will increase bureaucracy and will basically destroy the university's autonomy, a condition necessary for accreditation and the issuing of Pell grants to our students.

SB-3269-SD-1

Submitted on: 3/2/2022 1:12:52 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kau'i Baumhofer Merritt	Individual	Oppose	No

Comments:

SB 3269 SD1 will not result in taxpayer savings if tenure is limited. While some favorable changes have been made to this bill (e.g., librarians can receive tenure and community college faculty do not need to engage in research), I am strongly opposed to this bill.

SB-3269-SD-1

Submitted on: 3/2/2022 1:20:45 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Noa Lincoln	Individual	Oppose	No

Comments:

I strongly opppse SB3269 SD1 for numerous reasons, but primarily because it is not the legislatures role to intervene in the procedures of the Univeristy. If the legislatures would like these changes to the practices of the Univeristy, they should work with the faculty, baord of regents, adn univeristy administrators to appropriately find solutions, rather than attempting to legislatively mandate the changes without a clear understand of the potential impacts. Furthermore, the opposition vs. support for this legilature has proved to be substnatial. I quote from the SD1 report:

"Your Committee received testimony in support from one individual. Your Committee received testimony in opposition from the Office of Collective Bargaining; University of Hawai'i System; Hawaii Community College Academic Support Division Faculty; University of Hawai'i at Mānoa Hawai'inuiākea School of Hawaiian Knowledge; State of Hawaii Organization of Police Officers; United Public Workers, AFSCME Local 646, AFL-CIO; University of Hawaii Professional Assembly; Hawaii Government Employees Association AFSCME Local 152, AFL-CIO; and eighty-eight individuals."

Given the substantial opposition, and virutally non-existant support, I cannot imagine what justifications the legislature would have for attempting to push this bill through. Please oppose SB3269.

SB-3269-SD-1

Submitted on: 3/2/2022 1:23:00 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Allison Yap	Individual	Oppose	No

Comments:

Aloha -

My name is Allison Yap, and I am a proud alumni of the University of Hawai'i at Mānoa (UHM) and a Faculty Specialist with over 24 years of dedicated service to UHM. I am extremely disheartened and alarmed by [SB 3269](#), and I offer my testimony in strong opposition to the bill.

I find this misguided legislation, which would reclassify University faculty and remove tenure for those in “non-instructional” positions, insulting to the long career I have had as a Specialist Faculty at UHM and the positive impact I have had on countless students over my 24+ years of service.

Below are the reasons why I am opposed to SB 3269:

SB 3269 Fails to Understand the Significant Contributions of All Faculty

I oppose the elimination of tenure for “support faculty” and “extension agents” - by which I think you are referring to Specialist (S) Faculty and Extension (E) Faculty. SB 3269 fundamentally fails to understand a basic principle that should have been made evident by the pandemic -- that teaching and learning do not occur solely within the walls of a classroom. Specialist and Extension faculty do teach our students, both in and out of the traditional classroom, and we are integral to the teaching and research mission of the university. Faculty in S and E classifications provide a wide range of unique and valuable contributions to the University and the community at large. Your blatant disregard for our education, training, and experience which make us subject matter experts in our particular fields is troubling and demoralizing.

SB 3269 proposes to abolish academic tenure for “support faculty” and “extension agents.” This would effectively eliminate tenure for Specialist (S) and Extension (E) faculty completely. With SB 3269, those of us with these faculty classifications would be converted into APT positions and would lose the tenure that we so diligently worked for and earned. In case you are not aware, tenure is not automatic or freely given away. All faculty must go through a very rigorous process to be awarded tenure and, once granted, are required to complete a post-tenure review every five years.

S and E Faculty members are committed to the institution and develop ties with the local community, pursue ongoing research projects, and mentor students and beginning scholars over the long term. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. I do not think you understand how hard our tenured and tenure-track faculty work. As an 11-month Specialist Faculty, I work throughout the summer and put in a considerable amount of evening and weekend hours in service to the institution. Unlike the legislature, faculty do not enjoy a multi-month recess each year. A decline in eligible faculty to do this important work for the State will result in a worse University system and not a better educational system for our students.

SB 3269 will Weaken the University and have Long Term Consequences for the State

This bill, which undermines tenure at the University of Hawai'i at Mānoa, will weaken our reputation as the only R-1 institution in the state and make it harder for the University to attract and retain qualified faculty. This will have negative, long-term consequences for the University, the community, and the entire state.

Approval of SB 3269 will devastate the intellectual output and reputation of our University system, and severely diminish the education of our students. The effect of legislative measures under consideration in this session that impact the University of Hawai'i in the spirit of improving our educational system will accomplish just the opposite result. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have greatly hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, the tenured and tenure-track faculty are rising to the occasion and taking on additional workloads in order to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support us, you are trying to kill the University system and the opportunities it creates for our citizenry.

At the core of the debate here is the question of academic freedom. The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University cannot fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, extension agents, and researchers are vulnerable to control by corporations, religious groups, special interest groups, or the government. This is why governance of the University system is delegated to the Board of Regents. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. The path to that goal is, and always will be, a tenure and promotion system for all of its faculty.

Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Universities were established and depend on a shared governance model to function. Shared governance requires an adequate number of tenured and tenure-track faculty members to ensure quality control over curriculum and participate in the University's business of higher education. Eliminating tenure-track faculty means that fewer faculty members are

available to serve our shared governance model. You are putting our accreditation status in jeopardy by canceling tenure for S and E classifications of University faculty.

In conclusion, SB 3269 and any measure to eliminate or restructure faculty tenure for any faculty classifications is illegal, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger. I urge you to vote against this bill.

Mahalo,

Allison Yap

SB-3269-SD-1

Submitted on: 3/2/2022 1:25:24 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Nandita Sharma	Individual	Oppose	No

Comments:

I am writing in strong opposition to SB 3269 (SD1). This bill is a travesty of the democratic process as it allows the HI Legislature unprecedented control over the University of Hawaii. As is true with all universities in democratic societies, governance is a shared process. SB 3269 ultimately undermines the existing UH shared governance structure, which ensures that faculty rights are protected and, more importantly, that faculty voice is recognized. It's an unprecedented and underhanded attempt by the Legislature to gain full control and authority over the University of Hawai'i. As such, it represents a serious diminishment of the democratic process, not only over our University but over the entire society. Please join me in opposing it.

SB-3269-SD-1

Submitted on: 3/2/2022 1:34:09 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jeffrey Boeckman	Individual	Oppose	No

Comments:

I'm writing to voice my opposition to SB 3269 SD1. This bills threatens the viability of the University's ability to hold and protect tenure, academic freedom, and academic governance.

SB-3269-SD-1

Submitted on: 3/2/2022 1:38:44 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Steven Singer	Individual	Oppose	No

Comments:

While I appreciate the legislature's efforts to keep state expenditures down, focusing on UH faculty tenure may prove to be contraproductive. The UH BOR is the sole governing body of UH. The legislature does NOT manage UH. If it does, most likely, UH will lose its accreditations (WASC, ACCJC, etc.). Loss of accreditation would mean students could not qualify for financial aid. Our students: Hawaii's keiki. Without financial aid, students would go elsewhere.

Furthermore, UH brings in millions of dollars to the state via it's many grants. Grants are awarded to worthy universities, accredited universities. No accreditation; no grants. No money to move the state forward.

Yes, it is probably true there are professors who may not be doing enough work, but there are far more egregious lack of work from members of the legislature, state rail contractors, road repair crew, and so on.

This blatant, bold face, vengeful attack on UH, should it succeed, would only bring shame and chaos to our ability to provide higher education to the people of the State of Hawaii.

I urge WAM and every other committee to vote "No" on this bill.

SB-3269-SD-1

Submitted on: 3/2/2022 1:42:07 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Paul McKimmy	Individual	Oppose	No

Comments:

This bill is unnecessary, unsupported, and unwise.

The UH Report to the 2022 Hawai'i State Legislature on SCR 201 SD1 HD1 already outlines an action plan, and has received far greater input from informed individuals than does SB3269. Further, the bill continues the unwise practice of micromanagement of the University by our legislature. The bill makes damaging and unnecessary changes to tenure, providing no evidence of need. There is no public clamor for this bill, and loads of opposition.

This bill is unnecessary, unsupported, and unwise.

RE: SB 3269 SD1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

My name is Nancy Ooki, and I am writing in **opposition to SB 3269 SD1**, relating to academic tenure at the University of Hawai'i and specifically the elimination of tenure for Extension Agents (p. 8), which I believe is based on a perceived misunderstanding of the role of the **Extension Agent**. As stated in Section 1 of the bill "*The ability to instruct, educate, and prepare students to enter the workforce are paramount skills that should be supported by public funds.*" However, the work of faculty **Extension Agents** directly contributes to fulfilling that mission.

All youth-focused faculty **Extension Agents** in the University of Hawai'i are educated and experienced in the delivery of Positive Youth Development, which emphasizes providing opportunities for youth to develop their knowledge and skills in areas of import mentioned by employers in the state such as the ability to communicate effectively orally and in writing; understand science and evidence; utilize critical thinking skills; work together in teams; and practice cultural competence.

Projects completed by youth provide skills focused in areas outlined as critical in Hawai'i, including computer science and technology, food science and nutrition, and agriculture. In collaboration with agriculture faculty **Extension Agents**, youth learn about science and careers in agriculture, thus creating a pathway for local youth to become the future farmers, plant scientists, entomologists, and food safety professionals needed in Hawaii.

Finally, through programs delivered by faculty **Extension Agents** such as the 4-H Positive Youth Development program, youth ages 5-19 are exposed to all campuses in the UH system through on-site educational experiences and events. These experiences incorporate discussions of careers in Hawai'i and education opportunities available through the University of Hawai'i. Many of these youth are under-represented, including populations identified as economically disadvantaged or living in more rural areas.

As an important part of the development of Hawai'i's residents to meet the future needs of the state of Hawai'i, **Extension Agents** are an integral and equal part of the 3-pronged mission of the university to better the lives of its citizens. Given the importance of their role in developing the future workforce in Hawai'i, tenure should not be eliminated for **Extension Agents**. For these reasons and more, I am opposing SB 3269 SD1.

Sincerely,

Nancy Ooki

SB-3269-SD-1

Submitted on: 3/2/2022 1:44:55 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Heipua Kaopua	Testifying for Windward Community College	Oppose	No

Comments:

My name is Heipua Kaopua and I am submitting this written testimony to urge you to VOTE NO regarding SB3269 SD1. The State Legislature should never become the employer of UH Faculty. This bill jeopardizes the accreditation of the university and imposes a redundant 5-year review process which is already in place --responsibilities currently shared among the UH’s Board of Regents, administrators, and faculty. This is a management issue and does not belong with the legislature.

As a non-instructional faculty member, I am a tenured counselor at Windward Community College and I believe that my profession is deserving of tenure. The following will provide additional information as to why I am urging you to VOTE NO.

Community College counselors are essential faculty members who require advanced degrees to serve the diverse needs of all students (including first-year students, military, single parents, and returning adults). Counselors support and promote student development, student identity, student exploration of careers and majors, and instructional design. We assist students with proactive advising, problem solving, decision making, time management, scholarships, academic planning, and transfer options. We also help students with emergency financial aid, and assistance with housing, transportation, food, and childcare. This is important because students who suffer from food, housing, or financial insecurities are unlikely to finish their degree programs. Instructional faculty do not have the time or expertise to support students’ diverse needs in these areas.

Tenure provides continuity allowing counselors to offer sustained programs and services that make a difference in the lives of students, in our community, and in our state by helping students achieve their academic and career goals. Successful students go on to pursue meaningful careers in our community and state.

Without tenure, counselors may be less inclined to sustain the positive relationships they have developed with students over time which is critical to student success. For example, students may only take one course from any particular Instructional faculty during their time in college. However, that same student will meet with their counselor many times throughout their academic journey.

Without tenure, students may be negatively impacted because there will likely be fewer well-qualified counselors on campus to provide essential services to support student success. Students may no longer feel a sense of belonging. Who will be there to remove institutional barriers to success? Who will perform this vital work? This will have a negative impact at Windward Community College by lowering enrollment, retention rates, time to completion, and graduation rates.

Without tenure, non-instructional positions become less desirable, therefore impacting the caliber and number of applicants, and the quality of services provided to students. There will likely be a higher turnover in non-instructional positions resulting in a lack of continuity of programs and services.

Without tenure, counselors may be less encouraged to write revenue-generating grants and to develop and run innovative programs and services that support student success including Windward's Paipai o Ko'olau program, Scholarship 'Aha, Aloha Bar, Hawai'iloa, Free Money Fridays, and so many more.

In conclusion, without tenured counselors, the mission of our college (with a special commitment to support the access and educational needs of Native Hawaiians in a supportive and challenging environment– inspiring students to excellence) will go unfulfilled and student success will be negatively impacted. I urge you to VOTE NO on SB3269 SD1

SB-3269-SD-1

Submitted on: 3/2/2022 1:44:58 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Brian Huffman	Individual	Oppose	No

Comments:

Aloha Senate WAM committee members:

I write to you today in opposition to SB3269.

- 1) It violates the State Constitution by taking away the power of the Board of Regents.
- 2) SB3269 passed despite overwhelming opposition in oral and written testimony. I submitted testimony.
- 3) The basis of the bill was a PIG report that was never approved by the Board of Regents.
- 4) This bill saves no money or does anything else to support UH. It is opposed by UH admin, faculty, librarians, and most of the public worker unions in the state.

Thank you for your attention to this matter.

Regards,

Brian Huffman
1420 Victoria St, Honolulu, HI 96822

Aloha Senators,

My Name is Drake Zintgraff, representing my own position and not the position of any organization. I am writing in strong opposition to [SB 3269, SD1 proposed](#) relating to academic tenure at the University of Hawai'i. My opposition to this bill is due to the following reasons:

- Harmful impact bill would have on accreditation status of the UH System colleges.
- Dangerous precedent that would be set by overstepping the UH Board of Regents, UH Administration, and collective bargaining process.
- Harmful impact bill would have on the ability to continue to recruit highly qualified faculty.
- Harmful impact bill would have on the academic freedom of support faculty and attention agents.
- Negative impacts the bill would have on the quality of education provided to the residents of Hawai'i.
- Unclear nature on how bill would impact the community college "C" classification faculty's and ability to receive tenure.

The language throughout the bill is very concerning and seems to take away misunderstood information. As mentioned in the [SB 3269 bill](#), the UH Board of Regents created a permitted interaction group which noted in recent years, the University of Hawai'i has been reducing the number of tenured faculty. This should be something that stands out as concern rather than something considered commonplace. Tenure is not just a critical component to academic freedom and retention of faculty, but also a critical component to the advancement of quality professionals delivering education in and out of the classroom to students.

This trend in reduced tenured faculty would be increased if the [SB 3269 bill](#) is approved and would do immense harm to the University of Hawai'i and its ability to deliver high-quality education to the citizens of Hawai'i. I will elaborate on these points below.

Harmful impact bill would have on accreditation status and ability to continue to recruit highly qualified faculty

If approved, SB 3269 would put the University of Hawai'i colleges in serious jeopardy with accreditors. As stated in [the WSCUC Standard 1.5](#):

Even when supported by or affiliated with governmental, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.

Guidelines: The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.

Institutions rely on accreditation for not just its status, but eligibility in federal grants, the ability to provide many forms of financial aid, attract and retain faculty and students, and much more. Negatively impacting the University's accreditation status is not something that should be considered at all due to the potentially drastic negative implications.

Removal of eligibility for tenure from support faculty and extension agents

My opposition to the elimination of tenure for support faculty and extension agents (p. 7), such as counselors, is due to the instrumental role in students' success and the work they do. These positions often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures—all of which complicate and sometimes jeopardize students' academic and professional journeys. These positions are often also at the forefront in serving students in underserved populations, such as lower socioeconomic and rural students, with a particular commitment to Native Hawai'ians' success, as our UH missions emphatically state. Tenure track positions in these fields help ensure quality faculty members are in place to serve this diverse set of students' needs.

In addition, tenure allows these positions to navigate their work in sensitive areas that touch students' life and educational circumstances. Faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect students' interests and the educational mission of the UH System.

Removing tenure from these positions also goes against recent recommendations from [the Excellence in Academic Advising findings](#) recently undergone at The University of

Hawai'i at Mānoa. This is an initiative by the leading organization in the field, NACADA: The Global Community for Academic Advising and the John N. Gardner Institute for Excellence in Undergraduate Education, to advance student learning, success, persistence, retention, and degree completion through a comprehensive, standards-based assessment process to promote excellence in academic advising.

The Council of Academic Advisors (CAA) found in the analysis as part of that it recommended creating a single classification for UHM Academic Advisors (Specialist Faculty) that were under tenure track positions due to:

- Like instructional faculty, tenure-track Specialists are required to undergo the tenure process and are required to show increasing professionalization and program development to remain at the university.
- Specialist positions require a higher level of education than the APT (Master's vs. Bachelor's degree), with fewer years of work experience.
- Specialists are required to develop (versus simply implement) programming, which leads to the production of scholarship.
- To improve advising services for students campus-wide, The Faculty-Specialist classification promotes ongoing academic advisor education to support student success and development and provides a clear advising career ladder, ensuring essential relationship building with students through academic advisor retention.
- In addition, UHM students benefit from required program development and scholarly contributions, as UHM continues to be at the forefront of innovation and progress in higher education student success initiatives.

These findings can be applied to all UH system campuses and even across the country. It sets a great example of raising the profession's standards and, in turn providing better education to students and service to the university and its community. This should be applauded, not something that should be penalized and forcing a reduction of standards.

In addition, this doesn't even mention the impacts of academic freedom that tenure provides. Positions like extension agents deal with complex issues such as the use of chemicals to control invasive pests. They deal with topics related to genetically engineered organisms. It isn't hard to see where these areas can be prone to

controversy and the need to be protected by academic freedom. Other support faculty have similar areas, learning design and educational technology faculty deal with privacy and algorithmic ethical questions that impact students. These are just a few examples of countless reasons why tenure is critical to the operation of these positions.

Removing tenure from these types of positions will lead to many looking for jobs outside of Hawai'i with greater practices, job security, and professional atmosphere. We have already seen this in Hawai'i's K-12 section, and a move to continue those worrisome trends to Hawai'i's higher education sector would greatly hinder the state's educational capital to serve its residents.

Unclear nature on impacts to community college C classification faculty in positions outside of fully instructional

Currently the classification for Community College (C) faculty does not clarify if that will include the current members which are composed of Librarians, Student Affairs, and Academic Support faculty. Currently these groups are all within the C classification, but it is unclear if the previously UH Mānoa only roles of Support Faculty and Extension Agents would expand beyond their campus. In addition, although Librarians have classifications at UH Mānoa, UH Hilo, and UH West Oahu, would that continue on to the UH Community Colleges? This is just one of many unanswered questions as this bill continues to move forward.

In conclusion, I am in strong opposition to [SB 3269](#) and hope that it is withdrawn while the UH Board of Regents fulfill its own work with the UH administration, UHPA, and faculty on discussing this issue.

Mahalo for your time and hard work,

Drake Zintgraff

Hawai'i Senate District 15 Resident

SB-3269-SD-1

Submitted on: 3/2/2022 1:45:32 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kamil Deen	Individual	Oppose	No

Comments:

Dear Members of the Ways and Means Committee,

I am writing today in opposition to SB3269. I believe the authors of this bill intend to support and improve the University of Hawaii, but the bill has far reaching consequences that have not been thought through. Everyone that knows anything about the bill oppose it: UH President, UH faculty, UH students, and even the Board of Regents. The BOR failed to adopt the PIG report, on which this bill is based, showing that everyone at the UH, from top to bottom, think this bill will HURT UH and the people of Hawaii. I have no doubt about the intentions of the authors of the bill (they wish to help), but we need to stop, think about this, and understand the irreversible damage that will be done to UH and the people of Hawaii if this bill is passed. Please, for the sake of your constituents, do not support this bill.

SB-3269-SD-1

Submitted on: 3/2/2022 1:52:03 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ross Egloria	Individual	Oppose	No

Comments:

Ways and Means Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1 PROPOSED

March 2, 2022

Dear Higher Education Committee,

My name is Ross Egloria and I am a resident of Honolulu and the Education Technology Coordinator (Instructional Designer) at Honolulu Community College. I am writing as an individual in OPPOSITION to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I urge you to oppose this bill.

Approval of SB 3269 SD1 would do immense harm to the University of Hawai'i above and beyond that already created by budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

The proposal creates a "C" classification for community college faculty. The UH Community Colleges are open door with an equal focus on developmental support, continuing education, and career retraining thus offering marginalized, underrepresented students from socio-economically challenged backgrounds access and success in higher education. Tenure allows these faculty to push students beyond their comfort level to mold critical thinkers who are up to the challenges and rigor of higher education as well as the increasingly complex requirements to fill workforce needs.

SB 3269 SD1 fails to address faculty employees that don't fit neatly into the categories listed, such as librarians, counselors, and instructional designers that also have instructional duties, all of which exist at every UH community college institution across the state. These tenured community college faculty are required to discharge the duties listed below, in addition to their primary duties of instruction and/or support:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

Tenure maintains accreditation and academic freedom, while ensuring a rigorous contract renewal process throughout the duration of employment. It is not “permanent” or “continual” employment allowing faculty to collect a paycheck without performing their duties. Existing policies are already in place to flexibly manage the issues this proposed bill would codify into rigid and unnecessary statutes, bypassing campus and system governance and feedback loops. Updated policies listed in this bill could easily be used as suggestions for policy updates to be considered and agreed upon by existing campus governance and union entities. UH-System faculty are among the hardest working population of workers around. They are passionate about the content they teach, the students with whom they are entrusted, the missions of our institutions, and in continuous improvement. Please don’t micromanage or in other ways attempt to fix a system that isn’t broken.

For these reasons and more, please vote in OPPOSITION to SB 3269 SD1.

Sincerely,
Ross Egloria

SB-3269-SD-1

Submitted on: 3/2/2022 1:54:00 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amy Nishimura	Individual	Oppose	No

Comments:

Aloha mai kākou,

I write in absolute OPPOSITION to SB 3269 SD1. My name is Amy Nishimura and I have been employed at UHWO for nearly fifteen years. I submit this testimony as an educator and taxpaying citizen. If this bill is enacted, UH will not be able to recruit, retain, or hire excellent faculty of any classification; indeed, the system will lose many people who have returned to the aloha state.

Tenure is not an unearned privilege. There is a distinct five-year review process and *job security* holds different meanings depending on one's **gender and race**. Even after earning tenure, there are many, many contexts in which one can feel unsafe, unappreciated, and **invisible**.

There is a great deal of *misinformation* regarding what Specialists, Extension Agents, and Librarians do on a substantive and regular basis for UH and the larger community of Hawai'i. Please take a few minutes to read some of the powerful testimony provided to the BOR, on or before October 2021. Within the over 600 pages of testimony, there is specific detail outlining the labor these people have carried and continue to bear, especially during an ongoing pandemic. It is time they were recognized for their work instead of constantly having to justify their/our existence.

Testimony provided to the BOR in October 2021:

http://www.hawaii.edu/offices/bor/regular/testimony/202110210830/Written_Testimony_Comment_Received_DTS_1050_TENURE_Task_Group.pdf

http://www.hawaii.edu/offices/bor/regular/testimony/202110210830/Late_Written_Testimony_Comment_Received_DTS_1050_TENURE_Task_Group.pdf

I'm especially taken aback by concerns regarding "conflicts of interest,"

"It shall be the responsibility of deans, chancellors, provost, vice chancellors, vice provosts, and other appropriate academic administrators to additionally ensure that all periodic reviews are conducted in a manner that will minimize *conflicts of interest* within units, and ensure balanced, diverse, and relevant input including that of faculty peers and management roles; and..."

This statement presumes there is no conflict of interest from deans, chancellors, provost, vice chancellors, vice provosts, and other appropriate academic administrators **directed at and/or targeting faculty**. Please leave the process in the hands of those who have experience and knowledge about the five-year review. As long as you continue to treat all of us with such insulting contexts, we will remain locked in contention. If this bill is enacted, you will leave large doors open for faculty to be targeted, *especially women and minorities*.

All of you have a powerful, public platform and at a time when there is tremendous uncertainty, anxiety, and anger, please consider how your actions adversely impact our ability to work together. Hawai'i remains strong yet vulnerable and we know that serious challenges lie ahead so how can we build trust or even resemble the aloha spirit so often used during, say, the campaign season, and *how can you help the UH system embody what aloha means?* We all need to set an example for our students and the community at large. Carrying aloha and living the definition is a central part of our collective responsibility.

VOTE NO on SB3269 SD1. Mahalo for your time and service.

Amy Nishimura

To: Members of the Ways and Means Committee

RE: SB 3269 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

My name is **Charlene Gima**, and I am writing in **opposition to [SB 3269](#)** and the amended **SB 3269 D1** relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Approval of SB 3269 would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

As currently written, the bill applies to the entire UH System. Among its many harmful proposals, the bill would deny community college faculty access to tenure and permanent positions under the blanket classification of "C" in the amended SB 3269 D1 (cf. 304A-1002). Denying tenure to faculty will negatively impact the quality of higher education in Hawai'i. In addition to teaching, community college faculty are required to take on heavier teaching loads than their counterparts at UHM, as well as discharging the duties listed below:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

Eliminating tenure for faculty in the UH system will severely hamper the quality of their work as well as place an extra burden of an entirely new constant review process, which is **already addressed by the current tenure and promotion process**. This bill effectively destroys the very goal it seeks, to create an educated workforce, by undermining the job security for people who dedicate themselves to teaching.

I also oppose the elimination of tenure for librarians (p. 7). Librarians in particular require the protections of tenure in instances of collection development as book acquisitions frequently come under attack from political and special interest groups who view them as opportunities to silence ideas and beliefs contrary to their own (i.e., the practice of book banning). Academic

freedom, then, is essential to librarians in their roles as teachers and researchers, especially in digital scholarship and information literacy.

Additionally, I oppose the elimination of tenure for support faculty and extension agents (p. 7). Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

For these reasons and more, please vote against [SB 3269](#) and the amended **SB 3269 SD1**.

Sincerely,
Charlene Gima

2022 March 02

To: WAM Committee Members

Senators Donovan M Dela Cruz, Gilbers Keith-Agaran, Lorraine R. Inouye, Maile S.L. Shimabukuro, Dru Mamo Kanuha, Brian T. Taniguchi, Michelle N. Kidani, Glenn Wakai, Bennette E. Misalucha, Kurt Fevella, Sharon Y. Moriwaki

RE: SB 3269, SD1

RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

My name is Robert Paull and I am writing in **opposition to SB 3269 (SD1)**, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

I have been a tenured researcher at the University of Hawai'i at Manoa for more than forty years.

Contrary to what is claimed in this Bill and in the BOR Report, part of my responsibilities from when I was hired is to teach both undergraduate and graduate courses, and advise graduate students in research. Specialists in our department also teach, do research and carry out outreach activities.

The most galling part of this Bill is the apparent complete lack of understanding as to the duties and responsibility of Extension Agents. In my College, extension agents are engaged daily in teaching, and helping farmers and farm related enterprises to be successful.

The biggest unanswered question in this Bill is how will research that directly impact Hawaii's farmers and farm related enterprises are carried out. The Bill strips away state support for Researchers, Specialists and Extension Agents salary and tenure and seemly requires them to secure outside funding. Outside funding for agriculture is mainly from Federal monies on Federal priorities that may only be peripheral to meeting Hawai'i's needs.

If SB 3269 is approved, it will do immense harm to the University of Hawai'i agricultural instruction, research and extension. This harm is way above and beyond the budget cuts, hiring freezes, and swept faculty positions that has reduce our College faculty numbers in instruction, research, and extension, along with our support staff by more than 40% in twenty years. This has severely limited our ability to help our students and Hawaii's agricultural industries meet the current and future challengers.

Please vote against SB 3269 that is based upon a lack of understanding of faculty duties and responsibilities and will not lead to budget saving.

Yours Sincerely
Robert E. Paull

SB-3269-SD-1

Submitted on: 3/2/2022 2:05:51 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christoph Baranec	Individual	Oppose	No

Comments:

Wednesday, 2 March 2022

I oppose SB 3269 SD1.

The State Legislature is clearly overstepping their bounds with this bill. Our State Constitution, Article X, Section 6, states regarding the University of Hawaii’s Board of Regents (BoR) that, “The board shall also have exclusive jurisdiction over the internal structure, management, and operation of the university.” The following sentences, “This section shall not limit the power of the legislature to enact laws of statewide concern. The legislature shall have the exclusive jurisdiction to identify laws of statewide concern,” are clearly not meant to let the legislature micro-manage the University as is proposed in this bill, but rather to not let the BoR override laws that affect the entire state. Please come to your senses and leave the jurisdiction of the University to the Board of Regents.

Mahalo no kou manawa,

Christoph Baranec

Aloha Senators Dela Cruz, Keith-Agaran, Inouye, Kanuha, Kidani, Misalucha, Mirowaki, Shimabukuro, Taniguchi, Wakai, and Fevella,

My name is **Ku'ulei Salzer** and I am writing in **strong opposition** to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I urge you to **oppose** the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it is illegal, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

Approval of [SB 3269 SD1](#) will devastate the intellectual output and reputation of our University system, and severely diminish the education of our students, including opportunities for them to study with the foremost scholars in their chosen areas of study, receive grants for research, and pursue their dreams especially if their dreams involve education at other Research Level 1 institutions. The effect of legislative measures under consideration in this session that impact the University of Hawai'i in the spirit of improving our educational system will accomplish just the opposite result. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have greatly hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, the tenured and tenure-track faculty are rising to the occasion and taking on additional workloads in order to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support us, you are trying to kill the University system and the opportunities it creates for our citizenry. You refuse to acknowledge our commitment, the necessity of a stable, educational campus for education and scholarship achieved through a normative tenure and promotion process, and the strength of educational experiences offered both within and outside of a traditional classroom setting.

The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University cannot fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by corporations, religious groups, special interest groups, or the government. This is why governance of the University system is delegated to the Board of Regents. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. The path to that goal is, and always will be, a tenure and promotion system for all of its faculty.

Academic freedom and tenure for faculty also promote stability. Faculty members who are committed to the institution develop ties with the local community, pursue ongoing research projects, and mentor students and beginning scholars over the long term. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. I do not think you understand how hard our tenured and tenure-track faculty work. Many of us work throughout the summer and are putting in weekend hours. We serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education. Unlike the legislature, faculty do not enjoy a multi-month recess each year. A decline in eligible

faculty to do this important work for the State will result in a worse University system and not a better educational system for our students. Instead, the Administration will turn to employing contingent faculty.

Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Universities were established and depend on a shared governance model to function. Shared governance requires an adequate number of tenured and tenure-track faculty members to ensure quality control over curriculum and participate in the University's business of higher education. Eliminating tenure-track faculty means that fewer faculty members are available to serve our shared governance model. You are putting our accreditation status in jeopardy by canceling tenure for full classifications of University faculty.

The ill-advised dismantling of UH's existing tenure system would be ruinous to the University's workforce. Disrupting the normative operation of UH's faculty governance structure diminishes its appeal to educators functioning at the top of their profession and will negatively impact our ability to attract top-flight faculty. Additionally, it will drive away those who are already part of the UH community. This ultimately will impact the quality of the UH as a R-1 research institution, and this will affect the ability to secure extramural research funding and maintain and grow student enrollment.

I oppose the elimination of tenure for support faculty and extension agents. Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

[SB 3269 SD1](#) is a bad idea. For the reasons stated above, vote **NO** on SB 3269 SD1

Yours Sincerely,

Ku'u'lei Salzer

SB-3269-SD-1

Submitted on: 3/2/2022 2:23:56 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kelli Y. Nakamura	Individual	Oppose	No

Comments:

Dear Senators:

My name is Kelli Nakamura, and I am writing in strong opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. As currently written, the bill applies to the entire UH System. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it is illegal, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

Approval of [SB 3269](#) will devastate the intellectual output and reputation of our University system, and severely diminish the education of our students, including opportunities for them to study with the foremost scholars in their chosen areas of study, receive grants for research, and pursue their dreams especially if their dreams involve education at other Research Level 1 institutions. The effect of legislative measures under consideration in this session that impact the University of Hawai'i in the spirit of improving our educational system will accomplish just the opposite result. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have greatly hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, the tenured and tenure-track faculty are rising to the occasion and taking on additional workloads in order to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support us, you are trying to kill the University system and the opportunities it creates for our citizenry. You refuse to acknowledge our commitment, the necessity of a stable, educational campus for education and scholarship achieved through a normative tenure and promotion process, and the strength of educational experiences offered both within and outside of a traditional classroom setting.

The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University cannot fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by corporations, religious groups, special interest groups, or the government. This is why governance of the University system is delegated to the Board of Regents. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. The path to that goal is, and always will be, a tenure and promotion system for all of its faculty.

Academic freedom and tenure for faculty also promote stability. Faculty members who are committed to the institution develop ties with the local community, pursue ongoing research projects, and mentor students and beginning scholars over the long term. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. I do not think you understand how hard our tenured and tenure-track faculty work. Many of us work throughout the summer and are putting in weekend hours. We serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education. Unlike the legislature, faculty do not enjoy a multi-month recess each year. A decline in eligible faculty to do this important work for the State will result in a worse University system and not a better educational system for our students. Instead, the Administration will turn to employing contingent faculty.

Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Universities were established and depend on a shared governance model to function. Shared governance requires an adequate number of tenured and tenure-track faculty members to ensure quality control over curriculum and participate in the University's business of higher education. Eliminating tenure-track faculty means that fewer faculty members are available to serve our shared governance model. You are putting our accreditation status in jeopardy by canceling tenure for full classifications of University faculty.

The ill-advised dismantling of UH's existing tenure system would be ruinous to the University's workforce. Disrupting the normative operation of UH's faculty governance structure diminishes its appeal to educators functioning at the top of their profession and will negatively impact our ability to attract top-flight faculty. Additionally, it will drive away those who are already part of the UH community. This ultimately will impact the quality of the UH as a R-1 research institution, and this will affect the ability to secure extramural research funding and maintain and grow student enrollment.

I oppose the elimination of tenure for Librarians. One of the most basic elements of an institution of higher education is providing a first-rate library staffed by professionals who ensure equal access to resources and educate the University community about those resources. Librarians provide the path to research, inquiry, discussion, and thought. The American Library Association strongly supports tenure for all librarians because librarians are the most vulnerable academic professional who would suffer from thought control. Librarians often play an important support role for both faculty and students, to provide assistance with research projects, grant opportunities, information literacy instruction, and the preservation of our culture and institutions. We are obligated to provide access to materials that present different viewpoints in furtherance of the University mission. Librarians are in constant battle with those who chose to censor our citizenship through banned book campaigns. These publications tackle the difficult topics discussed on campus informally and in the classroom. Acquiring those materials and making them available, whether they be current or historical, is not always supported by majority thought. Likewise, instructional librarians provide literacy education to the University community and these classes are often required elements to receiving a degree from the University or to complete a course of study. Academic freedom, then, is essential to

librarians in their roles as teachers and researchers, especially in digital scholarship and information literacy. Throughout the country, these are aspects of Librarianship that are secured through a tenure process.

I oppose the elimination of tenure for support faculty and extension agents. Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

Among its many harmful proposals, the bill would force faculty in the UH Community Colleges (UHCCs) to perform research in addition to their instructional and/or other work with students, faculty, and staff (since all faculty would be reclassified as "F," cf. pp. 6-7). The community colleges' missions are not the same as the University of Hawai'i at Manoa (UHM), and they are not R-1 institutions like UHM. Community college faculty are required to take on heavier teaching loads than their counterparts at UHM, in addition to discharging the duties listed below (which are also carried out by faculty at the 4-year campuses):

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship

- Professional development participation and presentation
- Campus governance

Requiring UHCC faculty to conduct research in addition to the duties mentioned above will not only divert time and attention away from faculty members' primary duties of instruction and/or support, it will also stress the state's already scarce financial resources as release time will need to be provided to give faculty the opportunity to conduct research. If job descriptions and duties are to be the same across all system campuses, the salaries of community college faculty will also need to be raised to match those of UHM faculty.

[SB 3269](#) is a bad idea. For the reasons stated above, do not vote for this bad idea.

Respectfully, Kelli Nakamura PhD

SB-3269-SD-1

Submitted on: 3/2/2022 2:24:32 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jessica Hogan	Individual	Oppose	No

Comments:

Aloha Honorable Senators,

I am writing to ask you to vote against [Senate Bill 3269](#) when it comes before you. This bill is an attempt to pull away tenure from specialized educators like academic librarians and other specialized staff in our University of Hawaii and Community College community. Having tenure as a librarian awards protection of academic freedom, creates stability and the ability to develop expertise in an area of study.

I'm not sure the people proposing this bill have an understanding of what academic librarians do in the classroom these days and how intricately they are embedded into the curriculum. Please let me take a moment to explain. Having been an academic librarian myself at a community college institution, I know that professors and instructors rely on professional librarians to come into their classrooms and teach students how to perform research and sift through myriads of information on the internet, many of which can be non-credible and untrustworthy. There is a fallacy that librarians do not teach and this is incorrect. Often freshman have to take a semester-long course taught by librarian faculty and it is a standard professional title in many high-ranking institutions such as U.H. In fact, our institution depends on this as a means of accreditation for awarding graduates their Masters in Library and Information Science. The U.H. School of Library and Information Science has world-renowned research faculty teaching classes right now and without this, the university could fail to attract new graduates.

If you are concerned about holding tenured faculty accountable, that is a separate issue that could be best carried out in other ways and overseen by the Board of Regents. It was made apparent at the last hearing that members of that committee do not have a firm grasp on the tenure process and perhaps those processes could be explored and overhauled.

In closing, implore you to listen to the collective voices of this advanced-degree profession, over hundreds who have submitted written testimony and testified at hearings already. Many of us are hard-working information professionals who give back to the library community through teaching and research, helping to turn students and graduates into life-long learners who can think, decide and research information on their own, to help them through the rest of their lives. I know that you and Governor Ige are very big supporters of libraries and I thank you for your support so far. Please consider extending that support to keep tenure intact for library professionals working at the University of Hawaii for those working there now AND in the future.

Many thanks for your time and consideration.

With much aloha,
Jessica Hogan, MLISc
Masters in Library and Information Science
Proud University of Hawaii Graduate

Davianna Pōmaika'i McGregor
1942 Naio St.
Honolulu, Hawai'i 96817
Email: davianna.mcgregor@gmail.com

Testimony In Opposiiton SB3269, S.D. 1
Presented Before the
Senate Committee on Ways and Means
Friday, March 4, 2022
10:10am CR211 and Videoconference

By Davianna Pōmaika'i McGregor

Chair Donovan Dela Cruz, Vice-Chair Keith Agaran and members of the Senate Committee on Ways and Means, aloha kākou. My name is Davianna Pōmaika'i McGregor and I am a tenured Professor in the Department of Ethnic Studies and Director of the Center for Oral History. I am testifying in opposition to SB3269, S.D. 1.

Passage of SB3269 SD1 Relating to academic Tenure at the University of Hawai'i will result in the dismantling of the University of Hawai'i at Mānoa (UH-Mānoa) as an R-1 University that provides undergraduate and graduate level education and path-breaking research that supports the needs of our community.

I would first like to point out that the first sentence of SECTION 1. of the bill is incorrect. Both the University of Hawai'i and the Hawai'i Department of Education are systems of public education supported by State funds which use public lands. The University of Hawai'i is the only system of public **higher** education that does so.

Second, the statement that "the commitment of public resources to support the grant of tenure is a matter of statewide concern" is debatable. The granting of tenure at the University of Hawai'i is a process that is within the purview of the University of Hawai'i administration and the Board of Regents, just as the granting of tenure within the Department of Education is under the purview of the Department of Education and Board of Education. Moreover, tenure classifications are a matter of collective bargaining and in the faculty contracts at the UH and the teacher contracts in the DOE. Tenure should not be governed by the Hawai'i Revised Statutes. It should be subject to administrative procedues and collective bargaining. Enactment of this bill would constitute interference with the responsibilities of the University of Hawai'i Board of Regents and the UH President within the executive branch of government and could jeopardize the WASC accreditation of the UH. Note WASC Criteria for Review 1.5 "The institution does not experience interference in substantive decisions on educational functions by governmental, religious, corporate or other external bodies that have a relationship to the institution;" and Criteria for Review 3.9 "The instituion has an independent governing board that exercises appropriate oversight."

Third, the description of the proceedings of the permitted interaction group (p.i.g.) of the Board of Regents give the impression that the Board of Regents accepted the findings of the p.i.g., however the board did not accept those findings. Moreover, such findings should arise from a process that involves meaningful consultation and input from the university community of faculty, staff and students. In its last meeting on February 17, 2022, the Board of Regents accepted the report of the Senate Concurrent Resolution 201 (2021 Task Force, thereby rejecting the recommendations of the p.i.g. which, according to the bill is the reason for its submittal. The rejection of the p.i.g. by the BOR clearly lays the foundation for this bill not to be passed.

At the Center for Oral History, for which I serve as director, we have interviewed legislators, Democratic Party, labor and community leaders who led Hawai'i out of an era where social mobility and professional aspirations for Native Hawaiian and multi-ethnic working peoples were limited by a racist white oligarchy. Those visionary leaders intentionally invested public funds to develop the University of Hawai'i at Mānoa into a top-tier R-1 university to uplift the peoples of Hawai'i by providing access, to both an excellent and competitive undergraduate university education and to graduate-level and professional (law and medicine) educational opportunities, within Hawai'i. At the same time they developed an expansive community college system to provide access to post-secondary education across all classes on all islands and deep into our rural areas. The proposed changes to the tenure system, will downgrade the four year campuses of the University of Hawai'i, lead to more students to leave Hawai'i to seek excellent educational opportunities on the continent, and expand the diaspora of Hawai'i-born residents to the continent. This is a betrayal of the legacy of Hawai'i's Democratic leaders.

I testify in opposition to this proposed bill because it would eliminate tenure for the Research, Specialist and (Extension) Agent categories. Research faculty attract essential extramural funds to the university to fund graduate research assistants pursuing their graduate studies at UH-Mānoa. These researchers provide pathbreaking discoveries to improve the well-being of our community. Specialist faculty provide critical counseling, guidance and support for the professional/academic/personal well-being of our students for their educational success. Extension faculty provide advanced research and experimental assistance to farmers and ranchers in the rural areas of our islands as they struggle against crop and livestock insects, viruses and disease to provide for the sustainability of our island food systems. Moreover, such action will disproportionately impact minority faculty whose positions are largely in the Specialist and Extension Agent categories. Not granting tenure to specialists and extensions agents will discriminate against the largely local faculty who enter these positions.

I testify in opposition to this bill because it will reverse the progress of recruiting Hawai'i-born faculty and graduate students to the University of Hawai'i at a time when we have a critical mass of highly trained Hawai'i-born professors and researchers in all educational fields on the continent. It will reverse the progress of recruiting our Hawai'i-born students to contemplate and pursue a graduate level education and aspire to higher professional goals at the University of Hawai'i. It will reverse the progress in providing research and training opportunities for our graduate students, so that they can afford to pursue a graduate level education.

For all of the above reasons, and more, I urge you, the members of the Senate Committee Ways and Means Committe to support the acadmic freedom of our university faculty, in all classifications by not passing SB3269S.D.1 Mahalo.

A handwritten signature in black ink, reading "Davarian B. Mc Gregor". The signature is written in a cursive, flowing style with a prominent flourish at the end.

SB-3269-SD-1

Submitted on: 3/2/2022 2:31:14 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
gabriel peckham	Individual	Oppose	No

Comments:

The current bill doesn't specify whether community college faculty (category C) are tenure tract positions. I assume the omission was on purpose and meant to remove tenure from future CC faculty. I believe this to be a big mistake. In my original objection to this bill I pointed out that the current tenure system has created a problem of significant "dead weight" in the UH system, faculty that aren't active enough in their research and instructional activities to justify their compensation. Most of the dead weight in the UH system comes from faculty at the UHM campus or other faculty with a mix of research & instruction duties. This is because these faculty can limit instruction and other student-related activities under the guise of being heavily engaged in research which is harder to evaluate or quantify. CC faculty, on the other hand, are 100% instructional positions. They must teach a high number of units each academic year and must justify any release time or other compensation.

Despite the problem of dead weight faculty, a huge portion of all faculty in the UH system go above and beyond their minimal job requirements. This includes being available and committing time to students outside of classroom hours, continually updating instructional materials, improving classroom environment, etc. However, this also includes improving program curricula, holding special events, managing scholarships & internships, and securing grants for enriching student research and academic experience. Unlike UHM research faculty, many CC faculty often do these things even though it isn't part of their job description and release time being greatly limited. For improving the learning experience of students and to bring more money across the UH system, CC faculty should be encouraged and rewarded for such dedication. By removing the tenure status you're discouraging such initiative. Why would any non-tenured CC faculty plan a major event or apply for a grant if it takes more than a semester to do so and they may not be rehired? The removal of tenure from CC faculty will only encourage a "keep your head down and students happy" mentality which isn't good for the long term growth and integrity of the CC system. It will only cause erosion of the system as a whole.

Faculty classification C should be tenure track position. In addition, to encourage faculty and lecturers to engage in activities that enrich the student experience and bring money into the UH system, there should be a simple system in place for attaining release time and extra compensation potential should be increased to at least 20% of base salary. It should be the State's and BOR goal to leverage the amazing energy of certain faculty to increase the overall health of the system both in terms of money and education quality. Providing tenure is necessary for this goal.

SB-3269-SD-1

Submitted on: 3/2/2022 2:33:12 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Monique Mironesco	Individual	Oppose	No

Comments:

Aloha mai kākou,

My name is Monique Mironesco. I have had the privilege of being a faculty member in the Social Sciences division, teaching Political Science, at UHWO since 2004. I am writing in strong OPPOSITION to SB3269 SD1. It appears that two changes have been made to the original bill: 1) librarians are now allowed to receive tenure; and 2) community college faculty are not required to conduct research, as originally proposed. These are important and positive changes to the original bill. However, as it is currently written, the issue of tenure still hangs in the balance and the bill still threatens the viability of the University's ability to hold and protect tenure, academic freedom, and academic governance.

For the legislature to be involved in micromanaging university processes does a disservice to both parties. It appears that there is misconception at the Hawai'i State Legislature that the University of Hawai'i system is completely funded by taxpayers, which would then ostensibly give the right to legislators to become involved in tenure and promotion processes. However, that is NOT the case and legislators, who may not be subject matter experts on either particular academic disciplines or even the management of a large university system, would get mired in the minutiae of university tenure and promotion processes. Additionally, restricting tenure does not lead to cost savings - it does, however, lead to lesser quality education for our students, because retaining quality faculty will become extremely difficult. It is clear that there will be a mass exodus of faculty going elsewhere along with their research dollars and innovative ideas as has happened in other states threatening the established tenure system.

Should this bill pass, we would be left trying to deliver the same amount of quality classes, but will less tenure line faculty. This will affect faculty morale and potentially lead to other retention problems both of faculty and of students. The trend would then be to cut costs by relying on part time lecturers, which while cheaper in cost (and inherently exploitative of the lecturers' labor) cannot provide the kind of continuity and subject matter expertise that full time, tenure line faculty can. If there is no permanence in a concentration, department, or discipline, students quickly figure it out and go elsewhere, leading to a loss of student enrollment in the concentration and/or division overall.

A university system is not, in fact, a business, but instead provides essential educational services to shape the next generation of Hawai'i's leaders. It is critical that we continue to provide the highest quality educational opportunities for students by providing innovative courses, delivered

in a variety of modalities, and across a variety of disciplines. We prepare students to participate and support a diverse and democratic society and become responsible citizens. We help students develop critical thinking skills as well as the capacity for effective communication. Students learn to incorporate evidence-based practices to bridge knowledge systems and foster innovation to create a more sustainable and equitable future in an ever-changing world. This is the kind of education that only permanent, tenure line faculty can provide. Creating a two class system (those who are tenured and those who will never have the opportunity to be tenured if hired after a certain time) is inherently problematic to achieving our mission.

Faculty are here to serve our students and our respective communities, shouldn't legislators be doing the same? Micromanaging university tenure processes is not the responsibility of legislators, and it should remain that way. Please vote NO on SB 3269 SD1.

SB-3269-SD-1

Submitted on: 3/2/2022 2:35:37 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mieko Matsumoto	Individual	Oppose	No

Comments:

March 2, 2022

Aloha members of the Senate Ways and Means Committee,

My name is **Mieko Matsumoto**, I am an Associate Professor of History at Honolulu Community College and I am writing in **opposition** to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. **I also urge you to oppose the bill.**

Among other things, the bill redefines UH Community College (UHCC) faculty as “faculty who teach courses” (p. 8). This would exclude specialist faculty who are referred to in the bill as “support faculty,” such as counselors who work to support our most at-risk and challenged students, from tenure and deny them the protections they need to discharge their duties effectively. **College systems cannot function without the work of counselors, librarians, educational technology specialists, and other faculty members who provide crucial support to their colleagues and students.** As an instructor of history, I cannot count the number of times I have relied on librarians to assist my students with their research needs. In addition to providing crucial instructional support, the librarians support talks and presentations on a wide variety of topics on top of the myriad other duties they must fulfill. Furthermore, our valued “support faculty” provide critical service on campus committees. Denial of tenure would hamper their ability to effectively serve on campus committees that are crucial in ensuring academic integrity, accreditation, and adjudication of curriculum and faculty matters. Our campuses cannot effectively serve our students without these “support faculty” who play integral roles in the day-to-day operations of the UH system.

Furthermore, **tenure protects ALL faculty in sensitive positions from arbitrary dismissal. This is crucial in the academic sphere as it enables faculty to innovate and to engage in critical research and teaching.** Throughout history ideas, books, and the people who espoused them have been attacked for going against the grain. Consider, for a moment, the impact of the Red Scares (yes, there were two) and the impact of red baiting on freedom of thought and learning. At this very moment there are ongoing attacks on the teaching of critical race theory and various state legislatures are considering banning the use of it in K-12 classrooms. What happens to the teachers who insist on the importance of introducing students to critical race theory? What happens to the librarians who seek to stock their shelves with books on the topic? Who is to say that this type of academic censorship won't one day also impact post-secondary education?

If we want our students to leave the UH system prepared to think critically about the past and their present and to engage in the hard work necessary to bring about a more just and equitable future for all, then we need to invest in them. Tenure is an investment in students as it is a long term funding commitment to support faculty positions, regardless of changing politics. Faculty members at community colleges must work incredibly hard during their probationary period to not only prove their excellence in teaching, but also to demonstrate their commitment to providing service to the college and community. After earning tenure, tenured faculty must participate in 5 year reviews that demonstrate their continued excellence and dedication to their craft. Receiving tenure is not the “end of the line” for faculty.

Finally, **weakening the tenure system and challenging its integrity will make it even more difficult for the UH system to compete for new employees.** The cost-of-living in Hawai'i is exorbitant and many in my generation are well aware that we could more easily establish ourselves and start families on the continent. In fact, many faculty could pursue far more lucrative careers outside of academia. For many, myself included, it is love for my home and community that brought me back to Hawai'i and keeps me in the classroom. Challenging tenure in the way that SB 3269 SD1 does is demoralizing and insulting to those who are working so hard to provide a quality education for the next generation of Hawaii's youth.

Respectfully,

Mieko Matsumoto

Senate Committee on Higher Education
Thursday, February 10, 2022 3:00 pm
Conference Room 229 and Videoconference

Testimony in opposition on the following measure: SB 3269 SD1

Dear Chair Kim, Vice Chair Kidani and Members of the Committee:

My name is Ruby Pap, and I am an Associate Extension Agent with the UH Sea Grant College Program. I am **opposed to S.B. 3269 SD1** for the following reasons, the first relating to personal impacts and the second relating to the University as a whole.

According to the bill, I would be reclassified from an Extension Agent to Renewable Term Faculty because the work that I do with UH Sea Grant (marine and coastal extension activities) is not included in the definition of Extension Agent. Being classified as Renewable Term Faculty would represent a demotion in my 10-year career in the Extension field, working to provide technical assistance to communities on coastal science issues on the Island of Kaua'i. This causes much anxiety and uncertainty for me as nothing is provided in terms of pay scale, promotion procedures, etc. and being an Extension Agent is part of my career identity. Several other of my colleagues at Sea Grant are being put in similar positions with this bill.

As an organized research unit of the University of Hawai'i's prestigious School of Ocean and Earth Science and Technology (SOEST), and with core funding provided by the National Oceanic and Atmospheric Administration (NOAA), Hawai'i Sea Grant engages and connects academia, federal, state and local government, industry, and the local community with excellence in research, extension, and education. Our program receives a little more than \$2 Million annually from NOAA and leverages these federal dollars two- to three-fold with other extramural funds to implement our programmatic activities across the state of Hawai'i.

The proposed tenure rules and faculty reclassifications would do irreparable damage to recruitment and retention of future faculty in SOEST and all of its organized research units such as Hawai'i Sea Grant. Like our counterparts at the College of Tropical Agriculture and Human Resources, our Extension Agents and Specialists are faculty and educators just like instructional faculty. While a small number of our faculty are seconded to institutions of higher education where they provide instructional support, the majority conduct informal education programs and activities including marine conservation, ecosystem restoration, renewable energy and water conservation, and resilience to coastal hazards. Our faculty live, work, and play in communities across the state and are an integral link and part of the communities they serve. Extension plays a vital role in helping to address community needs through university research and providing evidenced-based information for communities to make informed management and policy decisions. The loss of extension capacity will further isolate the University of Hawai'i from the communities it serves. **Please vote no on S.B. 3269 SD1**

Thank you for considering my comments,

Ruby Pap

My name is Karla Hayashi, Director of Kilohana: The Academic Success Center of the University of Hawai'i at Hilo and I vehemently oppose **SB3269/SD1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII**. This bill is based on a false narrative that the Board of Regents unanimously supported the recommendations of the Tenure PIG. Instead, the Regents rejected those recommendations. Former Regent Jan Sullivan, not content with the Regents' refusal to accept the PIG recommendations, then turned to Senator Donna Mercado Kim to fashion the PIG recommendations into **SB 3269/SD 1**.

This bill also continues to promote the false definition that Tenure means lifetime employment. Tenure provides faculty the ability to educate students through a myriad of interactions in and outside of the classroom free from interference and retaliation for educational material and discussion which might offend someone who believes otherwise. Tenure was developed to promote academic freedom which permits faculty of all classifications the ability to instruct without fear of retaliation and interference from parents, community members, administrators, or elected officials who find instructional materials or operations of the university objectionable.

This bill also reflects an antiquated idea of what instruction is. Instruction is no longer limited only to the classroom. Every student at each UH campus receives hours of instruction from faculty members outside the classroom minimally through faculty delivered advising, faculty supervised cooperative work experience, practica, internships, and lab activities, faculty delivered tutoring, and faculty developed curriculum and instructional materials. Students are able to apply their classroom knowledge and enhance their learning **because** of their multiple interactions with various Specialists including Advisors, Counselors, other Specialists, and Extension Agents.

All of these faculty driven interactions can be carried out because Specialists have undergone rigorous subject education, five to seven years of demonstrated teaching effectiveness through the tenure process, and regular five-year reviews after earning tenure. Faculty members receive the longest initial review process in comparison to Civil Service and APT employees **because** they are entrusted with teaching students.

SB3269/SD1 will also continue to hurt the UH System's ability to recruit and retain high caliber faculty. The UH system already faces increasing challenges recruiting and retaining faculty due to the exorbitant cost of living in the state, limited professional career opportunities for its own graduates as well as faculty partners/spouses, and the poor reputation of public education for children. High caliber faculty will not come to a university which treats faculty as expendable which is what **SB 3269/SD 1** lays the groundwork for.

SB3269/SD1 will irreparably damage the University of Hawai'i even beyond the annual austere legislative budget cuts, hiring freezes, and swept faculty positions that already interfere with the UH System's ability to deliver high-quality education to the residents of Hawai'i.

Specifically, this bill will:

- send a strong message to local residents that they are not deserving of a first-class education because Legislators do not value the work carried out by all the different faculty who work on behalf of the university
- diminish and demean the work carried out by local residents who are your constituents and live in communities you represent because they will no longer be considered faculty members
- reduce the number of local faculty role models local students will interact with because Specialists and Extension Agents will no longer be classified as faculty

- negatively and disproportionately impact females and under-represented minorities who occupy in higher numbers the positions this bill targets (Specialists and Extension Agent positions) in every community served by UH
- diminish the ability of the UH system and individual campuses to seek out and engage in partnerships with other public and private entities because of the increased risk of legislative interference as demonstrated by this and other bills introduced this legislative session that will negatively affect UH
- demonstrate that the state of Hawai'i does not value higher education and the quality of instruction for its residents through continuing legislative interference which continues to defund and diminish the university

Instead, please focus your attention and efforts on identifying how best to lift up all residents of this state rather than diminish and tear down the only public higher education institute in this state and the faculty who are trying to educate as many residents as they can so residents can pursue something other than service jobs in the state's only industry, tourism. By lifting more people up we can build a sustainable economy and keep more of our residents living in Hawai'i rather than encouraging them to leave Hawai'i.

For these reasons and more, **please vote against SB3269/SD1**. Rather than tearing down the university and its faculty members, find ways to work with us to identify how we can work together to improve the conditions of life in this state.

March 2, 2022

Dear Senators,

My name is Victoria Szymczak. I am a professor at the University of Hawai'i. I am writing in strong opposition to SB 3269, relating to academic tenure at the University of Hawai'i. SB3269 is illegal, will destroy the quality of education for our communities, destabilize the operations of the University System, and put University accreditation in danger. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications.

The effect of legislative measures under consideration in this session that impact the University of Hawai'i in the spirit of improving our educational system will accomplish just the opposite result, especially SB3269. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have significantly hampered the our ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, the tenured and tenure-track faculty are rising to the occasion and taking on additional workloads to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support us, you are trying to kill the University System and the opportunities it creates for our citizenry. You refuse to acknowledge our commitment, the necessity of a stable, educational campus for education and scholarship achieved through a normative tenure and promotion process, and the strength of educational experiences offered both within and outside a traditional classroom settings.

The origin of tenure for all faculty lies in academic freedom. Without the freedom to express varied thoughts and research from multiple perspectives, our University cannot fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by corporations, religious groups, special interest groups, or, in this case, the government. This is why governance of the University system is delegated to the Board of Regents. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. The path to that goal is, and always will be, a tenure and promotion system for all of its faculty.

Academic freedom and tenure for faculty also promote stability. Faculty members committed to the institution develop ties with the local community, pursue ongoing research projects, and mentor students and beginning scholars over the long term. Universities need tenured and tenure-track faculty to accomplish meaningful work that goes beyond traditional teaching roles. I do not think you understand how hard our tenured and tenure-track faculty work. Many of us work throughout the summer and are putting in weekend hours. We serve on committees, hold academic and administrative positions like department chairs and program directors, spend hours counseling students, and help them complete their education. Unlike the legislature, faculty do not enjoy a multi-month recess each year. A decline in eligible faculty to do this important work for the State will result in a worse University system and not a better

educational system for our students. Instead, the Administration will turn to employ contingent faculty who are not highly invested in our students or our communities.

Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Universities were established and depend on a shared governance model to function. Shared governance requires an adequate number of tenured and tenure-track faculty members to ensure quality control over curriculum and participate in the University's business of higher education. Eliminating tenure-track faculty means fewer faculty members are available to serve our shared governance model. You are putting our accreditation status in jeopardy by canceling tenure for complete classifications of University faculty.

The ill-advised dismantling of UH's existing tenure system would ruin the University's workforce. Disrupting our faculty governance structure diminishes our institution's appeal to educators functioning at the top of their profession and will negatively impact our ability to attract top-flight faculty. Additionally, it will drive away those already part of the UH community. This ultimately will impact the quality of the UH as a R-1 research institution, affecting the ability to secure extramural research funding and maintain and grow student enrollment.

SB 3269 is a bad idea. For the reasons stated above, do not vote for this bad idea.

Respectfully,

Professor Victoria J. Szymczak

Senate Committee on Ways and Means
Hawaii State Capitol
415 S. Beretania Street
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 2, 2022

Chair Dela Cruz, Vice Chair Keith-Agaran, and Members of the Committee:

My name is Junie Hayashi, and I am a librarian at Leeward Community College. I am writing in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Approval of SB 3269 SD1 would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

Although the general designation for librarians allows for tenure, it doesn't differentiate between 4-year and 2-year institutions. Also, it requires all librarians to conduct research, which is not a requirement for community college librarians. Because of the complex needs of the community college population, faculty do not create and execute curricula in isolation. Librarians deliver collaborative instructional and research support by assisting faculty and students alike with projects, grant opportunities, information literacy instruction, and preservation of our culture and institution. Requiring community college librarians to conduct research in addition to their existing duties will divert time and attention away from their primary responsibilities, creating a need to hire additional full-time employees to complete this increased workload. If job descriptions and responsibilities are to be the same across all system campuses, the salaries of community college librarians, currently significantly lower than those at four-year campuses, will also need to be raised to match those of their university counterparts.

Another disturbing proposal is the separate classification for community college faculty. What happens with librarians at community colleges? Are they governed by librarian or community college faculty requirements? The requirement that community college faculty "teach courses" as outlined by SB 3269 SD1 is problematic for librarians who do not teach courses but who are actively involved in and critical to the teaching and learning occurring in the classroom through our information literacy instruction, embedded librarianship (librarians in the classroom), and the many one-on-one sessions with students. Because of the complex needs of the community college population, faculty do not create and execute curricula in isolation. Librarians deliver collaborative instructional and research support for faculty and students, assisting with research projects, grant opportunities, information literacy instruction, and preserving our culture and institutions. Academic freedom is essential to librarians in their roles as teachers and researchers,

especially in digital scholarship and information literacy. Throughout the country, these are aspects of librarianship that are secured through a tenure process.

I oppose the elimination of tenure for support faculty and extension agents. For support faculty, and extension agents, tenure is essential to ensure the hiring of high-quality, stable personnel. Faculty in these areas risk arbitrary dismissal due to disagreements with students, supervisors, and administrators, which threatens principled decisions, speech, and actions designed to protect students' interests and the educational mission of the UH System. Few individuals will want to continue in these positions if they can find job security (along with better pay, benefits, and working conditions) elsewhere, rendering which risks these positions becoming a perpetual revolving door with less than optimal personnel in place. Tenure not only provides necessary protections for these positions but also communicates the state's abiding commitment to our students and educational excellence in Hawai'i.

For all these reasons stated above, I oppose SB 3269 SD1.

Thank you for the opportunity to provide testimony.

Junie Hayashi
Public Services Librarian, Professor CC
Leeward Community College

SB-3269-SD-1

Submitted on: 3/2/2022 3:00:38 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Amjad Ahmad	Individual	Oppose	No

Comments:

Aloha Chairperson and Members of the Ways and Means Committee,

I am Amjad Ahmad, a proud US citizen since early 2015, Resident of the Aloha State since 2005.

I received my PhD from the University of Hawaii at Manoa (UHM)/College of Tropical Agriculture and Human Resources (CTAHR), and have been working in the field of Sustainable and Organic Agriculture since then. In early 2019, I was appointed as an Assistant Extension Agent of Sustainable and Organic Agriculture, on a tenure track position.

As an extension agent, I work closely with the local growers to support them with scientific-based and personal experience knowledge. Although, I don't teach for credit, but helping/supporting the local growers and community members is my position's core mission.

In a highly politicized era, having the tenure track position is very helpful to ensure that I continue provide the local growers and community members with scientific-based and personal knowledge, without the fear of saying something or working on something, or working with someone, that could offend someone else and I may get targeted or worse fired for it.

I understand that there's a lot of assumption in my previous sentence, but it's completely applied to instructors, who have the tenure track for the freedom to teach without a fear of being targeted or fired.

Since Feb. 2019 till now, I was able to secure over 2-million USD in extramural funds (as primary and co-primary investigator). I have published 7 peer-reviewed articles, 17 extension articles, have given numerous public presentations, conducted many workshops, and other outreach activities.

One of my projects, is focusing on revitalizing the local banana industry, by providing the local growers, statewide, with virus free banana seedlings. So far, I have distributed over 2,000 seedlings and few thousands more to be distributed overtime.

I am sorry for the long email, but I am calling on your help to oppose SB3269.

Mahalo for reading my email

Sincerely

Amjad Ahmad. PhD.

SB-3269-SD-1

Submitted on: 3/2/2022 3:00:38 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Maya Saffery	Individual	Oppose	No

Comments:

TESTIMONY IN OPPOSITION TO SB 3269 SD1

RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAI‘I

Aloha mai kākou,

My name is Maya L. Kawailanaokeawaiki Saffery, and I am an Assistant Specialist for Curriculum at Kawaihuelani Center for Hawaiian Language within Hawai‘inuiākea School of Hawaiian Knowledge. I have been a faculty member at the University of Hawai‘i at Mānoa since 2005 and received tenure in 2011, promotion in 2016 to the rank of Assistant Specialist, and my dossier is currently under review for promotion to Associate Specialist. I am writing in strong opposition to SB 3269, relating to academic tenure at the University of Hawai‘i. I also urge you to oppose the bill.

First, the Board of Regents did not adopt Resolution 21-06 based on the findings of the PIG as stated in SB3269 SD1. In fact, the upswell of faculty opposition from across the UH System stopped the recommendations in their tracks and prevented them from being implemented. Therefore, the very foundation upon which this bill is written is false.

The granting of tenure is a long, rigorous, and essentially conservative process afforded to faculty with proven track records of excellence in their areas of expertise and responsibility. Faculty must first go through a demanding recruitment process and show evidence of high achievement and qualifications in order to even get offered a tenure-track position. Then, they must go through a five-year probationary period beginning with two, 2-year reviews (i.e., contract renewals), which involve preparing a comprehensive application modeled after a tenure dossier to be reviewed by a personnel committee of their peers before they can even get to the point of applying for tenure. Tenure is only granted after the faculty member successfully makes it through a rigorous, multi-level review process, in which their dossier is thoroughly reviewed by not only their department and college, but a committee of faculty from across the campus who are outside of their discipline as well a set of external reviewers from peer institutions. While the application for tenure is arduous, so too is the maintenance of tenure, which involves on-going evaluations for promotion or five-year review to ensure continued and meaningful faculty contributions toward the educational mission of the University of Hawai‘i, its respective

campuses, and its students. Finally, the awarding of tenure has always been aligned with the mission and priorities of the University, including consideration for enrollment requirements and strategic growth priorities. When a faculty member applies for tenure and promotion, they must demonstrate how their position as well as themselves specifically, represent a present and future value for the University. This bill makes assumptions about the ineffectiveness and inefficiency of all three areas – rigor, periodic review, and mission-alignment – without any evidence that any of these are in fact lacking or problematic.

Not only does the bill make harmful proposals regarding the future of tenure at the University of Hawai‘i, it also includes proposals for reclassification of faculty that would result in the elimination of tenure for non-instructional faculty who are critical to the instructional and research functions of the University. Suggesting that the work of non-instructional faculty like myself does not rise to the same level of rigor as our instructional colleagues is not only insulting but ill informed. It overlooks the fact that non-instruction faculty hold advanced degrees, are rigorously recruited and selected as any other UH faculty member, are subject matter experts in their field of specialization and study, and bring unique knowledge, skills, and expertise to their professional and scholarly activities, which contribute to the standards, techniques and methodologies of their unique disciplines. For all these reasons, we are just as deserving of the possibility of achieving tenure and the important protections of academic freedom and job security that come with it as every other faculty member throughout the UH System. The elimination of these protections as proposed by this bill would encourage competitive job applicants to seek employment outside Hawai‘i, resulting in diminished productivity of research and student success, as well as overall prestige in the UH System. The diversity and uniqueness of our faculty classification system should be seen as a strength, a sign of innovative, forward thinking that other institutions of higher education should follow, not a problem to be fixed through homogenization, consolidation, and moving backward.

The reclassification portion of the bill also perpetuates the misconception that traditional instruction and research are the only forms of knowledge transmission, generation, and dissemination that require expertise and professional training, support the mission and strategic priorities of the University, and contribute to the education and co-empowerment of our students, stakeholders, and community. If the introducers of this bill had meaningful conversation with members from a variety of UH faculty lines, they would have learned that this is absolutely not the case. The responsibilities of Specialist faculty, for example, involve three distinct categories of activities, which are parallel to the tripartite model characterizing instructional faculty workload. The categories are: 1) professional activities; 2) scholarly activities; and 3) service activities. Specialist faculty engage in a broad spectrum of activities across these categories from development, administration, and evaluation of key instructional, curricular, and research programs to delivery of effective and rewarding direct client services to faculty, staff, students, administrators, and community members in our areas of expertise. In addition, Specialist faculty must demonstrate a level of professional and scholarly achievement that reflects our stature as contributors to the standards, techniques and methodologies of our professions in comparison with peers not only of local colleagues but the whole of the professional community active at major institutions of higher education. The professional and scholarly achievements of Specialists and other non-instructional faculty, including publications, presentations, grant funding, etc, are evaluated by the critical review and facilitated use of their contributions by

other professionals. To disregard and overlook the significant, specialized, high-quality work of non-instructional faculty like Specialists by suggesting the elimination of their faculty classifications and tenure opportunities would be to turn our backs on an entire segment of our UH 'ohana - professionals, scholars, educators, innovators, and community leaders upon which the University of Hawai'i, and specifically UH Mānoa, depends to in order to fulfill its mission as a premier student-centered, Carnegie Research 1, community-serving university.

It is for all these reasons and many more that I strongly oppose SB 3269 SD1 and urge you all to vote against it, which is in fact is a vote for the protection and productivity of our faculty so that we can continue to serve our students, the University, and the community with quality and integrity.

Na'u nō me ka 'oia'i'o,

Na Maya L. Kawailanaokeawaiki Saffery

SB-3269-SD-1

Submitted on: 3/2/2022 3:05:46 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kathryn Braun	Individual	Oppose	No

Comments:

Thank you for the opportunity to submit testimony. I am a 30-year faculty member at the University of Hawaii, testifying as an individual.

I respectfully write in oppositoin to this bill for four reasons:

1) Creating a new category called "F" will generate many questions and difficulties. For example, many faculty member, like myself, work to bring money into the state through research and service grants, and our teaching load varies depending on how much of our salary is offset by federal funds. So some years, I do more teaching, and some years I do more research, so would I still be an "F?" If teaching includes advising graduate students, our current R faculty are excellent at that, and almost all are chairing and serving on thesis and dissertation committees, so would they then be "F" even if they are 80-100% time on federal funds? I don't see how creating a new category will solve anything.

2) The University of Hawaii is our only public institution of higher learning and discovery. It is overseen by a Board of Regents, and it is not the purview of the Hawaii State Legislature to act as a governing body.

3) Much of what is written in the bill is already standard practice. For example, the university is strict in its assessment of need when deciding to advertise and recruit tenure track positions, the process by which a faculty member pursues tenure is well documented and followed, and the university requires regular review of faculty performance (annually for non-tenured individuals and every 5 years for tenured individuals). It does not make sense for the Legislature to suggest that this is not already happening.

4) This bill will increase our difficulty recruiting and retaining faculty and managers. Hawaii already is known for its low salaires and high cost of living, and this bill will make Hawaii even less worker-friendly than it already is.

Aloha, Kathryn L Braun, Honolulu

SB-3269-SD-1

Submitted on: 3/2/2022 3:29:31 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Julie Rancilio	Individual	Oppose	No

Comments:

Aloha Senators,

My name is Julie Rancilio and I am writing in opposition to SB 3269, relating to academic tenure at the University of Hawai'i. I urge you to oppose this bill.

Approval of SB 3269 would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and the elimination of faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. This bill threatens the viability of the University's ability to hold and protect tenure, academic freedom, and academic governance absent legislative meddling. We must continue the good fight to protect the pillars and foundations of the academy.

I oppose the elimination of tenure for support faculty and extension agents. Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. I have been teaching World History as part of this program for the past seven years. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH missions emphatically state. These support faculty are critical in the continued success of the Early College program. Without the consistent support of tenured faculty, this program and other programs like it would suffer. It is because of these faculty that I have been so successful teaching World History at both Kalani and Kaimuki high schools. They act as the liaison with the school administrators and parents, which allows me to focus solely on teaching and ensuring the success of every student in the class.

Moreover, support faculty, such as counselors, often work with our most at-risk students—students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures—all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' lives and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security

elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i—goals we all seek to realize.

Restricting tenure does not lead to cost savings. If you truly understood how the institution functions, you would know that this is absolutely false. Senator Mercado Kim is incorrect in stating that this bill was proposed by the Board of Regents (BOR) Permitted Interaction Group (PIG). It was not. There was no testimony posted on the Legislature's website nor are there any written testimonies available from any of the BOR PIG members. At the Higher Education Committee Hearing only two individuals, Jan Sullivan (Chief Operating Officer Oceanit) and former BOR Chair (and current BOR member) Ben Kudo (Attorney Ashford & Wriston) spoke in support of the measure, while there were more than 500 pages of written testimony opposing the bill. This bill is a legislative attempt to take away control from or insert themselves over the BOR, which only threatens the University's ability to provide a quality higher education.

For the reasons I have outlined and more, please vote against SB 3269.

Sincerely,

Julie Rancilio, Professor of History at Kapi'olani Community College

SB-3269-SD-1

Submitted on: 3/2/2022 3:43:04 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Christopher Conybeare	Individual	Oppose	No

Comments:

Aloha e Chair and Members of the Commitee,

I oppose SB3269 SD1 because this legislation will harm our university's ability to retain and recruit the best and brightest faculty and staff! This appears to be unwarranted interference with academic freedom by the Hawai`i legislature. Please do the right thing and kill this legislation. I am a faculty member testifying as an individual.

Mahalo Nui Loa, Chris Conybeare

Ways and Means Committee
The Hawai'i State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 2, 2022

Aloha Senator Dela Cruz, Senator Keith-Agaran, and esteemed members of the Senate Ways and Means Committee:

My name is Dr. Rosiana (Nani) Azman, and I am a resident of the island of Maui. I was born and raised in Lahaina, and I now live in Wailuku with my family, which places us in Senate District 5. I am a tenured full professor of psychology, rank C5, at the University of Hawai'i Maui College. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. For the sake of our students and our communities, I strongly urge you to oppose the bill.

I know that many of my colleagues have been submitting testimony that point out the multitude of flaws in what this bill is trying to do. As a psychology professor, I feel a small lesson in the history of psychology might be more effective at illustrating the situation.

Structuralism and functionalism were two of the earliest schools of thought in psychology. Structuralism tried to understand consciousness by breaking it down into basic elements. Functionalism instead preferred to study how the mind worked, especially in different settings. To demonstrate, I ask my students to name the main features of a car. Students usually mention the engine, the tires, and the steering wheel. If a vehicle has those three parts, even if they don't work, the structuralists could call it a car. For the functionalists, though, it's only a car if it can get someone from point A to point B.

Applying our analogy to the university and this bill, let's say the student is in the driver's seat. We can compare the UH Board of Regents and the Administration to the engine of the car. The teaching faculty form the tires, and the non-teaching faculty (counselors, learning and outreach center faculty, extension agents, librarians, specialists, etc.) are the steering wheel. Without the engine, the car will not run, and the student will not get anywhere in their educational journey. Teaching faculty are where the rubber meets the road, the student relying on us to support them, to give them traction, and to help absorb some of the bumps and potholes along the way. The non-teaching faculty are essential in making sure the students can navigate to their destinations, to keeping them rolling down their road without hitting any walls or driving off a cliff.

Without any of these parts, the educational journey in Hawai'i is doomed to failure. Our young people and those seeking an improved life via education have nothing to move them forward or steer them in the right direction. No maps, no fuel, nobody to show them how to drive.

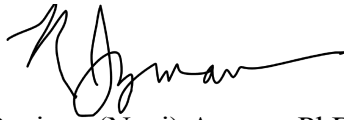
This bill's attempt to dissolve tenure for certain faculty declares that we are not all an important part of the student's educational journey. Just as it takes a village to raise a child, it takes faculty working together to educate our students. In two decades as a community college professor, not many of my students have started out on a straight and smooth road. The bumps and turns of life often complicate the student's path, and without all the parts of the car intact, the students stand little chance of making it to the end of the road.

The UH system is factually one of the best in the world. The legislature helped to create and fund this marvel of education, and it has transported many thousands of students to their ideal lives every year. The structures are already in place and actually function well. I challenge the members of this committee to tell me how a student gets from admission to a degree efficiently and effectively as our administration, instructors, and support personnel do every day. Do we value our students so little that we can jettison parts of their vehicle? Can we afford to tinker with the tenure system that allows faculty and staff across the system to do their parts, getting the students across the rough spots even when getting them on the right road requires tough conversations, without fearing for their jobs?

We need all of the parts from the structural view, and they must function together if we are to achieve 55% of our working adult population having college degrees by '25, another excellent initiative from the state government. I question why this bill is treating parts of the faculty differently and why it presumes that we can treat some faculty shabbily, which will inevitably mean we risk losing them.

If our purpose as a university is to educate our students and support our communities, then we need the university in its entirety to do so. The University of Hawai'i has autonomy. If you really care about the people of our state, please trust us to do our jobs, keep our faculty and tenure intact, and oppose SB 3269 SD1. We have the car, with all its parts, and it runs very well. Let's not strip the parts and put it on blocks.

Thank you for your consideration,

A handwritten signature in black ink, appearing to read 'Rosiana Azman', with a long horizontal flourish extending to the right.

Rosiana (Nani) Azman, PhD

3318 Martha Street
Honolulu, HI 96815

Senate Committee on Higher Education
Friday, March 4, 2022
10:10 am
Conference Room 211 and Videoconference
On the following measure:
S.B. 3269, SD1
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII
WRITTEN TESTIMONY ONLY

Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee:

My name is Darren Okimoto and I serve as the Associate Director/Extension Leader for the University of Hawai'i Sea Grant College at the University of Hawai'i at Mānoa. I am providing testimony as a private citizen against S.B. 3269, SD1.

As an organized research unit of the University of Hawai'i's prestigious School of Ocean and Earth Science and Technology (SOEST), and with core funding provided by the National Oceanic and Atmospheric Administration (NOAA), Hawai'i Sea Grant engages and connects academia, federal, state and local government, industry, and the local community with excellence in research, extension, and education. Our program receives a little more than \$2 Million annually from NOAA and leverages these federal dollars two- to three-fold with other extramural funds to implement our programmatic activities across the state of Hawai'i.

The recommendations of the PIG Report on tenure and faculty reclassifications are especially concerning and would do irreparable damage to recruitment and retention of future faculty in SOEST and all of its organized research units such as Hawai'i Sea Grant.

Like our counterparts at the College of Tropical Agriculture and Human Resources, our Extension Agents and Specialists are faculty and educators just like instructional faculty. While a small number of our faculty are seconded to institutions of higher education where they provide instructional support, the majority conduct informal education programs and activities including marine conservation, ecosystem restoration, renewable energy and water conservation, and resilience to coastal hazards. Our faculty live, work, and play in communities across the state and are an integral link and part of the communities they serve. Extension plays a vital role in helping to address community needs through university research and providing evidenced-based information for communities to make informed management and policy decisions. The loss of extension capacity will further isolate the University of Hawai'i from the communities it serves. It seems that PIG Report appears to align with the Hawai'i Legislature's notion that university research is not relevant to Hawai'i communities and doesn't have impact, which is far from the truth.

Thank you for the opportunity to testify against this bill. I respectfully ask this committee not to pass S.B. 3269, SD1 for the reasons stated above.

Aloha Senators Kim, Fevella, Ihara, Riviere, Wakai, Kidani, and Keith-Agaran, and Representatives Takayama, Clark, Belatti, Ganaden, Gates, Hashimoto, Kapela, Ohno, Quinlan, Woodson, Yamane, and Okimoto,

My name is Keiko Okuhara, and I am writing in opposition to [SB 3269](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Approval of [SB 3269](#) would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

As currently written, the bill applies to the entire UH System. Among its many harmful proposals, the bill would force faculty in the UH Community Colleges (UHCCs) to perform research in addition to their instructional and/or other work with students, faculty, and staff (since all faculty would be reclassified as "F," cf. pp. 6-7). The community colleges' missions are not the same as the University of Hawai'i at Manoa (UHM), and they are not R-1 institutions like UHM. Community college faculty are required to take on heavier teaching loads than their counterparts at UHM, in addition to discharging the duties listed below:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

Requiring UHCC faculty to conduct research in addition to the duties mentioned above will not only divert time and attention away from faculty members' primary duties of instruction and/or support, it will also stress the state's already scarce financial resources as release time will need to be provided to give faculty the opportunity to conduct research. If job descriptions and duties are to be the same across all system campuses, the salaries of community college faculty will also need to be raised to match those of UHM faculty.

I also oppose the elimination of tenure for librarians (p. 7). Librarians in particular require the protections of tenure in instances of collection development as book acquisitions frequently come under attack from political and special interest groups who view them as opportunities to silence ideas and beliefs contrary to their own (i.e., the practice of book banning). Academic

freedom, then, is essential to librarians in their roles as teachers and researchers, especially in digital scholarship and information literacy.

Additionally, I oppose the elimination of tenure for support faculty and extension agents (p. 7). Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

For these reasons and more, please vote against [SB 3269](#).

Yours Sincerely,

Keiko Okuhara

Chair Delacruz, Vice-Chair Keith Agaran and members of the Senate Ways and Means Committee.

Thank you for the opportunity to provide testimony in opposition to Bill SB 3269 SD1 (SSCR2660). My name is Nicholas Comerford, and while I am the Dean of the College of Tropical Agriculture and Human Resources at the University of Hawai'i at Manoa, I am providing testimony as a private citizen and my comments are my own.

My testimony will relate to only a few of the problems with this bill. I know that others will cover the wide-range of other issue as to why this bill should be opposed.

Let me start by stating my complete confusion as to why such a bill exists. It appears to be built not on fact, but on rumor. The facts are:

1. Tenure is not an assurance of a permanent position. There exists a process for removing a faculty member for reason. Actually, I am aware of this process being currently in action. Therefore, the supposition stated in the bill is incorrect. Since the bill is based on erroneous reasoning, that alone should require that it be voted down. Moreover, the bill does not seem to understand the reasoning behind tenure. The purpose of tenure is to protect the academic freedom of university faculty – nothing more; nothing less. As a faculty member for the past 44 ears, I have seen outrageous actions directed at faculty because an individual or group did not like the outcome of a research project or the statements made by a faculty member when based on their professional opinion. Tenure protects that level of academic freedom. We can see that the national trend is for politicians and fringe groups to systematically attack the rights of faculty with whom they do not agree. Most recently this has been evident in the state of Florida against faculty at the University of Florida and their ability to testify against a bill in that legislature. Who says that it cannot occur in Hawaii? The basic question is: what problem is this bill solving?
2. This bill would deny tenure to Extension Agents. What problem is this bill solving? The bill does not explain the objective of its actions. That is to say that the bill does not address the problem it is solving. It appears that only those engaged in formal instruction and research are to be given tenure. Again, the reasoning is not apparent. That alone should require that this bill be voted down. One would hope that the legislature does things with a reason behind them.
3. Do other universities give tenure to Extension Agents? The answer is yes. For example, the University of Florida, recently voted the 5th best public university in the USA, classifies Extension Agents as faculty with tenure. What problem is this bill solving?
4. The bill mentions Extension Agents, but does not mention Extension Specialists. It may be that the bill does not know what is an Extension Specialist? While an Extension Agent has an FTE of 1.0 in Extension, an Extension Specialist has a split appointment between Extension and either Instruction or Research. Some may have a 3-way split. They are classified as S faculty, so even though they may do research or instruction, they also would not be eligible for tenure. How does this make sense with the rest of the bill?
5. The bill does not identify/understand the uniqueness of the University of Hawaii as a Land Grant University. Again, what problem is this bill solving? The Land Grant nature of the University of Hawaii System brings a uniqueness to the organization. In fact, The UHM campus is one of only 13 universities in the USA that is a land grant, space grant, sea grant and Carnegie R-1 research university. It sits among some of the most prestigious universities in the county – such as Purdue University, University of Florida and Rutgers University.

In summary, the basic question is what problem is this bill solving? It does not seem to understand the role of Extension Agents and it does not recognize the existence of Extension Specialists. For an unknown reason it sets instruction as the basic criteria for tenure, but provides no reason or justification for doing so. For these reasons, and more that you will hear from other testimonies, I oppose this bill and request that you vote it down.

Thank you for the opportunity to submit testimony in opposition.

Date: March 2, 2022

To: State of Hawaii
Senate Ways and Means Committee (WAM)

Re: **SB 3269** Relating to the University of Hawaii at Manoa (UHM)

To whom it may concern:

My name is **Cheryl Albright, PhD, MPH**, I am a **Tenured Professor at UHM**. Time working at UHM: 19 years.

My name is Cheryl Albright, PhD, MPH I am representing my own position and not the position of any organization

I do not support **SGB 3269** or any amended bill.

I came to UHM from Stanford University School of Medicine over 19 years ago, specifically because I wanted and was offered a tenure-track Researcher position. I would have never accepted a position at UHM unless it was one that would lead to my applying for and being awarded tenure. Back in 2003, I had applied to several other faculty positions in California (San Diego), Washington (Seattle), and New York (Memorial Sloan Kettering Cancer Center) some of which were not tenure-track positions. Thus, one of the main reasons I came to UHM was because I was offered an Associate Researcher tenure-track position. In addition, I already had colleagues I knew (most of whom were faculty at the UH Cancer Center) who agreed to mentor me over time as I worked to fulfill the requirements for tenure at UHM. In 2009, I was awarded tenure and in 2012, I was promoted to a Researcher (full professor) position.

Since coming to UHM I have been awarded (largely from the National Institutes of Health - NIH) over \$12 million in grants/contracts on which I was the leader (Principal Investigator) of the grant; plus, my colleagues and I have been awarded over \$40 million in NIH grants/contracts on which I served as a Co-Investigator (using "Team Science" strategies). Thus, over 19 years I and UHM were awarded with over \$52 million dollars that has supported hundreds of faculty, research staff, Graduate research assistants, Postdoctoral fellows, and undergraduate research assistants.

I understand that **SB 3269** will only apply to new hires, but it fails to consider that UHM competes nationally and internationally for faculty much more so than when I was hired. Hawaii would then become much less attractive for

new faculty who are already challenged by our high cost of living. Also, once **WAM** starts setting conditions for tenure and tenure review this could lead to annual changes, as well as interference in other aspects of university governance, undercutting the Board of Regents. This could lead to administrative chaos (and resignations) as well as institutional uncertainty that would reduce the time faculty devote to teaching, research, and community service as well as threatening future accreditations of the University of Hawaii.

I sincerely and emphatically request that WAM votes to reject **SGB 3269**.

Cheryl Albright, PhD, MPH

Researcher at University of Hawaii at Manoa

Senate Committee on Ways and Means
Friday, March 4, 2022
10:10 am
Conference Room 211 and Videoconference
On the following measure:
SB 3269 SD1
RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII
WRITTEN TESTIMONY ONLY

Dear Chair Dela Cruz, Vice Chair Keith-Agaran and Members of the Committee:

My name is Tara Owens and I serve as an Extension Faculty for the University of Hawai'i Sea Grant College Program specializing in coastal hazards and coastal processes. I am providing testimony as a private citizen to oppose SB 3269 SD1.

In my role as an Extension Agent, I am based on the island of Maui where I serve as a partner to the County of Maui and a connector to the community. Many of my fellow Sea Grant Extension Agents serve in similar roles within their communities across the state. We provide direct and locally relevant technical support to decision-makers at all levels of government to ensure that the best available science can be applied to real world problems to improve our coastal resilience. We are also conduits that our local communities rely on to inform and prioritize the research needs and scientific endeavors at the University.

Unfortunately, the language in this proposed legislation appears to indicate a big misunderstanding of our current Faculty classification. In fact, the definition of Extension Agent as written in the proposed legislation appears to paint our roles out of the University System. That definition narrowly defines extension agents as only those "engaged in academic support...or engaged in agricultural extension activities." **This does not demonstrate awareness of the work we do as Extension Agents within our communities focused on marine and coastal stewardship.**

As an organized research unit of the University of Hawai'i's School of Ocean and Earth Science and Technology (SOEST), and with core funding provided by the National Oceanic and Atmospheric Administration (NOAA), Hawai'i Sea Grant engages and connects academia, federal, state and local government, industry, and the local community with excellence in research, extension, and education. Our program receives a little more than \$2 million annually from NOAA and leverages these federal dollars two- to three-fold with other extramural funds to implement our programmatic activities across the state of Hawai'i.

Like our counterparts at the College of Tropical Agriculture and Human Resources, our Extension Agents and Specialists are faculty and educators just like instructional faculty. While a small number of our faculty are seconded to institutions of higher education where they provide instructional support, the majority conduct informal education programs and activities including marine conservation, ecosystem restoration, renewable energy and water conservation, and resilience to coastal hazards. Our faculty live, work, and play in communities across the state and are an integral link and part of the communities they serve. The loss of extension capacity will certainly further isolate the University of Hawai'i from the communities it serves at a time when communities demand even more place-based support.

Thank you for the opportunity to testify. I respectfully ask this committee not to pass SB 3269 SD1.

SB-3269-SD-1

Submitted on: 3/2/2022 4:19:27 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carl A Polley	Individual	Oppose	No

Comments:

My name is Carl Polley, and I submit this testimony in my personal capacity to urge you to **oppose SB3269 SD1**.

SB3269 SD1 is Unconstitutional

SB3269 SD1 would make state legislators the employer of UH faculty by taking away the rights of the UH Board of Regents, administrators, and faculty to autonomous management under our state constitution.

Per Article X, Section 6, of the Hawaii State Constitution, “The [UH Board of Regents] shall . . . have exclusive jurisdiction over the internal structure, management, and operation of the university.” Per Section 304A-1002 of the Hawaii Revised Statutes, “The board of regents shall classify all members of the faculty of the university . . . and adopt a classification schedule and compensation plan for these employees.” Inexplicably, SB 3269 SD1 references this statute, yet then proceeds to classify and reclassify members of the faculty in violation of the very same statute.

The Legislature does not have the authority to classify members of the UH faculty.

SB3269 SD1 Jeopardizes UH Accreditation

Additionally, SB 3269 SD1 jeopardizes the accreditation of the entire UH System, specifically the Western Association of Schools and Colleges ([WASC standard 1.5](#)) and the Accrediting Commission for Community and Junior Colleges ([ACCJC standard IV.C.4](#)), both of which require that the UH system maintain institutional integrity and educational mission that are free of undue influence and political pressure.

The HRE hearing for SB 3269 SD1 involved unanimous and voluminous testimony ([596 pages or testimony, all in opposition](#)). UH administrators, faculty, students, the University of Hawaii Professional Assembly (UHPA), and concerned citizens all voiced opposition to the bill. Despite this, the Senate Committee on Higher Education voted unanimously and quickly to approve the bill. Based on the recording of the 2/10/2022 HRE hearing, apparently the members of the HRE committee had already made up their minds to approve it, regardless of public input. They did not give any serious consideration to, nor did they engage in any serious discussion of, the various opposing arguments.

SB3269 SD1 is highly problematic. Please do not vote for SB 3269 SD1.

Aloha Senators,

My name is Robyn Tasaka. I am a **Specialist Faculty** at the University of Hawaii-West Oahu in Student Affairs. My testimony is submitted as an individual and not as a representative of the University of Hawaii. I am strongly against **SB 3269**, and I also urge you to oppose the bill.

I want to start by sharing a little about my background so that you can understand who will be affected by SB 3269. I grew up in Central O'ahu, graduating from Mililani High School in 1997 and going on to UH Manoa to earn my bachelor's and master's degrees. There, I met my husband, also born and raised in Hawai'i. We went on to earn our doctoral degrees in Michigan—he at the University of Michigan and me at Michigan State. We both had the goal of returning to Hawai'i to live and work in order to serve our home communities.

SB 3269 talks about the importance of an educated workforce in supporting the “economic and social health of the State.” The bill also says, “The ability to instruct, educate, and prepare students to enter the workforce are paramount skills that should be supported by public funds.” Yet SB 3269 threatens UH's ability to produce an educated workforce. In my work at the university, this is the exact work that I am engaged in. I bring my knowledge and training in teaching writing to instruct student tutors who in turn help their peers strengthen their writing skills or grow in other areas that help them to succeed in their classes. Through weekly group meetings, one-on-one meetings as needed, and full-day intensive meetings between semesters, I teach student tutors strategies for helping their peers.

West O'ahu students (including tutors) hail from Wai'anae, Nanakuli, Ewa, and beyond. I consider myself lucky to be able to work with these students everyday, to help them grow their skills both academic and extracurricular. Working as a peer tutor is often students' first job. They learn how to show up on time, how to request time off when needed, how to identify areas of need and address them, and how to have challenging conversations when needed—all skills that they take into the professional workforce when they graduate.

By denying tenure to “support faculty,” as Specialist Faculty are described in SB 3269, this bill will hurt the ability of UH to attract strong candidates in student support positions. Finding employment as a Specialist Faculty has made it possible for me to bring my personal and professional experiences to teach students at UH West O'ahu in a number of ways. SB 3269 threatens positions like mine which have enabled me to afford living in Hawai'i and to teach,



support, and serve students throughout UH West O’ahu. Tenure is important for Specialist Faculty for the same reasons it is for instructional faculty—to provide the academic freedom to teach students in the most effective ways free from outside influence. Please vote against [SB 3269](#).

Mahalo,
Robyn Tasaka

SB-3269-SD-1

Submitted on: 3/2/2022 4:43:59 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Michelle Igarashi	Individual	Oppose	No

Comments:

Dear esteemed Legislators,

I am writing against SB 3269, “Relating to Academic Tenure at the University of Hawaii.”

First, I am a bit confused about section 6 on page 9 of the bill. It states, "Community college faculty: Community college faculty shall be faculty who teach courses, shall not be required to conduct research, shall be eligible for tenure, and shall be classified as C."

Community College faculty are already classified as “C” faculty. Also, since there is no mention of non-instructional CC folks, are they excluded from holding tenure?

The UHCCs are open door, meaning they offer *community* members a place to start or restart no matter where life has thus far led them. They are sometimes the only chance for underrepresented, first-generation, lower income, formerly incarcerated, returning, *kupuna*, veterans, and second-chance students. This means counseling and advising are the linchpins for success. Counselors are the only faculty who teach students the application and financial aid processes thus enabling them to enroll in classes at all. Counselors are the only faculty who create and implement curricula that couple college-success with soft-skill building (like time management; balancing home, work, and school responsibilities; tying career goals with success strategies and higher education content) thus allowing for long-lasting, meaningful, and industry-related learning. The classification of counselors as “non-instructional” in itself is, therefore, wrong. Indeed, counselors may not sit in classrooms, but they do spend their professional hours teaching students one-on-one and in small group sessions nonetheless.

This bill demonstrates a lack of understanding of how a community college works and the protection faculty of all sorts require. Librarians, program coordinators, and counselors require tenure for in advocating for students, they may challenge division chairs, administrators, parents, politicians who control our budgets, and even the UH system itself. Counselors are the ones who hear stories about personal loss. They advocate for those who reveal experiencing sexual abuse. Counselors help students who want to question mainstream representations of otherness, prejudice, fake news, and vice – they teach students to stand up for themselves, to be critical thinkers, to try without being afraid to fail. While counseling successes may not be readily obvious through glossy publications, without this unit, students may not be able to develop the foundation for academic and in fact life success. Again, while counselors may not be situated in official “classroom,” only these faculty teach students to be independent advocates for

themselves; citizens who know their rights, can recognize injustices and know how to find the appropriate channels to invoke change to make their lives and those of their families and by extension this collective citizenry better.

No matter what your political affiliation, at this specific and consequential moment in history, surely no politician would want to go on record as backing SB 3269, a bill that would eliminate the one security offered to community college non-instructional faculty who strive to challenge systems thereby directly making a difference in our students' lives.

Sincerely,

Michelle Igarashi

Community College non-instructional faculty member

SB-3269-SD-1

Submitted on: 3/2/2022 4:59:08 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Katherine Finn Davis	Individual	Oppose	No

Comments:

I DO NOT support this bill.

SB-3269-SD-1

Submitted on: 3/2/2022 5:05:54 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lisa Miller	Individual	Oppose	No

Comments:

I am writing you as a citizen and as a tenured assistant professor in computer science at Kapiolani Community College.

I am really dumbfounded as to the purpose of this bill. It doesn't seem to be either wanted nor money saving. It really just seems to be a vehicle to destroy the State of Hawaii's University System, particularly the Community Colleges through loss of accreditation.

SB3269 SD1 would make state legislators the employer of UH faculty by taking away the rights of the UH Board of Regents, administrators, and faculty to autonomous management under our state constitution.

Per Article X, Section 6, of the Hawaii State Constitution, "The [UH Board of Regents] shall . . . have exclusive jurisdiction over the internal structure, management, and operation of the university." **Per Section 304A-1002 of the Hawaii Revised Statutes, "The board of regents shall classify all members of the faculty of the university . . . and adopt a classification schedule and compensation plan for these employees."** Inexplicably, SB 3269 SD1 references this statute, yet then proceeds to classify and reclassify members of the faculty in violation of the very same statute.

SB 3269 SD1 jeopardizes the accreditation of the entire UH System, specifically the Western Association of Schools and Colleges ([WASC](#) [standard 1.5](#)) and the Accrediting Commission for Community and Junior Colleges ([ACCJC](#) [standard IV.C.4](#)), both of which require that the UH system maintain institutional integrity and educational mission that are free of undue influence and political pressure.

SB3269 SD1 is highly problematic. Please do not vote for SB 3269 SD1.

Testimony of Dr. William J. Puette, Honolulu HI
For the March 4, 2022, 10 am hearing of the Senate Committee on Ways and Means

TO: Senator Donovan M. Dela Cruz, Chair, Senator Gilbert S.C. Keith-Agaran, Vice Chair and members of the Senate Committee on Ways and Means

RE: SB 3269, SD 1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

My name is William J. Puette, and I am writing in opposition to SB 3269, SD1, relating to academic tenure at the University of Hawai'i. I urge you to vote against this bill.

I have served as an 11 month Faculty Specialist at the Center for Labor Education & Research at the University of Hawai'i since 1982. I was awarded tenure in 1987, after a grueling 5 year probation period. Pursuant to statutory mandate (§304A-1601), I teach predominantly non-credit classes and lecture widely to the public and labor organizations on Hawai'i's Labor History and on State as well as national labor and employment law.

Many people do not understand the meaning of tenure. Please understand that tenure is universally defined as an indefinite appointment that can be terminated for just cause or by lay-off for such circumstances as financial exigency or program discontinuation. From a collective bargaining perspective, it recognizes the completion of a very long probationary period during which an employee can be summarily fired, a.k.a. "at will", a condition seen virtually in non-union employment only.

Most labor agreements actually provide for a much shorter probationary period (commonly 6 months to a year) to allow an employer time to assess the employee's suitability before the employee is protected from summary termination. The process as set forth in the Unit 7 CBA takes 5 years and involves several levels of review. Since failure to achieve tenure automatically results in termination, the dossier is tantamount to a re-application that is subsequently scrutinized by faculty peers and administrators.

After the passage of Chapter 89 in 1970, the Hawai'i Public Employment Relations Board (later renamed HLRB) conducted an extensive review of the classifications to be covered in BU 7 and issued its decision and order (I-21). This bill would reject these classifications and the 1972 Board order that the BOR bargain with the exclusive representative over such a universally accepted subject as job security (i.e. tenure) for these classifications.

As such, I believe SB 3269, SD1 violates the autonomy guaranteed by Article X, section 6 of the State's Constitution and improperly usurps the BOR's authority and UHPA's exclusive right to bargain collectively with the faculty.

Furthermore, the classifications described in SB 3269 misrepresent the actual position descriptions, duties and responsibilities of Specialists, Community College Faculty and university Librarians, redefining the UH system's scope and mission more narrowly in ways that will do irreparable harm to the missions and purposes of the institution.

I strongly oppose the elimination of tenure for any group of UH faculty. Among other things, my faculty colleagues in these areas like the Center for Labor Education and Research, fulfill legislatively defined initiatives and establish equity of college access for underserved populations. If this bill becomes law, faculty in such positions would risk arbitrary dismissal jeopardizing principled academic decisions, free speech and inquiry, as commonly understood by the words "Academic Freedom."

Tenure not only provides necessary protections for these positions, it also communicates the State's abiding commitment to our traditional and non-traditional students, as well as to the public, our commitment to educational excellence and opportunity in Hawai'i.

It is a slippery slope for the legislature to begin capriciously carving out contractual rights and benefits from a portion of a bargaining unit long-defined by the State's bargaining law. If enacted, collective bargaining for all public employees is endangered.

For these reasons and more, please vote against SB 3269, SD1.

Sincerely,

William J. Puette, Ph.D.
Honolulu

SB-3269-SD-1

Submitted on: 3/2/2022 5:44:50 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Andrew B. Wertheimer	Individual	Oppose	No

Comments:

SB-3269-SD-1

Submitted on: 3/2/2022 6:09:32 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Laureen Kodani	Individual	Oppose	No

Comments:

Aloha,

My name is Laureen Kodani and I am writing in opposition to SB3269 SD1, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

SB3269 SD1 is a gross overreach and infringes upon the Board of Regents' (BOR) "exclusive jurisdiction over the internal structure, management, and operation of the university" as granted in Article X, Section 6 of the Hawaii State Constitution.

Furthermore, section 1 of the bill states that the BOR adopted Resolution 21-06. The BOR did NOT approve Resolution 21-06, and therefore, this is a FALSE statement. The final motion that was approved at the November 2021 BOR meeting was as follows: "(1) that the Tenure Task Group be dissolved; (2) that the matter be referred to the committee of the whole; (3) that all of the Tenure Task Group materials be made available to the committee of the whole; (4) that the Tenure Task Group report and recommendations be referred to the committee of the whole; and (5) that the recommendations of the SCR 201 task force be referred to the committee of the whole."

In addition to being unconstitutional and inaccurate, this bill is an insult and demeans faculty. It claims that "[t]he legislature further finds that at the university, the term "academic tenure" is generally understood to mean the right of a faculty member to permanent or continuous service...The decision to classify a position as eligible for a possible grant of tenure to the incumbent results in the long-term commitment of public resources for that position." While the granting of tenure does provide the faculty member with employment security, it is no different from the thousands of HGEA, HSTA, UPW, and other state employees who successfully pass a probationary period. So why is employment security being called into question for faculty members? Employment security does not guarantee lifetime employment. Like other state employees, faculty members can be fired for cause through established disciplinary processes. I'd also like to point out that the five-year term of probation, and the tenure process is, in my opinion, one of, if not the strictest evaluative processes among state employees. We undergo a rigorous, multi-level review based on two contract renewal applications and a tenure dossier application.

For these reasons and more, please vote against SB3269 SD1.

Mahalo,
Laureen Kodani
Educational, Communications and Technology Developer
University of Hawai'i Maui College

Sen. Donovan Dela Cruz, Chair
Senator Glibert Keith-Agaran, Vice Chair
COMMITTEE ON WAYS AND MEANS

Testimony in OPPOSITION to SB3269
RELATING TO THE UNIVERSITY OF HAWAII
Submitted by: Donald Thomas

My testimony before this committee is in opposition to SB3269, as it was before the Senate Committee on Higher Education. More than 500 pages of testimony was submitted before that committee, with the vast majority of the testifiers in opposition, yet this bill was passed out of that committee with what I consider to be only minor and largely incoherent amendments. In its original form, and in its current form, this bill fails to recognize that the University of Hawaii has to compete for talented and capable teaching, research, and specialist staff against every other university in the country. Hawaii is notorious as a high cost of living state and with the current median home price in excess of \$1M on Oahu, to expect talented and capable staff to accept positions at the university with minimal job security is simply foolish. I have, in the past, participated in search committees that attracted capable applicants that, after learning the cost of moving to Hawaii and the likely purchase cost of a home for themselves and their family, simply dropped out of the competition even when tenure track appointments were applied for. Without the option of tenure, even fewer applicants will be interested.

This bill also fails to recognize and honor the autonomy that was supposedly granted to the University of Hawaii some years ago. Decisions made on when and how tenured and non-tenured staff are to be evaluated are, and should be, the kuleana of the University's Board of Regents and senior administrators, not this legislative body. Interference of this sort into the day-to-day management of the university threatens the university's accreditation; the University was the subject of a "special visit" by the Western Association of Schools and Colleges in 2013 due to several concerns regarding the University's operations including "External interference" by the legislature into the University's operations. This bill threatens a repeat of special attention by our accrediting body – which does the University of Hawaii's reputation no good whatsoever.

While the rationale presented by the Senate Higher Education Committee for SB3269 was to reduce University costs, I believe the only outcome of this bill will be to increase costs, reduce the quality of applicants to fulfill the University's teaching and research obligations, reduce extramural funding, and degrade the quality of the education received by Hawaii's students at the University of Hawaii. Sadly, the greatest burden of these losses will fall on those students whose families can least afford the costs of attending a university elsewhere. Please do not pass this bill out of committee.

Thank you for this opportunity to testify.

SB 3269, SD1 - Relating to Academic Tenure at the University of Hawai'i

Chair Kim, Vice Chair Kidani, and Members of the Committee:

Aloha, my name is Carrie Larger. I am the Director of Advising at the University of Hawai'i-West O'ahu and in a tenure-track, Specialist Faculty position. My testimony is submitted as an individual and a mother of two young adults that attend the University of Hawai'i at Mānoa. I am writing in opposition to SB 3269, SD1. I know firsthand the contributions that Specialist Faculty impart on teaching and learning both in and outside of the classroom. We work tirelessly to ensure students receive the necessary support services that complement and enhance their academic journey. Thus, enabling them to graduate and secure a career of their choosing.

Our educational practices are grounded in research and theory, and we are lifelong learners that continue to refine and elevate our profession. As a tenure-track, Specialist Faculty, I do not take this kuleana lightly. The demands of this career require me to balance the multitude of roles and responsibilities from providing educational support services to teaching in the classroom and beyond. I understood what I signed up for when accepting the role of tenure-track, Specialist Faculty, and I am honored to be in such a position that affects the lives of so many in our community. Moreover, as a mother of two sons at UH-Mānoa, it is my hope that the Extension Agent and Specialist Faculty continue on the trajectory of tenure-track as their work on instruction and research provides effective teaching methods. Therefore, securing tenure will in the long term provide continuity in developing and implementing research-based curricula and the ability to secure funds to continue research.

The opportunity to earn tenure affords me a seat at the table that can affect policy changes which in turn affect student success. I hope Specialist Faculty that are hired after me will be given the same opportunity. I am grateful to live, work, and play in my community as a Specialist Faculty at UH- West O'ahu and I am committed to serving with a purpose. I end this testimony with an 'ōlelo no'ēau, "Ahuwale ka po'okela i kāu hana ia ha'i"- It is through the way you serve others that your greatness will be felt. This wise saying sums up my belief about my role as a tenure-track, Specialist Faculty and it is my hope that you vote against SB 3269, SD1.

Mahalo,

Carrie Larger

Dear Members of WAM:

I'm Ashley Maynard, a Mānoa faculty member in **strong opposition to SB 3269**. This bill is an attempt at intrusion where the legislature has no governing or supervisory authority, and claims of "statewide concern" are merely an attempt to rationalize legislative interference in spite of the constitutional amendment intended to stop it.

No argument has been made as to why this bill is proper, necessary, and useful. No data or evidence have been provided demonstrating a compelling need for this bill. No evidence has been provided that the bill will save any money. Why then is this bill even before this committee? I am a citizen who is not a lawmaker, but it seems to me you ought to have evidence and compelling arguments to pass a bill that will destroy our public university system.

The bill makes it clear, ironically, that the Committee on Higher Education, which first brought the bill, does not understand **why** the university functions. The university functions because of tenured faculty, and make no mistake: This bill destroys tenure. Some people think that term is inflammatory, so I will explain: Tenured faculty are reviewed every five years in periodic review, which is a peer-review process agreed to in our contract. The bill would force faculty to be reviewed by administrators who do not understand what each individual faculty member does. Writing materials for review every five years so that an administrator who has no idea what a particular faculty member does is tantamount to having to submit a tenure dossier every five years, a requirement which the HLRB already ruled *against* in 1981. Having tenure means you don't have to be re-tenured *ever*, let alone every five years. It's not that faculty don't want to be reviewed. Faculty are reviewed *constantly* in peer review of journal, book, and grant submissions and in course evaluations. I am pretty sure faculty are reviewed more than anyone else at the university because *review of faculty does not stop*. Adding administrators to periodic review will kill tenure because a dean who doesn't like the way a faculty member does something or a faculty member's particular research area will find a way to get rid of them if you impose administrators into our periodic review process by statute. We cannot have the university run by the legislature, corporations, donors, or other interested parties who have no idea what producing knowledge entails. Yes, tenure is there to protect academic freedom. Inserting deans into the periodic review process will trigger assaults on academic freedom. This bill must fail if you want a properly functioning university. It is that simple.

Anyone who understands why the university functions would not want to destroy tenure, including our own UH Board of Regents, which rejected the resolution that forms the basis of this bill. Furthermore, neither the cited PIG Report, nor PIG Resolution 21-06, nor this bill provides any evidence that indicates a need for anything in this bill. Why does the legislature think it can run the university when statute gives the regents that role? What *specifically* does the legislature think is improved by passing this bill? If you can't answer that question with

systematic data and evidence, you must not pass this bill. Furthermore, approximately 240 citizens of our community testified against this bill when it was heard by HRE in February 2022. Only one, or possibly two, citizens spoke in favor of the bill at that hearing. If you pass this bill against the will of so many without data or evidence to support a reasoned argument as to why the bill is proper, necessary, and useful, that is an insult to democracy, to your title, and to the people of this state. The fact is, this bill is improper, so you should vote No now and let us put to rest this distracting conversation.

There is ample evidence that the faculty are worthy of the trust placed in us. We are meeting the functions of teaching, research, and service to the public: graduating thousands of students, bringing in hundreds of millions of research dollars, producing articles and books and other scholarly works. There is objective affirmation of all this effort: Mānoa was just ranked in the top 1% of universities worldwide. What evidence is there then that compels the legislature to damage our university with this bill? There is none.

Passing this bill will disrespect the structures put in place by those who came before us, namely the different branches of government, including the executive, which is responsible for appointing university regents. When one body unilaterally acts to undermine those structures, we are on untrustworthy ground. We are wasting hundreds of hours, collectively, fighting this nonsense bill. And for what? So that the legislature can take over the university.

My opposition to this bill is not simply about supporting an unexamined status quo. Faculty and administrators have been working together to keep UH strong and to make improvements. The SCR 201 Task Force Report is an excellent example of the potential for the UH administration and faculty to work together. Please, let the university do its job and drop this bill.

I have been opposing Senator Kim's attempts to interject herself and the legislature into the governing and administrative roles of the Regents of the University of Hawai'i since 2019. Senator Kim's pattern is continuing and worsening. The ongoing, escalating attacks on the university make it hard for us to focus on maintaining excellence. You have a chance to stop this particular attack by **voting No on this bill**.

Thank you for taking the time to understand these concerns. I can be reached at ashleymaynard808@gmail.com with any questions.

Regards,
Ashley E. Maynard, Ph.D.
Mānoa

SB-3269-SD-1

Submitted on: 3/2/2022 7:31:12 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alice Kim	Individual	Oppose	No

Comments:

SB3269 will threaten the integrity and, ultimately, accreditation of the University of Hawaii at Manoa. This bill also violates the State Constitution by removing power from the UH Board of Regents.

SB-3269-SD-1

Submitted on: 3/2/2022 7:33:15 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Mele Fernandez	Individual	Oppose	No

Comments:

Aloha members of the Senate Committee on Ways and Means,

My name is Mele Fernandez, I am writing in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i.

As a long-time resident of Hawai'i and avid gardener, I am aware of Hawai'i's unique growing environment and I rely on the quality, Hawai'i-specific advice I have received from University of Hawai'i extension faculty to solve my varied plant issues including insect control and plant growth. Retaining locally-experienced, science-based agriculture resource persons in Hawaii is crucial for Hawaii resident gardener and more so for local farmers whos livelihood depends on the quality solutions that a knowledgeable faculty extension agent provides. Offering job security with the assurance of tenure to these valued University of Hawai'i faculty is what is needed to retain and continue to attract high-quality resource persons in our island community.

For this reason, I request that you vote in opposition of SB 3269 SD1

Yours sincerely,

Mele Fernandez

SB-3269-SD-1

Submitted on: 3/2/2022 7:42:54 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Krystal Kakimoto	Individual	Oppose	No

Comments:

I would like to submit my written testimony against SB3269 because it violates the State Constitution and takes power away from the UH Board of Regents. I am also concerned because there was overwhelming oral and written testimony against the Bill yet it continued from its original committee. Those against the Bill were given 60 seconds, max, to speak while those in favor of the Bill were allowed more time to speak.

Please realize how complex and nuanced the tenure system is and how important it is to have more conversation about this with the Board of Regents and the University.

Thank you for your time,

Sincerely, Krystal Kakimoto

Higher Education Committee

The Hawaii State Senate

415 S Beretania St.

Honolulu, HI 96813

Re: Opposing SB3269 SD1

March 2, 2022

Dear Senator Kim, Senator Kidani, and all members of the Higher Education Committee,

My name is Wayland Quintero, a family man, UH alumnus, a lecturer in the UH system, and a resident of and voter in Senate District 14, Representative District 33. Along with many others, I strongly urge you to abandon SB3269 SD1, relating to academic tenure within the University of Hawai'i system.

Rather than attempting to legislate tenure, I encourage each of you to place your efforts elsewhere. Among the many and truly pressing issues for the legislature to take up, there is ensuring clean water (Red Hill), looking at climate change mitigation and rising seas that will affect our beaches, advancing truly affordable housing, and preventing bribery and corruption among local incumbents henceforth. These are issues of serious concern.

SB3269 SD1 is detected by many as an attempt to destroy academic freedom and the independence of the University from political control. This freedom and independence are among the greatest hallmarks of a highly functioning Democracy. However, SB3269 SD1 signifies an emergent iteration of authoritarianism. Resist the temptation to give into it.

Sincerely,

A handwritten signature in black ink, appearing to read "Wayland Quintero". The signature is written in a cursive, flowing style.

Wayland Quintero, Halawa Heights, Aiea

Ways and Means Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 2, 2022

Aloha Esteemed Members of the Ways and Means Committee,

My name is Ann Inoshita. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

First, many of the policies written in this bill are unnecessary and redundant, and are an attempt to codify existing policies into statute. As policies governed by the UH Board of Regents (BOR) and union contracts, these policies may already be flexibly updated as necessary to continually serve students, employees, and the people of the state to ensure academic rigor, fiscal efficiency, community service, and ethical responsibility. Codifying these policies into statutes would make necessary updates much more difficult and time and resource-laden for all stakeholders.

Second, the bill fails to demonstrate that codifying any of the proposed policies and changes into law is necessary, as the BOR, President of the UH-System, and union already have the ability to reclassify employees and update policies when deemed necessary. Creating unnecessary statutes would also bypass the UH-System governance checks and balances, such as proposing amended policies, and inviting feedback from campus governance groups before adopting changes. Additionally, an issue of statewide concern has not actually been demonstrated, as no data demonstrating mass employee or student failings or complaints, evidence of systemic mismanagement or financial exigencies have been produced. The stated drop in the number of tenured faculty likely has much to do with the position sweeps and hiring freezes made in the wake of the COVID-19 pandemic. As of Fall of 2021, Leeward Community College had 24 positions swept and 32 frozen; undoubtedly, that number is higher now..

Third, allowing legislative interference to the degree this bill suggests would threaten the UH-System institutions' accreditation status. Both the Western Association of Schools and Colleges (WASC) and Accrediting Commission for Community and Junior Colleges (ACCJC) accreditation are reliant on institutions of higher education being protected from undue influence or political pressure. The [WASC Standard on Integrity and Transparency Criteria for Review \(CFR\) 1.5](#) states:

Even when supported by or affiliated with governmental, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.

Guidelines: The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.

And the [ACCJC Standard IV.C.4](#) states:

The governing board is an independent, policy-making body that reflects the public interest in the institution's educational quality. It advocates for and defends the institution and protects it from undue influence or political pressure.

Fourth, the language within this bill spreads misinformation regarding what tenure is and the purpose of tenure. After the 2021 legislative session, a permitted interaction group (PIG) was assigned to write a report for the legislature in response to SCR 201, reporting on the general history and purpose behind tenure, in addition to UH tenure policies and processes and employee classifications as compared to other institutions of higher education. This report debunked the notion of tenure as "permanent" employment. "Academic" tenure is a misnomer; there is no such thing. The purpose of "tenure" is to preserve academic freedom, so faculty, researchers, and support staff are unafraid of speaking truth to power, and this truth doesn't change based on who is in power. Employees aren't at risk of losing their jobs when voicing unpopular opinions and research in the name of public good. This does *not* mean employees cannot be terminated for failing to do their jobs.

UH contracts already require reviews and contract renewals for continued employment. When these policies are not consistently followed, this is a management and enforcement issue, rather than a policy issue. As stated previously, creating a new law with new policies is rigid and unnecessary; administration simply needs to enforce current policies. The report resulting from SCR 201 also stated that the UH-System tenure process is similar to the tenure process of other institutions, and in some ways, superior. The tenure process is a rigorous five to seven year probation process, whereby candidates perform numerous services and create a series of scaffolded dossiers documenting job performance, external activities, and service to students, the institution, and community in order to demonstrate on-going value to the UH-System. The default decision in performance evaluations is to deny tenure except in clear cases where a candidate is adding perpetual value to the UH-System, demonstrating a cautious approach for awarding tenure.

Additionally, once tenure is granted, a similarly rigorous process exists for faculty seeking promotion in addition to performance reviews every five years to ensure continued excellence throughout faculty employment within the UH-System. Are "vested" state employees in other sectors required to continually prove their value throughout their employment with the state in order to keep their jobs, or is this bill unreasonably targeting employees within the UH-System?

Approval of [SB 3269 SD1](#) would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. The proposal creates a "C" classification for community college faculty. While the bill states these instructors will not need to conduct research, tenure should not be restricted. Community college faculty carry a teaching load of five courses in one term and four in the other. With no teaching assistants, instructors work with students individually and grade every assignment alone. As the UHCC are open door, in addition to content, an often equal focus is on developmental support and education thus offering marginalized, underrepresented students from socio-economically challenged backgrounds access and success in higher education. Tenure allows these faculty to push students beyond their comfort level to mold critical thinkers who are up to the challenges and rigor of higher education as well as the

increasingly complex requirements to fill workforce needs. I have provided a list of additional duties for which tenured community college faculty are responsible near the bottom of this letter.

Because of the complex needs of the community college population, faculty do not create and execute curricula in isolation. Librarians deliver collaborative instructional and research support by providing assistance to faculty and students alike with projects, grant opportunities, information literacy instruction, and preservation of our culture and institution. Requiring UHCC librarians to conduct research in addition to their existing duties will divert time and attention away from their primary duties, creating a need to hire additional full-time employees to complete this increase workload. If job descriptions and duties are to be the same across all system campuses, the salaries of community college librarians, currently significantly lower than those at four-year campuses, will also need to be raised to match those of their university counterparts.

[SB 3269 SD1](#) fails to address those workers that don't fit neatly into the categories listed, such as librarians and counselors that also have instructional duties, both of which we have at Leeward Community College.

Additionally, I oppose the elimination of tenure for support faculty and extension agents. Among other duties, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH mission emphatically states. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary grievances and dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. While the bill does suggest support faculty and extension agents "may be eligible for employment security characteristic of other public employees," it is unclear what that security is or how this may affect job stability, transfer within the system, and union representation. Right now, those awarded tenure are associated with a specific locus (campus) and may not be transferred elsewhere without giving their consent. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

Tenured community college faculty, including librarians, counselors, and additional faculty are required to discharge the duties listed below, in addition to their primary duties of instruction and/or support:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service

- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

One of the great ironies of the repeated attempts to redefine and restrict tenure is that they are designed to ensure accountability where none is perceived to exist, forcing faculty, students, administrators, and invested community members to expend precious time and energy defending it—time and energy that could and should be used to support the UH’s educational mission and its students. If greater economic efficiency and productivity is expected of UH faculty, please stop second-guessing and undermining the work that faculty do and the value that they bring. UH faculty have acquired their jobs after much personal and professional sacrifice, some having dedicated upwards of seven years toward an advanced degree that would enable them to do the work that they love and deem important. Few, if any, enter academia for the pay or the promise of summers off. Yet the added stipulations of [SB 3269 SD1](#) suggest that legislative leaders question these motivations and sacrifices, which many UH faculty find both offensive and demoralizing and which threatens to undermine the educational goals of the university system.

As a recap, tenure maintains accreditation and academic freedom, while ensuring a rigorous contract renewal process throughout the duration of employment. It is not “permanent” or “continual” employment allowing faculty to collect a paycheck without performing their duties. Existing policies are already in place to flexibly manage the issues this proposed bill would codify into rigid and unnecessary statutes, bypassing campus and system governance and feedback loops. Updated policies listed in this bill could easily be used as suggestions for policy updates to be considered and agreed upon by existing campus governance and union entities. UH-System faculty are among the hardest working population of workers around. They are passionate about the content they teach, the students with whom they are entrusted, the missions of our institutions, and in continuous improvement. Please don’t micromanage or in other ways attempt to fix a system that isn’t broken.

For these reasons and more, please vote in OPPOSITION to [SB 3269 SD1](#).

Yours Sincerely,

Ann Inoshita

Testimony Submitted to the Senate Committee on Ways and Means
Friday, March 4 at 10.10 am, Conference Room 211 (no oral testimony)

SB3269 SD1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

from

Robert H. Cowie, Ph.D.

Faculty member, University of Hawaii, Manoa

cowierh@gmail.com

March 2, 2022

I vehemently oppose SB3269-SD1 regarding tenure and faculty categorization.

Others have submitted or will submit extensive testimony from diverse perspectives regarding the inappropriate actions proposed in this bill. I want to focus specifically on the apparent misconception that tenure essentially provides a sinecure for life and as a result leads to many tenured faculty not pulling their weight over the course of many years following the award of tenure.

This is far from the truth. University faculty positions are not easy to obtain – they are highly competitive. Thus, to obtain a faculty position in the first place requires that you are very highly driven in terms of advancing your career and area of expertise. I can assure you that the vast majority of faculty, even after they are awarded tenure, remain just as driven to excel as when they were first inspired to pursue an academic career in their chosen field. Academic freedom, which is the primary purpose of tenure, is key to allowing that drive to take faculty in whichever direction excites them most, and it is when allowed this freedom that the best and most innovative research and scholarship results.

Downgrading tenure or modifying it in ways that impact this freedom and stability only harm the drive, the innovation, the excitement and the creativity of university faculty. And that is precisely when they are far more likely to become less productive than if that freedom and creativity were supported. And furthermore, that is when a quality research university declines in status, something that none of us wants to happen to the University of Hawaii.

Yes, there are a very small number of tenured faculty who, as they age may become less productive, but the vast majority maintain their drive and productivity long past normal retirement age. And of course, there are already mechanisms in place that can be and have been used to address these few faculty who are no longer productive. But to threaten the freedom and stability of the great majority simply in order to weed out these few is not only going to drive the good and excellent faculty out of the University of Hawaii to universities where they feel more supported, but is also going to seriously harm recruitment of excellent new faculty as they become aware of the downgraded tenure offered by the University of Hawaii. It's a downward spiral to mediocrity.

University faculty are highly motivated, driven and committed professionals – they had to be in the first place to even get a job in a highly rated university like ours. If the actions proposed in SB3269-SD1 are implemented it will be doing the UH faculty, the institution of the University of Hawaii, and the State of Hawaii a huge disservice.

Finally, but very importantly, interference by the State legislature in the nitty-gritty of management of the University of Hawaii, was noted in the recent accreditation review. If you go down the road SB3269 SD1 proposes, the University's accreditation will be seriously jeopardized. I trust I can assume that this is not something you would want to happen.

I therefore exhort you all to do the right thing and vote against this attack on the University of Hawaii and its dedicated faculty.

Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Ways and Means Committee,

My name is Wayde Oshiro, and I am a tenured faculty librarian at Leeward Community College. I am writing as an individual in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I urge you to table this bill.

SB 3269 SD1 is problematic on several levels. Issues such as the autonomy of the university and the use of legislation to codify already established policies and guidelines for tenure will be left for others to address. As a librarian employed at a community college, I believe I will be most effective by focusing my statement on addressing issues pertaining to my role, the value of tenure, and in dispelling incorrect assumptions about academic librarians. I will also provide an example of why community college librarians are a unique category of faculty that are not well-served by the proposed "L" or "C" faculty categories.

I do not claim to understand why librarians were initially targeted as ineligible for tenure in the original version of this bill. I am relieved that the language of the original bill was modified in SB 3269 SD1 to include librarians as a faculty category eligible for tenure. However, the current language in this version fails to address the role of librarians at UH community colleges which differs from librarians at four-year campuses and professional schools.

(2) Librarians: Librarians shall provide students and faculty with modern, timely access to information by selecting relevant resources for acquisition, digitizing collections, and organizing and storing information. Librarians shall assist faculty and students in their scholarly pursuits and conduct research in areas that contribute to the advancement of knowledge in relevant fields. Librarians shall be eligible for tenure and shall be classified as "L" faculty, which shall include those previously classified as "B":

UH librarians provide essential and direct support to students and faculty by assisting them "in their scholarly pursuits" through the selection of and access to diverse primary and secondary resources in a variety of formats. Librarians have a key role in teaching information literacy skills to students. Helping students navigate the increasingly complex information landscape promotes the development of critical thinkers and an informed citizenry, pillars of the mission of higher education. As a UHCC faculty member, I support the teaching mission of my institution. Scholarly research and publication is not the primary focus of community college faculty nor is it the primary focus of community college librarians. **The current language in SB 3269 SD1 specifies that librarians conduct scholarly research. Community college librarians, like other community college faculty, are focused on teaching, not scholarly research.**

(6) Community college faculty: Community college faculty shall be faculty who teach courses and shall not be required to conduct research and shall be classified as "C".

As stated above, community college faculty, including librarians, are currently not required to conduct research. The requirement that community college faculty "teach courses" as outlined by SB 3269 SD1 is problematic for librarians at the community colleges who do not teach courses but who are actively involved in and critical to the teaching and learning occurring in the

classroom through our information literacy instruction, embedded librarianship (librarians in the classroom), and the many one-on-one sessions with students.

To assume that librarians do not teach is inaccurate. We may not teach courses but we partner with classroom instructors to teach information literacy and research skills to students. The role of community college librarians is not fully addressed in either category “L” or “C.” If this bill moves forward, the “C” category should be amended to include community college faculty such as librarians who do not “teach courses,” but who are active and full contributors to the teaching and learning mission of the community colleges. **Neither the “L” classification nor the “C” classification completely addresses the important role community college librarians have on our campuses.**

One of the core tenets of tenure is that it benefits society when educators are not controlled by “corporations, religious groups, special interest groups, or the government.”¹ Librarians select and acquire books, videos, and other materials that reflect the spectrum of ideas, values, and beliefs in society, including those representing minority groups and individuals. Historically, and unfortunately, in today’s divisive political and social climate, librarians and libraries are being challenged by individuals and groups for having certain “offensive” books in our collections. As a librarian, I believe in the right of librarians to choose books that support the curriculum and that encourage free inquiry and free expression. **As a tenured faculty librarian, I have the confidence to do my job without the threat of being fired because I selected a book that a person or organization might object to. Tenure protects my academic freedom and my ability to do my job.**

My role as a community college librarian has evolved over the past decade. Contrary to assumptions that tenure leads to rigidity and inflexibility, tenure has had the opposite effect for me and my colleagues. Tenure gives me the freedom to innovate and make changes in teaching and learning that are actually more responsive to the rapid developments in education and in society. Tenured faculty can innovate without fear of the consequences for out-of-the-box thinking. **The Open Educational Resources initiative at the UH and UHCC systems, led by librarians and instructional designers, is a prime example of how non-instructional tenured faculty have an important role in teaching and learning.**

As a community college librarian, I have taken on a leadership role in reducing textbook costs for students through my involvement in [advocacy and training to encourage and support faculty in their adoption of Open Educational Resources](#). Open Educational Resources, OER, are textbooks and other course materials with special [Creative Commons licenses](#) that allow for the free reuse, retention, revision, remixing, and redistribution of the materials, the so-called 5Rs, or rights, of OER. In partnership with other UHCC librarians across the system, I am actively involved in leading the UHCC OER Initiative, a systemwide project with financial support from the Office of the Vice President for Community Colleges.

In fall 2021, **35.5% of UHCC classes, 1,278 out of 3,601 classes, were designated TXT0 or Textbook Cost: \$0.** TXT0 classes use no-cost textbooks such as OER. Students in TXT0

¹ [Tenure](#). American Association of University Professors. n.d.

classes don't worry about paying for expensive textbooks nor do they have to do without materials required for class while waiting for cheaper textbooks bought online to arrive by mail. Students enrolled in TXT0 classes have access to no-cost course materials from Day 1.

The savings by UHCC students enrolled in TXT0 classes in fall 2021 is estimated at \$540,000. In AY 2020-21, textbook savings to students was \$1,840,000. Since 2015, the UHCC OER Initiative has saved students approximately \$9,414,000 in textbook costs. A [2019 UH News video](#) showcased our efforts and the important role of non-instructional tenured and tenure-track faculty in leading the initiative. These savings are not institutional savings, however, because students ultimately foot the bill for their textbooks. **Adopting OER and creating new OER takes time and effort that is borne by the instructors making a decision to step away from costly commercial textbooks. Academic freedom means that the decision to use OER cannot and should not be mandated by the university or the legislature.** In some subjects, few OER are readily available and someone must create it. Librarians and instructional designers have stepped into the role of OER advocates working with and supporting teaching faculty to modify existing OER, and in some cases, create new materials from scratch.

Community college librarians have been instrumental in growing OER adoption across the UH System. Librarians use their expertise to identify and curate OER available on the web, using our understanding of the curriculum to sift through numerous resources and share them with classroom instructors. OER is about course materials but the Creative Commons licenses attached to OER (the 5Rs) enable pedagogical innovation in the classroom. Faculty adopting OER have the freedom to develop more engaging lessons and to facilitate a deeper engagement with subject content by eliminating many of the restrictions of traditional copyrighted commercial publisher textbooks. Open pedagogical practices promoted by librarians have led to the increasing development of renewable assignments. Renewable assignments enable students' work to have value beyond the classroom and give them direct participation in knowledge creation. **OER and Open Pedagogy are practices introduced to community college faculty by community college librarians and instructional designers. Without non-instructional tenured and tenure-track faculty innovating and introducing new educational practices, UH would not have an OER initiative.** WICHE recently highlighted UH's TXT0 (Textbook Cost: \$0) course marking program in its [WICHE Insights Newsletter](#).

OER adoption at UH would not be where it is today without the leadership of community college librarians and other non-instructional faculty (see [AY 2019-20 UHCC OER Annual Report](#)). I attribute part of my success in convincing instructional faculty to adopt OER to my status as a tenured faculty member. Skepticism about the quality of OER was common at the beginning. Adopting OER is not as easy as swapping out a commercial textbook for an "open" textbook. More often than not, faculty need to redesign their course when they adopt OER so there are hidden costs in time and effort required. Commonly, faculty need to combine and remix disparate OER to replicate a commercial text, and then develop their own ancillary materials that usually come bundled with commercial textbooks. **No cost to students does not mean there is no cost to redesign a course or modify and create new OER. For the most**

part, faculty are developing new course materials and modifying existing OER without additional compensation. Faculty are also moving to OER because the standard commercial textbooks do not meet the specific needs of UH courses nor do they align with course learning outcomes. Commercial materials are also not localized to reflect our local students. **OER can, and has, improved teaching at UH. Community college librarians and instructional designers have provided the training and support that help faculty to make this transition.**

OER provides unique opportunities for faculty to customize their course materials and to ensure the materials reflect our students' diversity and their lived experiences. None of this is simple or easy to do but librarians and instructional designers have been at the forefront of educating faculty about OER's potential and directly supporting them in adoption. Community college faculty are not expected to develop their own textbooks, but we now have examples of faculty creating OER textbooks with librarians' support and through funding from the Office of the Vice President for Community Colleges.

As you see by the example above, tenured community college librarians and other non-instructional faculty advocating for OER have directly impacted how students learn through the growing use and development of localized learning materials and through the adoption of new pedagogical practices, all to improve college affordability and student success. **A common misconception is that tenure results in stagnation. This is certainly not the case with my experience with OER and my work with non-instructional and instructional faculty across the UH System. In fact, the tenure system can promote innovation, adaptability, and change when an institution cultivates an environment that rewards it and provides an infrastructure that supports it. My institution, Leeward Community College, provides this environment and success has followed.**

SB 3269 SD 1, if passed, will demoralize faculty. A demoralized faculty will not serve the interests of the State of Hawai'i in growing an educated workforce. I strongly urge you to reconsider this bill. I cannot foresee all of the impacts of the bill's passage, but I know that as a tenured community college librarian I have been afforded a unique position to engage my colleagues in the classroom in being open to an innovative pedagogical practice that has made higher education in Hawaii more accessible, more inclusive, more engaging, and more affordable for students. I hope you will continue to support me and my colleagues in this endeavor.

Yours sincerely,

Wayde Oshiro

SB-3269-SD-1

Submitted on: 3/2/2022 9:08:54 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Raymond Catania	Individual	Oppose	No

Comments:

Dear WAM Chairwoman Donna Mercado Kim and Committee members,

I am appalled that you don't have the decency to listen to the more than 590 testimonies that came out in support of the tenure system at the University of Hawaii and its community colleges. The Board of Regents should be the agency to deal with tenure and not your body- you don't have the practical knowlege of what it takes to educate students at the collegiate level nor understand what it takes to do the academic research that sustains a university that makes it relevant to Hawaii's diverse population. Everything needs improvement, but its obvious your creating a major problem. Please drop SB 3269 SD1.

Mahalo,

Raymond Catania 4215 Kole Place Lihue

SB-3269-SD-1

Submitted on: 3/2/2022 9:24:31 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Carl Jennings	Individual	Oppose	No

Comments:

My name is Carl Jennings, Professor of Art at Kapi‘olani Community College, and I am writing in opposition to SB3269.

Issues relating to tenure and faculty classification should be negotiated between the faculty, administration, and the union. I strongly disagree with the Legislature’s attempt to insert themselves into the process.

I have been working in the UH System for over 20 years and in that time have come to know a great many educators and administrators, and I can say without hesitation that they are some of the most caring, dedicated, hardworking, and intelligent people I have ever met. I find it insulting that members of the Legislature feel that they need to ‘help UH’ by developing guidelines and processes to ensure ‘quality control’.

I stand with my colleagues in the belief that it is the University and its faculty union, not elected officials, that should have jurisdiction over issues of tenure, academic freedom, and academic governance.

I therefore ask you to reject SB 3269

Thank You

Carl Jennings

Professor

Kapi‘olani Community College

cjenning@hawaii.edu

RE: SB 3269 SD1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

My name is Earl S. Hishinuma, and I am writing in **strong opposition to SB 3269 SD1**, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

First, SB 3269 incorrectly portrayed the status of the Board of Regents' Resolution 21-06 on the findings of the PIG. The BoR did NOT adapt this resolution.

Second, SB 3269 does NOT really identify any major problem that will be fixed.

Third, SB 3269 will cause damage to the students and faculty of the University of Hawai'i and to the people of the State of Hawai'i, and perhaps even disproportionately to Native Hawaiians, as clearly expressed in formal written testimony to the BoR.

And fourth, SB 3269 gravely neglects the positive outcomes that University of Hawai'i faculty have worked very hard to achieve. What have the faculty of the University of Hawai'i system done lately?

1. The University of Hawai'i faculty got the University of Hawai'i through the COVID pandemic because of their dedication to the students, resulting in meeting the students' needs and the University of Hawai'i not having to refund large tuition payments.
2. The University of Hawai'i faculty have been supportive and part of the current record student enrollment and graduation rates despite the increased workload and stress because of COVID.
3. The University of Hawai'i faculty have maintained bringing into the State's economy over \$400 million in extramural funds that results in better quality education, research, and services for students, and contributes billions of dollars to the State's economy annually.
4. The University of Hawai'i faculty have been the backbone to the University of Hawai'i at Manoa's world Top 2% ranking in academic and research excellence out of more than more than 26,000 worldwide colleges and universities, and the backbone to one of the best educational values, including for the University of Hawaii's Community Colleges.

Please respect the autonomy of the University of Hawai'i and STOP trying to micro-manage it. If not, through collateral damage, we will jeopardize the accomplishments of the only public university in Hawai'i.

For these reasons and more, please vote against SB 3269.

Sincerely,
Earl S. Hishinuma

Ways and Means Committee
The Hawai'i State Senate
415 S Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

March 2, 2022

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and esteemed members of the Ways and Means Committee,

My name is Michael Oishi, and I am writing in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

While the bill has been amended, [SB 3269 SD1](#) still promises to do great harm to the University of Hawai'i, its students, and the citizens of Hawai'i. A careful review of the revised bill reveals areas that are vague, contradictory, and damaging to the faculty, students, operations, and mission of the UH System.

The explicit purpose of [SB 3269 SD1](#) is to “add a new section in chapter 304A, Hawai'i Revised Statutes, addressing tenure, criteria for tenure, and periodic reviews for tenured or tenure-track faculty, and non-tenured employees; and (2) Amend section 304A—1002, Hawai'i Revised Statutes, to outline the faculty classification system and authorize the president of the University of Hawai'i to create, administer, and amend the categorization plan to comply with board of regents policies” (p. 3). Yet these concerns are already addressed in the detailed guidelines regarding the acquisition and maintenance of tenure, as well as in the UH Faculty Classification Plan, both of which have already been negotiated through collective bargaining. That said, [SB 3269 SD1](#) seeks something different from what it claims. Indeed, it appears that this legislation is instead an attempt to make state legislators the de facto employer of UH faculty. In proposing this, [SB 3269 SD1](#) jeopardizes the accreditation of the entire UH System, particularly Western Association of Schools and Colleges (WASC) standard [1.5](#) and Accrediting Commission for Community and Junior Colleges (ACCJC) standard [IV.C.4](#), both of which protect the institutional integrity and educational mission of the UH from undue influence or political pressure.

This view that [SB 3269 SD1](#) is an attempt to take away both faculty and UH autonomy is supported by a careful examination of the language of the bill. Among other things, the bill redefines UH Community College (UHCC) faculty as “faculty who teach courses” (p. 9). This would exclude “support faculty,” such as counselors who work to support our most at-risk and challenged students, from tenure and deny them the protections they need to discharge their duties effectively. Not only does this risk turning the UH into a revolving door of employment for support faculty, it contradicts the claim that micromanagement of UH affairs is not the goal.

The insertion of this distinction into the bill (a distinction not requested by the UH regents, administration, or faculty) seems designed to limit tenure to a select few to enable the state to create a disposable workforce that it can shed whenever it sees fit. Yet this is exactly the point of tenure: to prevent faculty in sensitive positions from being arbitrarily dismissed without due process or cause. Indeed, an important justification for tenure in the UH System is to safeguard the state's commitment of educational resources for its citizens rather than rendering it a whim afforded only when the economy—or select individuals—deem it important or politically advantageous. The disregard of this important motivation for tenure is neither principled nor effective and suggests that the state privileges its financial resources over its human resources. As the old adage holds, “To make money, one must spend money.” Extending this aphorism to UH, the state must invest sufficient resources in its faculty—instructional AND non-instructional—to realize the educational goals for the citizens of Hawai‘i.

Additionally many of the provisions of [SB 3269 SD1](#) are redundant and unnecessary. For instance, the bill notes that “Tenured faculty shall participate in a periodic review at least once every five years” and that “Guidelines and procedures for periodic review, including the use of performance improvement plans as necessary, shall be developed by each major academic unit and submitted for approval by the president” (p. 5). Yet these practices are already requirements of faculty to retain tenure and not something new to require accountability where there is currently none. Again, the acquisition and maintenance of tenure must be earned. It is **NOT** a right and may be taken away if there is evidence that a faculty member has not been discharging his/her/their obligations, as outlined in the University of Hawai‘i Professional Assembly (UHPA)-Board of Regents (BOR) contract. This is the point of five-year, post-tenure reviews. It is a mechanism to ensure professional accountability.

What appears to have been misunderstood or overlooked in the recent and repeated attacks on tenure in the UH System is the fundamental reason for tenure: to ensure academic freedom so that faculty may provide students with the most accurate and honest research, instruction, and/or support without fear of reprisals by those who either do not share or who outright oppose their views and practices. Tenure is **NOT** a promise of lifetime job security, as some have erroneously suggested. Rather, it is an obligation that faculty must continually earn and justify over the course of their careers. It is also an educational institution's commitment to truth and integrity that attempts to free faculty from being turned into political scapegoats, as we have already seen during the shameful period of America's Red Scare when faculty (even some at the University of Hawai‘i, such as John and Aiko Reinecke) were dismissed for engaging in ideas or speech some consider to be different from or contradictory to their own. [SB 3269 SD1](#) appears to be another type of witch hunt, and one that likewise threatens great harm to our educational system and communities.

One of the great ironies of the repeated attempts to redefine and restrict tenure is that they are designed to ensure accountability where none is perceived to exist, forcing faculty, students, administrators, and invested community members to expend precious time and energy defending it—time and energy that could and should be used to support the UH's educational mission and its students. If greater economic efficiency and productivity is expected of UH faculty, support faculty and give them the resources they need to discharge their responsibilities. Avoid

second-guessing them by imposing more and unnecessary restrictions on how they help educate the citizens of Hawai‘i nei.

For these reasons, please vote against [SB 3269 SD1](#).

Yours Sincerely,

Michael Oishi

Michael Oishi

Rosanna 'Anolani Alegado

47-543 Halemanu St.

Kāne'ōhe HI, 96744

rosie.alegado@gmail.com

Aloha Chair Dela Cruz, Vice-Chair Keith-Agaran, and members of the Ways and Means Committee,

My name is Rosanna 'Anolani Alegado and I am an Associate Professor of Oceanography and Sea Grant in the School of Ocean and Earth Science and Technology (SOEST) at the University of Hawai'i Mānoa. **I stand in strong opposition to SB3269 SD1**, and wanted to also share my personal experiences as a member of the faculty.

After examining the text of SB3269 (SD1), it is my analysis that that **if adopted, SB3269 (SD1) would cause irreparable harm to future recruitment and retention of faculty in all units and in particular, to Native Hawaiians. In addition, other student support services that are vital for academic success and wellness of all students would be adversely impacted.**

SOEST is the research juggernaut of the UH system, bringing in hundreds of millions of dollars into the university and more importantly into Hawai'i's economy. When I started at UH Mānoa in 2013, I was the first Native Hawaiian and the first Filipino to be hired into a tenure-track position in SOEST. I was the first Native Hawaiian to be hired in any Oceanography department in the United States. This is notion seems crazy when we think about the monumental achievements that Hawaiian voyagers, who were not only astronomers but oceanographers as well. I was hired not as an instructional faculty, but as research faculty. The flexibility of the position was critical to my acceptance of the position and to my success and ultimate granting of tenure in 2019.

My laboratory at UH Mānoa is unique because of the 7 graduate students I currently mentor, 3 are Native Hawaiian men and 2 are Native Hawaiian women (1 is local and 1 is malihini from the Midwest). I think the reason why these scholars asked to join my lab is not because of my instructional duties (I also teach 3 classes in the Oceanography department and 1 course in the Marine Biology Graduate program), but because I am a Native Hawaiian researcher. My presence, the values I was raised with, influence the way we practice science. My science focuses on understanding how fishpond restoration improves coastal health and productivity. I strongly believe the students I am mentoring will become the leaders in marine conservation that Hawai'i needs. I believe my impact as their mentor far exceeds the impact I have had teaching.

Because of my students, I was inspired to lead the SOEST Maile Mentoring Program, which is a bridge program that mentors local students through their transition from the community colleges to UH Mānoa and into SOEST. When I started as an Assistant Researcher in SOEST there were only a handful of local students and the number of Native Hawaiians was even fewer! The Maile Program now serves as the strongest recruitment tool SOEST implements to attract local students into our majors. The flexibility I have had as a researcher allowed me to take on this additional service, which I really feel is a calling. These students have very high graduation completion rates and all have gone on to graduate school, professional school or have been directly recruited into the workforce. Again, I feel that the benefits to UH that I have provided as the director of the Maile program far outweighs in quality if not quantity, the instructional benefit I have provided.

It's also essential for me to say that I did not do this work alone. Much of the work I was able to achieve through the Maile Mentoring program was done in collaboration with faculty specialists both here at Mānoa and at each of the other community colleges. Specialist Faculty provide the best standard of care to all students. S faculty conduct and publish research, instruct in classrooms and provide service to students to ensure they graduate on time. These specialist positions are very competitive and if our institution changes the tenure track for S faculty, we will lose an effective support system for our students that could impede their academic success and well-being.

I haven't even delved into the work that I do as 25% of faculty in Sea Grant! In that capacity, I work almost exclusively with extension agents to connect communities across Hawai'i with the university. Governor Ige has stated that one of his administration's goals is to increase local agriculture and aquaculture. Therefore it is baffling that the Committee on Higher Education would choose this time to punish agricultural extension agents and specialists by taking away their tenure. Agents and specialists are faculty and professional educators, just as instructional faculty are. The difference is that many agents and specialists work in adult education programs including farming, ranching, natural resources, human nutrition, and family resources. While most faculty work on campuses, agents and specialists work in communities across the state. For most people, especially in rural communities, Cooperative Extension is the face of the University of Hawai'i.

Research plays a key function in establishing new economies in Hawai'i that are not reliant upon the U.S. military (who are satisfied with polluting our waters) and tourism (that locks Hawai'i workers into a low-wage system). Extension faculty are the link between many research programs and local stakeholders. Loss of tenure for extension faculty will lead to a brain drain in scholarship and talent from the University of Hawai'i, facilitating both a loss in Extension capacity and increasing isolation of the University from our local communities.

Second, a diversity of tenure categories are a key mechanism toward realizing a foundational goal of becoming a Native Hawaiian place of learning. Tenure is vital

for academic freedom and important work we all do for our lāhui. Tenure is critically important for retaining Native Hawaiian faculty.

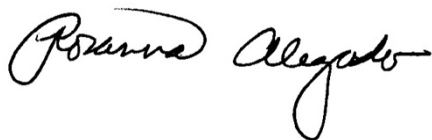
I implore the Ways and Means Committee to look to the mission of the University of Hawai'i, which is to **“discover, examine critically, preserve and transmit the knowledge, wisdom, and values that will help ensure the survival of present and future generations with improvement in the quality of life”**. To that end, the awarding of faculty tenure is **“for the primary purpose of protecting academic freedom”**. It is a travesty to narrow that focus to award tenure to faculty “that will fulfill the enrollment requirements and strategic growth priorities.” A university is much more than this.

Finally, SB3269 negatively impacts the essence of shared governance between faculty, administration and the UH Board of Regents (BOR). We cannot support this legislation as it sets a dangerous precedent that makes the Legislature the primary entity that governs UH policies, procedures, rules and regulations. Shared governance empowers these policies, procedures, rules and regulations under the purview of the BOR, UH administration and UH faculty. This bill, however, positions the Legislature as an additional layer of oversight above the BOR, which strips the BOR of the authority granted to it by the Hawai'i State Constitution article X, section 6. **I cannot support any legislation that would effectively remove the ability of faculty bodies from discussing concerns and recommending any changes with UH administration and the UH Board of Regents.**

It is not clear to me what a bill like this is trying to achieve. What I do know is what would not have been achieved if I had never been given the chance to be tenured. I know what the students in my lab and across SOEST would not have been able to achieve.

For all of the above reasons and more, I urge the members of the Senate Ways and Means Committee to STOP this legislation move forward by not passing SB3269 SD1

Me ka ha'aha'a,

A handwritten signature in black ink that reads "Rosanna Alegado". The signature is written in a cursive, flowing style.

Rosie 'Anolani Alegado

SB-3269-SD-1

Submitted on: 3/2/2022 10:21:55 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Vanessa Chong	Individual	Oppose	No

Comments:

I am writing in opposition to SB3269 SD1 relating to academic tenure at the University of Hawaii. Please vote against SB3269 SD1.

Thank you.

Sincerely,

Vanessa Chong

Eileen Cain
720 Mahi'ai St., Apt. E
Honolulu, Hawai'i 96826-5635
eileencaïn808@gmail.com
March 2, 2022

Testimony Opposing SB3269 SD1 Relating to Academic Tenure at the University of Hawai'i

Senator Donovan M. Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice-Chair
and Members of the Senate Committee on Ways and Means
Hawai'i State Capitol
Honolulu, Hawai'i 96813

Dear Senators,

My love of freedom of speech, of academic freedom, of fairness in employment make it necessary for me to ask you to vote against SB3269 SD1.

1. Misinformation and misunderstanding surround the issue of the sources of funds that support the University of Hawai'i. Researchers pay most of their expenses through grant money, not public funds.
2. The issue behind the creation of documents such as SB 3269 SD1 is not tenure. **The issue is what tenure represents, what it makes possible. Erosion of tenure disempowers faculty and universities. It is an attempt at silencing. Its effects are to destabilize workplaces and to erode free speech.**
3. **The issues this bill purports to "solve" should instead be the subject of collective bargaining and discussion between UHPA and the Board of Regents.**
4. The women and men whose hard work keeps the University running know more about its needs than others do. **Please focus on our real needs:**

We need Legislators who see the benefits of tenure and recognize that everyone, including all Legislators, has benefitted from the tenure process. What benefits? In this era of so much "fake news," faculty play a crucial role in supporting students' need for critical thinking. Tenure functions to safeguard academic freedom and freedom of speech, protecting the faculty members' ability to explore ideas and resources and introduce them to students without fear of censorship or other forms of retaliation.

We need Legislators who oppose sexism in employment. We women make up the majority of UH faculty – single women, married women, single mothers. Legislators’ role should not be to make our lives harder.

We need Legislators who support collective bargaining. Terms of employment, including tenure, are collective bargaining issues. Anti-unionism is an ugly power play that has been occurring across the US. Undermining tenure would undermine the University of Hawai‘i Professional Assembly (UHPA). I think this bill is a continuation of the anti-union movement in recent years.

We need Legislators who denounce opportunistic politics. Anyone who tries to take advantage of the Covid-19 pandemic and the State’s finances to disempower faculty and weaken the University, claiming that the aim is to save money, has a credibility gap.

We need Legislators who protect the University of Hawai‘i from political interference in its internal management.

In short, we need Legislators who exhibit authentic leadership, not the fake kind that attempts to suppress and silence and disempower people. Authentic leaders empower people, including the faculty.

Please vote no on SB3269 SD1.

Mahalo for your attention.

Sincerely,

Eileen Cain

Eileen Cain, Ph.D.
Associate Professor CC,
Leeward Community College
eileencaïn808@gmail.com

Testimony in Opposition to SB3269, S.D. 1
Presented before the
Senate Committee on Ways and Means
Friday March 4, 2022
10:10 am CR211 and Videoconference

RE: SB 3269 S.D. 1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Chair Donovan Dela Cruz, Vice-Chair Keith Agaran and members of the Senate Committee on Ways and Means,

My name is Shimi Rii Claborn, and I am writing in **strong opposition** to SB 3269 S.D. 1, relating to academic tenure at the University of Hawai'i. As currently written, the bill applies to the entire UH System. I oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it is illegal, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger. I hope that my testimony here will provide some light to real-life situations of academic faculty at UH.

Approval of [SB 3269 S.D. 1](#) will devastate the intellectual output and reputation of our University system, and severely diminish the education of our students, many of whom are born and raised in Hawai'i, including opportunities for them to study with the foremost scholars in their chosen areas of study, receive grants for research, and pursue career pathways to ultimately have meaningful jobs in the state of Hawai'i. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have greatly hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, **ALL faculty, the tenured, tenure-track, and non-tenure track faculty are rising to the occasion and taking on additional workloads in order to ensure our students receive an excellent education.** We, the faculty at University of Hawai'i, are committed to serving in a role that ensures a high-level, stable, educational campus, and this continued dedication is possible only through a normative tenure and promotion process for all faculty classifications.

I am kama'āina, raised in the Ewa moku in O'ahu. I attended Palisades Elementary School and 'Iolani School, and have completed both my M.S. and Ph.D. at the University of Hawai'i at Mānoa in the School of Ocean and Earth Science and Technology. When I went to the mainland for undergraduate education, I came home immediately after graduation as I was keen on developing my budding career at home. However, as I pursued my passion in marine biology and oceanography in graduate school at UH Mānoa, I was often given advice to go away for graduate school, because universities hardly hired people who completed their degrees at the same university. My mother is in her 80s and I have an adult sister with special needs – and leaving the island to pursue my career was not an option. So I decided to stay and be creative in my efforts to fulfill my passions in ocean and environmental research, and promoting science education for local and Native Hawaiian students.

After my postdoctoral appointment at the Hawai‘i Institute of Marine Biology, I applied and was offered my current position, as the Research Coordinator of the He‘eia National Estuarine Research Reserve, a state-federal partnership with the National Oceanic Atmospheric Administration and UH Mānoa. **My position is Specialist 2 (S2), permanent, non-tenure track.** There is a process outlined in our contract to convert to tenure-track after several years of continued service and proof of funding. **My ultimate goal is to serve in this position until retirement, and becoming tenure track is a crucial step to my career trajectory – so that I have job security in my position as kama‘āina who has worked her entire life to impact local students and community.**

SB 3269 S.D.1 states: *“The legislature additionally finds that an educated workforce is a critical determinant of the economic and social health of the State. The ability to instruct, educate, and prepare students to enter the workforce are paramount skills that should be supported by public funds. For these reasons, the commitment of public resources to support the grant of tenure is a matter of statewide concern.”* In my position as a Specialist, and for my immediate colleagues who are also Specialists, we do exactly the activities outlined here: **instruct, educate, and prepare students to enter the workforce.** Collectively, we blend education, research, and training to weave research projects with the needs and priorities of the He‘eia community. To do so, I manage the Graduate Assistantship Program, and as affiliate faculty in 2 other units, I sit on graduate student committees and advise students on their graduate work. In the past 3 years, I have mentored, instructed, and prepared 3 staff, 1 postdoctoral scholar, 8 graduate, and 9 undergraduate students in their career pathways, many of whom belong to Indigenous peoples and local communities. I help to bridge their research projects with Indigenous non-profit organizations on the ground restoring the landscape into a productive wetland, lo‘i, and Native Hawaiian fishponds. I provide direct instruction and mentorship to these students through weekly meetings and input on their work, as well as through helping to network towards their specific career interests.

In addition, as a Specialist, my position is **multifaceted, and thus would not be served well if reclassified as “FSE” without eligibility for tenure.** I serve the University by contributing on several institution committees such as faculty hiring and infrastructure improvement committees. I have participated in formal academic instruction as an instructor on several courses, including one we taught this past summer on Indigenous methodologies at the Hawai‘i Institute of Marine Biology. I also write many proposals and obtain grants to augment funds for student and early career research. I have so far obtained 6 grants totaling ~1 million and our program is supported by an addition ~1 million that collectively supports a Native Hawaiian postdoc, 2 undergraduates, and 6 graduate students. In addition, I engage and represent the University of Hawai‘i on many national and state efforts to strategically plan and coordinate local student recruitment, workforce development, and student contribution to a circular economy in Hawai‘i.

Thus, the Specialist classification is a critical designation that allows me and my colleagues to fulfill the diverse duties in my job description, while **remaining competitive for tenure.** Specialists are

currently reviewed under a unique set of criteria that allows us to perform a diverse and critical set of roles. If I were to instead be evaluated for tenure using only the narrow criteria of student instruction, research, and service, none of these other responsibilities would count, and my value and impact on students, community, and research will be limited. Furthermore, ineligibility for tenure or tenure-track diminishes our positions in the academic environment, with less “rights,” voting privileges, and collective impact.

Due to the sensitive bridging role that I play between the university, community, and numerous other entities, I and other faculty in similar positions risk arbitrary dismissal due to disagreements with various stakeholders, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security and protection elsewhere, contributing to the **“Brain Drain” in Hawai‘i**, resulting in diaspora of Hawai‘i citizens to the continent and beyond, and further risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state’s abiding commitment to our students and to educational excellence in Hawai‘i – goals we all seek to realize. **If you DO NOT commit public resources to support the grant of tenure to the community at UH which supports retention of local students on the islands, this really IS a matter of statewide concern. Ultimately, I am a kama‘āina, who seeks, through multifaceted contributions, a stable, meaningful job in Hawai‘i, my home. I have invested in my home and I deserve my State to invest in me. SB 3269 S.D. 1 has severe, downstream impacts on the students we mentor and instruct – that the career pathways they dream of have no lasting power due to their State’s inability to commit to their University workforce.**

For these reasons and more, I urge you to not pass SB3269 S.D. 1.

Sincerely,

Yoshimi M. Rii Claborn

Other points of contention

- Board of Regents did not adopt Resolution 21-06 based on the findings of the PIG as stated in SB3269
- The State is investing in agriculture yet diminishes the faculty who do community outreach, Extension Agents in Tropical Plant and Soil Science Department and College of Tropical Agriculture
- Definition of “academic tenure” is generally understood to mean the right of a faculty member to permanent or continuous service. There is little understanding of rigor in the peer review process to achieve tenure, let alone the right to academic freedom or the ability to educate thinkers.

SB-3269-SD-1

Submitted on: 3/2/2022 10:41:44 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Stacey Oho	Individual	Oppose	No

Comments:

Dear Senators,

I humbly oppose SB 3269 regarding the end of academic tenure and the Board of Regents jurisdiction. This Bill will cause more harm than good. The University of Hawaii is a public institution that should have some autonomy through the Board of Regents. Having the Board of Regents and tenure removed is a travesty and may cause tenured professors to leave or worse yet, attracting new instructors to UH will be increasingly difficult and at a disadvantage without the prospect of receiving tenure. Why would anyone come to the University of Hawaii to teach if there isn't any potential for job security?

SB-3269-SD-1

Submitted on: 3/2/2022 10:58:29 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Eleanor Sterling	Individual	Oppose	No

Comments:

RE: SB 3269 S.D. 1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Chair Donovan Dela Cruz, Vice-Chair Keith Agaran and members of the Senate Committee on Ways and Means,

My name is Eleanor Sterling and I oppose [SB 3269](#) S.D. Relating to Academic Tenure at the University of Hawai'i. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications.

I believe that approval of [SB 3269](#) will severely impair the reputation of our University system nationally and globally, reduce the University's ability to recruit talented faculty, negatively impact students who deserve to learn from renowned experts in their field, and decrease the ability of UH to meet community needs in the State of Hawai'i.

The University of Hawai'i is already hampered by many challenges, including the high cost of living, that erode the system's capacity to deliver high-quality education to the citizens of Hawai'i. Tenure in a university system is designed to foster Academic freedom, allowing faculty to freely undertake their work from multiple perspectives unhampered by outside influences and affords full and open discussion of issues without fear of retribution. Tenure is fundamental to attracting and retaining high quality faculty of all classifications. Academic freedom and tenure for faculty ensures continuity in faculty relationships with local communities, fosters the ability to sustain critical long-term research projects that help us to better understand Hawaiian systems and how to effectively manage them, and invest in sustained student mentorship. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional instructional roles.

Specialists at the Hawaii Institute of Marine Biology (HIMB), where I am the Director, fulfill an irreplaceable role in creating an educated workforce for Hawai'i. Specialists at HIMB collectively instruct thousands of local K-12, undergraduate, and graduate students every year, and run the Institute's primary programs for recruiting local students into the university system. They serve as vital links between local communities and the University, ensuring that the Institute's research and outreach benefit local Hawaiian communities directly. Their work interfaces with controversial issues such as climate change impacts mitigation, invasive species management, and fisheries management in the same way as researchers and instructional faculty.

Specialists should be offered the same job security as other faculty. Current specialists should retain the ability to convert to tenure-track once they meet the requirements defined in their collective bargaining agreement, and future specialist positions should have the option of including tenure language in their offers.

I urge you to value the critical role that these individuals play in contributing to the success of the University of Hawai'i.

Sincerely,

Eleanor Sterling

Ways and Means Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 2, 2022

Aloha Chair Dela Cruz, Vice Chair Keith-Agaran, and members of the Ways and Means Committee,

My name is Erika Molyneux, and I am a resident of Kaneohe and an instructor, Legislative Relations Committee Chair, and faculty senate member at Leeward Community College in Pearl City. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

First, many of the policies written in this bill are unnecessary and redundant, and an attempt to codify existing policies into statute. As policies governed by the UH Board of Regents (BOR) and union contracts, these policies may already be flexibly updated as necessary to continually serve students, employees, and the people of the state to ensure academic rigor, fiscal efficiency, community service, and ethical responsibility. Codifying these policies into statutes would make necessary updates much more difficult and time and resource-laden for all stakeholders.

Second, the bill fails to demonstrate that codifying any of the proposed policies and changes into law is necessary, as the BOR, President of the UH System, and union already have the ability to reclassify employees and update policies when deemed necessary. Creating unnecessary statutes would also bypass the UH System governance checks and balances, such as inviting feedback from campus governance groups before adopting changes. Additionally, I do not agree that an issue of statewide concern has been demonstrated, as no data demonstrating mass employee or student failings or complaints, evidence of systemic mismanagement or financial exigencies have been produced. The stated drop in the number of tenured faculty likely has much to do with the position sweeps and hiring freezes made in the wake of the COVID-19 pandemic. As of Fall of 2021, Leeward Community College had 24 positions swept and 32 frozen; undoubtedly, that number is higher now.

The UH System, like most state institutions of higher learning, is partially paid for by state and federal funding in addition to grants and tuition. The use of public funding does not allow for legislative overreach into institutional management, which leads to my next point.

Third, allowing legislative interference to the degree this bill suggests would threaten the UH System institutions' accreditation status. Both the Western Association of Schools and Colleges (WASC) and Accrediting Commission for Community and Junior Colleges (ACCJC) accreditation are reliant on institutions of higher education being protected from undue governmental influence or political pressure. The [WASC Standard on Integrity and Transparency Criteria for Review \(CFR\) 1.5](#) states:

Even when supported by or affiliated with governmental, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.

Guidelines: The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.

And the [ACCJC Standard IV.C.4](#) states:

The governing board is an independent, policy-making body that reflects the public interest in the institution's educational quality. It advocates for and defends the institution and protects it from undue influence or political pressure.

If we lose accreditation, the UH System will be less able to secure funding and students will not be able to earn federal student aid or transfer to other institutions, resulting in a dramatic drop in enrollment, reputation, and the ability to retain quality students and employees.

Fourth, the language within this bill spreads misinformation regarding what tenure is and the purpose of tenure. After the 2021 legislative session, the BOR Permitted Interaction Group (PIG) created an initial report on the general history and purpose behind tenure. The BOR later rejected this original writing in favor of the report written by a subsequent task group in response to SCR 201. In addition to comparing UH tenure policies and processes and employee classifications to other institutions of higher education, this report debunked the notion of tenure as "permanent" employment. The purpose of tenure' is to preserve academic freedom so that faculty, researchers, and support staff are unafraid of speaking honestly, and this truth doesn't change based on who is in office. Employees aren't at risk of losing their jobs when voicing unpopular opinions and research in the name of public good. This does *not* mean employees cannot be terminated for failing to do their jobs.

UH contracts already require reviews and contract renewals for continued employment. When these policies are not consistently followed, this is a management and enforcement issue rather than a policy issue. Creating a new law with new policies is rigid and unnecessary; administration simply needs to enforce current policies. The report resulting from SCR 201 also states that the UH System tenure process is similar to the tenure process of other institutions, and in some ways, superior. The tenure process is a rigorous five to seven year probation process, whereby candidates perform numerous services and create a series of scaffolded dossiers documenting job performance, external activities, and service to students, the institution, and community in order to demonstrate on-going value to the UH System. The default decision in performance evaluations is to deny tenure except in clear cases where a candidate is adding perpetual value to the UH System, demonstrating a cautious approach for awarding tenure.

Additionally, once tenure is granted, a similarly rigorous process exists for faculty seeking promotion in addition to performance reviews every five years to ensure continued excellence throughout faculty employment within the UH System. Are "vested" state employees in other sectors required to continually undergo such an intensive probationary period or prove their value throughout their employment with the state in order to keep their jobs, or is this bill unreasonably targeting employees within the UH System?

Approval of [SB 3269 SD1](#) would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

Because of the complex needs of the community college population, faculty do not create and execute curricula in isolation. Librarians deliver collaborative instructional and research support by providing assistance to faculty and students alike with projects, grant opportunities, information literacy instruction, and preservation of our culture and institution. Requiring UHCC librarians to conduct research in addition to their existing duties will divert time and attention away from their primary duties, creating a need to hire additional full-time employees to complete this increased workload. If job descriptions and duties are to be the same across all system campuses, the salaries of community college librarians, currently significantly lower than those at four-year campuses, will also need to be raised to match those of their university counterparts.

Additionally, I oppose the elimination of tenure for support faculty and extension agents. Among other duties, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH mission emphatically states. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary grievances and dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. While the bill does suggest support faculty and extension agents "may be eligible for employment security characteristic of other public employees," it is unclear what that security is or how this may affect job stability, transfer within the system, and union representation.

Section 2b2 of the bill states:

Before the recruitment for tenure—track positions, and before the award of tenure, the administration shall ensure that:

There are no qualified faculty in other units that are available that could meet the needs of the hiring unit;

Each campus in the UH System enrolls a distinct student body with its own set of unique characteristics, and those awarded tenure are associated with a specific locus (campus) and may not be transferred elsewhere without giving their consent. Transferring support and instructional faculty and extension agents among campuses would create an unstable learning environment. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i—goals we all seek to realize.

Tenured community college faculty, including librarians, counselors, and additional faculty are required to discharge the duties listed below, in addition to their primary duties of instruction and/or support:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

One of the great ironies of the repeated attempts to redefine and restrict tenure is that they are designed to ensure accountability where none is perceived to exist, forcing faculty, students, administrators, and invested community members to expend precious time and energy defending it—time and energy that could and should be used to support the UH’s educational mission and its students. If greater economic efficiency and productivity is expected of UH faculty, please stop second-guessing and undermining the work that faculty do and the value that they bring. UH faculty have acquired their jobs after much personal and professional sacrifice, some having dedicated upwards of seven years toward an advanced degree that would enable them to do the work that they love and deem important. Few, if any, enter academia for the pay or the promise of summers off. Yet the added stipulations of [SB 3269 SD1](#) suggest that legislative leaders question these motivations and sacrifices, which many UH faculty find both offensive and demoralizing and which threatens to undermine the educational goals of the UH System.

As a recap, tenure maintains accreditation and academic freedom, while ensuring a rigorous contract renewal process throughout the duration of employment. It is not “permanent” or “continual” employment allowing faculty to collect a paycheck without performing their duties. Existing policies already exist to flexibly manage the issues this proposed bill would codify into rigid and unnecessary statutes, bypassing system governance. Updated policies listed in this bill could be used as suggestions for policy updates to be agreed upon by existing system governance and union entities. UH System faculty are an especially hard-working group, dedicated to their content, students, institutional missions, and continuous improvement. Please don’t micromanage or in other ways attempt to fix a system that isn’t broken.

For these reasons and more, please vote in OPPOSITION to [SB 3269 SD1](#).

Sincerely,



Erika Molyneux

Committee on Ways and Means
Hawaii State Senate
415 S. Beretania Street
Honolulu, HI 96813

Re: opposition to SB 3269 SD1

March 2nd, 2022

Aloha Senators of the Committee on Ways and Means,

My name is I-Chia Shih, and I am submitting this testimony to oppose this bill as an individual. I am an Assistant Professor at Leeward Community College (Leeward CC). In this letter, I wish to offer you the insights of the danger of this bill as it threatens the University's ability to protect academic governance regarding tenure and academic freedom.

With this bill, we risk losing accreditation when the accrediting bodies decide the university system institutions are unduly impacted by political entities. This will affect all 10 UH campuses across the system and ultimately affect the students who are the residents in all of your districts. Each campus works very hard month after month and year after year to attain the accreditation. Our goal is to make sure that what we do as colleges will benefit our students. The bill will create a big problem for accreditation.

Second of all, most of the provisions in this statute are already addressed in the current UH policy. We have a tiered system where every tenure-track faculty goes through a carefully reviewed system at every level from the Division, Department, Administration, College, and UH system. There are specific requirements where the faculty must demonstrate in the fields of primary duty, professional developments, college services, and community services before tenure is being awarded. Moreover, this bill disregards the policies and the Board of Regents (BOR) who are responsible for governing the university system. The danger of solidifying this bill removes the shared governance process. It goes against what a democratic society would do. Please think about the examples that this bill will set. Based on the nature of the bill and those that came before it, we will not recommend potential faculty to seek employment here within the UH system where shared governance is nonexistent. In the long run, this will affect the ability of the UH system and the State to attract potential competitive faculty at every level of the system. Again, it will affect the students who are the residents in all of Hawaii.

Lastly, Senator Kim asserted that the BOR was the author of this bill. This is not true. The BOR Permitted Interaction Group (PIG) ultimately rejected the initial report and they are in favor of the later-written SCR-201 Task Force report on tenure. This latter report was ignored at the Higher Education Committee meeting, because it had been submitted too late for the bill-

drafting deadline (but not too late to be considered in decision-making). With this new iteration of the bill, the SCR-201 task group is mentioned, but few substantive changes have been made to suggest it was seriously considered.

In my anatomy and physiology classes, I help my students learn about the organs of the human body as if we are looking at various organizations of a state. When we see the state of Hawai'i as a human body with Legislature being the brain, the University of Hawai'i (UH) serves the heart of this body and the UH Community Colleges (UHCC) are the arteries and veins. As you know, every organ has to work together in order to maintain a healthy body. For the state of Hawai'i, the Legislature, UH and UHCC must work towards the healthy welfare of the residents, especially our students. If the organs can't work well together, the body will have problems and diseases follow. Right now, we are seeing the latter case and we have been seeing this for many years.

We have all heard the saying that it takes a village to raise a child. It also takes a village to "raise" a successful College student. Please remember that we are all part of the village and providing the academic governance and protecting the tenure process is an effective way of keeping the college healthy.

This bill will have a serious effect on the UH and UHCC system. Mostly, it will directly affect the students who are the residents in your communities when accreditation is at risk. For these reasons, please vote against SB 3269 SD1.

Yours Sincerely,

I-Chia Shih, Ph.D.

A handwritten signature in black ink, appearing to read 'I-Chia Shih', written in a cursive style.

SB-3269-SD-1

Submitted on: 3/3/2022 2:03:22 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Leaugeay Barnes	Individual	Oppose	No

Comments:

SB3269 SD1 is Unconstitutional

SB3269 SD1 would make state legislators the employer of UH faculty by taking away the rights of the UH Board of Regents, administrators, and faculty to autonomous management under our state constitution.

Per Article X, Section 6, of the Hawaii State Constitution, “The [UH Board of Regents] shall . . . have exclusive jurisdiction over the internal structure, management, and operation of the university.” Per Section 304A-1002 of the Hawaii Revised Statutes, “The board of regents shall classify all members of the faculty of the university . . . and adopt a classification schedule and compensation plan for these employees.” Inexplicably, SB 3269 SD1 references this statute, yet then proceeds to classify and reclassify members of the faculty in violation of the very same statute.

The Legislature does not have the authority to classify members of the UH faculty.

SB3269 SD1 Jeopardizes UH Accreditation

Additionally, SB 3269 SD1 jeopardizes the accreditation of the entire UH System, specifically the Western Association of Schools and Colleges ([WASC](#) standard 1.5) and the Accrediting Commission for Community and Junior Colleges ([ACCJC](#) standard IV.C.4), both of which require that the UH system maintain institutional integrity and educational mission that are free of undue influence and political pressure.

The HRE hearing for SB 3269 SD1 involved unanimous and voluminous testimony ([596 pages or testimony, all in opposition](#)). UH administrators, faculty, students, the University of Hawaii Professional Assembly (UHPA), and concerned citizens all voiced opposition to the bill. Despite this, the Senate Committee on Higher Education voted unanimously and quickly to approve the bill. Based on the recording of the 2/10/2022 HRE hearing, apparently, the members of the HRE committee had already made up their minds to approve it, regardless of public input. They did not give any serious consideration to, nor did they engage in any serious discussion of, the various opposing arguments.

SB3269 SD1 is highly problematic. Please do not vote for SB 3269 SD1.

SB-3269-SD-1

Submitted on: 3/3/2022 2:15:34 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Susan Jaworowski	Individual	Oppose	No

Comments:

Please vote no on SB 3269 SD1

- **Eliminating tenure will lead to substandard future faculty at UH Manoa, UH Hilo, and UH-West Oahu**

As recently reported in The Chronicle of Higher Education last month, Chatham University, which eliminated tenure in 2005, is bringing tenure back because it cannot attract good faculty members who will stay with the university. As the article states **the "vast majority of four-year institutions" have tenure**, so Chatham had difficulty recruiting faculty, many of whom withdrew from consideration when learning tenure was not available. Retaining qualified faculty is also a problem, as some faculty members would simply use Chatham as a springboard to develop experience and then leave after a few years to a university offering tenure. Recruiting top faculty to Hawaii is already difficult, even if the faculty member has roots in Hawaii, due to the high cost of living, and removing the promise of tenure for excellent work will make that even harder. "Why One Institution Is Bringing Back Tenure," The Chronicle of Higher Education, February 17, 2022.

- **The P.I.G. process was flawed as, despite Regent statements that faculty would be part of the P.I.G., no faculty were invited or participated**

In the February 18, 2021 BOR meeting minutes, the Chair of the BOR stated that the Tenure Task Group would include faculty, recognizing their key input into this issue: "the Task Group [would be] not only comprised of Regents but would also include representatives of the major stakeholders concerned with tenure **including faculty.**" However, no faculty, either from a community college or a four year institution, were on the committee, so the decision-making lacked a critical component the very groups it would impact. It would be as if the Legislature asked the Auditor to review the Board of Regents, and the Auditor failed to invite input from a single Regent. Both are structurally unfair.

- **If you do anything, please substitute a Resolution to discuss tenure and have faculty participate**

At this point the faculty are trying to play catch-up and have not had the opportunity to collectively have their voices heard on this vital topic. All we can do is submit testimony on a snapshot of a bill. If this is to move forward, a more complete investigation of the topic is

necessary WITH fair faculty participation. Please hold this bill or, at most, substitute a resolution requesting an interim report to discuss this with faculty representatives from each campus.

I am testifying in my personal capacity but am including my employment status so that you understand that I am a proud college professor and I am well informed on this topic. Please hold this bill.

Sincerely yours,

Professor Susan Jaworowski, J.D., Ph.D
Kapi'olani Community College

SB-3269-SD-1

Submitted on: 3/3/2022 3:21:22 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Sania Fa'amaile Betty Ickes	Individual	Oppose	No

Comments:

Committee on Ways and Means

The Hawaii State Senate

415 S Beretania St.

Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 2, 2022

Aloha Senator Dela Cruz, Senator Keith-Agaran and esteemed members of the Committee on Ways and Means,

My name is Sania Fa'amaile Betty Ickes. I am a resident of Wahiawa and an Associate Professor of History at Leeward Community College. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. For the reasons cited below, I urge you to oppose the bill.

First, I want to clarify that SB3269 and its revision, SB3269 SD1, were not authored by members of the Tenure Permitted Interaction Group (PIG) nor was it written with the recommendations of the UH Board of Regents (BOR) as Senator Kim stated at the Hearing on SB3269. In fact, SB3269 was introduced before Senator Kim received the BOR's recommendations. She stated so in an e-letter responding to my opposition to SB3269; Senator Kim wrote:

(Feb. 2, 2022)

Thank you for your email regarding Senate Bill 3269, relating to the University of Hawaii's tenure system. This measure was introduced for a couple of reasons:

1. Outlining the recommendations of the Board of Regents' "permitted interaction group" (PIG) that was charged with evaluating the institution's tenure system and set forth ideas for reform and improvement to allow public discussion on the Regents report
2. The UH administration failed to meet the deadline of January 4, 2022 (10 days before the convening of the Legislature) to report on SCR 201 Report to Examine and Assess the University of Hawaii's Tenure System so it could not be introduced in a bill as the bill introduction deadline was Jan.26, 2022.

The Tenure PIG's report which generated hundreds of pages of opposition testimony at the BOR (10/21/2021) meeting, led the Regents to establish a Task Force to further deliberate on the matter. At Thursday's (2/17/2022) BOR meeting, the BOR voted to adopt the Report of the Senate Concurrent Resolution 201 (2021) Task Force and to disregard the findings and recommendations of the dissolved Tenure PIG (Permitted Interaction Group). By the BOR's vote on Thursday, they send a clear message to the Senate that the BOR does not support the actions proposed by the Findings and Recommendations of the Dissolved BOR Tenure PIG; these are the very recommendations Senator Kim claims in her e-letter as a reason for introducing SB3269.

This raises the question: Why did Senator Kim selectively and prematurely use the Tenure PIG's recommendations to justify introducing SB3269 before the BOR had time to make an informed recommendation to the Legislature. This is especially astounding because so far, Senator Kim has not provided data, or reports, or compelling evidence to justify the need to "evaluate" and "reform" the University of Hawai'i's tenure system. On many levels, despite the Covid-related budget cuts and now 2-year hiring freeze, instructional and instructional support faculty across the University of Hawai'i system continue to meet the needs of Hawai'i's students.

I present here compelling evidence. At the BOR (2/17/2022) meeting, President Lassner reported that the University of Hawai'i system attained record graduation and retention rates. Our campus, Leeward CC posted its highest 8-year graduation rates for the first-time, full-time freshmen and posted graduation rate records for its part-time and transfer students. Leeward CC also set a record for its first-to-second-year retention rates, a record particularly notable given that this is the high school class of 2020 whose instruction was disrupted by COVID-19. These positive outcomes speak to the benefits of the collaborative dynamics of *kaiāulu* (community), practiced by the dedicated folks at Leeward and across the UH system who make it work for our students. Hawai'i's students thrive when we recognize and nurture activities and policies that promote the value of each and every one who contribute to our students' success. This is why I oppose the elimination of tenure for support faculty and extension agents.

Tenured community college faculty, including librarians, counselors, and additional faculty are required to discharge the duties listed below, in addition to their primary duties of instruction and/or support:

- Workforce development

- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

For the reasons stated above, I urge you to please VOTE NO on SB3269 SD1. It is a poorly and hastily written measure with policies that are unnecessary and redundant. Moreover, it oversteps the boundaries of governance, threatens the UH-System institutions' accreditation status, is misinformed as to the purpose of tenure, and makes recommendations that reflect a willful ignorance of the faculty classifications and job descriptions at the Community Colleges, 4-year Colleges, and University. SB3269 SD1 will hamper, not improve, our capacity to deliver high-quality education to the citizens of Hawai'i.

Sincerely Yours,

Sania Fa'amaile Betty P Ickes, PhD

Malama pono.

SB-3269-SD-1

Submitted on: 3/3/2022 7:16:27 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Heather Greenwood	Individual	Oppose	No

Comments:

Oppose SB 3269-SD1 relating to tenure at the University of Hawaii, particularly emphasis on eliminating/restructuring faculty classification and tenure status of Extension Specialist and Extension Agent faculty in the College of Tropical Agriculture and Human Resources)

1. **Senator Kim’s premise for this bill is WRONG.** She indicated that the Board of Regents accepted a proposal related to changes to tenure. The Board of Regents did NOT vote to approve or accept any proposal to change faculty structure or the tenure system.
2. UH is the Land-Grant University (LGU) in the state so in addition to instruction and research. Cooperative Extension is a federally mandated mission of all LGUs. This mission is fulfilled by CTAHR's Extension Specialist and Extension Agent faculty.
3. CTAHR Extension Specialist and Agent faculty secured over 275 external grants as Principal Investigators or Co-PIs totaling over \$33,000,000 since 2017.
4. Tenure and tenure track status reduces turnover rate by attracting the best Extension Specialists and Extension Agent faculty who can compete for significant multi-year external grants.
5. The bill indicates that CTAHR Extension Specialists and Agent faculty do not have direct instructional responsibilities. CTAHR Extension Specialists and Agent faculty job descriptions describe responsibilities that include direct instruction, research, and service. These are the three requirements of the bill's description of “Tenured and Tenure Track Faculty.” These requirements include: Current CTAHR Extension Specialist (S) and Agent (A) faculty direct instruction responsibilities include: supervising graduate student studies, teaching core courses required for graduation, guest lecturing in undergraduate courses on campus or online, supervising undergraduate and/or graduate student internships, serving on graduate student committees, and teaching community-based courses, workshops, and in-person trainings.
6. Food is critical to the Senators and Representatives constituency. Why would any elected official support a bill that can make food more expensive and agriculture less viable in this state?
7. Food security is critical in an island state that imports the majority of its food. CTAHR Extension Specialists and Extension Agents respond to natural and human-made disasters (e.g., climate change, agricultural pests, invasive species, etc.) that impact the amount and quality of agriculture produced locally. They are a critical part of the reducing Hawaii's reliance on imported food.

8. Research and education conducted by CTAHR Extension Specialists and Extension Agents supports agriculture producers bottom lines. When ag businesses increase their profits, they pay more taxes which supports the local and statewide economy, and they feed more people.

Heather Greenwood

Pukalani, HI

SB-3269-SD-1

Submitted on: 3/3/2022 7:17:47 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kawena Lauriano	Individual	Oppose	No

Comments:

Aloha mai kākou,

I am writing to oppose SB3269.

Not only does this Senate Bill violate the State Constitution by taking away autonomy from the Board of Regents, the initial report was never approved by the Board of Regents. During the pandemic, faculty specialists and extension agents were essential to continuing provide services to students, faculty, staff, and the general public. Many faculty specialists created new and innovative ways to reach students and to make sure they had what they needed to succeed. Contrary to what some believe, faculty specialists also conduct research and tenure ensures their right to academic freedom.

I would also like to reiterate from my previous testimony that eliminating tenure for faculty specialists and extension agents does harm against the Native Hawaiian community. As I previously stated, many Native Hawaiian currently occupy these positions within the University and tenure provides a bit of protection from attacks, both internal and external, allowing us to ‘auamo our kuleana to our lāhui and the University.

Me ke aloha ‘āina,
Kawena

March 3, 2022

My name is Kelsie Aguilera, Assistant Professor of Anthropology at Leeward Community College. I oppose SB 3269 SD1. Approval of SB 3269 SD 1 would do immense harm to the University of Hawai'i (UH), above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

It is obvious that SB 3269 SD1 was originally drafted to target certain UH Mānoa faculty perceived to be overly entitled and underworked. To revise the job duties of these faculty, the original version of SB 3269 SD1 overhauled the entire UH faculty classification system, lumping faculty across the UH System's 10 campuses into categories that were clearly written with only UH Mānoa in mind. Thank you for amending SB 3269 to include University of Hawai'i Community Colleges (UHCC) faculty, although it is disheartening that us community college faculty were an afterthought.

Every year, I teach over 400 students enrolled in over a dozen course sections of anthropology, without the aid of a teaching assistant. Every year, approximately 90% of these 400 students complete my courses successfully and continue on their chosen academic and/or career paths. Over the years, I have had the privilege of helping thousands of students achieve their educational goals—helping Leeward CC work towards its critical mission of being an open access institution committed to high quality education here in Hawai'i. **SB 3269 SD 1 appears to not support, understand, nor value my work.**

Tenure and academic freedom afford me the opportunity to teach my subject matter effectively, without fear of job loss due to influences outside of my classroom. My discipline of anthropology directly engages with challenging topics, such as human evolution and the concept of “race”. Tenure and academic freedom allow me to remain focused on guiding my students through these controversial topics; tenure and academic freedom allow me to remain focused on being the best teacher I can be.

Rather than putting energies into eroding the foundation that enables us faculty to carry out our professional and institutional missions, the legislature should be actively searching for more ways faculty can be supported, especially faculty within our UHCC. I was hired in 2013 as a tenure-track instructor with a salary of around \$50,000; it was a struggle to find affordable housing with that salary. Since then, the starting salary for a tenure-track instructor within the UHCC has not risen much while cost of living surely has. Rather than eroding the faculty supportive structures we do have, the legislature should be having more conversations on how to recruit and retain mission-focused faculty, faculty committed to advancing the educational outcomes and life chances of our students, which is what they deserve. Threats of tenure reform are not the way to go about this. We need a collaborative and visionary legislature to address faculty issues like low pay, housing instability, and lack of paid family leave—issues that impact the ability of faculty to most effectively serve our students.

I look forward to a legislature that fully supports, understands, and values the work UH faculty do, especially those at the UHCC.

Thank you for your time and consideration,
Kelsie Aguilera
Assistant Professor of Anthropology
Leeward Community College
kelsieag@hawaii.edu

SB-3269-SD-1

Submitted on: 3/3/2022 7:33:17 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Chad Junkermeier	Individual	Oppose	No

Comments:

March 3, 2022, Submitted to Ways and Means

Oppose SB 3269-SD1 relating to tenure at the University of Hawaii, particularly emphasis on eliminating/restructuring faculty classification and tenure status of Extension Specialist and Extension Agent faculty in the College of Tropical Agriculture and Human Resources)

1. Senator Kim’s premise for this bill is WRONG. She indicated that the Board of Regents accepted a proposal related to changes to tenure. **The Board of Regents did NOT vote to approve or accept any proposal to change faculty structure or the tenure system.**
2. UH is the Land-Grant University (LGU) in the state so in addition to instruction and research. Cooperative Extension has a **federally mandated mission of all LGUs**. This mission is fulfilled by CTAHR’s Extension Specialist and Extension Agent faculty.
3. **CTAHR Extension Specialist and Agent faculty secured over 275 external grants as Principal Investigators or Co-PIs totaling over \$33,000,000 since 2017.**
4. Tenure and tenure track status reduces turnover rate by attracting the best Extension Specialists and Extension Agent faculty who can compete for significant multi-year external grants.
5. The bill indicates that CTAHR Extension Specialists and Agent faculty do not have direct instructional responsibilities. CTAHR Extension Specialists and Agent faculty job descriptions describe responsibilities that include direct instruction, research, and service. These are the three requirements of the bill's description of “Tenured and Tenure Track Faculty.” These requirements include: Current CTAHR Extension Specialist (S) and Agent (A) faculty direct instruction responsibilities include: supervising graduate student studies, teaching core courses required for graduation, guest lecturing in undergraduate courses on campus or online, supervising undergraduate and/or graduate student internships, serving on graduate student committees, and teaching community-based courses, workshops, and in-person trainings.
6. Food is critical to the Senators and Representatives constituency. Why would any elected official support a bill that can make food more expensive and agriculture less viable in this state?
7. Food security is critical in an island state that imports the majority of its food. CTAHR Extension Specialists and Extension Agents respond to natural and human-made disasters (e.g., climate change, agricultural pests, invasive species, etc.) that impact the amount

and quality of agriculture produced locally. They are a critical part of reducing Hawaii's reliance on imported food.

8. Research and education conducted by CTAHR Extension Specialists and Extension Agents supports agriculture producers' bottom lines. When ag businesses increase their profits, they pay more taxes which supports the local and statewide economy, and they feed more people.

The bill, as it is written in SB 3269-SD1, removes tenure from the UH community college faculty. Many of the UHCC faculty are underpaid based on their credentials, time of services, and work within the system. Instead of removing tenure and driving away the talented and dedicated UHCC faculty, work with UHPA to increase their pay.

Chad Junkermeier

Pukalani, HI

SB-3269-SD-1

Submitted on: 3/3/2022 8:00:51 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kuuleilani Reyes	Individual	Oppose	No

Comments:

Aloha mai.

I oppose SB3269, because it contains state constitutional, statutory and collective bargaining issues. I support UHPA and the student graduate organization at the University of Hawai‘i at Mānoa. This bill is an example of disrespecting the tenure system in place and all those who endeavored to earn tenure and raise the status of the UH as an excellent educational institution. This bill takes the control of the tenure system from a group of professional and informed body to place it in the hands of avarious individuals. This bill stinks of government corruption at the expense of hardworking taxpayers. I oppose SB3269.

Thank you.

Kuuleilani Reyes, Hawai‘i state tax payer, educator, voter, and mother

SB-3269-SD-1

Submitted on: 3/3/2022 8:05:05 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Erica Balbag-Gerard	Individual	Oppose	No

Comments:

Ways and Means Committee

The Hawaii State Senate

415 S Beretania St.

Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 3, 2022

Aloha esteemed members of the Ways and Means Committee,

My name is Erica Balbag-Gerard, and I am a resident of Aiea and a support faculty at Honolulu Community College. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

First, many of the policies written in this bill are unnecessary and redundant, and are an attempt to codify existing policies into statute. As policies governed by the UH Board of Regents (BOR) and union contracts, these policies may already be flexibly updated as necessary to continually serve students, employees, and the people of the state to ensure academic rigor, fiscal efficiency, community service, and ethical responsibility. Codifying these policies into statutes would make necessary updates much more difficult and time and resource-laden for all stakeholders.

Second, the bill fails to demonstrate that codifying any of the proposed policies and changes into law is necessary, as the BOR, President of the UH-System, and union already have the ability to reclassify employees and update policies when deemed necessary. Creating unnecessary statutes would also bypass the UH-System governance checks and balances, such as proposing amended policies, and inviting feedback from campus governance groups before adopting changes. Additionally, an issue of statewide concern has not actually been demonstrated, as no data demonstrating mass employee or student failings or complaints, evidence of systemic mismanagement or financial exigencies have been

produced. The stated drop in the number of tenured faculty likely has much to do with the position sweeps and hiring freezes made in the wake of the COVID-19 pandemic.

Third, allowing legislative interference to the degree this bill suggests would threaten the UH-System institutions' accreditation status. Both the Western Association of Schools and Colleges (WASC) and Accrediting Commission for Community and Junior Colleges (ACCJC) accreditation are reliant on institutions of higher education being protected from undue influence or political pressure. The [WASC Standard on Integrity and Transparency Criteria for Review \(CFR\) 1.5](#) states:

Even when supported by or affiliated with governmental, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.

Guidelines: The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.

And the [ACCJC Standard IV.C.4](#) states:

The governing board is an independent, policy-making body that reflects the public interest in the institution's educational quality. It advocates for and defends the institution and protects it from undue influence or political pressure.

Fourth, the language within this bill spreads misinformation regarding what tenure is and the purpose of tenure. After the 2021 legislative session, a permitted interaction group (PIG) was assigned to write a report for the legislature in response to SCR 201, reporting on the general history and purpose behind tenure, in addition to UH tenure policies and processes and employee classifications as compared to other institutions of higher education. This report debunked the notion of tenure as "permanent" employment. "Academic" tenure is a misnomer; there is no such thing. The purpose of "tenure" is to preserve academic freedom, so faculty, researchers, and non instructional support staff are unafraid of speaking truth to power, and this truth doesn't change based on who is in power. Employees aren't at risk of losing their jobs when voicing unpopular opinions and research in the name of public good. This is most especially so when advocating for students.

UH contracts already require reviews and contract renewals for continued employment. When these policies are not consistently followed, this is a management and enforcement issue, rather than a policy issue. As stated previously, creating a new law with new policies is rigid and unnecessary; administration simply needs to enforce current policies. The report resulting from SCR 201 also stated that the UH-System tenure process is similar to the tenure process of other institutions, and in some ways, superior. The tenure process is a rigorous five to seven year probation process, whereby candidates perform numerous services and create a series of scaffolded dossiers documenting job performance, external activities, and service to students, the institution, and community in order to demonstrate

on-going value to the UH-System. The default decision in performance evaluations is to deny tenure except in clear cases where a candidate is adding perpetual value to the UH-System, demonstrating a cautious approach for awarding tenure.

Additionally, once tenure is granted, a similarly rigorous process exists for faculty seeking promotion in addition to performance reviews every five years to ensure continued excellence throughout faculty employment within the UH-System. Are “vested” state employees in other sectors required to continually prove their value throughout their employment with the state in order to keep their jobs, or is this bill unreasonably targeting employees within the UH-System?

Approval of [SB 3269 SD1](#) would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

The proposal creates a “C” classification for community college faculty. While the bill states these instructors will not need to conduct research, there is no mention as to whether they will be eligible for tenure. Community college faculty carry a teaching load of five courses in one term and four in the other. With no teaching assistants, instructors work with students individually and grade every assignment alone. As the UHCC are open door, in addition to content, an often equal focus is on developmental support and education thus offering marginalized, underrepresented students from socio-economically challenged backgrounds access and success in higher education. Tenure allows these faculty to push students beyond their comfort level to mold critical thinkers who are up to the challenges and rigor of higher education as well as the increasingly complex requirements to fill workforce needs. I have provided a list of additional duties for which tenured community college faculty are responsible near the bottom of this letter.

Because of the complex needs of the community college population, faculty do not create and execute curricula in isolation. Librarians deliver collaborative instructional and research support by providing assistance to faculty and students alike with projects, grant opportunities, information literacy instruction, and preservation of our culture and institution. Requiring UHCC librarians to conduct research in addition to their existing duties will divert time and attention away from their primary duties, creating a need to hire additional full-time employees to complete this increase workload. If job descriptions and duties are to be the same across all system campuses, the salaries of community college librarians, currently significantly lower than those at four-year campuses, will also need to be raised to match those of their university counterparts.

[SB 3269 SD1](#) fails to address those workers that don't fit neatly into the categories listed, such as librarians and counselors that also have instructional duties, both of which we have at Honolulu Community College.

Additionally, I oppose the elimination of tenure for support faculty and extension agents. Among other duties, faculty in these areas manage Early College, the dual and

college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH mission emphatically states. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary grievances and dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. While the bill does suggest support faculty and extension agents "may be eligible for employment security characteristic of other public employees," it is unclear what that security is or how this may affect job stability, transfer within the system, and union representation. Right now, those awarded tenure are associated with a specific locus (campus) and may not be transferred elsewhere without giving their consent. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

Tenured community college faculty, including librarians, counselors, and additional faculty are required to discharge the duties listed below, in addition to their primary duties of instruction and/or support:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

One of the great ironies of the repeated attempts to redefine and restrict tenure is that they are designed to ensure accountability where none is perceived to exist, forcing faculty, students, administrators, and invested community members to expend precious time and energy defending it—time and energy that could and should be used to support the UH’s educational mission and its students. If greater economic efficiency and productivity is expected of UH faculty, please stop second-guessing and undermining the work that faculty do and the value that they bring. UH faculty have acquired their jobs after much personal and professional sacrifice, some having dedicated upwards of seven years toward an advanced degree that would enable them to do the work that they love and deem important. Few, if any, enter academia for the pay or the promise of summers off. Yet the added stipulations of [SB 3269 SD1](#) suggest that legislative leaders question these motivations and sacrifices, which many UH faculty find both offensive and demoralizing and which threatens to undermine the educational goals of the university system.

As a recap, tenure maintains accreditation and academic freedom, while ensuring a rigorous contract renewal process throughout the duration of employment. It is not “permanent” or “continual” employment allowing faculty to collect a paycheck without performing their duties. Existing policies are already in place to flexibly manage the issues this proposed bill would codify into rigid and unnecessary statutes, bypassing campus and system governance and feedback loops. Updated policies listed in this bill could easily be used as suggestions for policy updates to be considered and agreed upon by existing campus governance and union entities. UH-System faculty are among the hardest working population of workers around. They are passionate about the content they teach, the students with whom they are entrusted, the missions of our institutions, and in continuous improvement. Please don’t micromanage or in other ways attempt to fix a system that isn’t broken.

For these reasons and more, please vote in OPPOSITION to [SB 3269 SD1](#).

Respectfully Submitted,

Erica Lei Balbag-Gerard

SB-3269-SD-1

Submitted on: 3/3/2022 8:19:25 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Emilie Kirk	Individual	Oppose	No

Comments:

Aloha,

I strongly oppose SB3269 and any attempts by the legislature to dictate University of Hawaii policy at this level. The arguments made that this bill is necessary for assessment of university faculty are invalid because effective mechanisms and policies already exist within the University regarding regular review of faculty and staff performance, regardless of their tenure status.

Tenure for university faculty is important for ensuring academic freedom and innovation. All faculty including librarians, specialists, researchers, professors, and extension agents contribute substantially to the university's ability to meet its tri-fold mission of instruction, research, and outreach.

Eliminating or weakening tenure within the university will also negatively impact UH's ability to attract and retain talented faculty, which is already a challenge especially considering the high cost of living in the state. Turnover of faculty is costly, severely damaging to the institution as a whole, and is detrimental to students, staff, and the broader community. This bill would cost more than it would save in the long run, both in terms of actual dollars and in lost productivity and squandered human resources.

I implore the WAM committee to also review the 596 pages of nearly **unanimous opposition** to this bill, with only a single late testimony in support. Please do the right thing.

Mahalo,

Emilie Kirk

SB-3269-SD-1

Submitted on: 3/3/2022 8:21:17 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Shaya Honarvar	Individual	Oppose	No

Comments:

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SB-3269-SD-1

Submitted on: 3/3/2022 8:21:56 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Malia Van Heukelem	Individual	Oppose	No

Comments:

Aloha Senators,

My name is **Malia Van Heukelem**, and I am writing as an individual voter, taxpayer, and citizen in **opposition to SB 3269 SD1**, relating to academic tenure at the University of Hawai‘i. I urge you to oppose this bill.

This is not a legislative issue. The University Administration and Board of Regents have oversight and must remain free from political pressure and interference so they can attend to the many challenges faced in managing a large and complex institution of higher education. I am a tenure-track Librarian at the University of Hawai‘i at Mānoa and I teach. My work requires instruction on many levels including overseeing internships, supervising student assistants, invited class presentations and one on one career advice as well as supporting research for student papers and dissertations. My Librarian colleagues at Mānoa and across the UH System teach, as do Extension Agents and Specialist faculty. This bill would erode tenure and faculty status, the foundation of academic freedom. This bill would create a tiered system of faculty hired after a point in time. It would contribute to low morale in a system that has suffered a prolonged period of budget cuts, positions freezes, and elimination of vacant positions.

Scheduled reviews and performance assessments are already in place for faculty and APT. Other private and public unions provide job security after a period of probation. In fact, the faculty tenure system is rigorous and is a lengthy probation process followed by periodic reviews. This legislation is unnecessary. Academic freedom protects faculty who teach reasoning and analysis; how to think, not what to think.

This bill must not be passed, as it would cause irreparable harm to the reputation of the University of Hawai‘i in numerous ways, including:

- Jeopardizing the status as an R1 research university, the only one in the State
- Risking accreditation
- Deterring recruitment of the best and brightest
- Undermining retention of current faculty
- Damaging the ability to attract students and compete for enrollment
- Violating the constitutionally established authority of the Board of Regents
- Breaking Collective Bargaining agreements

For these reasons and more, please vote against **SB 3269 SD1**.

Sincerely,

Malia Van Heukelem

Higher Education Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

February 9, 2022

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Heather Takamatsu, and I am a resident of voting district 3102 (Moanalua) and a Counselor at Leeward Community College. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

You may or may not be aware of the diverse types of students we service at an open-door institution like Leeward Community College. The students' ages run from teens to seniors citizens. We service military personnel and their families, as well as single parents trying to make ends meet while attending school. Students who have stellar grades and are more than prepared to transfer to a 4-year institution and others who contemplate attending college as they are the first ones in their family to seek higher education. Students who once had an IEP in high school who are working to continue their education to reach their goals. All of the nearly 5000 students come with a multitude of challenges and barriers that hinder their success at times.

[SB 3269 SD1](#) fails to address those workers that don't fit neatly into the categories that people outside of higher education may not fully understand, such as counselors that also have instructional duties. People may not think of counselors as educators but we are. Some teach classes, while others teach individual students on not just navigating their academics but on how to find life balance, manage their mental health, prioritize life goals, decide on a career, and lead them to resources to help satisfy their basic needs.

I oppose the elimination of tenure for support faculty and extension agents. Faculty counselors manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH mission emphatically states. Moreover, counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary grievances and dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System.

There are advisors at the 4-year colleges who are not faculty but their responsibilities are not the same as counselors, particularly at the 2-year colleges. APT advisors at the 4-year campuses are expected to help students navigate their degree and program requirements. There are additional offices for students to be referred to for assistance with academic setbacks and career counseling. Counselors at the 2-year colleges are the one-person stop for the student's questions and inquiries about understanding college, like mentioned above. We create academic improvement plans with those who have not performed well in school to help them reflect on what occurred in the past and what they can do to be more successful moving forward. Students have multiple appointments with counselors to have discussions about what they would like to pursue in the future and to decipher assessments for students to understand who they

are. Community college counselors are often asked for input on program curriculum to ensure that students can seamlessly flow through the program without unnecessary programmatic issues. Furthermore, we are part of the graduation process to ensure graduation requirements are met for our students to earn their credentials. Last fall alone, we reviewed over 1200 degrees and certificates.

Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. While the bill does suggest support faculty and extension agents “may be eligible for employment security characteristic of other public employees,” it is unclear what that security is or how this may affect job stability, transfer within the system, and union representation. Right now, those awarded tenure are associated with a specific locus (campus) and may not be transferred elsewhere without giving their consent. Tenure not only provides necessary protections for these positions, it also communicates the state’s abiding commitment to our students and to educational excellence in Hawai’i—goals we all seek to realize.

In addition, the bill fails to demonstrate that codifying any of the proposed policies and changes into law is necessary, as the BOR, President of the UH-System, and union already have the ability to reclassify employees and update policies when deemed necessary. Creating unnecessary statutes would also bypass the UH-System governance checks and balances, such as proposing amended policies, and inviting feedback from campus governance groups before adopting changes. Additionally, an issue of statewide concern has not actually been demonstrated, as no data demonstrating mass employee or student failings or complaints, evidence of systemic mismanagement or financial exigencies have been produced. The stated drop in the number of tenured faculty likely has much to do with the position sweeps and hiring freezes made in the wake of the COVID-19 pandemic. As of Fall of 2021, Leeward Community College had 24 positions swept and 32 frozen; undoubtedly, that number is higher now.

Second, allowing legislative interference to the degree this bill suggests would threaten the UH-System institutions’ accreditation status. Both the Western Association of Schools and Colleges (WASC) and Accrediting Commission for Community and Junior Colleges (ACCJC) accreditation are reliant on institutions of higher education being protected from undue influence or political pressure. The [WASC Standard on Integrity and Transparency Criteria for Review \(CFR\) 1.5](#) states:

Even when supported by or affiliated with governmental, corporate, or religious organizations, the institution has education as its primary purpose and operates as an academic institution with appropriate autonomy.

Guidelines: The institution does not experience interference in substantive decisions or educational functions by governmental, religious, corporate, or other external bodies that have a relationship to the institution.

And the [ACCJC Standard IV.C.4](#) states:

The governing board is an independent, policy-making body that reflects the public interest in the institution’s educational quality. It advocates for and defends the institution and protects it from undue influence or political pressure.

Approval of [SB 3269 SD1](#) would do immense harm to the University of Hawai’i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System’s ability to deliver high-quality education to the citizens of Hawai’i. The proposal creates a “C” classification for community college faculty. While the bill states these instructors will not need to conduct research, there is no mention as to whether they will be eligible for tenure. Community college faculty carry a teaching load of five courses in one term and four in the other.

With no teaching assistants, instructors work with students individually and grade every assignment alone. As the UHCC are open door, in addition to content, an often equal focus is on developmental support and education thus offering marginalized, underrepresented students from socio-economically challenged backgrounds access and success in higher education. Tenure allows these faculty to push students beyond their comfort level to mold critical thinkers who are up to the challenges and rigor of higher education as well as the increasingly complex requirements to fill workforce needs. I have provided a list of additional duties for which tenured community college faculty are responsible near the bottom of this letter.

One of the great ironies of the repeated attempts to redefine and restrict tenure is that they are designed to ensure accountability where none is perceived to exist, forcing faculty, students, administrators, and invested community members to expend precious time and energy defending it—time and energy that could and should be used to support the UH’s educational mission and its students. If greater economic efficiency and productivity is expected of UH faculty, please stop second-guessing and undermining the work that faculty do and the value that they bring. UH faculty have acquired their jobs after much personal and professional sacrifice, some having dedicated upwards of seven years toward an advanced degree that would enable them to do the work that they love and deem important. Few, if any, enter academia for the pay or the promise of summers off. Yet the added stipulations of [SB 3269 SD1](#) suggest that legislative leaders question these motivations and sacrifices, which many UH faculty find both offensive and demoralizing and which threatens to undermine the educational goals of the university system.

For these reasons and more, please vote in OPPOSITION to [SB 3269 SD1](#).

Yours Sincerely,

Heather Takamatsu

March 3, 2022

To: Hawaii State Legislature Senate Committee on Ways and Means

RE: SB 3269 S.D.1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

Dear Senators,

My name is Andrea Kawabata and I am writing in **opposition to SB 3269 S.D.1** relating to academic tenure at the University of Hawaii. I also urge you to oppose the bill.

I am writing to you as an individual citizen and resident of Hawaii. My current position is with the University of Hawaii Manoa's College of Tropical Agriculture and Human Resources (UH-CTAHR) as a tenured faculty. As a Cooperative Extension Agent (A5), I support Hawaii's coffee and orchard crop growers with science-based research and outreach. I have served this position for the past 10 years and continue to support Hawaii's top valued ag industries through the devastating introduction of coffee berry borer and now coffee leaf rust, two of the most damaging pests of coffee, in addition to invasive species such as macadamia felted coccid, macadamia quick decline, avocado lace bug, and the business and economics challenges presented by the COVID-19 situation.

UH-CTAHR serves as the founding college of UH-Manoa and are the reason we are considered a land-grant institution that also receives federal funding. Through Cooperative Extension, the college fosters an educational program suited to the needs of the agricultural and industrial classes and helps individuals, organization, and local communities develop solutions to their critical and emerging problems. UH-CTAHR extension programs address healthy eating, leadership among our youth, farm food safety, invasive pests, new technologies, and many other advancements that contribute to Hawaii's overall well-being and success.

Cooperative Extension faculty and staff help to educate Hawaii's youth, adults, kupuna, farmers, and ranchers. Our 4-H, Master Gardener, livestock, and agricultural programs directly impact communities throughout the state and continue to help move the state towards greater food production, self-sustainability, and resilience. In recent years, extension agents have been increasingly tapped as guest lecturers for college courses and expected to conduct research.

Approval of SB 3269 S.D.1 would do immense harm to the University of Hawaii and its faculty and staff, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty and staff positions that have severely hampered the UH System's ability to deliver both formal and informal high-quality education to the citizens of Hawaii.

I oppose the elimination of tenure for librarians, specialists, extension agents, and community college faculty, and the compression and elimination of faculty classifications.

The reasons I oppose this bill include the following which negatively affects:

- Recruitment and retention of qualified applicants
- State employment protection with a merit system by obstructing the Hawaii state constitution Section 76-1
- Acquisition of grant funding to support programs and clientele
- Peer evaluation with the DPC and TPRC where tenure is required
- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Requests for sabbatical leave
- Campus governance
- Academic freedom

For these reasons and more, please vote against SB 3269 S.D.1. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrea Kawabata', written in a cursive style.

Andrea Kawabata
Extension Agent for Coffee and Orchard Crops

SB-3269-SD-1

Submitted on: 3/3/2022 8:39:45 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ralph Toyama	Individual	Oppose	No

Comments:

With the varied missions of the entities of the University of Hawaii and the differing specialized roles of the faculty, the matter of faculty classification is extremely complicated and has to be adjusted over time as conditions change. It is carefully negotiated by parties who share a common goal of making the university a desirable and respected educational institution. This bill seeks to impose a particular vision with the force of law. This is unnecessary, and the potential for unintended consequences is substantial.

Aloha Senators,

I would like to submit testimony strongly opposing Senate Bill 3269. I am an Associate Specialist Faculty at the Curriculum Research & Development Group in the College of Education (COE) at the University of Hawai'i, Mānoa. I have reviewed the current bill under consideration and find that the proposal to change Specialist Faculty to fall within a category of Support Faculty and Extension Agents as inaccurate and would not encapsulate what I do. My duties involve developing and researching curriculum and innovative approaches to teaching and learning in mathematics education. My work involves providing professional development to in-service teachers and working with schools to develop innovative programs that push the field forward based on reliable research. Research is a main thrust of what I do, and my prior experiences as a teacher provide a bridge between theory, research, and practice that is a benefit to education. My work in research and curriculum development is a direct benefit to the preservice teachers I am currently teaching.

I joined the COE in 2015 after more than 20 years in the Hawaii Department of Education. If it were not possible to receive tenure as a Specialist Faculty, I would not have applied to this position. Academic freedom, opportunities to enhance mathematics education for the state, and job security were my main reasons for joining the COE. Tenure for Specialists provide academic freedom and ensure employment longevity that allow for investigating and researching impactful, innovative approaches in education and other fields. Bills such as 3269 would severely restrict the university's ability to recruit and stimulate rigorous research and programs that would benefit students and the wider community. I strongly urge the legislature to vote no on SB3269 and not move it forward.

Mahalo for this opportunity,
Seanyelle Yagi
slyagi@hawaii.edu

SB-3269-SD-1

Submitted on: 3/3/2022 8:46:07 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Catherine Bye	Individual	Oppose	No

Comments:

SB-3269-SD-1

Submitted on: 3/3/2022 8:49:11 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Davin Kubota	Individual	Oppose	No

Comments:

If this bill goes through due to neoliberal politicians who refuse to recognize the clearer financial drains of the UH Athletics Department or who consistently attempt to target and scapegoat counselors, librarians, and eventually faculty, I envision the following results for this state:

1. An increased brain drain. The students we teach, who might want to go into education or higher education, will increasingly want to pursue other careers outright or pursue education in other states, seeing how ill-supported faculty are in this state at every level, as seen due to low pay, low morale, administrative oversight without collective bargaining, and low job security.
2. A dire reduction in talent acquisition. The external faculty who possess advanced degrees will not want to work in this state, already knowing that other states in the union also have anti-tenure politicians and environments, will logically just go to states that are tenure-friendly.
3. A decrease in overall morale and potential strike. Attacking one sub-unit of our professoriate and treating them as glorified temps is akin to an attack on all. As a result, working for a system that was already taxed by the stress of online teaching, and also by the high cost of living, may potentially lead to intolerable 'ground game' conditions, often causing faculty to flee the career that they enjoy and chose because of our admiration and respect for students. Feeling disrespected by politicians who session by session, attempt to malign what we do and also who use hasty generalizations and cherry pick cases of malfeasance while the majority are working diligently during a stressful time--this could inevitably backfire and cause a strike.
4. An overall weakening of Hawai'i's economy. The UH System is a driver of innovation. Without the career security measures that preserving tenure entails, innovation is likely to decrease, and with a loss of innovation, economic drivers in all sectors are also likely to be stymied.

For the following reasons, I stand in clear opposition to this bill. Spend a day shadowing a counselor and answer all of their inquiries and walk with them as they career prep or assist someone walking away from the proverbial edge of suicidal ideation. Shadow some of our tech support staff who work diligently on building ed. tech. infrastructure and see if you can do that

as diligently or as easily. Create unique and flavorful content on Zoom and craft breakout room activities to try and engage students during the worst pandemic of their and our lives--it's not that easy.

Mahalo.

SB-3269-SD-1

Submitted on: 3/3/2022 9:11:02 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Margaret Joyce	Individual	Oppose	No

Comments:

Hello,

My name is Margaret Joyce and I would like to join my colleagues at the University of Hawaii in submitting testimony in opposition to Senate Bill 3269.

This bill violates the State Constitution by taking away the power of the Board of Regents to determine how to manage the University of Hawaii. The permitted interaction group that created the report that the bill is based on was never approved by the Board of Regents. Instead of a discussion and assessment of the important role of tenure within UH, it substitutes the uninformed opinions of the PIG, which noted that UH gives tenure to librarians and specialist, as well as instructors. Seeing that some other institutions do not grant tenure to these classifications, the PIG decided that UH must be doing something wrong, and unilaterally recommended that librarians and specialists, experts and vital roles on campus, should not have the same status as instructors. Seemingly this is because they don't understand what these faculty do and were unwilling to do research or talk with faculty members.

At the previous hearing for this bill, testimony was overwhelmingly in opposition to the bill. Yet the bill passed, despite the fact that there is no stated benefit to this bill. What is the problem that is trying to be solved here? In fact, passage of this bill will undermine the standing of the University in terms of accreditation, attracting and maintaining excellent faculty, and create a tier system among employees based on a non-academic and uninformed understanding of our roles.

Instructors, researchers, librarians, and specialist all have important roles to play on supporting UH's mission. Their work in support of, and with students is intertwined to create a engaged community. Don't let a small number of people who fail to see this disrupt the good work that is being done every day to help the students and the State succeed.

The amendment to the bill takes out the recommendation to deprive new librarians of tenure. As a current tenure track librarian I am grateful for this, but know that is vital that specialists be

treated with the same respect for their work and expertise. Please do not pass this misguided, harmful, and insulting bill.

Thank you,

Margaret Joyce

SB-3269-SD-1

Submitted on: 3/3/2022 9:14:04 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Natalie Wahl	Individual	Oppose	No

Comments:

I strongly oppose SB 3269, which is a threat to tenure for UH faculty. Simply and plainly, I do not understand why a process that is unanimously supported by those actually doing the work for UH is being attacked. Great teachers must have great support, and this attempt to weaken job security and rigor will negatively impact faculty, which will negatively impact our students. This is why (I hope) this message is one drop in a deluge of opposition. UH provides a wealth of academic and professional opportunities and closely monitors employee performance. Tenured faculty bring so much passion and experience to each campus and each student. Support great teachers, oppose SB 3269.

SB-3269-SD-1

Submitted on: 3/3/2022 9:25:18 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
brian	Individual	Oppose	No

Comments:

Please oppose SB 3269.

SB-3269-SD-1

Submitted on: 3/3/2022 9:26:20 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tara Severns	Individual	Oppose	No

Comments:

Senators,

Please join me in strongly opposing this bill. It seeks to solve through legislation a problem that does not exist. It will not save money. It will not improve the quality of education offered by the University. The bill is based on a deeply flawed and thoroughly rejected PIG report. Its passage would jeopardize the accreditation status of the institutions that comprise the University of Hawaii System through undue political interference, and may well be unconstitutional.

Thank you for looking after the best interests of the state by opposing this bill.

SB-3269-SD-1

Submitted on: 3/3/2022 9:33:09 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Treva Reed	Individual	Oppose	No

Comments:

Submitted to Ways and Means

Oppose SB 3269-SD1 relating to tenure at the University of Hawaii, particularly emphasis on eliminating/restructuring faculty classification and tenure status of Extension Specialist and Extension Agent faculty in the College of Tropical Agriculture and Human Resources).

SB-3269-SD-1

Submitted on: 3/3/2022 9:34:15 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Tai Arakawa	Individual	Oppose	No

Comments:

I am writing in opposition to SB3269 on the redefining of tenure for the University of Hawaii. Tenure and performance reviews are part of currently existing protocol at this level of education and institution. It is a waste of time and resources - including money - to try and implement actions that are already in place and involve a body of their peers who have a better understanding of what each individual position requires. Having an outside body (i.e. the Legislature) try to insert themselves into the process is an assault on academic freedom and opens the door to other potential instances where an outside body will try to exert their influence on the University of Hawaii.

Infringement on the University of Hawaii's operations by the state can also damage the University's reputation and standing among their peers. The University houses many professionals who are experts in their field, including librarians and other information professionals. If they cannot be assured of the protections provided by tenure, the University and state as a whole runs the risk of losing them. This in turn will affect the quality of education provided to the student body as well as expertise and knowledge that researchers (both local and visiting) come to the University in search of.

Ultimately, if SB3269 is approved and passed into law the University of Hawaii and the State will potentially lose professionals whose expertise cannot be easily replaced, all because they will not feel they have the academic freedom and protection from persecution that tenure allows. This in turn could influence local students to seek their higher education elsewhere, when the goal of the University and the State of Hawaii should be to keep them here and draw in out-of-state students looking to study subjects under experts that only the University of Hawaii can provide.

SB-3269-SD-1

Submitted on: 3/3/2022 9:40:12 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Jean StavRue-Pe'ahi	Individual	Oppose	No

Comments:

Aloha Senators Kim, Fevella, Ihara, Riviere, Wakai, Kidani, and Keith-Agaran, and Representatives Takayama, Clark, Belatti, Ganaden, Gates, Hashimoto, Kapela, Ohno, Quinlan, Woodson, Yamane, and Okimoto,

My name is **Jean Stavruue-Pe'ahi**, Associate Professor/Counselor at Leeward CC. I have been at Leeward CC for 14 years. I am writing in **opposition to [SB 3269](#)**, relating to academic tenure at the University of Hawai'i. **I also urge you to oppose the bill.**

A few of my reasons why are:

- The Legislature, as a governing body, should not be involved in any type of UH policymaking. That is a recognized responsibility and jurisdiction of the UH administration and UH Board of Regents.
- Approval of [SB 3269](#) would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.
- In proposing this, [SB 3269 SD1](#) jeopardizes the accreditation of the entire UH System, particularly Western Association of Schools and Colleges (WASC) standard [1.5](#) and Accrediting Commission for Community and Junior Colleges (ACCJC) standard [IV.C.4](#), both of which protect the institutional integrity and educational mission of the UH from undue influence or political pressure.

- The bill redefines UH Community College (UHCC) faculty as “faculty who teach courses” (p. 8). This would exclude “support faculty,” such as counselors who work to support our most at-risk and challenged students, from tenure and deny them the protections they need to discharge their duties effectively. Not only does this risk turning the UH into a revolving door of employment for support faculty, it contradicts the claim that micromanagement of UH affairs is not the goal. The insertion of this distinction into the bill (a distinction not requested by the UH regents, administration, or faculty) seems designed to limit tenure to a select few to enable the state to create a disposable workforce that it can shed whenever it sees fit. Yet this is exactly the point of tenure: to prevent faculty in sensitive positions from being arbitrarily dismissed without due process or cause. Indeed, an important justification for tenure in the UH System is to safeguard the state’s commitment of educational resources for its citizens rather than rendering it a whim afforded only when the economy—or select individuals—deem it important or politically advantageous. The disregard of this important motivation for tenure is neither principled nor effective and suggests that the state privileges its financial resources over its human resources. As the old adage holds, “To make money, one must spend money.” Extending this aphorism to UH, the state must invest sufficient resources in its faculty—instructional AND non-instructional—to realize the educational goals for the citizens of Hawai’i.

It is for these reasons that I am again STRONGLY AGAINST SB 3269

Mahalo,

Jean StavRue-Pe'ahi

SB-3269-SD-1

Submitted on: 3/3/2022 9:40:46 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Gwen Sinclair	Individual	Oppose	No

Comments:

My name is Gwen Sinclair. I am an alumna of the University of Hawai`i at Manoa and a faculty member at that campus. Thank you for the opportunity to provide testimony IN STRONG OPPOSITION TO SB 3269 SD 1. This bill is terrible and will cause irreparable harm to the University. I oppose the bill first because it violates our State Constitution's provisions for autonomy for the University of Hawai`i System. The Senate Committee on Higher Education apparently wishes to replace the Board of Regents with itself. Second, the senators who introduced the measure have failed to demonstrate how the bill would benefit the University or the State. Third, in the initial hearing on this measure, the senators in the Higher Education Committee demonstrated that they are willing to ignore all testimony in opposition to this bill in favor of a tiny number of hand-picked speakers. Fourth, faculty classifications in the UH System were developed for specific reasons that were investigated and reported on by the BOR Task Force on Tenure. It seems that our legislators have chosen to disregard the findings of this task force that they themselves created!

Aside from former Regent Jan Sullivan, there is practically no support for this measure on the part of anyone in higher education or the general public. Please do not permanently damage the University. Set this bill aside and devote your efforts to strengthening the University.

SB-3269-SD-1

Submitted on: 3/3/2022 9:42:20 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Frederick Reppun	Individual	Oppose	No

Comments:

To: Chair Donovan Dela Cruz, Vice-Chair Keith Agaran and members of the Senate Committee on Ways and Means

RE: SB 3269 S.D.1 RELATING TO ACADEMIC TENURE AT THE UNIVERSITY OF HAWAII

My name is Frederick Reppun and I am writing in **opposition to SB 3269 S.D.1**, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Measures to eliminate or restructure faculty tenure for any faculty classifications are illegal, would destabilize the operations of the University system, and would put University accreditation in danger. Above all, approval of SB 3269 would do immense harm to the University of Hawai'i, above and beyond that already created by austere budget cuts, hiring freezes, and swept faculty positions that have severely hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

I oppose the entire bill, but would like to register my particular reasons for opposing the elimination of tenure for support faculty (specialists) and extension agents. I write today as an individual, having served as an extension agent, and am currently a specialist, serving as the Education Coordinator for the He'eia National Estuarine Research Reserve within the Hawai'i Institute of Marine Biology. My immediate colleagues within the Reserve program are also specialist faculty. Specialists are currently reviewed under a unique set of criteria that allows us to perform a wide-ranging and critical set of roles. **As specialists, our work consists of a unique blend of responsibilities must be bundled together, and could not be performed to an optimal level if split up among the proposed F and FSE faculty classifications.** Within the scope of my current job responsibilities, I have coordinated the curriculum and provided direct instruction for new courses at the community-college and graduate level. I directly mentor

undergraduate students in ecological field research through our Reserve's internship program. I mentor graduate students in their research pursuits, particularly providing guidance in forging mutually beneficial relationships with the local communities in which they conduct research. I conduct my own scholarly work, including publishing my own research and contributing as an author on collaborative peer-reviewed publications. I also serve on committees within the university (e.g. Science Teacher Education Committee, College of Education) and community (e.g. Kāne'ōhe Bay Regional Council). Thus, a good portion of my work falls within the proposed bill's definition of the duties of "F" category faculty.

Beyond these areas of instruction, scholarship, and service, my role, as that of many specialist colleagues, is to serve as a bridge between the community and the university, extending the impact of instructional and research faculty and building pathways for more local and disadvantaged students to enter the university system. In this capacity, I

- conduct a professional development program for K-12 teachers,
- provide direct instruction and interaction with preK-12 students and members of the public who visit our Reserve
- produce curriculum and educational products
- coordinate the efforts of multiple educational non-profit partners to achieve greater efficiency and effectiveness
- coordinate volunteer work on ecosystem restoration within the Reserve
- support research and monitoring, and engage in strategic planning and coordination with numerous national, state, and local partners on student recruitment, workforce development programs, and economic development initiatives, among other duties.

Faculty who conduct only teaching and instruction would not be equipped to do this type of outreach. On the other hand, a position solely focused on outreach would be ineffective, as it would be out of touch with the research and instructional aspects of the university.

On top of the required elements within my job description, I write grants to bring in extramural funding. I do this because I know it is needed for greater program effectiveness and to one day be a more competitive candidate for tenure. **If future specialist hires are ineligible for tenure, it would remove the incentive to go above and beyond their required duties.**

Due to the sensitive bridging role that I play between the university, community, and numerous other entities, I and other faculty in similar positions risk arbitrary dismissal due to disagreements with various stakeholders, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH

System. I am highly committed to serving the community that I grew up in, but must first look after my family. **The possibility of receiving tenure was a strong incentive to take the job when it was offered to me, as it would be for future specialist hires.** Few UH faculty working in these positions will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure provides necessary protections for these positions, and communicates the state's commitment to our students and to educational excellence in Hawai'i—goals we all seek to realize. For these reasons and more, please vote against SB 3269.

Sincerely,

Frederick Reppun

SB-3269-SD-1

Submitted on: 3/3/2022 9:50:22 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kawika Winter	Individual	Oppose	No

Comments: Aloha Chair Dela Cruz and the Senate Committee on Ways and Means, I am a Specialist faculty at the Hawai`i Institute of Marine Biology, and in that capacity I serve as the Director of the He`eia National Estuarine Research Reserve (NERR) -- a program that represents one of the strongest bridges between UH and our community. I am strongly opposed to SB3269 SD1. Specialist faculty, in general, play a critical role in the function of the University of Hawai`i as bridge builders between the University and the community. The roles we play help to ensure the University and its resources are open and welcoming to our community and our local students. In this capacity, tenure allows us to be strong advocates for the community within the University by protecting us from political retribution. Preventing us from attaining tenure means that we would be beholden to the political winds within the University, which would greatly diminish our power to advocate for the community's interests. Without Specialist faculty in tenured or tenure track position, UH can easily turn into the irony tower than none of us want it to be. I hope you can see the value of tenured Specialist faculty within the University, and vote against anything that threatens our ability to play the critical roles we do for the State of Hawai`i. Thank you for your consideration, Kawika Winter, Ph.D. Specialist Faculty, Hawai`i Institute of Marine Biology

Written Testimony for
March 4, 2022 at 10:10 am
SB3269, SD1 RELATING TO ACADEMIC TENURE
AT THE UNIVERSITY OF HAWAII
Submitted by Candy Branson

Dear members of the Committee on Ways and Means:

My Name is Candy Branson and I have worked as a community college professor for over 20 years. I cannot express in words how disappointed I am in SB3269, SD1. There are misinterpretations and details missing that can only come from appropriate consultation. Regarding tenure, among the many other benefits to students, community and beyond that I will mention later in this letter, tenure protects teaching and research faculty by ensuring academic freedom that allows us to engage in research and teach without the fear of corporate or political pressures.

Please realize this profession is not an appointment we train for in a season. We are Masters and Doctors that devote our lives to our fields and students, so it is no surprise faculty seek security for a life-long career and passion. Many professionals achieve some sort of job security with time alone. Tenure is not like that. Tenure is not just handed to faculty. At the community college, we must provide evidence of our contributions before and after we receive tenure. This evidence is not only peer reviewed at multiple levels (i.e., department personnel committee, department chair, tenure promotion review committee) but also reviewed by our administrators: Dean and Chancellor and finally the approval from the Board of Regents.

To achieve tenure, community college faculty do several contract renewals and in our fifth year of service we can submit for tenure and promotion where a dossier is completed and reviewed by the bodies mentioned to move from instructor status to assistant professor. After three years, we can submit another dossier to be considered for associate professor and after three more years we can submit another and apply for professor. The rigor that goes into these dossiers is unbelievable. These documents are many times 75, 100, 120 pages or more of text with organized binder(s) to accompany. I could never explain in a simple letter the depth of self and peer evaluation that happens and what it takes to gather that evidence. For example, a part of the evidence is every student evaluation and comment that was written about them in that time period of the dossier and their effectiveness as a teacher accompanied by a thorough analysis of how they can become more effective. After submission of a dossier, it takes almost a year to go through all the reviewing bodies to find out if we receive or do not receive tenure and/or promotions. And after we achieve our goal of professor, which takes approximately a decade and is in no way assured, we continue to do 5-year reviews. So, we indeed have a process and it is rigorous to say the least.

Please vote, no, on this measure. Tenure is beneficial to everyone: students, faculty, community and even the economy. It has been researched and cited in multiple sources that it increases stability and the scholarly work of faculty; it fosters independent inquiry and excellence in

teaching and research; it helps us obtain and retain the best of the best faculty and when the best faculty teach, our students benefit and our degrees are credible which benefits our community and economy. And all of which is possible because of the academic freedom that stems from tenure. Please protect tenure for our university including community college faculty.

Respectfully Submitted by,

Candy Branson

Candy Branson, Ph.D.

March 2, 2022

Aloha Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is Cynthia Texeira and I am a lifelong resident of the Windward side of O'ahu. I am a graduate of the University of Hawai'i, hold multiple degrees from UH campuses, and work for the UH System. I am writing in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

While the bill has been amended, [SB 3269 SD1](#) still promises to do great harm to the University of Hawai'i, its students, and the citizens of Hawai'i. A careful review of the revised bill reveals areas that are vague, contradictory, and damaging to the faculty, students, operations, and mission of the UH System.

The language within this bill spreads misinformation regarding what tenure is and the purpose of tenure. Tenure maintains accreditation and academic freedom, while ensuring a rigorous contract renewal process throughout the duration of employment. It is not "permanent" or "continual" employment allowing faculty to collect a paycheck without performing their duties.

Approval of [SB 3269 SD1](#) would do immense harm to the University of Hawai'i and the ability to deliver high-quality education to the citizens of Hawai'i.

I urge you to please vote against [SB 3269 SD1](#) .

Yours Sincerely,

Cynthia Texeira

Senator Donovan Dela Cruz, Chair
Senator Gilbert S.C. Keith-Agaran, Vice Chair
Senate Committee on Ways and Means

Alan Rosenfeld, Ph.D.

Thursday, March 3, 2022

Opposition to S.B. 3269, Relating to Academic Tenure at the University of Hawai'i

My name is Alan Rosenfeld and I am the Associate Vice Chancellor for Academic Affairs at the University of Hawai'i – West O'ahu, where I have worked since 2008. My testimony is submitted as an individual and not as a representative of the University of Hawai'i. I respect the purview of the Senate's Committee on Higher Education to enact laws governing the operations of the University and I greatly appreciate the efforts that Chair Dela Cruz and other Hawai'i's legislators have undertaken over many years to support access to affordable and high-quality higher education for the residents of Leeward O'ahu. Please know that the testimony I provide is grounded in the aloha that I feel for UH West O'ahu and the communities which it serves.

S.B. 3269 proposes to revise the UH faculty classification system and tenure process in such a way to make certain groups of faculty ineligible for tenure in the years moving forward. This includes Specialist Faculty and, in a prior iteration of the bill, Library Faculty as well. If passed into law, this measure will have a debilitating effect on UH West O'ahu (and our sister campuses) by making it impossible for us to recruit and retain the highest-quality educational professionals to fill these positions and provide our students with the academic experience they deserve. Our Library Faculty have academic pedigrees and portfolios that rival those of Instructional Faculty. It is absolutely essential for UH to hire and retain librarians who possess the level of research expertise needed to assist university students. Similarly, our Specialist Faculty are professional academics who typically engage in teaching, research, and even supervisory duties. Some of them began their careers as Instructional Faculty at UH West O'ahu before moving into positions of increased responsibility. This is one of the reasons that our campus is able to function effectively despite a comparative dearth of executive/managerial positions—currently just six such positions for 299 full-time equivalent (FTE) employees.

While I appreciate that the bill is designed to apply prospectively to future hires, I respectfully urge the committee to reconsider the deleterious long-term consequences that would arise should S.B. 3269, as currently constructed, be adopted into law. UH West O'ahu, as well as the other UH campuses, will not be able to recruit and retain the highest-level of educators needed to operate mission-critical areas such as library services, tutoring services, and distance education oversight. Please do not pass this bill. Thank you for this opportunity to testify.

SB-3269-SD-1

Submitted on: 3/3/2022 9:58:26 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
John Texeira	Individual	Oppose	No

Comments:

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is John Texeira, and I am a resident of voting district 23. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Mahalo for your time,

John Texeira

SB-3269-SD-1

Submitted on: 3/3/2022 9:59:00 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Lynette Teruya	Individual	Oppose	No

Comments:

I am writing to oppose SB 3269, relating to academic tenure at the University of Hawai'i. I also strongly urge you to oppose the bill.

I am not employed by the University of Hawai'i, but I write to support my counterparts at UH because if this change to their tenure status is allowed, it will no doubt affect the quality of future recruitments/hires at UH, and eventually lead to a whole chain of breakdown effects that affect all of us in Hawai'i. In the future, many may decide not to work at UH if they are offered jobs on a tenure-track elsewhere. The University of Hawai'i, already suffers from austere budget cuts, hiring freezes, and swept faculty positions; approval of SB 3269 would only add to the damages that have long adversely affected UH and could further impede it in its ability to provide the best in education to the citizens of Hawai'i.

Also, I do not agree with certain legislators brandishing power to try to control something about which they have little understanding. You may think that you are saving money by doing away with tenure eligibility for so many; however, the money that you think you are saving will be spent on other things that have less value than the education of many. The stakes for stripping tenure eligibility are high when you consider that for some of us, UH is the only state university that we can afford to attend. If UH can't recruit the best because of the lack of tenure, we all stand to lose our best human resources.

So many people have already rightly said so eloquently and passionately why tenure must be protected. Please hear them. Please vote against this bill.

SB-3269-SD-1

Submitted on: 3/3/2022 10:01:06 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Rouel Velasco	Individual	Oppose	No

Comments:

Aloha Mai Kākou! Kumustakayo Amin!

My name is Rouel Velasco and I am submitting testimony as a citizen in opposition of SB 3269 SD 1. I am of Ilokano ancestry, born and raised in Mā‘ili of Wai‘anae. I am a specialist (S) faculty (Director of Student Life) at the Student Life Center at the University of Hawai‘i - West O‘ahu (UHWO). I am responsible for holistic “whole” learning and applied learning via co-curricular involvement in the form of student organizations and leadership development education with oversight in student activities and campus recreation. I have been employed in the UH system for over 15 years.

My role as the Director of Student Life is in large part, belonging to a profession called Student Affairs that include areas in advising, career services, enrollment management, mental health services and of course, student life/student activities. In this role, we are involved in direct instruction and learning in educating students on governance, advocacy, civic engagement, community building and more. As a student affairs practitioner and educator, applied learning is integral to this work. Specifically in the area of student life/student activities, students are learning and applying new skills as well as enhancing current skills. This includes the learning and development of the whole self among students, emotional intelligence which include understanding others, embracing and understanding differences, instruction on collective advocacy, program development and implementation as well as the development of life skills like critical thinking, written communication, oral communication, and more. I am also teach credit courses such as student development on specific topics related to first-year experience, personal development for effective teams and dynamics of effective leadership. The proposed changes devalue the work in my area suggesting that it is merely support, which is false. The labor and love that I along with colleagues bring contributes to the overall learning, growth and development of students to become community-minded 21st century leaders.

Specialist (S) faculty plays a vital role in being able to participate in the governance structure of the university where key discussions and decisions are being made. Specialist (S) faculty have a unique perspective and knowledge base of understanding student needs, student development and trends while being innovative. Without the voices of specialist (S) faculty, there would be no changes to policies or procedures affecting the enrollment, retention, graduation of students. The labor that I and other colleagues contribute to the university advances innovation, challenges current practices, applies and implements new practices to benefit students to ensure that higher education is equitable for our most vulnerable and marginalized populations. The passage of this

bill will deny active and meaningful contribution to advocate for systematic change related to the equitable education that Hawai'i's students deserve.

The proposed changes will personally affect me - a homegrown, Ilokano heritage, born and raised in beautiful Mā'ili in Wai'anae and others who look like and come from familiar backgrounds and communities. Please vote no on SB 3269 SD1.

Mahalo Nui! Agyamanak kadakayo amin! In gratitude to you all for allowing me to share this testimony.

Rouel Velasco

SB-3269-SD-1

Submitted on: 3/3/2022 10:01:57 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Kainani Wagner	Individual	Oppose	No

Comments:

Aloha Senator Kim, Senator Kidani, and esteemed members of the Higher Education Committee,

My name is Kainani Waner, and I am a student at the University of Hawai'i. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Mahalo for your time,

Kainani Wagner

Aloha e members ofr Ways and Means committee:

My name is Barbara DeBaryshe and I am writing in **strong opposition to SB 3269 SD1** *Relating to academic tenure at the University of Hawai'i*. This bill has many flaws and will only serve to undermine the quality and stability of our state's higher education system. Please note that although I am a UH faculty, I submit this testimony as an individual citizen and do not speak for my employer.

When first heard by the Education Committee, the testimony was almost unanimously against this bill. Almost all questions were directed to the single person who spoke in favor of the bill. The UH administration, faculty, students, and Board of Regents are opposed. In response to last year's request from the Senate, UH conducted an internal study and presented and affirmed much more reasoned procedures at the February BOR meeting. To continue the present bill is a highly partisan diversion and a waste of time for all involved.

First, Specialist, Agent, and Community College faculty provide essential work and require the same protections afforded by tenure as other UH faculty. Specialist and Agent faculty conduct applied research and work with community members to use this knowledge to improve the conditions of Hawaii's citizens, agricultural systems and environment. We embody UH's unique mission of being a land, sea, and space grant institution. In fact, the Center on the Family, where I work was established at the request of the State Legislature to provide data and applied research that supports the well-being of Hawaii's families.

I am a Specialist and applied for my job because it requires me to work for and with the community. I have been the principal investigator on over \$6.6 million dollars in grants and contracts, and co-investigator on over \$23 million. Outcomes of these projects include:

- A locally-focused curriculum, improved teaching practices and classroom quality, increased family engagement, and stronger school readiness for over 1,000 Head start children.
- Evaluations to measure the effectiveness and improve the design and delivery of Native Hawaiian and preK education programs, child abuse and neglect prevention services, oral health curriculum, and lead poisoning surveillance and prevention in our state.
- Community-led and culturally responsive childhood obesity prevention actions. across Hawai'i and the U.S.-affiliated Pacific.
- Statewide needs assessments of early learning programs, early childhood homelessness, and childcare access that provide data to inform planning and administrative policy for the Executive Office of Early Learning, the Department of Education, and the Department of Human Services.

I publish research articles, develop user-friendly community education materials, teach classes, advise graduate students, serve on thesis and dissertation committees, and work closely with a number of community tasks forces and human services agencies. Like other Specialist faculty, I am proud of my contributions and believe they merit the same respect and safeguards afforded to other UH faculty.

Second, the UH tenure system functions well and does not need to be changed. The tenure and promotion review process requires extensive documentation of productivity, quality, and impact; it also includes multiple levels of review within UH and anonymous evaluations by national and international scholars. The periodic post-tenure review (every five years) is also rigorous. If the fear is that tenured faculty are somehow asleep at the wheel, please be aware that the faculty evaluation process is much more stringent than APT or Civil Service reviews and more in-depth than anything I have experienced in the private sector.

Third, this bill is detrimental to UH. This bill appears to be the first step in removing tenure from the UH system. Without a fair and transparent tenure system, UH cannot recruit and retain high-quality faculty. Our reputation, the R-1 status of the Mānoa campus, and system-wide national accreditation will be at risk. Without a stable and accomplished faculty, UH cannot provide high-quality education programs or continue to serve as an economic engine and center of innovation for our state. Yes, there is a trend among predatory schools to replace tenured faculty with transient, low-paid lecturers, but this comes at the price of academic excellence.

Finally, this bill inappropriately oversteps the role of the UH President and the Board of Regents. The state constitution provides exclusive authority for the BOR to set policy and oversee the management and operations of UH, as carried out by the President. I see no reason why there is a compelling statewide interest to circumvent this clearly authorized chain of command,

In sum, this bill is harmful to UH. Instead, please support UH during these difficult times so we can continue to flourish and serve the people of Hawai'i with energy and excellence. I urge to you **end all action on Bill 3269.**

SB-3269-SD-1

Submitted on: 3/3/2022 10:05:33 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Alphie Garcia	Individual	Oppose	No

Comments:

Aloha Senators Cruz, Keith-Agaran, Inouye, Kanuha, Kidani, Misalucha, and Moriwaki.

My name is Alphie Garcia. It's my honor to be a faculty member at the James & Abigail Campbell Library at UHWO since 2012. I am writing in **strong opposition to [SB 3269](#)**, relating to academic tenure at the University of Hawai'i. We also urge you to oppose the bill.

I believe that going forward with approval of [SB 3269](#) hurts the University of Hawai'i, which has already been hampered by budget cuts, hiring freezes, and swept faculty positions that have diminished the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

Eliminating tenure for specialist faculty (identified in SB 3269 as "support faculty") and extension agents (p. 7) represents an administrative overreach that will do nothing to help protect, maintain and recruit specialist faculty who deserve employee protections just as any other faculty. These faculty work in areas such as enrollment, advising, counseling, learning centers, and career services. They work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys.

I believe this bill has been brought about in bad faith and based on bad information. There are false assumptions that tenure equals life-time employment and that it is easily acquired. Both of these assumptions are categorically false. Tenure in the UH system is rigorous and painstaking, it involves evaluation by peers at multiple levels and multiple stages, and it is not always awarded. Even after tenure is granted, life-time employment is simply a myth since there are still additional review steps within the collective bargaining agreement.

Targeting support faculty by removing tenure from this group unfairly creates a two-class system within the union, and in my view if passed, is the first step down the road to the removal of tenure. I ask you senators, do we want Hawai'i to be like Wisconsin as a model which led to faculty flight from that state? Why go through with this bill that will affect faculty and students so directly by inhibiting our ability to retain and recruit incredibly hardworking and giving faculty members?

For these reasons and more, please vote against [SB 3269](#).

Mahalo,

SB-3269-SD-1

Submitted on: 3/3/2022 10:06:20 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Seaton	Individual	Oppose	No

Comments:

I am writing as an individual in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill. Mahalo.

SB-3269-SD-1

Submitted on: 3/3/2022 10:08:09 AM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Aulani Wagner	Individual	Oppose	No

Comments:

Good day Senator Kim, Senator Kidani, and members of the Higher Education Committee,

My name is ‘Aulani Wagner, and I am a resident of Kane‘ohe and a student at the University of Hawai‘i. I am writing as an individual in opposition to SB 3269 SD1, relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Sincerely,

‘Aulani Wagner

Aloha Senators Dela Cruz, Keith-Agaran, Inouye, Shimabukuro, Kanuha, Taniguchi, Kidani, Waikai, Misalucha, Fevella, and Moriwaki

We are writing as Specialist Faculty at the University of Hawaii-West Oahu in Student Affairs. Our testimony is submitted as individuals and not as representatives of the University of Hawaii. We are writing in **strong opposition to SB 3269**. We also urge you to **oppose the bill**. By denying tenure to Specialist Faculty, identified in SB 3269 as “support faculty,” this bill will have adverse effects on students, employees, and the community at large.

Specialist Faculty in Student Affairs have led innovative and nimble responses to the ever changing needs of students, crucial during the COVID-19 pandemic. As we navigate toward a post-pandemic society, Specialist Faculty will continue to be critical in upholding the stated goals of the University of Hawai'i to advance educational equity and diversity. Eliminating Specialist Faculty will also have adverse effects on UH's ability to recruit and retain students. This will inevitably affect campuses' ability to intake a steady flow of tuition and fees. Our five main reasons for supporting tenure for Specialist Faculty are as follows:

- **Specialist Faculty Are Necessary to Support Educational Access¹**
- **Specialist Faculty Are Necessary to Support Educational Equity and Parity²**
- **A Blow to Specialist Faculty is a Blow to Faculty Diversity³**
- **Specialist Faculty Are Necessary to Bridge Education and Employment⁴**
- **Specialist Faculty Provide Instruction, Including Credit Courses⁵**

¹ With the sizes of graduating high school classes shrinking nationwide, the university's approach to enrollment, outlined in “[Post-Pandemic Hawai'i and the University of Hawai'i](#),” is to attract students from economically disadvantaged, rural, and under-represented communities, “those who have not considered college as part of their future.” According to [NASPA](#) (the National Association of Student Personnel Administrators) first-generation college students face additional challenges earning their college degrees. Weakening support services, the areas in which Specialist Faculty predominantly work, while aiming to recruit students “who have not considered college as part of their future” is counterintuitive.

² It is crucial that we be classified as faculty to participate in institutional governance - to affect changes in university policies and procedures that address educational equity. It is crucial that Specialists maintain status as tenure-track faculty to ensure organizational parity among the teaching, learning, and student success missions of the University. Micro management of faculty categories by the state legislature that differentiate job duties to tenure is an attack on all tenure state-wide and nationally. Specialist faculty continue to be understaffed with limited resources. Currently at UHWO we regularly work more than 40 hours a week and are responsible for a cacophony of duties.

³ In 2020, UH West O'ahu's faculty was identified by the *Chronicle of Higher Education* as the most diverse in the nation. This diversity was celebrated as an asset, a source for providing students “a diverse and fulfilling college experience” ([Source](#)). Specialist Faculty contribute a great deal to the racial and ethnic diversity of the faculty. A diverse faculty is essential to develop students from different backgrounds and circumstances; to understand where students are coming from, the challenges they face and strengths they bring; and to prepare students for their selected career paths. Students learn and grow best when their faculty looks like them, understands their ways of doing, and appreciates their cultural orientations. It is imperative to support faculty from diverse backgrounds across the UH System.

Eliminating tenure for Specialist Faculty would disproportionately affect Native Hawaiian and Filipino faculty members. System-wide, Native Hawaiians and Filipinos are more highly represented as “Other Faculty” (Native Hawaiians at 14.2%, Filipinos at 5.2%) and “CC Instructional Faculty” (Native Hawaiians at 11.8%, Filipinos at 7.5%) than as “Instructional Faculty” (Native Hawaiians at 7.4%, Filipinos at 3.6%) ([IRAO](#)), demonstrating the disproportionate impact of the elimination of tenure for Specialist Faculty and UHCC instructors/counselors on Native Hawaiians and Filipinos. Eliminating these faculty positions would be a blow to faculty diversity.

⁴ The teaching that Specialist Faculty do often occurs outside of the traditional classroom and focuses on developing workforce skills. This support is crucial for first-generation students to prepare for the workforce. Research indicates that college graduates from lower social classes face challenges such as not knowing how to write a resume or perform in an interview ([DeOrtentiis, Van Iddekinge, and Wanberg, 2021](#)). These students benefit from mentoring and support that develops their skills and confidence. This is the support work that Specialist Faculty provide.

Specialist Faculty are needed to develop and carry out educational services based on best practices. The expectation to conduct research and implement practices grounded in research and theory allows us to nimbly innovate, expand, and transform systems and processes to provide more equitable access to higher education. Specialist Faculty are necessary to advance student development, instruction, and support programming that does not bend to the demands of instructional faculty, students, or administration, but is based on best practices informed by scholarship in student success literature.

⁵ Many Specialist Faculty have developed, proposed, implemented and/or provided instruction for credit bearing courses towards degree completion. We do this through our many specialized fields of study, the Student Development curriculum that we deliver in a classroom setting and infused throughout the service we provide that works to impart knowledge, teach skills, and promote attitudes that prepare students for the workforce and to engage as citizens. Specialist Faculty across UH West O'ahu provide instruction in credit courses and beyond for student leaders in a variety of areas, including working with distressed students or students with

Tenure has been and continues to be a fraught and traumatic process for all of us. We agree that tenure needs to be revised, but we urge the legislature to consider how this proposal will affect the community. As tenure allows Instructional faculty to discuss controversial topics, tenure allows Specialist Faculty to develop and implement innovative policies, practices, and programs necessary to evolve with everchanging student and institutional needs that at-will faculty will not take on for fear of retaliation. During the pandemic, in our work at the university, we have streamlined programs and processes. Given the projected budget outlook in the coming years, this need will continue. We understand the desire to balance the budget and appreciate the legislature's valuable economic perspective.

The rank of faculty provides access to affect student-centered policy changes. Threats to tenure make evident that so much of the work Specialist Faculty perform, designing and providing innovative and creative infrastructure supporting student success, continues to be invisible. As faculty who must perform service, 11-month faculty who work year round, Specialist Faculty are often asked to take on "other duties as assigned." For instance, to develop, carry out, and oversee new programs. This vantage point provides Specialist Faculty an understanding of the importance of these duties for growing the university and providing a needed service to students. We know and feel the pulse of the campus.

Many of us are homegrown, choosing to dedicate our careers to providing educational access to our community, and we are asking that the legislators understand the need to invest in Specialist Faculty so that we can continue our work to foster a vibrant, equitable, and diverse Hawai'i.

For these reasons and more, please vote against [SB 3269](#).

Signed,

Robyn Tasaka, Faculty Specialist, Division of Student Affairs
G.F. Ka'iulani Akamine, Faculty Specialist, Division of Student Affairs
Rebecca Carino-Agustin, Faculty Specialist, Division of Student Affairs
Carina Chernisky, Librarian, UHWO Library
Kealani Cook, Associate Professor, Humanities Division
Yasmine Romero, Associate Professor, Humanities Division
Masahide Kato, Associate Professor, Social Sciences Division
Kawena Komeiji, Librarian, UHWO Library
Carrie Larger, Faculty Specialist, Division of Student Affairs
Amy Nishimura, Professor, Humanities Division
Ke'alohe Perry, Faculty Specialist, Division of Student Affairs
Carmen Nolte-Odhiambo, Associate Professor, Humanities Division
Jonathan Schwartz, Professor, Education Division
M. Takeshi Nakata, Lecturer, Mathematics, Natural and Health Sciences Division
Kamuela Yong, Associate Professor, Mathematics, Natural and Health Sciences Division
Veny Liu, Assistant Professor, Mathematics, Natural and Health Sciences Division
Bonnie Bittman, Assistant Professor, Education Division
Katherine Aumer, Assistant Professor, Social Sciences Division
Albie Miles, Assistant Professor, Social Sciences Division

disabilities; building community; drafting resumes, cover letters, scholarship essays; or preparing for job interviews.. Instruction is much bigger than what happens in credit courses. The instruction that Specialist Faculty provide happens in credit courses as well as through student employment, student organizations, advising, tutoring sessions, educational planning and career counseling.

Lynette Williamson, Assistant Professor, Mathematics, Natural and Health Sciences Division
Mike Pak, Assistant Professor, Humanities Division
Orlando García-Santiago, Associate Professor, Social Sciences Division
Alexander Gorospe, Lecturer, Mathematics, Natural and Health Sciences Division
Lelemia Irvine, Assistant Professor, Physics, Mathematics, Natural and Health Sciences Division
Jayson M Chun, Professor, History, Humanities Division
Jon Magnussen, Associate Professor, Music, Humanities Division
Camoniah Graham-Tutt, Associate Professor, Community Health, Mathematics, Natural and Health Sciences Division
Cathy Kanoelani Ikeda, Associate Professor, Education Division
Lea Lani Kinikini, Director, Institute of Research & Engaged Scholarship
Leslie Rush, Instructor of Business, Business Division
Leslie Opulauoho, Faculty Specialist, Division of Student Affairs
Paula B. Major, Professor, Education Division
Alphie Garcia, Librarian, UHWO Library
Colleen Rost-Banik, Lecturer, Social Sciences (former Academic Advisor, Division of Student Affairs)
Holly Itoga, Assistant Professor, Business Administration
Christy Mello, Associate Professor, Social Sciences Division
Rouel Velasco, Faculty Specialist, Division of Student Affairs
Gloria Y. Niles, Associate Faculty Specialist, Academic Affairs Unit, Office of Distance Learning
Richard Langford, Professor, Social Sciences Division
Rain Wright, PhD, Lecturer, Humanities
Larry Andres, Faculty Specialist, Division of Student Affairs
Nandi Odhiambo, Associate Professor, Humanities Division
Eli Tsukayama, Assistant Professor, Business Administration Division
Lokelani Kenolio, Faculty Specialist, Division of Student Affairs
Sa'iliemanu Lilomaiava-Doktor, Professor Hawaiian-Pacific Studies Humanities Division
Lisa Spencer, Assistant Professor - Long-Term Care, Public Administration Division
Michiko Joseph, Librarian, UHWO Library
Loea Akiona, Faculty Specialist, Division of Student Affairs
Sharla Hanaoka, Faculty Specialist, Academy for Creative Media - West Oahu
Esther Widiasih, Associate Professor, Math, Natural, and Health Sciences
Hōkū Kwan, Faculty Specialist, Wailau Ola Project Director
Monique Mironesco, Professor, Social Sciences Division
J. Kari Clements, Lecturer, Humanities
Kawena Komeiji, Librarian, UHWO Library
Ross Prizzia, Professor, Public Administration and Disaster Management

LATE

To: Senate Ways and Means Committee, Hawai'i Legislature
From: C. M. Primavera

Dear Senate Ways and Means Committee

I oppose SB 3269 SD1 regarding the reclassification of tenure. There are several fallacies inherent in this bill.

- 1) During the previous hearing held before the Senate Committee on Higher Education, one of the proponents of this bill stated that the original intent of tenure was based on academic freedom rather than being used as an employment tool. If it is used as an employment tool, it is a tool that would attract highly qualified, motivated candidates. A candidate in a tenure-track position is not granted automatic tenure. The candidate must wait five years until eligible and then submit extensive documents collected in a dossier that is then scrutinized and judged by five levels of peer review. This is not an easy process, and the successful candidate has demonstrated that their university or college has a need for their services. Academic peers, not the legislature, are best qualified to participate in this process
It is ironic that academic freedom is used as a reason to reclassify tenure when this bill threatens the nature of UHM's and the community colleges' right to oversee a process that belongs to the faculty.
- 2) Certain staff members would be denied tenure according to this bill. As a faculty member whose fall semester's course load is five classes with a maximum enrollment of 20 students per class, I rely on the generous, consistent help from other staff, particularly but not exclusively counselors, distance education specialists, and supervisors of various programs that support the demographics of high school students wanting to attend college, veterans, disadvantaged students, and disabled students. Their contract is usually 11 months, which means that they work during the summer when most faculty do not teach and are engaged in other endeavors. These staff members are no less important to the success of our students than the faculty. Denying them the opportunity to be granted tenure is discriminatory and illogical. These staff members undergo the same exacting process of peer review explained above.
- 3) Public funds are used to support the University of Hawai'i, and this point has been used to justify the legislature's involvement in tenure. Similarly, if the legislators are voted in by the public and if the legislature is funded by public funds, does this justify the university's or anyone's involvement in legislative protocol?
- 4) Ultimately the collateral damage of this bill will be our students who may not have access to quality faculty and staff. It is because of our students' trust in us to make well informed decisions that we are able to work in this demanding, rewarding field. Our students deserve no less than the best we can offer them.

LATE

SB-3269-SD-1

Submitted on: 3/3/2022 12:53:11 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Ronald Taniguchi, Pharm.D.	Individual	Oppose	No

Comments:

I oppose the content of SB3269 SD1. Mahalo

LATE

SB-3269-SD-1

Submitted on: 3/3/2022 1:30:59 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
David Kingdon	Individual	Oppose	No

Comments:

The entire University of Hawaii system - inclusive of technical training, associate degree programs, baccalaureate and graduate programs - is fortunate to have a diverse and highly qualified cadre of educators serving our wide-ranging student populations. University faculty, community college faculty, and student support personnel such as librarians, all undergo an extremely rigorous process of review for contract renewal, tenure and promotion. Any consideration for revisions to this process should be undertaken by UH itself. Interference and threats from state legislators and legislation would be extremely demoralizing and destabilizing for the UH system faculty.

I urge legislators to oppose this flawed bill.

Thank you for your consideration.

David Kingdon, MPH, Paramedic

SB-3269-SD-1

Submitted on: 3/3/2022 2:32:36 PM

Testimony for WAM on 3/4/2022 10:10:00 AM



Submitted By	Organization	Testifier Position	Remote Testimony Requested
Waynele Yu	Individual	Oppose	No

Comments:

Aloha e Senators,

My name is Waynele Yu, and I am writing in strong opposition to SB3269, relating to academic tenure at the University of Hawai‘i. I am a graduate student at the University of Hawai‘i at Mānoa (UHM) and earned both my bachelor’s degree and master’s degree at UHM. I strongly urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because of the impact it will have on students' learning experiences at UHM.

I have understood the legislature’s main concern with tenure to be that it is viewed as lifetime employment and allows underperforming faculty to retain their positions at the University. This has not been my experience at UHM. In the more than 50 classes I have taken at UHM, I can only recall one professor who might be described as underperforming with regard to his teaching. What I have found, particularly in my junior and senior years and graduate program, which was most often taught by tenured faculty, is that faculty have a strong passion for research and teaching, and deeply care about the success of their students. Some of the innovative programs that I have been able to participate in were developed by tenured faculty. I wonder if these programs would have been possible without the protections that tenure provides. In fact, there are many positive changes and shifting mindsets at UHM to center students’ experiences to convey a Native Hawaiian place of learning. These values were non-existent when I completed my bachelor’s degree. I wonder too how these changes would have been hindered if not for the protection of tenure.

Tenure does not equate to the right of a faculty member to permanent or continuous service. Tenure instead is a pillar to academic freedom. Academic freedom is necessary for universities to thrive. In today’s climate where we see school boards and political action committees attempting to censor public schools across the nation, academic freedom becomes even more important. I strongly urge you to vote against SB3629 because it jeopardizes academic freedom and will destroy the quality of education for our communities. In addition, it is illegal, will destabilize the operations of the University System, and puts University accreditation in danger. Mahalo for the opportunity to testify.

LATE

JAN L. FRIED • American Sign Language/English Interpreter

• RID Certified-IC, CI, CT • Educator • Consultant •

03 March 22

To: Senate Chair Dela Cruz and Vice Chair Keith-Agaran
Seante Committee on Ways and Means
Fr.: Jan Fried
Re: Opposition to SB 3269, SD 1, Relating to Academic Tenure at the University of Hawai'i

Aloha. I am writing to express my **opposition** to **SB 3269, SD 1** for several reasons.

SB3269, SD1 is Unconstitutional

SB3269, SD1 would make state legislators the employer of UH faculty by taking away the rights of the UH Board of Regents, administrators, and faculty to autonomous management under our state constitution.

Per Article X, Section 6, of the Hawaii State Constitution, "The [UH Board of Regents] shall . . . have exclusive jurisdiction over the internal structure, management, and operation of the university." Per Section 304A-1002 of the Hawaii Revised Statutes, "The board of regents shall classify all members of the faculty of the university . . . and adopt a classification schedule and compensation plan for these employees." Inexplicably, SB 3269, SD1 references this statute, yet then proceeds to classify and reclassify members of the faculty in violation of the very same statute.

The Legislature does not have the authority to classify members of the UH faculty, nor is this standard practice with peer institutions.

SB3269 SD1 Jeopardizes UH Accreditation

Additionally, SB 3269, SD1 jeopardizes the accreditation of the entire UH System, specifically the Western Association of Schools and Colleges ([WASC standard 1.5](#)) and the Accrediting Commission for Community and Junior Colleges ([ACCJC standard IV.C.4](#)), both of which require that the UH system maintain institutional integrity and educational mission that are free of undue influence and political pressure.

The HRE hearing for SB 3269, SD1 involved unanimous and voluminous testimony ([596 pages or testimony, all in opposition](#)). UH administrators, faculty, students, the University of Hawai'i Professional Assembly (UHPA), and concerned citizens consistently voiced opposition to the bill. Despite this, the Senate Committee on Higher Education ignore this testimony and voted quickly and unanimously to approve the bill. Based on the recording of the 10 Feb 22 HRE hearing, it appears the members of the HRE committee had already made up their minds to

approve it, regardless of public input. They did not give any serious consideration to, nor did they engage in any serious discussion of, the various opposing arguments.

SB3269, SD1 is highly problematic and threatens the viability of the University system's ability to hold and protect tenure, academic freedom, and academic governance. There is no place for adversarial legislative meddling nor incorrect assumptions when concerns can better be addressed through collaboration with the UH administration to do a thorough investigation of those concerns and make appropriate and constitutional recommendations, as a result.

I strongly encourage your committee to **oppose** SB 3269, SD1. *Mahalo.*

LATE

SB-3269-SD-1

Submitted on: 3/3/2022 3:08:55 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Zeebe, Richard	Individual	Oppose	No

Comments:

My name is Richard E. Zeebe, and I am writing in strong opposition to SB 3269, relating to academic tenure at the University of Hawai'i. As currently written, the bill applies to the entire UH System. I urge you to oppose the bill and any measure to eliminate or restructure faculty tenure for any faculty classifications because it is illegal, will destroy the quality of education for our communities, destabilize the operations of the University system, and put University accreditation in danger.

Approval of SB 3269 will devastate the intellectual output and reputation of our University system, and severely diminish the education of our students, including opportunities for them to study with the foremost scholars in their chosen areas of study, receive grants for research, and pursue their dreams especially if their dreams involve education at other Research Level 1 institutions. The effect of legislative measures under consideration in this session that impact the University of Hawai'i in the spirit of improving our educational system will accomplish just the opposite result. We already struggle with austere budget cuts, hiring freezes, and swept faculty positions that have greatly hampered the UH System's ability to deliver high-quality education to the citizens of Hawai'i. Despite these mounting challenges, the tenured and tenure-track faculty are rising to the occasion and taking on additional workloads in order to ensure our students receive an excellent education. This, even in the face of the COVID health crisis. Rather than support us, you are trying to kill the University system and the opportunities it creates for our citizenry. You refuse to acknowledge our commitment, the necessity of a stable, educational campus for education and scholarship achieved through a normative tenure and promotion process, and the strength of educational experiences offered both within and outside of a traditional classroom setting.

The origin of tenure for faculty lies in academic freedom. Without the freedom to express varied thought and research from multiple perspectives, our University cannot fulfill its mission to benefit society. Society does not benefit when teachers, librarians, extension agents, support faculty, and researchers are vulnerable to control by corporations, religious groups, special interest groups, or the government. This is why governance of the University system is delegated to the Board of Regents. Free inquiry, free expression, and open dissent are critical for student learning and the advancement of knowledge. The path to that goal is, and always will be, a tenure and promotion system for all of its faculty.

Academic freedom and tenure for faculty also promote stability. Faculty members who are committed to the institution develop ties with the local community, pursue ongoing research

projects, and mentor students and beginning scholars over the long term. Universities need tenured and tenure-track faculty to accomplish important work that goes beyond traditional teaching roles. I do not think you understand how hard our tenured and tenure-track faculty work. Many of us work throughout the summer and are putting in weekend hours. We serve on committees, hold academic administrative positions like department chairs and program directors, spend hours counseling students, and help our students complete their education. Unlike the legislature, faculty do not enjoy a multi-month recess each year. A decline in eligible faculty to do this important work for the State will result in a worse University system and not a better educational system for our students. Instead, the Administration will turn to employing contingent faculty.

Our regional accreditation body and professional accreditation bodies require us to have robust shared governance to maintain our status as an accredited institution. Universities were established and depend on a shared governance model to function. Shared governance requires an adequate number of tenured and tenure-track faculty members to ensure quality control over curriculum and participate in the University's business of higher education. Eliminating tenure-track faculty means that fewer faculty members are available to serve our shared governance model. You are putting our accreditation status in jeopardy by canceling tenure for full classifications of University faculty.

The ill-advised dismantling of UH's existing tenure system would be ruinous to the University's workforce. Disrupting the normative operation of UH's faculty governance structure diminishes its appeal to educators functioning at the top of their profession and will negatively impact our ability to attract top-flight faculty. Additionally, it will drive away those who are already part of the UH community. This ultimately will impact the quality of the UH as a R-1 research institution, and this will affect the ability to secure extramural research funding and maintain and grow student enrollment.

I oppose the elimination of tenure for Librarians. One of the most basic elements of an institution of higher education is providing a first-rate library staffed by professionals who ensure equal access to resources and educate the University community about those resources. Librarians provide the path to research, inquiry, discussion, and thought. The American Library Association strongly supports tenure for all librarians because librarians are the most vulnerable academic professional who would suffer from thought control. Librarians often play an important support role for both faculty and students, to provide assistance with research projects, grant opportunities, information literacy instruction, and the preservation of our culture and institutions. We are obligated to provide access to materials that present different viewpoints in furtherance of the University mission. Librarians are in constant battle with those who chose to censor our citizenship through banned book campaigns. These publications tackle the difficult topics discussed on campus informally and in the classroom. Acquiring those materials and making them available, whether they be current or historical, is not always supported by majority thought. Likewise, instructional librarians provide literacy education to the University community and these classes are often required elements to receiving a degree from the University or to complete a course of study. Academic freedom, then, is essential to librarians in their roles as teachers and researchers, especially in digital scholarship and

information literacy. Throughout the country, these are aspects of Librarianship that are secured through a tenure process.

I oppose the elimination of tenure for support faculty and extension agents. Among other things, faculty in these areas manage Early College, the dual and college-credit awarding programs for high school students. This legislative-backed initiative establishes equity of college access for underserved populations, such as lower socio-economic and rural students, with a special commitment to Native Hawaiians' success, as our UH missions emphatically state. Moreover, support faculty, such as counselors, often work with our most at-risk students--students challenged with food and housing insecurity, child and senior care responsibilities, domestic and sexual abuse, and mental health pressures--all of which complicate and sometimes jeopardize students' academic and professional journeys. Due to the sensitive nature of their students' life and educational circumstances, faculty in these positions risk arbitrary dismissal due to disagreements with parents, students, peers, supervisors, and/or administrators, which jeopardizes principled decisions, speech, and actions designed to protect the interests of students and the educational mission of the UH System. Few UH faculty working in these areas will want to continue if they can find greater job security elsewhere, which risks these positions becoming perpetual revolving doors with less than optimal personnel in place. Tenure not only provides necessary protections for these positions, it also communicates the state's abiding commitment to our students and to educational excellence in Hawai'i--goals we all seek to realize.

Among its many harmful proposals, the bill would force faculty in the UH Community Colleges (UHCCs) to perform research in addition to their instructional and/or other work with students, faculty, and staff (since all faculty would be reclassified as "F," cf. pp. 6-7). The community colleges' missions are not the same as the University of Hawai'i at Manoa (UHM), and they are not R-1 institutions like UHM. Community college faculty are required to take on heavier teaching loads than their counterparts at UHM, in addition to discharging the duties listed below (which are also carried out by faculty at the 4-year campuses):

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

Requiring UHCC faculty to conduct research in addition to the duties mentioned above will not only divert time and attention away from faculty members' primary duties of instruction and/or support, it will also stress the state's already scarce financial resources as release time will need to be provided to give faculty the opportunity to conduct research. If job descriptions and duties are to be the same across all system campuses, the salaries of community college faculty will also need to be raised to match those of UHM faculty.

SB 3269 is highly problematic for the reasons stated above. Please do not vote for SB 3269.

Richard E. Zeebe



Randy Perreira
President

HAWAII STATE AFL-CIO

888 Mililani Street, Suite 501 • Honolulu, Hawaii 96813

LATE

Telephone: (808) 597-1441
Fax: (808) 593-2149

The Thirty-First Legislature, State of Hawai'i
Hawai'i State Senate
Committee on Ways and Means

Testimony by
Hawai'i State AFL-CIO
March 4, 2022

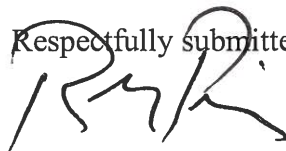
S.B. 3269 S.D.1 – RELATING TO
ACADEMIC TENURE AT THE
UNIVERSITY OF
HAWAII.

The Hawai'i State AFL-CIO is a state federation of 74 affiliate local unions and councils with over 68,000 members across both public and private sectors. We appreciate the opportunity to testify in **opposition** to S.B. 3269 S.D. 1.

Regardless of classification, tenure for University of Hawai'i faculty should not be eliminated through legislation because it interferes with public sector collective bargaining rights and eliminates worker protections for those affected.

Being tenured simply means that faculty has completed the probationary period of *five* years plus levels of review as stipulated in the UHPA collective bargaining agreement. After five years, if faculty fail to achieve tenure at the University of Hawai'i, then they are terminated and would then have to reapply. Most labor agreements commonly call for probationary periods of six months to one year, during which workers may be fired. After five years of probation, tenured faculty can still be terminated for just cause, lay-off, or under other circumstances. Tenure is lengthy and challenging, but it encourages retention, which directly impacts the quality of higher education in Hawai'i.

We appreciate your consideration of our testimony in opposition to S.B. 3269 S.D. 1.

Respectfully submitted,


Randy Perreira
President

LATE

SB-3269-SD-1

Submitted on: 3/3/2022 5:55:08 PM

Testimony for WAM on 3/4/2022 10:10:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Melelani Oshiro	Individual	Oppose	No

Comments:

I stand in strong opposition to SB 3269 SD1. Currently, there are only two livestock extension agents in the state that work across all livestock species. This bill and its intent to reclassify extension agents to “FSE” and ineligibility for tenure will limit future applicants and potential loss of current extension agents. Furthermore, the extensive opposition and lack of existing support of this bill should prove that **SB3269 SD 1 SHOULD NOT** move forward. Please oppose SB 3269 SD 1.

Ways and Means Committee
The Hawaii State Senate
415 S Beretania St.
Honolulu, HI 96813

Re: Opposition to SB 3269 SD1

March 3, 2022

Aloha esteemed members of the Ways and Means Committee,

My name is Ann Abeshima and I am a resident of Mililani and an Assistant Professor at Honolulu Community College. I am writing as an individual in opposition to [SB 3269 SD1](#), relating to academic tenure at the University of Hawai'i. I also urge you to oppose the bill.

Approval of this bill would do immense harm to the University of Hawai'i, above and beyond that already created by budget cuts, hiring freezes, and swept faculty positions that have already hindered the UH System's ability to deliver high-quality education to the citizens of Hawai'i.

As community college faculty, we carry a teaching load of five courses in one term and four in the other. Additionally, we are required to perform the duties listed below, in addition to our primary duties of instruction and/or support:

- Workforce development
- Increasing college access to underserved populations
- Increasing access and college-skills for those returning to school
- Offering developmental support for underprepared students
- Committee and other school service
- Community outreach and service
- Curricula management and articulation
- Peer evaluation
- Hiring committee participation
- Course and program assessment
- Accreditation participation
- Facilities management specific to classes, including budgeting and ordering supplies and cleaning
- Academic discipline coordination
- Managing personnel, scheduling, and supplies
- Students and student organization sponsorship and mentorship
- Professional development participation and presentation
- Campus governance

As the UHCC are open door, in addition to content, an often equal focus is on developmental support and education thus offering marginalized, underrepresented students from socio-economically challenged backgrounds access and success in higher education. Tenure allows us to push students beyond their comfort level to mold critical thinkers who are up to the challenges and rigor of higher education as well as the increasingly complex requirements to fill workforce needs.

We are passionate about the content we teach, the students with whom we are entrusted, the missions of our institutions, and in continuous improvement. To preserve our profession, please vote in OPPOSITION to [SB 3269 SD1](#)

Sincerely,

Amy Med-